

## CREDO REPORT IS BIASED EVALUATION

*Dr. Barbara Ferguson  
Research on Reforms, Inc.  
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As long as the Louisiana Department of Education can determine to whom to release student records for research purposes, the reports produced thereof, such as the CREDO report, are nothing more than biased evaluations.

The Department of Education (DOE) maintains that it has the discretion to release de-identified student-level records to selected researchers, and that it has the discretion to deny the same student records to other researchers. And, for the past few years, that is what the DOE has done. CREDO received the student records, and, *Research on Reforms, Inc.*, who submitted a public records request for the same student records, was denied. As long as the DOE gets to select its evaluators, i.e., its researchers, the impact of the state-takeover and the charter school movement will never be objectively evaluated.

Specifically, the Department of Education (DOE) released de-identified student-level records to CREDO for the school years 2008-09, 2009-10, and 2010-11 and denied the student level records for the same school years to *Research on Reforms, Inc.* (ROR). Thus, ROR sued the DOE in October 2012 for violation of Louisiana's Public Records Act.<sup>i</sup> The matter is now in Civil District Court.

It should cause concern to all involved in public education that a state agency, i.e., the Louisiana Department of Education, would release student records to an established entity, like Stanford University's Center for Research on Education Outcomes (CREDO)<sup>ii</sup>, while denying the same student records to a small local nonprofit organization, *Research on Reforms, Inc.* (ROR). Established after Hurricane Katrina, ROR has published numerous articles on the impact of the state takeover and the charter school movement on New Orleans at-risk children and youth. (See website *Research on Reforms.org*)

Without access to the same de-identified student-level records that were given to CREDO, *Research on Reforms, Inc.* cannot conduct an analysis of student outcomes. However, *Research on Reforms, Inc.*, has noted, below, statistically significant research errors in the CREDO report.

1. The CREDO report asserts academic gains for charter schools when compared with traditional schools, but omits a statistically significant variable, namely, that charter schools can select students, and traditional schools cannot.

2. The CREDO report asserts academic gains for special education students in charter schools, but omits a statistically significant variable, namely not distinguishing special education students who are gifted/talented from special education students with disabilities.

### **Discussion of Statistically Significant Research Errors**

#### 1.

The CREDO report asserts academic gains for charter schools when compared with traditional schools, but omits a statistically significant variable, namely, that charter schools can select students, and traditional schools cannot.

Each state has the authority to enact a charter school law, and to define how a charter school will operate in that state. With the exception of Louisiana, all states incorporate the federal requirement for charter schools to “give each student an equal opportunity to attend.”<sup>iii</sup> States are not bound to incorporate that requirement into their own charter school laws. They must only follow that requirement if the state seeks federal charter school funding.

Louisiana’s charter school law does not follow the federal requirement to “give each student an equal opportunity to attend.” Rather, Louisiana allows charter schools to place a condition on the opportunity to attend. *(Thus, it is a conditioned opportunity, not an equal opportunity.)* That condition is the student’s achievement of a certain academic record. Specifically, Louisiana law states that “charter school admission requirements may include. . . achievement of a certain academic record. . .” (La.R.S. 3991(B)(3))<sup>iv</sup>

The classic example of a New Orleans charter school with academic admission requirements is Benjamin Franklin High School, which selects students based upon a matrix of academic indicators, including GPA (grade point average) and standardized tests.<sup>v</sup>

Not all New Orleans charter schools have academic admission requirements. But, several charter schools do. For the CREDO report not to distinguish this significant variable is a fatal flaw of its research.

In its report, CREDO compares traditional schools to charter schools, without distinguishing selective charter schools from non-selective charter schools.<sup>vi</sup> CREDO did not control for the “selection” variable. For the CREDO study to be unbiased, it would need to develop a methodology using a control variable for selection, and then design an analysis to determine if the significant variable in achievement is chartering or, in fact, is student selection.

It is possible that CREDO omitted the distinction between selective and non-selective charter schools because the Louisiana Department of Education does not collect this information through its charter school application process.<sup>vii</sup> The term selective charter school originated from the work performed by *Research on Reforms, Inc.*, in their study of admission criteria, which can be found in handbooks produced at the school site levels.<sup>viii</sup> Now, local newspapers and other education entities in New Orleans, when reporting on charter schools, refer to them as selective or non-selective, *i.e.*, open admission.

## 2.

The CREDO report asserts academic gains for special education students in charter schools, but omits a statistically significant variable, namely not distinguishing special education students who are gifted/talented from special education students with disabilities.

The CREDO report suggests that “special education students receive significant benefit from charter schools,” without acknowledging that its report includes gifted/talented students along with students with disabilities. Gifted/talented students perform well above average, whereas, students with disabilities are more costly to educate and their academic progress takes longer to achieve.

The CREDO report appears to respond to a *Research on Reforms, Inc.* (ROR) report on special education students in charter schools.<sup>x</sup> ROR studied only special education students with disabilities, not gifted/talented students, in order to determine if charter schools admitted students with disabilities in the same proportion as did the traditional schools. And, the answer was negative. In New Orleans, 3% of students with disabilities are in selective charter schools, whereas 9% of students with disabilities are in traditional schools.<sup>x</sup>

The ROR report only analyzed students with disabilities. CREDO used a research model that included gifted/talented students and deceptively reported results on “special education students,” as if to assume that all of the students in its report were students with disabilities.

### **In Conclusion**

CREDO reported on the academic gains of charter schools as compared with traditional schools, without acknowledging that charter schools can have selective admission. CREDO reported on special education achievement gains, without acknowledging that the special education students in its report included gifted/talented students. Since the CREDO research design did not control for these variables, it is flawed.

Without controlling for statistically significant variables, the CREDO findings of academic progress of charter school students and of special education students in charter schools can simply be attributed to, respectively:

1. The selective admission of charter school students, and
2. The achievements gains of gifted/talented students, identified as special education students, in charter schools.

Hopefully, CREDO will correct the fatal flaws of its research and publish a new report.

*Research on Reforms, Inc.* has studied education reforms in New Orleans since the 2005 state takeover, hoping to isolate new education initiatives that would turn around the failed New Orleans public schools. Unfortunately, the success achieved by a few of the charter schools has resulted from selective admission, selective retention and/or selective special education enrollment. Even after these seven years of reform, which followed the state takeover and its charter schools, the New Orleans public schools remain last in academic standing in Louisiana.<sup>xi</sup>

Neither the former pre-Katrina local board governance of the schools, nor the new state takeover and its charter schools, have moved New Orleans schools from being ranked at the bottom in Louisiana.

It is time now to build on what successes can be found and move on toward quality education for all students. To move forward means studying what exists, and developing strategies based upon the findings. During the years immediately following the state takeover, the Department of Education released its student records to researchers, including *Research on Reforms, Inc.*, in order to study the New Orleans schools. Positive changes resulted from the research. Now, within the last five years, the Department of Education has hampered research efforts by discretionarily releasing student records to its chosen researchers, such as, CREDO. *Research on Reforms, Inc.* has legally challenged this control under Louisiana's Public Records Act.

#### Endnotes:

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<sup>i</sup> Dr. Barbara Ferguson and Charles J. Hatfield vs. Louisiana Department of Education, 19<sup>th</sup> Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, No. 616,296, Section 23, October 10, 2012.

<sup>ii</sup> Louisiana Department of Education Data Sharing Agreement and the Center for Research on Education Outcomes (CREDO) at Stanford University, December 12, 2011.

<sup>iii</sup> "Admission Requirements for Charter Schools Defy No Child Left Behind," by Dr. Barbara Ferguson, January 2009, see website: [researchonreforms.org](http://researchonreforms.org).

<sup>iv</sup> La.R.S. 3991(B)(3) *et seq.*

<sup>v</sup> Benjamin Franklin High School: Admission Requirements. [www.benfranklinhighschool.org/admissions](http://www.benfranklinhighschool.org/admissions).

<sup>vi</sup> CREDO: Charter School Performance in Louisiana, August 8, 2013, pp. 14-30.

<sup>vii</sup> See Louisiana Department of Education, Charter School Application and Process.

<sup>viii</sup> See articles: "Misuse of Charter Schools" and "Dumping Kids Out" on the website: [researchonreforms.org](http://researchonreforms.org).

<sup>ix</sup> "Fewer Special Education Students in Charter Schools" by Dr. Barbara Ferguson and Karran Harper Royal, April 2012, see website: [researchonreforms.org](http://researchonreforms.org).

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<sup>x</sup> *Ibid.*

<sup>xi</sup> Louisiana Department of Education website: Assessment and Accountability.