Educational Accountability in Florida: Meaningful Reform or Marginal Tinkering?

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EDUCATIONAL ACCOUNTABILITY IN FLORIDA: MEANINGFUL REFORM OR MARGINAL TINKERING?

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Of American education as it currently operates, we can say this: In general, if you do well educating a group of students, nothing good happens to you or for you. Similarly, if you do badly educating a group of students, again nothing happens to you or for you. There are greater, more certain, and more immediate penalties in this country for serving up a single rotten hamburger in a restaurant than for repeatedly furnishing a thousand children with a rotten education.¹

These words of former U.S. Secretary of Education William J. Bennett accurately sum up the concerns of many Americans about the current level of education accountability. Although educators, interested commentators, and everyday citizens often disagree about the extent of, causes for, and solutions to the decline of public education in America, there is widespread agreement that schools must be held accountable for their failures and rewarded for their successes.² Reformers bemoan continuing bureaucratic emphasis on "inputs" (i.e., dollars per student, number and types of programs in place) at the expense of meaningful evaluations of actual educational outcomes followed by strong corrective measures when needed.³

After a decade-long series of Presidential Commissions, Governors' Conferences, and national studies, followed by rapid-fire enactment of diverse reform plans and programs across the country,⁴ a national consensus still exists that public education needs to be revitalized if it

3. PARDE, supra note 1, at 2, 21-22.
is to help the nation meet the challenges of the next century. Various education accountability plans have been enacted in recent years around the country in hopes of initiating that revitalization. In Florida, legislators and educators have been wrestling with notions of accountability since 1976, yet there is little agreement about what it means and how it can best be achieved. Nevertheless, Florida enacted a school accountability law in 1991 called Blueprint 2000.

To provide a better understanding of Blueprint 2000, this Comment will examine the nature and dimensions of the national education crisis, discuss theories that attempt to provide solutions to the crisis, review solutions attempted by states other than Florida, and describe the status of education in Florida and how Blueprint 2000 is designed to improve the state’s educational system.

I. THE CALL TO ARMS

A. Status of Education Nationally

Educators and legislators tinkered with notions of accountability throughout the 1970s because of the concern about declining test scores. However, the 1983 report of the National Commission on Excellence in Education, A Nation At Risk, triggered a tidal wave of state policy activity in education. The commission expressed concern about the deterioration of United States preeminence in commerce, industry, science, and technology. The report noted the important role of the public schools in maintaining our national security, and the commission summarized its findings as follows:

If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves. We have even squandered the gains in

5. For example, the National Governors’ Association, the Carnegie Forum, and the Committees on Economic Development have called for a fundamental restructuring of the education system. Fla. Dep’t of Educ., Office of Policy Research and Improvement, Restructuring Education: What It Means For Principals 1 (1989); see also Lorraine M. McDonnell, Restructuring American Schools: The Promise and the Pitfalls 3 (ERIC Clearinghouse on Urban Educ. No. 57 1989).
6. Kirst, supra note 2, at 1.
8. See Ch. 91-283, 1991 Fla. Laws 2727.
9. See Kirst, supra note 2, at 4.
11. See Kirst, supra note 2, at 1, 4; Firestone, supra note 4, at 352 n.4.
12. Nation At Risk, supra note 10, at 5.
student achievement made in the wake of the Sputnik challenge. Moreover, we have dismantled essential support systems which helped make those gains possible. We have, in effect, been committing an act of unthinking, unilateral educational disarmament.  

The commission found that American students had the lowest scores on seven of nineteen academic tests when compared with students from other industrialized nations. American students were not first or second in any area. About 13% of all seventeen-year-olds were functionally illiterate, including up to 40% of all minority youth. Average academic achievement, based on most standardized test measures, had fallen below 1957 levels, and Scholastic Aptitude Test (SAT) scores had consistently declined since 1963, with verbal scores declining more than fifty points and mathematics scores dropping nearly forty points.

The Commission's report marked the culmination of an eighteen-month study. The commission ultimately concluded that the average high school and college graduates of 1983 were not as well educated as those of the 1950s and 1960s. In general, the report stated, the average curriculum had become seriously diluted and diffused by the introduction of too many nonacademic courses. Furthermore, expectations for students were far too low, students spent too little time engaged in academic activities, and teachers were underpaid and often poorly qualified.

Some eight years after the commission released its findings, the U.S. Department of Education released data from a national mathematics test. The information revealed that 72% of fourth-graders

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13. Id.
14. Id.
15. Id. at 8.
16. Id.
17. Id. at 8-9.

Also, since 1963 more than half the nation's gifted students achieved less in school than their tested abilities predicted. In that same period there was a dramatic decline in the proportion of students making superior scores (650 or higher) on the SAT tests. Almost 40% of all 17-year-olds were unable to draw inferences from written material; about 80% were unable to write a persuasive essay. Science achievement scores on national tests given in 1969, 1973, and 1977 declined steadily. At the college level, the commission noted a 72% increase in remedial mathematics courses from 1975 to 1980 and a decline in the average tested achievement among graduates.

18. Id. at 6.
19. Id. at 11.
20. Id.
21. Id. at 18-23.
could add and subtract, but only 14% of eighth-graders had achieved seventh-grade skills. In the best-scoring states, only 25% of the eighth-graders tested at grade level. Only 5% of the high school seniors mastered algebra and geometry skills, and only 46% of the seniors were able to perform eighth-grade skills. Predictably, students from disadvantaged urban areas and those from the southeast received the lowest scores. These and other academic indicators, especially the dismal international comparisons, point to the development of a serious competitive disadvantage.

B. Reform Theories

Policymakers grappling with this data face complex choices as they seek a more accountable school system. Education reform theorists say there are different ways to achieve accountability and that it is frequently preferable to combine elements of several strategies. Accountability efforts have often not met expectations because the plans did not properly balance strategies.

Reform theorists often classify the academic excellence standards and educational mandates of state and federal governments as Wave One changes. These changes repair ailing school systems by making educational standards tighter and by rewarding excellence. Wave One reforms rely on measuring such factors as dollars per student and achieving minimum standards.

23. Id.
24. Syndicated columnist George Will emphasized this point by saying:

Sixty-three percent of those ages 18 to 24 cannot find France on an unlabeled map (fewer than half find New York); 60 percent of 11th graders do not know why the Federalist Papers were written; 94 percent of 11th graders cannot compute simple interest; in tests comparing their math and science skills with those of five foreign countries and four Canadian provinces, American 13-year-olds finish last; New York Telephone finds that 115,000 of 117,000 applicants flunk its employment exam; 80 percent of applicants flunk Motorola's exam seeking levels of 7th-grade English and 5th-grade math.

25. KIRST, supra note 2, at 1, 10 (There are six distinct approaches: 1) accountability through performance reporting; 2) accountability through compliance with standards; 3) accountability through incentives; 4) accountability through market forces; 5) accountability through changes in the locus of school control; and 6) accountability through alteration of professional roles.); see also Firestone, supra note 4, at 361-62.

26. KIRST, supra note 2, at 10; see also LORRAINE M. McDONNELL & RICHARD F. ELMORE, ALTERNATIVE POLICY INSTRUMENTS 7 (1987).


28. Boyd, supra note 27, at 86.

29. Id.
The failure of these reforms to bring about sufficient improvement in academic performance has stimulated calls for more fundamental structural changes in public education: Wave Two. These changes typically seek to return a substantial degree of day-to-day decision-making power to local authorities while maintaining some type of centralized control over core values and standards. Theorists call these power shifts "restructuring." Wave Two reforms also seek to enhance student performance. The means used, however, focus on shifting decision-making authority instead of relying on top-down mandates establishing minimum standards. Making local schools accountable for academic excellence, instead of just minimum skills, requires establishment of higher order skill goals and the ability to accurately test for them. For example, under Wave One, if legislators believe high school students should pass chemistry in order to graduate, they simply mandate a requirement that assures some minimal exposure to the subject. Under Wave Two, however, if they wish to promote a high degree of chemistry achievement, they must explain their goals precisely and develop a system of measurements to monitor goal attainment. A viable statewide accountability plan must have some degree of top-down requirements, but these state-level decisions must be reasonable and workable.

Policymakers must balance central authority and local autonomy if they are to revitalize education. For example, President George Bush included both local autonomy (incentives for parental choice and innovative schools, as well as reduced bureaucratic mandates) and national core curriculum and tests in his national education reform proposal. The President, however, did not address the tension in an educational program that calls for more local autonomy and a nationally mandated curriculum.

One serious difficulty encountered by education policymakers is the lack of complete research data to assess similar reform plans used elsewhere. Most plans to restructure schools have been implemented...

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30. Id.
31. Id. at 87.
32. Id.
33. Id.
34. Id.
35. Firestone, supra note 4, at 353-58.
36. Id.
37. Boyd, supra note 27, at 88.
39. GEORGE J. PAPPAGIANNIS ET AL., A REVIEW AND ANALYSIS OF RECENT EFFORTS IN RESTRUCTURING EDUCATIONAL GOVERNANCE: MAJOR ISSUES AND IMPLICATIONS FOR EDUCATIONAL POLICY 9, 45 (1991); see MCDONNELL & ELMORE, supra note 26, at v (discussing difficulties of comparative education research).
only recently, and pertinent information is often tentative and anecdotal, or worse, promotional. Policymakers must realize that the restructuring process requires a long-term—often incrementally phased—commitment to a plan. Promises of quick, dramatic improvements tend to be counter-productive.

II. EDUCATION REFORM IN OTHER STATES: SUCCESSFUL BUT . . .

A. South Carolina

South Carolina has passed two major pieces of accountability legislation since 1984 that place the state among the nation’s leaders in education reform strategies. With the Education Improvement Act (EIA) of 1984, South Carolina implemented a number of Wave One reforms. For example, EIA toughened academic standards; increased attention given to the needs of gifted, disadvantaged, and vocational students; improved monitoring and funding of basic skills programs; and allocated substantial new revenues to education. The EIA Wave One reforms represented one of the first comprehensive pieces of statewide school reform legislation in the nation.

Responding to initial assessments of the effectiveness of EIA reforms, the South Carolina Legislature in 1989 enacted Target 2000—School Reform For The Next Decade. Target 2000 mandated certain educational programs studied as part of EIA. In addition, the Act granted districts and local schools greater autonomy and flexibility to improve student performance. While the Act stated an intent to redouble earlier efforts at reducing the number of dropouts and students with basic skills deficiencies, its primary academic provisions focused on measuring and rewarding the teaching of higher-order thinking skills. This shift in objectives is typical of Wave Two initiatives that generally acknowledge that excessive emphasis on basic skills tends to limit excellence in those skills.

40. PAPPAGIANNIS, supra note 39, at 9, 45.
41. Id.
42. Id.
44. Id.
45. Id.
46. Id. at 2, 63. Indications of high dropout rates, insufficient higher-order thinking skills, and small declines in skills test scores (after four years of substantial gains) prompted more action. Id.
47. Id.
48. Id.
50. See N.J. DEP’T OF EDUC., TURNING THE TIDE: A PROGRESS REPORT ON PUBLIC EDUCATION 18 (1990) [hereinafter TIDE].
Target 2000 also created new incentives for restructuring. In addition to exempting schools from complying with certain state regulations, Target 2000 started a grant program to encourage ideas that fundamentally redefine the way schools operate. Although any school can compete for grant money, only schools meeting specified performance goals qualify for the exemptions from state requirements. A school becomes eligible for a grant if it registers an above-average gain on a specific performance index in one of the preceding three years. Target 2000 also expanded South Carolina’s EIA program to include new school responsibilities in the areas of dropout prevention and thinking skills improvement.

1. Incentive System

South Carolina’s Target 2000 incentive program measures performance in three areas: student achievements in math and reading, teacher attendance, and student attendance. All students are tested each year. Individual gains and declines are compared to those of students in the same grade who scored about the same in the previous year. Scores above or below the previous year’s level result in proportionate increases or decreases in a School’s Gain Index (SGI). Each school’s SGI is compared to the SGIs of other similarly situated schools with the top performing schools in each grouping earning monetary rewards.

South Carolina’s incentive scheme balances concerns about fairness and accuracy within a plan that fosters healthy competition designed to improve performance. The plan ensures accuracy by testing every student each year and comparing each student’s score changes to changes observed in similarly situated students. This permits a reasonable degree of direct comparison of the effectiveness of each school’s efforts. To place similarly situated parties in fair competition

54. Id.
56. Goldberg, supra note 55, at 3.
57. Id.
58. Id. at 8-9.
59. See generally id. (discussing the importance of fairness and accuracy).
60. Id.
for the rewards, the plan relies on school comparison bands to adjust for expected performance differences related to each school's socio-economic status.61

South Carolina's educational reforms also include sanctions for schools experiencing persistent goal-related deficiencies.62 The state, however, does not base its sanctions on the same set of indicators used to award incentive bonuses.63 When a district fails to meet mandated standards and fails to improve to acceptable levels, the Department of Education may declare the district seriously impaired.64 Although an impaired district receives technical and financial assistance, the local superintendent is subject to removal and the district may have funds withheld.65 Since 1984, ten districts have been declared seriously impaired, but further sanctions have not been necessary.66

2. Results: Improved Student Performance?

In December 1990, the South Carolina Board of Education's Division of Public Accountability released an extensive report that chronicled the changes in education since the passage of the EIA.67 The report combined data about student performance with information gleaned from parent, general public, teacher, and school administrator opinion surveys about school improvement.68 Although it provided evidence of initial academic progress, the report indicated a recent trend toward stagnation or mild decline.69

South Carolina's students have significantly improved standardized test scores since 1984, with only small losses in some areas.70 Basic Skills Assessment Program (BSAP) results have improved in all subject areas for all grades tested since 1984. Within six years the percentages of students meeting the skills standards for reading, math, and writing had risen by 5.7% in grade-six writing and grade-three math and 18.7% in grade-eight math.71 There were, however, slight declines in other subjects.72

61. Id.
62. Id. at 9-10.
63. Id. at 10.
64. Id. at 9.
65. Id. at 9-10.
67. PENNY, supra note 43 (data in this document does not cover the time period since the enactment of Target 2000).
68. Id. at v.
69. Id. at 63.
70. Id. at vi.
71. Id. at 7.
72. Id. (In 1990, the first year of BSAP science testing, standards were met by only 57.5%, 46.7%, and 46% of third, sixth, and eighth graders, respectively.).
About 63% of all students in the class of 1990, the first graduating class officially subjected to South Carolina’s Exit Examination, had passed the exam by their sophomore year (the first of four available opportunities), and a total of 95% passed the test by the end of the fourth attempt. This test serves as a final effort to ensure that holders of South Carolina high school diplomas meet certain minimal academic standards.

In the nationally normed Comprehensive Tests of Basic Skills (CTBS), South Carolina’s students have shown significant, across-the-board improvement since 1984. In 1990 students scored higher than the 1981 national norm group in all but two categories. The number of composite CTBS scores above the national median for fourth-, fifth-, seventh-, ninth-, and eleventh-grade students has increased by between 5% and 15% since the mid-1980s but has remained virtually constant between 1989 and 1990.

South Carolina measures first-grade readiness through the Cognitive Skills Assessment Battery (CSAB). From 1984 to 1989, the percentage of preschoolers considered ready for first grade rose from 72.4% to 74.4% with 1987 marking the high-water point at 75.2%. Unfortunately, the CSAB showed a lack of substantial readiness progress and persistently large race and socio-economic differences.

The SAT is South Carolina’s primary college entrance examination. Although the average South Carolina student scored sixty-six points below the 900-point national average in 1989-90, this represented a thirty-one-point increase since 1984. In contrast, the nation as a whole increased by only three points in the same time period. South Carolina’s average score dropped by four points in 1990, closely paralleling the national decline of three points.

73. Id. at 12.
74. Id. at 13.
75. Id. at 8. In 1990, South Carolina abandoned the CTBS test in favor of the Stanford-8 Series because it needed a more recently normed test that reflected its current goals more accurately. Scores from the 1990 Stanford test fell consistently below the national median, generally between 42% and 47%. Id. at 10-11.
76. Id. at 8 (Only ninth- and eleventh-grade reading scores fell below national norms.).
77. Id.
78. Id.
79. Id. at 11.
80. Id.
81. Id.
82. Id. at 13.
83. Id.
84. Id.
85. Id.
In contrast to indicators showing substantial progress in the development of basic skills are the relatively constant dropout and holding power rates observed since the EIA’s inception. “Holding power” refers to the percentage of ninth-grade students in a given year who graduate with their class four years later. The 1989 dropout rate of 4.2% was the same as the previous year’s rate, and holding power during that same year was 66.3%, the same rate noted in 1986. Minority holding power statistics ran a few percentage points behind the rate for all students in 1989. As a result of the constancy of these dropout rates, the South Carolina Legislature included provisions in Target 2000 aimed directly at reducing the dropout rates.

Teacher and student attendance, two of the original criteria for the school incentive plan, have remained relatively stable over the years with some improvement in each area. In 1985, student absences dropped by an average of almost three days per year (from 9.5 days to 6.8 days), but since that time they have fluctuated between 7.2 and 7.7 days. Teachers missed an average of 6.5 days per year in 1989 and 1990, down from 7.0 days in 1984. The state’s student attendance rates throughout this time have ranked among the nation’s best.

B. New Jersey

New Jersey embarked on its comprehensive, Wave One reform strategy in 1982, a year before A Nation at Risk warned Americans of the education crisis. The state established higher standards for students, teachers, and educational leaders to reform its schools in a unified, consistent way. New Jersey did not alter its input-oriented system of compliance monitoring with respect to the district certification process. Instead, the state sought improved academic results by mandating higher expectations for all involved and backed the new demands with programs designed to help those having difficulty meeting them. More importantly, New Jersey bore the financial burdens

86. Id.
87. Id. at 16.
88. Id. at 17.
89. Id.
90. Id. at 17, 28.
91. Id.
92. Id. at 28.
93. Id. at 17 (South Carolina led the nation in 1984-1985 and 1985-1986. In 1988-1989, the state ranked seventh in the nation and moved to second for the 1989-1990 school year.).
94. TIDE, supra note 50, at i.
95. Id.
96. Id. (New Jersey has enacted 40 major initiatives since 1982, each designed to require or encourage improvement or help those having difficulties meeting the new standards.).
associated with its reform programs, rather than simply mandating excellence without providing assistance. New Jersey's reform efforts are regarded by many educators as being among the most impressive and comprehensive in the nation.

1. Tougher Standards and Targeted Programs

New Jersey's reforms have been driven by the traditional, Wave One notion that creating higher expectations, testing to see that they are attained, and providing the money and help needed to meet those expectations is the best way to promote academic excellence. The state invested substantial money in its reform efforts, nearly doubling its total education spending from 1982 to 1989 and making it the highest ranked state in per-pupil expenditures by the 1988-1989 school year.

In 1983, New Jersey discontinued the Minimum Basic Skills (MBS) test, passage of which had become a high school graduation requirement in 1982. The test measured mastery of sixth-grade skills, and state education leaders were concerned that MBS would be used as a yardstick of success. The state replaced it with the High School Proficiency Test (HSPT), which measures proficiency in ninth-grade skills in reading, writing (including an essay), and math (including multiple-step problem solving). The HSPT became a graduation requirement in 1986, and passage was necessary beginning with the class of 1989.

The test is first given to ninth-grade students, followed by remediation

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97. Id. at 48.
98. Id.
99. See generally TIDE, supra note 50, at ii, 15-16, 49. Since 1982 New Jersey has raised graduation credit requirements; increased the complexity of its mandatory graduation examination virtually to grade level; created job training and placement programs in urban areas; developed dropout prevention and assistance programs; instituted limited school choice options for specific groups of students; sought out better qualified teachers by providing loan incentives and higher salaries; enacted many teacher recognition programs to encourage outstanding and innovative teaching; emphasized bilingual, special, and remedial education programs by providing substantial funding increases; implemented pilot prekindergarten education and social service programs in three urban areas; toughened the processes of teacher certification, while providing access to the profession for a wide variety of noneducation majors with high levels of subject area expertise; and created a series of core course proficiencies and a plan to begin testing for these skills, which includes a district takeover option when state officials find the districts are not doing their jobs correctly.
100. Id. at 48 (Spending for bilingual programs tripled to more than $34 million in 1989; basic skills improvement funding more than doubled, rising from $60 million to $155 million a year; state aid to urban districts jumped from $656 million to $1.2 billion per year.).
101. Id. at 16.
102. Id.
103. Id. at 16-17.
104. Id.
if needed, with subsequent administrations throughout the high school years for those students who do not pass all sections.\textsuperscript{105} The state also created a comprehensive plan—targeted primarily at urban districts—to help students who do not pass the exam in the ninth-grade.\textsuperscript{106} Mandating tougher tests and standards is not enough, however, programs must be established to give all students a decent chance to achieve those standards.\textsuperscript{107}

As educators expected, HSPT scores closely tracked the socio-economic status of students. New Jersey has monitored test results according to a socio-economic classification by district. Each district is given a ranking of "A" through "J," with A representing the poorest districts and J the wealthiest. In 1990, 99.8\% of all district J students passed the reading section, while 91.6\% passed in districts labelled A.\textsuperscript{108}

Regardless of what specific programs and circumstances have caused these test score gains,\textsuperscript{109} it seems New Jersey's students have responded to the challenge of higher expectations by striving to meet them. State leaders are so convinced that expectations drive results that they now plan to create an eleventh-grade HSPT that will measure attainment of those skills all high school graduates should have.\textsuperscript{110}

In keeping with its earlier strategy, New Jersey plans to adapt its ex-

\textsuperscript{105} Id.; see also N.J. Dep't of Educ., State Summary Grade-9 at 5 (1990) (In 1990, 84.4\% of all ninth graders passed all three portions of the test, up from 83.8\% the previous year. Mean scores in reading rose from 77.3 in 1984 to 94.1 in 1990, while the percentage of students passing increased from 66.4\% to 97.9\%. Mathematics mean scores moved from 62.6 in 1984 to 80.8 in 1990, while passage rates soared from 53.6\% in 1984 to 88.1\% in 1990. Writing section composite mean scores went from 80.0 in 1985 to 87.8 in 1990, and passage rates climbed from 66.7\% to 94.8\%).

\textsuperscript{106} TIDE, supra note 50, at 16-17.

\textsuperscript{107} See McDonnell & Elmore, supra note 26, at 9.

\textsuperscript{108} Id. (table 4). Mean reading scores for district A students rose from 63.9 to 89.0 between 1984 and 1990, compared with a rise from 86.4 to 97.1 for district J students during the same period (the passing score for the reading section is 75). In math, for which the passing score is 61, district A students had mean scores of 48.2 in 1984 and 70.3 in 1990, with a 1990 passage rate of 68.5\%, while district J students had mean scores of 75.3 in 1984 and 88.6 in 1990, with a 1990 passage rate of 97.6\%. Results in the writing section displayed a similar pattern with district A mean scores rising from 72.8 in 1985 to 83.2 in 1990, for an 82.8\% 1990 passage rate, while district J mean scores of 86.5 and 90.8 respectively, with a 1990 passage rate of 99.2\%. Initial district A deficits have been narrowed substantially over the monitored period even as all groups have improved their mean scores and passage rates. Id.

\textsuperscript{109} See Bruce L. Wilson & H. Dickson Corbett, Statewide Testing and Local Improvement: An Oxymoron, in The Education Reform Movement of the 1980s: Perspective and Cases 243, 261 (Joseph Murphy ed., 1990) (suggesting that teaching to a specific test can induce improved scores that often are irrelevant to overall academic quality and at times even harmful to it).

\textsuperscript{110} TIDE, supra note 50, at 17 (Passing this new test will be a graduation requirement by 1995.).
tensive remedial and training programs to help students and teachers meet the new demands.111 The state will also administer an "early warning" test to eighth-grade students to identify those expected to have future problems and begin the process of remediation.112

New Jersey intends to ensure a quality education to all its students by developing statewide core course proficiencies for common high school courses.113 The state will monitor attainment of these proficiencies through tests scheduled to begin in 1992.114 The results will be used by the state and by schools to diagnose academic problems and direct improvement efforts.115 Districts will not be told how to teach the curriculum, but the state will specify what high school students should derive from typical course offerings in English, science, social studies, mathematics, and foreign language.116

One might expect New Jersey to have an unusually serious dropout problem as a consequence of tougher graduation tests and substantial increases in the required number of credits.117 Interestingly, the statewide dropout rate of 16.1% recently ranked New Jersey among the quarter of states having the lowest percentage of dropouts.118 State officials acknowledge that more action is needed to further reduce dropout rates, especially in some urban pockets of higher rates, but the extensive investments in preventive and remedial programs seem to have mitigated a good deal of the initial impact of higher standards.119 New Jersey's more recently developed dropout programs, together with its continued commitment to those students needing assistance, should help reduce the state's urban dropout rate.120

111. Id.
112. Id.
113. Id.
114. Id.
115. Id. at 18-19.
116. Id. at 19.
117. Id. at 18 (New Jersey now requires 110 academic credits for graduation, compared to 92 in 1982, an increase of nearly 20%).
118. Id. at 36.
119. Id. at 37. In addition to the indirect impact of prekindergarten programs targeting the urban poor, New Jersey is training and finding jobs for urban youth in return for a promise that they will stay in school, providing special General Education Diploma training for past dropouts in its urban areas, and providing programs to encourage recent dropouts to return to a school that suits them. Id.
2. Changes in School Monitoring System

On January 16, 1991, Governor Jim Florio signed into law a strict school monitoring (accountability) law, revising the prior system.\textsuperscript{121} The law reduced administrative hassles for successful districts, prompted quicker state intervention into problem district operations, and revised the monitoring standards to include evaluation of pupil performance in all areas of the core curriculum.\textsuperscript{122}

Before 1983, the state certified schools each year using a cumbersome 300-item checklist that placed little emphasis on planning.\textsuperscript{123} Revisions in the law at that time narrowed the evaluation to forty-three indicators within ten basic areas of operation.\textsuperscript{124} To be performed once every five years, the evaluation had only one measure of student performance: basic skills.\textsuperscript{125} In 1988, the Legislature allowed the state to take over the operation of any school district that repeatedly failed to correct serious deficiencies discovered during the monitoring process.\textsuperscript{126} In October 1989, the state took over the Jersey City public schools after more than a year of court battles.\textsuperscript{127} The new law does not change the state's takeover power except to the extent that it streamlines the necessary levels of review, making quicker state intervention possible when necessary.\textsuperscript{128}

III. The Need for Reform in Florida

Florida's schools have not been immune from the educational difficulties faced by New Jersey, South Carolina, and the rest of the nation. Florida was among the thirty-seven states that participated in the 1990 national mathematics test.\textsuperscript{129} Eighth-graders demonstrated below average skills and ranked near the bottom, along with students from sixteen other states with scores in a similar range.\textsuperscript{130}

From 1986 to 1990, Florida's average verbal SAT score dropped five points to 418, while the national average declined six points to 424 during the same period.\textsuperscript{131} Average scores in mathematics dropped

\textsuperscript{122} See id.
\textsuperscript{123} TIDE, supra note 50, at 44.
\textsuperscript{124} Id.
\textsuperscript{125} Id.; see also N.J. ADMIN. CODE tit. 6, § 8-4.1 (1990); see generally N.J. DEP’T OF EDUC., MANUAL FOR THE EVALUATION OF LOCAL DISTRICTS PURSUANT TO THE PUBLIC SCHOOL EDUCATION ACT OF 1975 (1987).
\textsuperscript{127} TIDE, supra note 50, at 45.
\textsuperscript{128} See generally Release, supra note 121.
\textsuperscript{129} Math Skills Don't Add Up, TALLAHASSEE DEMOCRAT, June 7, 1991, at A10.
\textsuperscript{130} Id.
\textsuperscript{131} LEON COUNTY FLA. SCH. BD., ANN. REP. 1989-1990 4.
four points to 466, while national scores stayed constant at 476 for the same period.\textsuperscript{132} During the past twelve years, the percentage of minority students taking the SAT increased 89\%, from 8.7\% to 11.8\% of all takers, while minorities' average scores improved by 68 points.\textsuperscript{133} The SAT test is the most commonly taken college entrance examination in Florida.\textsuperscript{134}

Florida's total school enrollment (prekindergarten through twelfth grade) increased more than 15\% between fall 1985 and fall 1991, from 1,562,283 to 1,861,592.\textsuperscript{135} The impact of such growth on education quality can create serious difficulties, especially during a period of recession and budget cuts like the one Florida is now experiencing.

\textbf{A. Road to Reform Legislation}

To improve the Florida educational system, a broad majority of the members in the Florida House of Representatives preferred a plan that would allow more district and local school decision making.\textsuperscript{136} Senate leaders, especially Senate President Gwen Margolis, argued that the House sought too much change too quickly without seriously studying the need of local schools to be free of program mandates from Tallahassee.\textsuperscript{137} The Senate, therefore, sought to slow down the reform process and keep educational control in the hands of the Legislature.\textsuperscript{138}

\textit{1. The Florida House of Representatives}

In keeping with Governor Lawton Chiles' "right-sizing" strategy of shifting decision making power closer to those who actually deliver services,\textsuperscript{139} Commissioner of Education Betty Castor championed a bold plan to repeal or make optional many of Florida's legislative education mandates.\textsuperscript{140} The Commissioner wanted to allow individual schools and school districts to make more of the decisions about how

\begin{itemize}
  \item \textsuperscript{132} \textit{Id.}
  \item \textsuperscript{133} MARTHA J. MILLER, FLA. DEP'T OF EDUC., INFORMATION ON SAT AND ACT SCORES 2 (1991).
  \item \textsuperscript{134} \textit{Id.} at 1 (Forty-six percent of Florida high school graduates take the SAT; 30\% take the American College Test.).
  \item \textsuperscript{135} FLA. DEP'T OF EDUC., EDUC. INFO. SERVS., MIS STATISTICAL BRIEF 1.
  \item \textsuperscript{136} \textit{Accountability Bill Will Go to the Senate, TALLAHASSEE DEMOCRAT, Apr. 4, 1991, at B5.}
  \item \textsuperscript{137} Dave Bruns, \textit{School Plan Put on Hold, TALLAHASSEE DEMOCRAT, Apr. 11, 1991, at B4.}
  \item \textsuperscript{138} Margolis Expresses Leeriness, \textit{TALLAHASSEE DEMOCRAT, Apr. 27, 1991, at B1.}
  \item \textsuperscript{139} Bill Mansfield, \textit{It's Time to Liberate the Schools, TALLAHASSEE DEMOCRAT, Feb. 17, 1991, at B2.}
  \item \textsuperscript{140} \textit{Id.}
\end{itemize}
children get educated because "teachers, local administrators and school board members know what the state wants—it is, after all, the same thing they want—and that it's time to give them a chance to show what they can do with a few less fetters."\textsuperscript{141}

The House Committee on Public Schools sought to do just that when its members overwhelmingly approved the School Improvement and Education Accountability Bill for further consideration.\textsuperscript{142} Generally, the bill created a formal decentralization process that provided local schools and districts with alternatives to many state-mandated programs and outlined broad goals that were to serve as the underlying criteria for measuring school performance. Before passing the bill, the full House endorsed several amendments and rejected several others.\textsuperscript{143}

Proponents of extensive decentralization seemed to act upon a gut-level instinct that locally generated curricula and spending decisions would be more effective and efficient than Tallahassee mandates mired in bureaucratic guidelines and compliance reports.\textsuperscript{144} Expressing concern that the Senate might ruin the bill by limiting its scope, Governor Chiles issued a plea for substantive change: "I think the one thing we're concerned about is that we lock in that these things are going to happen. Unless we do, say, lock in a process that you're starting down this road, then we really have not passed anything but another study commission."\textsuperscript{145}

\textsuperscript{141} \textit{Id.}


\textsuperscript{143} \textit{FLA. H.R. JOUR.} 304-06 (Reg. Sess. 1991). The amendment debates and votes were significant. First, House members showed a strong commitment to keeping the bill clean conceptually, despite some impassioned arguments to continue several mandates. Second, the House rejected an amendment by Representative Tom Feeney, Republican, Orlando, calling for a pilot voucher (choice) program that would allow poor, at-risk students attending schools not meeting state goals to change schools. Third, amendment four to the bill gave the Commissioner of Education authority to reorganize the Department of Education to foster a stringent education accountability system. House adoption of amendment four indicated an awareness of the new and difficult role of the Department in the accountability process. The House adopted the bill by a 95 to 20 vote on April 3, 1991. \textit{See id.; Accountability Bill Will Go to the Senate, TALLAHASSEE DEMOCRAT, Apr. 4, 1991, at B5.}

\textsuperscript{144} \textit{See Education: Freedom with Accountability, TALLAHASSEE DEMOCRAT}, Mar. 3, 1991, at B2; \textit{PAPPAGIANIS, supra note 39, at 79.}

2. Senate Questions Aspects of Accountability

The Governor’s plea went unheeded. On the same day the House approved House Bill 2343, the Senate Education Committee voted to push its own version of accountability legislation, Senate Bills 2054 and 1504. In comparison with House Bill 2343, the Senate bills did not provide local educators with as much flexibility, they slowed down the accountability process, and they preserved the Legislature’s ultimate authority over school operations in Florida.

In contrast to the optimism about reform shown by the House leaders, the Senate and its leadership expressed concerns about the effect of decentralization on Florida’s schools. Senate President Margolis, charging that no one really understood how the accountability bill would change schools, stated: “Whatever we’d do would affect school kids for the next decade. That needs more than a couple of hours of committee study.”

As a result, the Senate unanimously passed a “watered-down” version of the House bill. Commissioner Castor called the Senate bill “totally unacceptable.” House members also rejected the Senate proposal, and a conference committee was created to seek an acceptable compromise bill. After a dizzying period of wrangling, marked by cycles of rising expectations and dashed hopes, the Legislature passed the Blueprint 2000 education reform bill at the eleventh hour.

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147. The Senate Bill consistently called for reports from the oversight bodies it created, but it included no language that would have mandated specific changes in local responsibilities or guidelines for specific types of legislative action in the future. See generally Comparison of Accountability Bills—1991 (unpublished document on file with S. Educ. Comm.).


149. Id.


151. Id. (The Senate Bill created an interim period for assessments of school needs, followed by longer-term efforts to devise an accountability process.).

152. Id.

B. Key Features of Blueprint 2000

Although it resulted from a compromise, Blueprint 2000 included most of the elements of the House package with an initial one-year period devoted to needs assessment and needs responses. During that period, the law requires the newly created Commission on Education Reform and Accountability to submit recommendations to the Legislature and State Board of Education on many difficult and controversial issues, such as performance objectives and measurement devices; incentives and sanctions based on performance data; identifying laws needing revision, repeal, or optional waiver to facilitate reform; and plans to reorganize the Department of Education. Blueprint 2000 outlines broad educational goals to guide policy decisions and recognizes the school board as the body responsible for student performance, while making the school the unit for accountability. It also emphasizes the need to set clear goals, measure performance, and reward success while dealing effectively with failure.

The primary long-term vehicle of school accountability is the school improvement plan in which each school will confront its deficiencies and devise goals and strategies to overcome. Schools must submit such plans to their districts for approval and implementation in the 1993-1994 school year. In the meantime, the Commission on Education Reform and Accountability is charged with recommending performance goals, measurement strategies, reward and enforcement plans, and various reporting standards. These guidelines will eventually drive the system, and districts will be held accountable for attaining state and local goals.

Under Blueprint 2000, schools and districts have the potential to gain autonomy. For example, certain education laws are to be held in

156. See FLA. STAT. § 229.591(3) (1991) (The goals are: a) improved student readiness to start school; b) higher graduation rates with graduates who are prepared for further education and the world of employment; c) student performance at the highest levels of national and international competitiveness, including an ability to deal with important life decisions; d) a learning environment conducive to high academic achievement; e) safe, drug-free schools that protect students' civil rights as well; f) a high level of teacher and staff professionalism; and g) maximum adult literacy.).
158. Id. at § 229.591(2) (1991).
159. Id. at § 229.592(1) (1991).
160. Id. (containing a requirement for the initial needs assessments and an outline of what each should contain).
161. Id. at § 229.593-.594 (1991).
162. Id.
abeyance if no line-item appropriation funds the programs in the General Appropriations Acts of 1991, 1992, and 1993.\textsuperscript{163} This provision allows schools to implement their own programs (or none at all, where appropriate) to deal with concerns previously addressed by legislative mandates. Even where specific line-item appropriations exist, school boards may get waivers from the Commissioner of Education upon written request and a showing that the requesting authority meets the general purpose of the section to be waived.\textsuperscript{164} The Commissioner has the authority to waive Board of Education rules created to implement education laws that are to be held in abeyance.\textsuperscript{165} The Commissioner of Education also will make recommendations to the Legislature for the repeal or revision of laws found to be impediments to school improvement and for enactment of new laws required to further the processes of accountability and improvement.\textsuperscript{166}

C. Steps Already Taken

Implementing Blueprint 2000 has already begun and several deadlines have been met. The Commission has held public meetings in locations throughout the state to hear community concerns and ideas.\textsuperscript{167} Michael Biance,\textsuperscript{168} the executive director of the Commission, has created committees charged with developing, by June 1, 1992, performance standards, assessment and reporting methods, and adequate progress criteria in each of the seven broad goal areas.\textsuperscript{169} The Depart-

\textsuperscript{163} Id. at § 229.592(6)(a) (1991) (statutes to be in abeyance: §§ 228.071 (community education); 228.0855 (model schools); 230.2215 (school board member professional development); 230.2305 (early intervention); 230.2312 (primary education); 230.2313 (student services); 230.2314 (teachers as advisers); 230.2316(11)-(13) (dropout prevention—three special program grants); 230.2318 (resource officers); 230.2319(6)-(9) (middle childhood grant programs); 231.087 (management training); 231.613 (inservice training); 232.257 (school safety); 233.057 (reading programs); 233.067(5)-(8) (portions of health education and substance abuse program); 234.021 (hazardous walking conditions); 236.02(3) (seven period day); 236.0835 (bus replacement); 236.0873 (school volunteers); 236.083 (transportation funds); 236.088 (basic skills supplement); 236.091 (programs of excellence); 236.092 (laboratories); 236.122 (materials); 236.1223 (writing skills); 236.1224 (science); 236.1228 (accountability program grants).

\textsuperscript{164} Id. at § 229.592(6)(b) (1991).

\textsuperscript{165} Id. at § 229.592(6)(c) (1991).

\textsuperscript{166} Id. at § 229.594(1) (1991).


\textsuperscript{168} Mr. Biance has experience as a teacher, principal, and most recently as the Associate Superintendent of Schools for Highlands County. Interview with Ann Levy, Legis. Analyst for Comm. on Pub. Schs., in Tallahassee, Fla. (Aug. 2, 1991) (notes on file, Fla. Dep't of State, Div. of Archives, Tallahassee, Fla.).

\textsuperscript{169} Rather than devising separate standards, assessment, and progress criteria committees, Biance used the broad goal areas as the foundation for the groupings. This means that each
ment of Education has compiled district-by-district reports and an executive summary, based upon data contained in the needs assessments and needs response plans received from each school in the state. These will be used by the Commission and Legislature to formulate new programs and policies related to the accountability process.170

Despite this initial flurry of positive organizational activity, Blueprint 2000 now approaches its most fragile stage of development. Within the next year, the Commission and the Legislature must act to flesh out the statutory skeleton by adopting more specific goals and assessment techniques, determining the consequences for outstanding or deficient performance, and deciding how much regulatory freedom districts and schools will have.171

IV. CONCLUSIONS AND RECOMMENDATIONS

Those making critical policy decisions must be mindful of the need to use a broad mix of accountability strategies to enhance prospects for success.172 Blueprint 2000 includes references that clearly call for the use of four of Kirst’s six approaches.173

Florida’s educational reform plan focuses primarily on accountability through better performance reporting. Thus, the performance standard/assessment development committees must provide specific goals that truly reflect the kind of academic excellence Florida desires. The vague, but central, goal of reaching the highest levels of international competitiveness needs to be expressed in terms of a series of achievable, measurable skills. All else in the entire process hinges on committee will look at the entire process with respect to its goal area. The Executive Director believes this approach will bring about more consistent, workable recommendations. Telephone interview with Michael Biance, Executive Director, Fla. Comm’n on Educ. Reform and Accountability, in Tallahassee, Fla. (Jan. 3, 1992) (notes on file, Fla. Dep’t of State, Div. of Archives, Tallahassee, Fla.).


172. See KIRST, supra note 2, at 1.

173. See NATION AT RISK, supra note 10, at 5.

Blueprint 2000 focuses on better reporting of educational improvements and on shifts of control to local districts and individual schools. Compliance with many state-mandated standards will still be monitored. The law anticipates the use of incentives and sanctions to promote accountability, but it does not devise a specific incentive plan. If future actions lead to more autonomous School Advisory Councils, teachers, administrators, and parents may take on different roles in the process of school governance. Such changes would promote market force and professional role alteration strategies as well. The Commission and Legislature should also give serious consideration to targeted market options, such as the amendment offered by Representative Feeney as a stimulus to overcome specific, observed performance lag or inequity. See FLA. H.R. JOUR. 304-06 (Reg. Sess. 1991); supra note 143 and accompanying text.
the ability to create such goals and measure levels of achievement associated with them. No amount of time, effort, or money should be spared with respect to this task. Politically, meeting the upcoming deadlines is important, but educationally, getting the goals and assessments right is far more critical.

Five years after launching its extensive basic skills and attendance oriented accountability plan, South Carolina realized that it could not sustain academic progress (or indeed, retain the progress made during those years) without setting goals for higher-order thinking skills. Florida's policymakers should closely review South Carolina's early work in this area and should steadfastly refuse to accept performance goals that sound like rehashed minimum skills. Overreliance on standardized, bubble sheet assessment tools must also be resisted because such tests have limited capacities to measure more complicated skill applications and decision-making processes. After all, if assessments are not done right, incentives will lead to the wrong results. Assuming the commission can accomplish this difficult task quickly and reasonably, policy makers will be faced with important decisions about the best method to ensure widespread goal achievement. Currently, Blueprint 2000 provides a small amount of regulatory flexibility (abeyance and waiver lists), requires every school to submit an improvement plan, and creates an improvement plan compliance process that includes no specific rewards or sanctions. Something more will be needed.

Here again, Florida should review the incentive/sanction strategies used in other state accountability systems and adapt them to its own needs and resources. The state systems discussed in this Comment use "carrot and stick" approaches, each featuring a different combination of rewards and penalties. Incentive systems can be driven by pledges of money and increased autonomy for high achievement and significant gains. Considering the current fiscal crisis, Florida's policymakers may need to rely more heavily on the autonomy incentive, but there should also be monetary rewards, and they must not be triv-

174. See PENNY, supra note 43, at 64.
175. Wilson & Corbett, supra note 109, at 244.
178. New Jersey offers freedom from the accreditation process to qualifying schools, but the state can take over any district that persistently fails to meet state requirements; South Carolina offers money and regulatory flexibility to achievers, but it can withhold funding and remove the district superintendent when minimum accreditation criteria are not met after assistance has been rendered. Goldberg, supra note 55, at 6-10.
ial in nature. A combined incentive system promotes two accountability strategies: accountability by incentives and accountability by changes in control with the latter strategy involving structural shifts.

As part of the new incentive plan, Florida needs to develop a program of interventions and sanctions to deal with under-achieving schools and districts. These types of actions should be graduated in severity, reflecting the seriousness and longevity of the deficiency and the level of cooperation extended during the initial intervention efforts. The plan approved must include some form of ultimate sanction (i.e., district takeover, withholding of funds, removal of board members and superintendents, and other examples found in the South Carolina and New Jersey plans) to encourage better intervention results and to ensure a minimum level of performance.

Should the Legislature approve a substantial incentive system, it will send a message to the public and the education community that it is committed to Blueprint 2000. Based on past education reform experiences, the budget crisis, and serious Senate resistance during the 1991 session, there is sufficient reason to doubt the presence of such long-term commitment.179

Consistent with the local autonomy portion of the incentive strategy, waiver applications must be encouraged and the process made simple.180 This would extend greater local control to many more schools (not just high achieving schools).

Finally, Florida must follow New Jersey's lead in making every effort to see to it that deficient students are not left behind as the majority moves ahead. As standards are raised, educators and policymakers need to closely monitor the progress of all groups of students and take prompt remedial action as difficulties become known. If the Commission, Legislature, and Department of Education work together diligently now to develop and fund a sound accountability system, the state may be able to avoid severe, costly problems in the future.

Blueprint 2000 at this time is much more than just another study commission, but it is also far less than the miracle cure reform pack-


age some hoped it would be. The Legislature must be willing to cede significant authority to the schools and districts and pay for the new processes if it really wishes to test Governor Chiles' notion of the superiority of local control. Each of the state systems reviewed in this Comment demonstrated a clear sense of purpose and a long-term commitment to the reform measures chosen. If Blueprint 2000 is to live up to its advance billing, Florida must adopt a similar level of commitment.