

Five Key Questions about the State Agenda for Public Education

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Education Law Center

www.elc-pa.org

(215) 238-6970; (412) 258-2120

There are many voices and various ideas, but crucial leadership and commitment are sorely lacking on the key issues facing the future of the 3,300 public schools that serve 1.8 million children in the Commonwealth. And the ideas for reform getting the most attention often ignore the basic changes needed to truly improve teaching and learning at the classroom level, especially for struggling students and schools.

State Education Policy and Outcomes: 2001 to 2010

It may help to look back in time. In the decade following the passage of the No Child Left Behind Act of 2001 (NCLB), there was a push for every school district throughout Pennsylvania to raise academic outcomes for students. NCLB has been criticized for placing too much emphasis on standardized tests, but the federal law has also done a lot of good. It focused attention and resources on closing achievement gaps, especially for disadvantaged children. As a result, student outcomes in Pennsylvania improved almost every year since 2001 for children with disabilities, English language learners, and students in poverty. Overall, test scores went up the most in public schools that also received the most funding and resources.

Student Achievement has Increased in Public Schools				
% Passing the State Test (PSSA) <i>(Reading and Math averaged for all grades statewide)</i>	All Students	Poverty	Disability	Learning English
2002	54.9	28.5	13.3	15.8
2003	56.3	32.5	15.6	22.1
2004	60.3	38.6	19.3	25.9
2005	65.5	46.2	27.7	32.3
2006	67.3	48.4	29.8	32.1
2007	68.4	50.5	30.6	30.7
2008	70.7	53.8	33.2	32.1
2009	72.4	57.1	35.9	33.2
2010	74.2	60.2	39.7	34.3

These positive and badly needed accomplishments did not happen by accident. They resulted from the consistent pursuit of a coherent and generally coordinated set of policy priorities at the local and state levels. For nearly ten years, the central focus of education policy has been to improve services and supports within public schools for students with the greatest achievement gaps. This kind of serious reform costs money, because meeting the educational needs of disadvantaged students is more expensive than for other children without such large learning gaps and challenges. For example, children at risk for educational failure often need more

* The Education Law Center is a non-profit legal advocacy and educational organization, dedicated to ensuring that all of Pennsylvania's children have access to a quality public education. We have operated statewide for more than three decades serving as a resource for children, families, and communities and fighting for their education rights. The Law Center has offices in Pittsburgh and Philadelphia.

individualized instruction, a supplemental or adapted curriculum, extra tutoring, counseling services, special education programs and accommodations for disabilities, or English language programs for immigrants.

Based on measurable improvements in student outcomes over the last ten years, this set of policy priorities has been a success. It can even be argued that Pennsylvania did not do nearly enough to close achievement gaps during this time period, because many new programs and much of the added funding were spread around to include schools that did not actually have the greatest needs. The watering down of reforms happened for political purposes, so that every state legislator could brag about "bringing home the bacon" for their local schools, even when these schools were already doing fine or were losing many students due to local population decline.

And despite the improvements made since 2001, many students still do not have an equal opportunity to learn. School districts that started the farthest behind still have a long way to go in raising student achievement and increasing graduation rates. Most importantly, a large resource gap still exists between rich and poor schools. Public schools in wealthy communities continue to spend up to \$20,000 per child each year, while high poverty schools spend less than \$10,000 per child. Such a large gap makes a big difference and is not fair to students struggling in under-funded schools.

Undeserved "Minimum Increases" in State Basic Education Funding <i>(given to selected districts without a basis in local school or student data)</i>	
2000-01	\$22.5 million
2001-02	\$96 thousand
2002-03	\$3.6 million
2003-04	\$5.3 million
2004-05	\$7.8 million
2005-06	\$4.8 million
2006-07	\$21.9 million
2007-08	\$18.9 million
2008-09	\$22.9 million
2009-10	\$10.3 million
2010-11	\$19.6 million
2011-12	\$129.7 million
TOTAL	\$267.2 million

At the present time, there is substantial confusion about the best state policies to pursue in order to address the most pressing needs of public education in Pennsylvania. Officials in Harrisburg have not presented a coherent vision for continuing the progress of the last decade, further closing achievement gaps, and providing every child with an equal opportunity to learn. We have heard noisy debates and zealous speeches about state funding, teacher quality, high stakes testing, charter schools, and tuition vouchers and tax credits. But so far all of these words and ideas do not add up to a coordinated long-term plan for preserving and strengthening public schools.

Addressing the Fundamental Issues: 2011 to 2020

Here are five key questions about the state agenda for public education in Pennsylvania. How would you answer these questions? Are you confident that state officials will agree with and pursue your solutions? What other questions should be part of the discussion?

(1) What is the role of state funding?

Secretary of Education Ron Tomalis has openly stated that money does not matter in public education. Key legislators say that former Governor Rendell was overly generous with funding for Philadelphia and other urban school districts. Governor Corbett just signed a budget for the next school year that makes big cuts in education funding, especially for the poorest schools.

The truth is that the wealthiest schools spend up to twice as much per student as the poorest schools. It is ridiculous to claim that such large funding gaps have no impact on student learning. Under-funded schools have larger class sizes, less experienced and less qualified teachers, fewer computers, out-dated or nonexistent science labs and libraries, and a shortage of tutoring and counseling services.

The role of state funding should be to narrow these resource gaps so that learning opportunities are roughly equivalent for all children, regardless of where they live. Every school should have modern libraries and science labs. But high-poverty communities simply do not have the local wealth or the tax base to do it on their own. This means that impoverished rural areas, urban schools, many declining first-line suburbs, fast growing districts, and other under-funded public schools must get the biggest slices of the state funding pie.

Large Funding Gaps Exist Between Rich and Poor School Districts <i>[Even a \$2,000 gap per student adds up to a \$50,000 gap per classroom.]</i>				
School District	County	Current Expenditures per Student 2009-10	PSSA Passing Percentage 2009-10 <i>(average of math and reading for all students)</i>	Student Poverty Percentage
Lebanon	Lebanon	\$10002	57.2%	70.6%
Greater Johnstown	Cambria	\$10694	58.3%	74.9%
Allentown City	Lehigh	\$10785	53.0%	73.2%
McKeesport Area	Allegheny	\$12140	60.3%	64.3%
Salisbury Township	Lehigh	\$14532	83.1%	16.2%
Quaker Valley	Allegheny	\$15423	87.2%	14.9%
Radnor Township	Delaware	\$17511	92.4%	6.2%
Lower Merion	Montgomery	\$23133	92.2%	7.1%

State officials could choose to ignore these facts and make school funding decisions based primarily on political considerations. That is exactly what happened with the 2011-12 education budget, which greatly widened the resource gap between rich and poor schools. But if this continues to happen, we will all pay the price in terms of higher rates of drop-outs, unemployment, crime, welfare dependency, and civic discord. Over the long run, research shows that public education is Pennsylvania's best investment, not our prisons.

This means that state education funding must be distributed each year based on objective data about the real needs of students and schools. The school districts with the greatest needs must get more funding, compared to districts that are wealthier, are shrinking in size, or have fewer costly at-risk students. State officials should not give more money only to a few, hand-picked communities based on political considerations, and also should not spread around the limited budget so that everyone gets an equal piece of the pie. Some schools and communities have greater needs and the role of state funding is to close these resource gaps, using non-political formulas to distribute the annual budget.

Budget Cuts Hit Poor Districts Much Harder than Rich Ones				
School District	County	2011-12 Total Final Cut in K-12 State Funding per Classroom of 25 Students <i>(BEF, ABG, CSR, EAP)</i>	2009-10 Estimated Equalized Mills <i>(property taxes)</i> March 2011	Student Poverty Percentage
York City	York	\$28387	32.6	79.5%
Clairton City	Allegheny	\$22314	27.6	80.5%
Panther Valley	Carbon	\$17433	27.3	62.4%
State College Area	Centre	\$4294	16.4	16.7%
Upper Merion Area	Montgomery	\$1947	11.0	17.9%
Tredyffrin-Easttown	Chester	\$977	12.1	4.2%

It is also important to recognize the impact of state funding and policy decisions on local property taxes. Many of the school districts getting the largest cuts in state funding for 2011-12 already have the highest property taxes in their areas. Such districts cannot raise local taxes any further without driving away homeowners and businesses. Thus, the impact of state funding cuts will be much more severe in high-poverty communities than in wealthier places, widening the already excessive gaps in educational opportunities for children. And these inequities were greatly exacerbated by the Governor's insistence on signing into law new restrictions on the ability of school districts to adjust property taxes without seeking approval of the voters in a referendum.

(2) How can teacher quality and effectiveness be improved?

State officials repeatedly justified cuts in education funding this year by bashing teacher unions and criticizing teachers as overpaid and under-performing. Governor Corbett called on all teachers to accept a pay freeze, and he asked for legislation to facilitate massive layoffs of teachers due to the budget cuts.

But there is an untold story about classroom teachers in public schools. Wealthy schools with high test scores generally employ the best teachers in the state, treat them as respected professionals, and pay them the highest salaries. Parents in these communities rarely complain about their teachers. And the state barely cut 2011-12 funding for many wealthy schools, so not many teachers are being laid off in those places.

Inequitable Teacher Distribution Impacts Student Achievement		
Classroom Teacher Data 2009-10	50 School Districts with Highest Teacher Salaries	50 School Districts with Lowest Teacher Salaries
Average Salary	\$74446	\$44238
Average Level of Education	Master's Degree	Bachelor's Degree
Average Years of Experience	14 years	12 years
Average Student Poverty	17%	44%
Average PSSA Passing Rate (Reading and Math combined for all students)	84%	73%

In contrast, high-poverty schools with larger achievement gaps often employ teachers with less experience, offer little support or supervision, and provide lower salaries and benefits. It is well known within the education profession that under-funded schools serve as the training ground for many new teachers, who then leave for better jobs in suburban areas. But state funding was cut the most for the poorest schools, where up to ten percent of all teachers are now being laid off.

If the goal is to improve teacher quality, the state must focus on the core issues of teacher turnover and distribution. Under-funded schools can no longer afford to have the highest turnover rates in the state, partly caused by the annual exodus of teachers leaving for less difficult suburban jobs. It is very costly, highly inefficient, and morally wrong to sustain a system where the most disadvantaged students are guaranteed to have the least qualified and least experienced teachers.

The state has a crucial role to play in changing the rules of the education employment game. State officials can continue to use teachers as scapegoats, or they can get serious about improving job conditions, financial compensation, and professional support for teachers in the neediest public schools. At-risk students should have the best teachers, not the least qualified. But attracting and keeping the best teachers in the most challenging schools will require increasing training and supervision, lowering class sizes, adding counselors and other support staff, and improving school safety. This will cost money, and funding reform as described above

is absolutely needed so that teachers have the resources to be effective for students in all schools.

(3) What is the best role for standardized testing?

Under former Governor Rendell, the State Board of Education and the Department of Education adopted a framework for replacing the standardized testing system for students in all public schools. Rendell ignored widespread opposition to these changes within the General Assembly. He signed multi-million dollar contracts with out-of-state testing companies and then left the Corbett administration with the job of actually implementing the new tests. Under the new “high stakes” system, starting next year, students failing to pass the state’s end-of-course exams in multiple subjects will not be allowed to graduate from high school.

Secretary of Education Ron Tomalis has quietly continued to implement the new testing system. Some things have been delayed, but preparations and spending on the new tests have stayed on course. In fact, Secretary Tomalis, Governor Corbett, and some legislative leaders have supported proposals to use the new tests not only to decide which students can graduation, but also to evaluate teacher performance and determine their paychecks.

Unfortunately, the new “Keystone Exams” do nothing to address the real problems of the state’s current student testing system (called the PSSA – Pennsylvania System of School Assessment). Keystones, like the PSSA, will continue to be paper and pencil examinations, given once per year to all students in most grades.

Research has shown that better options exist. Instead of exclusively using a one-size-fits-all statewide exam, the state could establish standards for local educators to craft assessments that better match what they actually teach in the classroom. And instead of forcing students to show what they know by filling in bubbles on an answer sheet in a high-pressured make-or-break testing situation, assessments could also include student projects and interactive demonstrations of their learning.

Most importantly, graduation decisions should not be made by computers and state officials in the Department of Education in Harrisburg, but by local school administrators using their familiarity with the real efforts and accomplishments of each student. Similarly, decisions about teacher evaluation and compensation must continue to be made by local officials and not based primarily on the standardized test results of their students. It would be helpful for the state to establish stronger standards for the local use of student performance measures as part of the system for ongoing teacher monitoring, evaluation, and support, but such measurements must go beyond standardized test results.

And replacing one test with another should not be touted as real school reform. It is far more important, as discussed above, to implement new state policies that equalize funding, instructional resources, and teacher quality for struggling schools in high-poverty communities.

(4) How much should we depend on charter schools?

In the last days of June, the General Assembly came close to adopting comprehensive and costly reforms to the charter school system, despite the almost complete absence of public hearings and discussion about alternatives. At the last minute, bills were considered that would eliminate most restrictions on expanding the number of charter schools, cyber charter schools, and student enrollment in both kinds of charters. School districts would no longer be in charge of decisions about charter schools, although they would continue to pay for them. A new state

agency would be created in Harrisburg to approve, monitor, and renew charters throughout the state. These bills were not adopted, but debate will continue later this year.

Does the actual performance of charter schools and cyber charters justify making such radical changes and allowing a huge expansion, even if local communities do not want this? Over the last decade, have charter schools outperformed district-run public schools, especially for disadvantaged students?

The facts are clear – charter schools generally do worse than district-run public schools in Pennsylvania. A higher percentage of charter schools are failing to meet state academic standards, compared to district-run public schools. Average student test scores in most communities are lower for charter schools. Cyber charter schools, which are already supervised by the state, are the lowest performers. Dozens of charter school operators have gone out of business or have been indicted on criminal charges for financial problems.

Charter Schools Have Lower Performance with Higher Administrative Costs		
Pennsylvania Data 2009-10	Charter Schools	District-Run Public Schools
Average PSSA Passing Rate (Reading and Math combined for all students)	61%	75%
Percentage of Schools Not Making Adequate Yearly Progress (AYP)	29%	17%
Average Annual Administrative Expenditures per Student	\$1506	\$792
Percentage with Annual Administrative Expenditures per Student over \$1,000	86%	13%

Some charter schools have certainly done an excellent job. But district-run public schools have a higher rate of successful reform and innovation, even in Philadelphia and other struggling school systems.

Charter schools can serve an important role by experimenting on a small scale with new educational models, free from many rules and restrictions found in traditional public schools. The ultimate purpose of charter schools should be to conduct such experiments and then transfer the lessons learned to the nearby public schools, not to grow unchecked or to permanently replace district-run schools.

State officials find charter schools to be appealing because teacher unions have not yet organized the employees in most charters. This allows charter schools to pay lower wages and operate without restrictive union contracts. But if politicians have a problem with union operations, they should directly address these concerns and not sneak around the issue by expanding charter schools that lack a proven record of success or a meaningful system of checks or balances.

The facts do not justify the “charter reform” legislation introduced to date in the General Assembly. State officials should go back to the drawing board, hold public hearings, acknowledge the mixed record of charters, and stop playing politics with the future of our public schools.

Charter school reforms are needed. Supervision should be strengthened by local school boards over the charter schools located in their communities. New policies and standards are needed to create greater accountability as well as increased communication about effective educational practices between charter administrators and local school officials. In addition, charter schools must be forced to stop excluding many children with disabilities, English language learners, and other students who are more costly and challenging to educate. And elected officials and their staff should be prohibited from owning or serving on the board of directors of charter schools, which has resulted in unfair political advantages and a lack of oversight for some charters.

In short, charter schools can play a valuable, but limited role in helping to strengthen public schools in communities facing complex educational challenges. But taxpayer dollars for education should be invested primarily in public schools that are open to all children and fully accountable through elected school boards. Pennsylvania cannot depend on charter schools run by private companies as the primary means of improving the public education system.

(5) Should the state give funding for tuition vouchers and tax credits at non-public schools?

In the last six months, several bills were considered in the General Assembly to establish a new program giving state funding for students to use as tuition vouchers at private and religious schools. Most of these bills also included a large expansion of the existing Educational Improvement Tax Credit Program (EITC), which gives tax reductions to businesses for making contributions used primarily by students for tuition at non-public schools. The legislature did not adopt any of the voucher or EITC bills before leaving for its summer recess, but final votes are expected later in the year.

There are several fundamental problems with the voucher and EITC proposals. Unfortunately, supporters of “school choice” often dismiss these problems without directly addressing the merits of the legitimate questions raised by skeptics. Voucher and EITC supporters have relied on political slogans, press releases, and rallies, but do not have substantive answers to the following concerns. In this pressurized and polarizing climate, there is a great risk that bad policy decisions will be made by public officials.

First, the cost of tuition vouchers and EITC expansion is immense, totaling hundreds of millions of dollars each year and well over one billion dollars in three years. The state cannot afford to pay for this, especially while facing large budget deficits and making cuts to other vital programs and services.

Second, the state’s experimentation with “school choice” has been a failure to date. Student performance in charter schools is worse than in public schools. And the state has collected no data at all about the performance of students receiving tuition assistance through the EITC program. Until it fixes the current school choice programs, the state should not expand them or create new programs.

Third, the legislative proposals for tuition vouchers and EITC expansion would benefit mostly students who are already attending private and religious schools. The supporters of these bills claim that they are motivated by the needs of students attending failing public schools. But the voucher and EITC bills would give far more money to children already in non-public schools. Thus, the “school choice” proposals would not improve educational options for the neediest students and would amount to a give-away of taxpayer dollars to private and religious organizations. This is not just bad public policy, but violates the Pennsylvania Constitution.

Analysis of the Official “Fiscal Note” for Senate Bill 1 (Vouchers)
• The cost of vouchers for tuition at private and religious schools will be more than \$1 billion in total over the first four years.
• Only 7.6% of all vouchers will go to students from the 144 “worst” public schools.
• 65.3% of all vouchers will go to students already enrolled in private and religious schools.
• Only 9% of eligible students from the 144 “worst” public schools will be able to gain admission to a private or religious school and actually use their voucher. The annual cost will be \$50 million.
• 100% of eligible students currently enrolled in private and religious schools will be able to use their voucher dollars, since they are already admitted. The annual cost will be \$225 million.

Fourth, voucher and EITC proposals do nothing

to guarantee options for the neediest students in public schools. The bills would allow private and religious schools to reject any and all applications for enrollment. In addition, the bills specifically state that non-public schools can exclude children with disabilities, English language learners, and other challenging students.

Elected officials should take the high road, resist the temptation of the large political contributions being made by a few wealthy individuals, and reject the current proposals for tuition vouchers and EITC expansion. Better options exist for closing achievement gaps for struggling students and public schools, including investing more in the public schools that are already succeeding with innovative reforms.

What do struggling students, schools, and communities really need?

Quality education is vitally important to the success of both individuals and communities. Education is Pennsylvania's best investment, helping students to become productive citizens contributing higher levels of employment, more stable families, and reduced dependency on public expenditures for welfare, health care, crime and incarceration. Effective public schools are essential to the long term well-being of the Commonwealth and require equitable resources and opportunities to learn for all children. Public schools are open to all children and will always be an essential part of successful communities.

Public schools throughout Pennsylvania have implemented great improvements in recent years, but need continued support. Ongoing reforms are needed to improve teaching and learning through greater accountability, efficiency, transparency, parent involvement, and adequate funding distribution. State and local policies must prioritize the needs of disadvantaged students and schools. Elected officials must not ignore these vital needs or pay lip service while really seeking to benefit other interests.

In the first six months of 2011, the education policy debates in the state capitol have almost completely disregarded practical ideas for improving teaching and learning at the classroom level. As discussed above, the real needs of disadvantaged students will be harmed by cutting funding, firing teachers, implementing new standardized tests, and transferring scarce resources from public schools to schools operated by private and religious organizations. These counterproductive ideas threaten to increase the gaps between rich and poor and diminish opportunities to learn for the neediest children.

Instead of political proposals for more charters, vouchers, and tax credits, much better school reforms options deserve attention and support from state officials. Proposals should be developed to address the needs for greater parent involvement, stronger school accountability, increased teacher quality, a healthier and safer school climate, and practical reforms benefiting students who often struggle in school. Many potential reforms are quite simple and either cost nothing or can lower costs. Other ideas are more complicated and could require additional resources.

Examples of reforms truly needed by struggling students include the following:

Local Cost Savings. Establish and strengthen state mechanisms for consolidation of school district operational functions to lower costs for purchasing, transportation, contract services, and health care. Also form statewide health plans for educators. Utilize cost savings to preserve adequate state resource levels, benefiting students and avoiding property tax increases.

Reform of Failing School Districts. Enact new state law providing strong local school district responsibility and authority for reform under state standards (not entirely top-down control), which collaboratively engages students, parents, teachers, administrators, and other

stakeholders in governance and reform decisions. When needed, focus state intervention on a small number of the least successful districts. Use multiple measures for evaluating school performance. Include charters in these reforms and interventions.

Parent and Student Involvement. Require school districts to adopt and implement a district-wide policy for parent and student involvement, including opportunities for meaningful participation in advisory and governance roles and regular public notice about these opportunities. Improve state monitoring and public reporting, and establish a complaint process within the Department of Education that parents can use when districts or schools do not comply with parent involvement laws and regulations.

Teacher and Administrator Quality. Establish state mandated and streamlined processes for teacher evaluation, intervention and support for struggling teachers, and the removal of teachers who, despite support, continue to perform poorly. Include student progress measures, especially for at-risk students, in the evaluation system for both teachers and administrators. Raise the standards for teacher and administrator preparation and continuing education, especially for meeting the needs of diverse learners in inclusive settings. Mandate equitable distribution of teachers so that students with the greatest needs have access to the most skilled and experienced educators.

Career and Technical Education (CTE). Expand CTE programs, giving priority to students and communities currently with less access to CTE (failing school districts, disadvantaged students, drop outs, youth in placement). Ensure that CTE programs, including programs in juvenile justice and other placements, teach to industry standards, lead to industry recognized certifications, integrate state and local academic standards, and accommodate students with disabilities and English language learners.

School Libraries. Continue implementation of the state's first study to assess the status of school library programs in all districts, pursuant to House Resolution 987 (2010). Collect annual data about library performance, including the impact on teaching and learning. Promulgate state standards for school libraries (none currently exist). Include school libraries in other education reform initiatives, such as proposals for failing schools.

Homeless Children and Children in Foster Care. Require school districts to immediately enroll, maintain continued enrollment, and provide transportation for homeless students and children in foster care, with services and funding pursuant to McKinney-Vento (PDE) and Fostering Connections (DPW) laws. Direct districts to expand access to academic remediation, credit recovery, vocational education, and preschool programs.

Early Childhood and PreKindergarten. Maintain and strengthen early childhood programs. Preserve the Office of Child Development and Early Learning in the Departments of Education and Public Welfare and move selected OCDEL policies into statute or regulations. Improve administrative and cost efficiency and reduce duplication between the various early childhood and pre-K programs.

English Language Learners (ELL). Establish full state certification for English as a Second Language (ESL) teachers. Conduct a study of the status and needs of ELLs in public schools and the need to increase state capacity for oversight, enforcement, and technical assistance to improve student achievement. Require schools not making adequate yearly progress (AYP) for the ELL student group to utilize PaTTAN (PA Training and Technical Assistance Network) training and technical assistance to improve instruction in content areas and ESL, and designate funding for this PaTTAN role.

Special Education for Children with Disabilities. Enact funding distribution and accountability reforms proposed in HB 704 and SB 1115. Improve state oversight, accountability systems, and consequences for local violations of laws, including failure to appropriately evaluate student

needs, include students in regular classrooms, provide needed supports and services, and serve children living at residential programs in the regular schools whenever possible.

Alternative Education for Disruptive Youth (AEDY). Remove “habitual truancy” from the list of conditions allowing district referral of a student to an AEDY program under Section 1901C. Ensure AEDY program compliance with state and federal rules for all public schools, including the same instructional hours, academic standards, teacher qualifications, and special education. Provide public access to AEDY program performance data. Require districts to use less costly and less restrictive approaches prior to AEDY placement.

School Climate. As part of the unified annual data report card for each school, include the use of forced transfers, suspensions, and expulsions, in total, disaggregated and in comparison to state averages. Require the use of less costly, more positive, and more effective approaches to student behavior, reserving exclusionary discipline for only the most serious circumstances. For schools using exclusionary discipline significantly more than state averages, especially for students of color or with disabilities, require training and increased use of student intervention and prevention programs such as individual academic and behavior assistance, school-wide positive behavior supports, and/or restorative practices.

Truancy. Revise current statutes to specifically define “truancy” and the scope of “unexcused” absences. Detail the obligations of school districts to prevent and proactively address truancy through outreach to parents and by developing an individualized truancy elimination plan for every student upon the third unexcused absence.