

## Legal state framework of monitoring quality of general education in the USA

Olena Andriushyna

Kyiv Grinchenko University

**Abstract.** The basic principles of the USA educational legislation for monitoring quality of general education, in particular "No Child Left Behind Act", 2001 are presented. The approaches to assessment and evaluation quality of education and school accountability are identified. Proposals for the development and improving a comprehensive system of monitoring quality of education are outlined.

**Keywords:** legal framework, monitoring quality of education, adequate yearly progress.

Intensive development and integration processes in the world economy, culture and education actualize the need to co-ordinate the methodological principles for evaluation quality of education and for assessment students' performance in European and former Soviet countries, to establish common educational standards and common procedure of monitoring quality of education. Such collaboration will further allow teachers to co-operate effectively in different countries. Today in our society the most important priorities in the field of education is precise attention to each individual student and creation conditions for improving quality of his education. Implementation of such a priority can not occur without systemic changes in the content of the education and school management. It is extremely essential to have a comprehensive system of monitoring quality of general education, which provides collection and analysis relevant data about educational processes and designs subsequent necessary changes based on this analysis. The comprehensive monitoring system should also promote accountability of educational establishments that would provide equal access to high quality education for each student, regardless of the place of study and the place of residence. It is obvious that the integration of Ukraine and Russia in the European educational community requires to investigate present procedures of monitoring in countries where such a comprehensive system exists. That is why to research experience of these countries is important. An effective monitoring system will allow to assess the dynamics and quality of the key components of education, including content and conditions of education, methods of teaching, academic performance, management of education, teaching staff and administration.

Given the above, we consider investigation the legal aspects of state support the procedure of monitoring quality of education in foreign countries, especially in those where such a procedure successfully works, is worthy. The United States of America has a well developed and effective system of monitoring quality of education, based on a strict regulatory framework and on

a strict accountability system. Everything mentioned above stipulated the theme of our article, where we research and present the peculiarities of state legal regulation for monitoring quality of general education in the USA.

Nowadays the USA operate an extensive and powerful system of education. The USA law recognizes public education in a state is the prerogative of the state and local authorities and educational agencies. According to Russian researchers D.Korf and N.Vasilyeva, the assertion that there is no educational system, and there are 50 independent systems of general education is under a constitutional basis (Amendment X of the USA Constitution establishes the principle of final competence of the states in educational matters) [1].

State regulatory framework in the field of education determines the legal basis for the functioning of modern public school in the United States, including the statutes and programs of the Government, non-governmental associations, reports on education. The most significant piece of legislation on quality assurance and monitoring is a federal law No Child Left Behind (NCLB), adopted by the U.S. Congress in 2001. NCLB is the main federal educational law in the United States aimed at centralization of American education. Its main objective - to increase the level of academic performance of all categories of students from kindergarten through the 12th grade in each state and each public school and thus to increase the educational level of the country as a whole. In this law there are specific parts that require to put into practice monitoring quality of general education. Such major events as annual testing; implementation of high academic standards and related accountability system; establishing penalties for schools where students' performance have not achieved adequate planned indicators; implementation of teaching professional development programs and improving their qualification, increasing funding for these programs; providing parents with a wide choice of schools for their children and receiving the whole information about schools; increasing federal funding for schools and school districts that demonstrate low academic outcomes are identified in the law and recognized obligatory. Therefore in the United States standardized testing in literature, math and science is carried out in order to monitor academic performance at the national level; and at the state level in order to obtain comparative information on the country and the states a large-scale National Assessment of Educational Progress (NAEP) is conducted. NAEP is the most representative and continuing assessment of knowledge, skills and competences of American students [3].

NCLB aims at every student to achieve a high standard of schooling by 2014. To ensure compliance with this requirement the concept of “adequate yearly progress” (Adequate Yearly Progress (AYP)) is introduced in the country. AYP is a diagnostic indicator that shows a minimum required performance level of each student in each academic program, in each public

school and school district. AYP is set according to the results of annual state standardized testing, but each state separately develops targets of Adequate Yearly Progress.

Schools that have not shown adequate yearly progress for two consecutive years qualified as Schools In Need of Improvement (SINI) and are the subject to immediate intervention of the State educational agency in their state. Status “SINI schools” includes several categories depending on the number of years during which their students can not achieve AYP: Corrective Action School; School Planning for Restructuring; Restructuring School. Besides “SINI school” status “School Under Registration Review” (SURR) status can be define. To improve the results of educational process in such schools monitoring quality and different interventions are taken place – instructional and management assistance, providing supplemental educational services (SES). So AYP helps to determine what specific changes or improvement are necessary for schools and what amount of funding should be directed to a school or a school district. In a case a school has not been achieving AYP for four years stringent sanctions can be implemented: replacement the school staff, providing a new curriculum or increasing instructional hours and programs at school. Failure of five year AYP involves implementation a plan of restructure the administration and management in a school. Inability to achieve Adequate Yearly Progress for six years provides probable school closure or transferring it to the status of cooperative or direct work of the State Board of Education at school. AYP program evaluation is the basis for the introduction measures to influence the educational establishment provided by applicable law. Analyzing these measures, we emphasize the key role of students` comprehensive assessment together with evaluation of educational establishments for making such a decision. Those schools which did not show AYP for the determined period may be penalized financially (deprivation of significant funds for school development) or administratively (exemption from school leadership positions).

An important feature of NCLB Act is increasing federal funding for primary and secondary education, distribution of resources to school districts with high concentrations of poor children to improve education system in these districts, to give flexibility in the use of federal funding for states and school districts. But in spite of available flexibility each state must report annually on the level of its students` academic performance, the results of school districts activity, achieving annual academic standards. State analytical Reports (State report cards) include evaluation of school management, description teachers quality, contain data from all local educational agencies (Local educational agencies, LEA) staff. Information in the analysis is presented in a clear standard and in a language understandable to parents.

Moreover, under the law NCLB State educational agencies (SEA) should regularly provide individual, explanatory, descriptive and diagnostic report cards, which allow parents,

teachers and principals to understand and address the specific educational needs of each student. These report cards should also contain information about student's results of rating tests. Results of annual testing in each school, school district and a state is not just published, but also become the basis for penalties. Those schools and school districts that do not show AYP can be also penalized financially or administratively. NCLB actually provides two ways: first, students with poor academic performance are able to leave a state school with poor performance results and enroll a better private (and paid) school which is provided from the federal budget. Second, schools with poor academic performance, especially those where students consistently fail the exams, are usually reformed or even closed.

Regulatory and legal state framework deals with professionals either. According to the Law "No Child Left Behind" every teacher working in a public school should be a highly qualified expert on the subject that he teaches. If a teacher received a bachelor's or master's degree at the university, which is located in another state, he must pass several exams in the state where the school is located and get an appropriate license to teach in this state. Recruitment of qualified teachers is one of the most important issues in education. To get federal money, states must demonstrate competence of their teachers. However, each state has its own criteria to determine teacher's competence. NCLB law allows parents to be aware of the process of instruction, teachers' professional development and quality of the school their children attend. NCLB guarantees that parents will get important information to make a choice and have options for their children to attend the school with high responsibility for students' outcomes. Under the law parents should be aware of school records and outcomes, strengths and weaknesses of their children at school - so parents have the possibility to choose a school if their child studies at a low performance school [4].

American researchers in the field of education determine positive and negative aspects of NCLB Act and its influence on improving quality of education. Positive aspect is assisting states in the compilation and systematization of the students' academic performance, focusing on their main achievements and outcomes. However, NCLB has certain shortcomings that led to unpredictable consequences: failures of the school caused blaming the teachers; the curriculum in some cases are shortened, because only disciplines which it is necessary to undergo testing assessment were emphasized; only standardized tests were used for evaluation of school performance; schools that do not show AYP are not only under the risk of losing federal funding, but also are the subject to administrative penalties. Some parts of the NCLB Act stimulated states to adopt lower academic standards; to qualify schools as SINI and to apply the same indicators to determine quality of instruction, schools and teachers. In fact, the progress of

students and schools could not accurately determine in time that caused failure either low performing students or high performing as well [2].

Having analyzed the problem of monitoring quality of general education in the United States and its legal framework we may identify the main approaches and general requirements for having this procedure worked: implementation external educational evaluation and assessment of academic standards at the end of each stages of studying (for example, 4-graduates , 9-th and 11-th graduates) on a legal basis; holding diverse and comprehensive monitoring scientific studies devoted to quality of a student, a teacher, a school, a school district, school and school district management, conditions of education and based on samples of schools and students; development of multilevel education management system and implementation its monitoring on a legal basis; to form educational policies to improve schools which present low academic performance and educational outcome; to provide all forms of schools and their principals accountability for community. Considerable attention must be paid to the reports on educational outcomes, which should be determined not only by testing students' knowledge, but taking into account the results of evaluation of other parameters and components which form the quality of education. To determine appropriate forms of monitoring and comprehensive analysis of these parameters and components it is necessary to conduct a scientific and legal based research with subsequent conclusions and to make appropriate decisions on the basis of national and foreign experience.

## References

1. Корф Д. В. Правовое регулирование образования в США / Д. В. Корф, Н. М. Васильева ; под ред. А. Н. Козырина. – М. : Готика, 2005. – 96 с. – (Серия «Законодательство об образовании»).
2. Amrein-Beardsley A. The Unintended, Pernicious Consequences of «Staying the Course» on the Unated States No Child Left Behind Policy / Audrey Amrein-Beardsley // International Journal of Education Policy & Leadership. – 2009. – Vol. 4, № 6.
3. Anderson B. State strategies to support local school improvement / B. Anderson // Knowledge: Creation, Diffusion, Utilization. – 2002. – Vol. 9, № 1. – P. 42–86.
4. No Child Left Behind Act of 2001: Public Law 107–110, 115 Stat. – Washington, D.C., 2002. – P. 1425–2094.