
An Arkansas Student Bill of Rights

Using Opportunity to Learn Standards to Ensure Every Student Has a Chance to Succeed

Executive Summary

Over the last two decades, standards-based education reform has led the march towards accountability, high-stakes testing, and rigorous performance standards for the United States' education system. Beginning in 1990 with President George H. W. Bush's America 2000 legislation, continuing with President Bill Clinton's Goals 2000 and the 1994 reauthorization of the Elementary and Secondary Education Act (known as the Improving America's Schools Act), and finally culminating with President George W. Bush's 2002 No Child Left Behind, accountability standards have become the framework that community and political leaders use to measure the successes and failures of schools, teachers, and students.

But there's something missing from the debate: balance between what's expected of teacher and student accountability for their performance and the state's responsibility to provide them with the necessary resources. Leading education researchers Marshall Smith and Jennifer O'Day write, "It is not legitimate to hold students accountable unless they have been given the opportunity to learn the material on the examination. Similarly, teachers or schools cannot be legitimately held accountable for how well their students do unless they have the preparation and resources to provide the students the opportunity to learn."

Essentially, teachers and students shouldn't be judged on test scores, grades, and reading levels if they don't have the proper tools to produce high-quality outcomes. A Student Bill of Rights, using opportunity to learn (OTL) standards as the basis for measurement and accountability, unequivocally ensures the state will provide all students with the resources necessary to obtain a high-quality public education and achieve success in college and later, a career, including access to high-quality early childhood education, prepared and effective teachers, college preparatory curriculum for all students, and equitable instructional materials.

Modern public education is built on the principle of equity. *Brown v. Board of Education* established that separate educational facilities for racial groups were inherently unequal. Following the logic of the Supreme Court, all students should have access to education of equal quality. A system of uniform indicators, in the form of OTL standards, is likely to produce more equal levels of student achievement than simple output standards.





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In 1993, OTL standards were introduced to Congress concurrently with content- and performance-based standards. However, they met strong opposition and were eventually abandoned in order to draw a centrist consensus to pass President Clinton's Goals 2000 legislation. Opponents of such standards argued that such standards would result in a higher level of bureaucracy, a shift away from student accomplishments, and mindless checklists and accounting. Ultimately, OTL standards faded from the legislative debate for nearly a decade.

Recently, interest in OTL standards has grown. In order to receive federal funding, states must show that they are meeting outcome standards like the ones set forth in No Child Left Behind. As students' achievement gaps widen, or at least remain very wide depending on the state, it has become clear that outcome measures are not sufficient to raise test scores. Rather, input measures are also necessary. OTL standards provide the essential measurement tool for evaluating and compelling states to supply adequate resources to their students.

In 2002, a California legislator authored a bill for a Student Bill of Rights that aimed at accomplishing three goals (the bill ultimately failed although it once again injected educational inputs back into the conversation). First, the bill sought to institute the principal of reciprocal accountability - the idea that state and local officials should be responsible for ensuring quality learning conditions and that students, with the help of their parents, should be responsible for investing the effort required to achieve success. Second, it aimed to specify exactly what students and parents should expect from their schools. And third, it attempted to create an information system through which education shortcomings could be identified, publicized, and addressed.

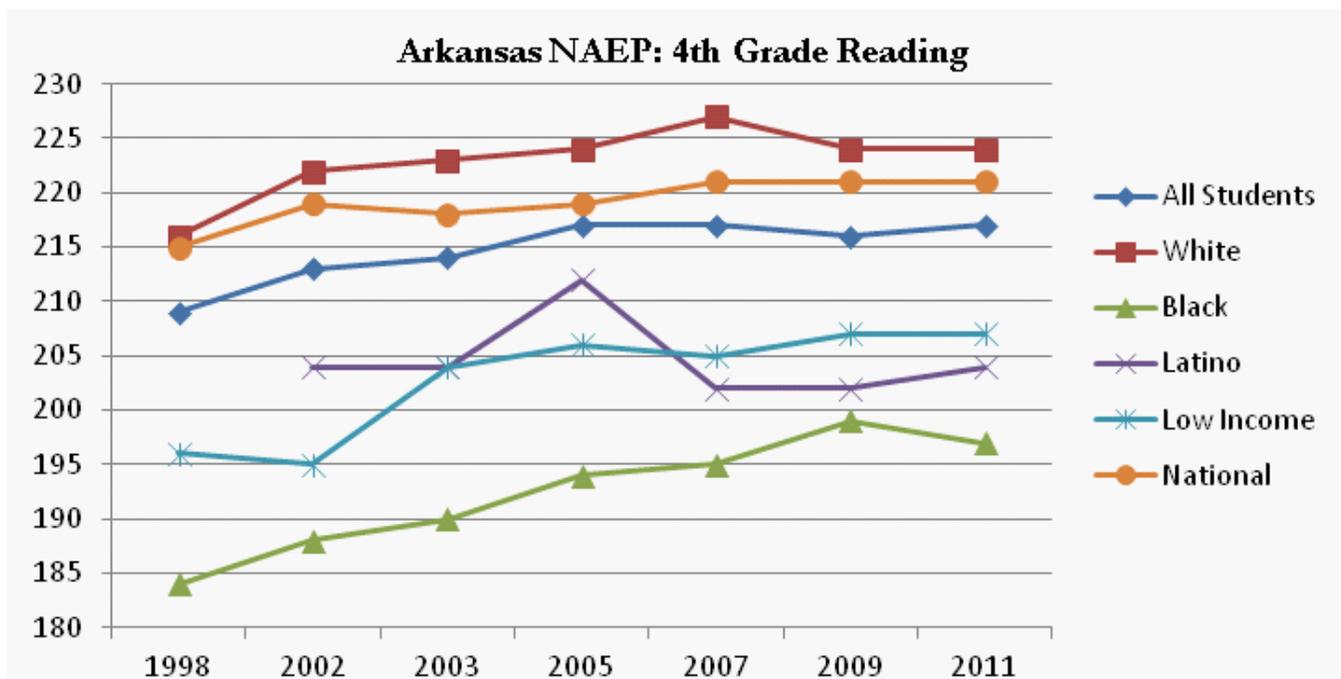
Based off of the proposed California bill, and guidance from the National Opportunity To Learn Campaign, an Arkansas Student Bill of Rights would define what parents and students could expect from their school districts:

- a clear statement of the academic standards that define what students are expected to know and the basic conditions for learning that students can expect from the educational system;
- adequate materials and resources;
- suitable learning facilities;
- high-quality teachers and counselors;
- a course of study that will enable all students who wish to attend a public university to do so;
- a safe school environment;
- fair and authentic assessment that is used to measure and improve the quality of education the students receive;
- instruction which incorporates students' home language (which research shows to be a worthwhile investment of time and resources);
- easily understood information on the performance of the school in delivering these things;

- regular public forums to allow students and parents to communicate about their experience;
- and increased access to high-quality early childhood education.

In the now famous Lakeview Case, an Arkansas trial court declared the state’s education funding system unconstitutional. That decision was upheld by the Arkansas Supreme Court. The courts based their decisions in large part on the 1985 Kentucky court ruling, *Rose v. Council for Better Education*, which enumerated seven learning goals for “each and every child.” *Rose* is an important piece of the Lake View story because its language explicitly ties responsibility for educational outcomes to the state. If students are not achieving the desired educational outcomes, it is the responsibility of the state to provide the resources necessary to the districts and teachers for students to do so.

Visualizing the Achievement Gap



A 2005 Arkansas Public Policy Panel report concluded that the racial and income achievement gaps in Arkansas are severe and fail to offer equal opportunity to all students. A more recent examination of the National Assessment of Educational Progress (NAEP) also shows that a persistent achievement gap continues to exist.



The graph above illustrates the gap between white and minority students. NAEP scores in fourth grade math, eighth grade reading, and eighth grade math show similar distributions.

One reason why OTL standards are so badly needed was outlined by the National Research Council. The nonprofit research group found that “academic success, as defined by high school graduation, can be predicted with reasonable accuracy by knowing someone’s reading skill at the end of third grade. A person who is not at least a modestly skilled reader by that time is unlikely to graduate from high school.” The high correlation between fourth grade reading and high school success occurs because in earlier grades students are learning to read, but by fourth grade students are reading to learn. If a student cannot read proficiently by the end of third grade, he is likely to continue struggling for the rest of his academic experience. We need to set standards to make sure kids are reading at a third grade level by the end of the third grade. OTL standards will make sure our children have the resources they need to do that.

Arkansas is continuing to fail its most needy children as long as the achievement gap persists. Arkansas’ constitution guarantees an adequate education to its citizens. Its courts have enforced that guarantee. Its legislature has committed to funding the formula. It is now time to be clear about what inputs are necessary to obtain an adequate education. OTL standards define the resources necessary, and a Student Bill of Rights communicates the assurance from the state that all students will be provided with the opportunity for academic success.

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