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### **Achievement School District Bill: Will It Turn Around Failing Schools?**

In late June, buried in the fight over the budget and liquor store privatization, a bill cleared the Pennsylvania Senate that would create a statewide school district called the Achievement School District (ASD). This district's sole purpose is to take over elementary and secondary public schools that are among the one percent of bottom performing schools in the Commonwealth. While the premise and the effort to help students escape poorly performing public schools are laudable, the ASD falls short of adequately addressing the issue of failing schools and severely underperforming students.

The ASD does recognize a very important element in the whole undertaking of trying to eliminate poor and mediocre schooling in Pennsylvania. And that involves having students taken out of the failing schools and taught in non-public school options. The bill would allow administrators of the program to contract with private operators, both for profit and non-profit organizations, to deliver academic programs to the students. The authors are to be congratulated for this provision in that it has the potential to open Pennsylvania to a dramatically different approach to education. After all, the Constitution requires the Legislature to provide a thorough and efficient education system to serve the needs of the Commonwealth. There is no requirement that all students have to be taught in government run schools.

There are several important concerns with the ASD legislation in its current configuration. First of all, the proposed managerial authority is too cumbersome and likely to be a political and logistical nightmare. The Senate bill specifies that the Governor will make one appointment to the board of directors while the president pro tempore of the Senate and the speaker of the House get two apiece with the minority leaders in each chamber receiving one each. Currently that would be four Republican and three Democrat appointees. It is highly improbable the Governor will sign a bill that puts his party in a minority position on the board. Indeed, it is unlikely the Governor will sign any bill that includes the power to remove students from government schools and place them in a private education program.

But the prospect of a gubernatorial veto aside, the envisioned statewide school district that will be governed by political appointees is fraught with problems. Having a board of directors, each of whom is, or is expected to be, loyal to the elected official who appoints

them will make the board a place of intense partisan bickering given the great divide on the issues surrounding educational problems and how to solve them. It is a virtual certainty that stalemate after stalemate will develop on crucial steps that need to be taken.

However, the larger point is that more bureaucracy, especially one rife with partisanship, is not the answer to a pressing problem.

The bill calls for the new ASD system to take severely failing schools and either operate the schools themselves or contract with private organizations to operate them. A key part of the bill's provision would authorize the operator of a school that has been removed from the home district to refuse to accept up to 50 percent of the teachers and the principal of the failing school, although the turned away employees would remain employed by the district. And since the district will be required to pay the expenses of the school being taken from their jurisdiction for a minimum of five years, the employees not accepted by the operator of the new school would represent additional expense to the district or force the district to make layoffs—a guaranteed nightmare because of seniority considerations.

Staff hired by ASD run schools would be eligible to join a union and receive pension and other benefits. This is another powerful reason for the removed schools not to be run by a state government entity. Moreover, since the school will be returned to the district if, and when, it improves sufficiently there will inevitably be numerous problems with the re-integration of the school back into the fold. This will need a lot of planning.

Would it not be far better for the Legislature to mandate that the Department of Education hire a firm with a proven track record of success to manage and operate the failing school program? The Legislature would give itself special authority through one of its offices to monitor the Education Department and the selected firm as it carries out the program.

Such a plan would cut through all the issues associated with board appointments, hiring an executive director, transferring current school employees and the horrendous practical, legal and contract problems that would arise. For the funding of the program, the state would simply withhold from each affected school district's annual education allocation the amount per student being spent by the district multiplied by the number of students in the failing schools selected from that district for the program.

As currently written, the bill would have the ASD remove schools from school district management by selecting from the bottom one percent of academically performing schools as measured by the state's School Performance Profile. In the first year of operation, five schools would be taken to be followed by as many as 15 in the following years up to a maximum of 75 schools in the ASD group any one time.

There are several problems with this approach. First, the bottom one percent of schools would put the number of schools to choose from in the first year's selection process at about 30 schools. And removing five would still leave 25 of the worst schools in

operation. That could be partially remedied after a number of years as more schools are removed each year. But even when the 75 number is reached, it will have hardly made a dent in the actual failing school count. Moreover, the Performance Profile ranking is totally inadequate as a means of evaluating student achievement as we have shown in an earlier *Policy Brief (Volume 15, Number 3)*. Indeed, the ranking should be based on actual student scores on Pennsylvania Assessment exams (PSSAs).

Consider the bottom one percent schools in the secondary and elementary categories. Based on PSSA results, Foose Elementary in Harrisburg is the highest ranked school in the bottom one percent of elementary schools and Benjamin Franklin High in Philadelphia is the best of the bottom one percent of secondary schools. In 2014, the latest recorded scores, only 12 percent of Foose fifth graders scored proficient or higher on the math exam and just 14 percent on the reading exam. Meanwhile, at Benjamin Franklin High, 12 percent of 11<sup>th</sup> graders achieved as high as proficient on the math exam and 16 percent were proficient or better in reading.

These two schools were the best of the bottom one percent in the elementary and secondary school groups. To be sure, their performances are deplorable and frightening in light of the fact that there are even worse schools. But it gets worse. Even the bottom ten percent of academic performers have to be considered failing schools.

The highest ranked elementary school in the bottom ten percent of academic performers in the state is George Bancroft School in Scranton. In 2014, only 22 percent of this school's fifth graders scored at the proficient or better level on the math exam and only 32 percent reached proficient or better in reading. When almost 70 percent of fifth graders cannot read at fifth grade level, how can that school not be considered a failure?

Horace Furness High in Philadelphia was the highest ranked school in the bottom ten percent of high schools. In 2014, 30 percent of this school's 11<sup>th</sup> graders scored at the proficient or higher level on math and only 22 percent reached proficiency or better in reading. Obviously, even the 10 percent of poorest performing schools are academically dreadful.

The point here is that selecting schools from only the bottom one percent of performers will ignore the plight of students in a very large number of Pennsylvania schools that should be considered failures.

And even more concerning is the huge number of kids attending schools that are in schools above the lowest ranked decile of schools who are not achieving at anywhere near grade level. Granted, the goal of 100 percent proficient in all public schools in the state is probably not achievable considering the very best traditional schools are not there yet. And only three of the elite magnet high schools have 100 percent proficient in math and/or reading. But, it is not prudent or appropriate to ignore the situation in the lowest decile of schools wherein the students simply are not ready to proceed to the next grade or in the case of high schoolers to move on to college or the labor market.

As we have demonstrated in a previous *Policy Brief (Volume 15, Number 27)* this is not a money issue. There are schools with plenty of money that perform poorly and schools with less than state average spending that are doing extremely well.

Thus, rather than setting up a complex new state school organization that would be beset with a myriad of political and legal issues, why not allow parents who want to send their children to a school operated by a private provider as authorized by the state an opportunity to do so? The state would provide scholarships equal to two-thirds of a district's per student outlays or \$12,000 per year, whichever is greater by taking the money from district allocations where students are opting out to go to an alternative school.

This would permit more students who want to learn to get out of poorly performing schools, even those schools well above the bottom one percent of performers.

It is obvious that something dramatic needs to be done and soon. The failure to educate the kids to a level where they can be self-reliant, responsible members of society is a horrible reflection on the education system and a gigantic misuse of taxpayer money.

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