
***EDUCATIONAL GOVERNANCE
& ACCOUNTABILITY:
TAKING THE NEXT STEP***



LITTLE HOOVER COMMISSION

May 2008



State of California

LITTLE HOOVER COMMISSION

May 22, 2008

The Honorable Arnold Schwarzenegger
Governor of California

The Honorable Don Perata
President pro Tempore of the Senate
and members of the Senate

The Honorable Dave Cogdill
Senate Minority Leader

The Honorable Karen Bass
Speaker of the Assembly
and members of the Assembly

The Honorable Michael Villines
Assembly Minority Leader

Dear Governor and Members of the Legislature:

In two years, fewer than half of the schools in California are likely to meet the ever-increasing performance requirements of the federal No Child Left Behind Act. By 2014, none will. California needs to start planning now for that reality.

For too long, the state, its schools and its students have struggled under two different accountability systems – one created by California in 1999, the other introduced by the federal No Child Left Behind Act of 2001. The two systems do not work well with each other. Both do more to identify poor performers than to help them. State policy-makers and educators have resisted the federal system, hoping it will fade away. The federal system, however, identifies students who could be left behind under the state system, an essential element, if the state is to move all of its students to the proficiency levels required to participate in California's world-class economy. The experience of the past decade has shown that parents want accountability and schools, students and the state need it.

As the Governor's Committee on Education Excellence noted in its 2007 report, true accountability represents a greater good: enhancing the quality of education and supporting the attainment of high standards for all students. The release of the "Getting Down to Facts" reports raised expectations and provided a starting point for deeper discussions about reform. Governor Arnold Schwarzenegger has signaled his support for education reform through his Committee on Education Excellence recommendations. State Superintendent of Public Instruction Jack O'Connell has focused on finding ways to close the "achievement gap." The current budget crisis complicates the discussions. But educational accountability – to students, parents, communities and taxpayers – is central to assuring California's students can reach their potential and taxpayer dollars are invested well. California still retains the ability to serve as a national leader for accountability. To do so, it must embrace the challenge – an economic and moral imperative – to raise achievement.

California can take pride in the accountability system it developed in 1999, an early entry that showed foresight and leadership. Its system is built on ambitious academic content standards that are recognized as some of the best in the nation. Reluctance to adopt a system imposed from the outside is understandable. But the new reality soon upon us requires California to build a next-generation accountability system that stresses individual student achievement.

Rather than resist change, the governor, the Legislature and the superintendent of public instruction should take this opportunity to get a head start, merging the most useful parts of the existing state and federal accountability systems into one that will serve the needs of California's students and meet federal approval. The new model should continue to be based on California's existing content standards and recognize those standards for the ambitious goals they are.

The new accountability system should focus on continuous appraisal and improvement for schools, allowing local districts and county offices of education to use the existing flexibility built into No Child Left Behind's Program Improvement process to determine how they will improve school and student performance. An inescapable hurdle to capitalizing on this flexibility and creating room for innovation is California's overly prescriptive and complicated Education Code. Policy-makers in Sacramento must acknowledge that in creating a code that tells schools exactly what to do, however well-intended, they must bear some of the responsibility for the results. The code must be modernized and simplified with a framework built around student achievement, a process no less urgent because of its complexity.

Empowering districts and schools with more autonomy must be matched with real accountability – a series of graduated interventions and rewards linked to outcomes that both current systems presently lack. Schools on the right track should be encouraged with additional resources and regulatory freedom. Meanwhile, the current pattern of outside experts cycling through chronically underperforming schools must be replaced by state-trained intervention teams with the authority to make substantive changes. And the state must be willing to take the step it already has authorized, but so far avoided, and shut down schools that are unable or unwilling to raise student achievement.

Such a system must be mandatory. Today's state accountability program is voluntary. So is the federal system as long as schools or districts forgo Title I money, a strategy that may not benefit student learning. Any accountability system that allows schools to opt out or not participate lacks credibility and fundamental fairness.

One of the most striking conclusions of the "Getting Down to Facts" researchers was that more money might be needed for California schools, but without fundamental reform of the current system, they lacked confidence that more money could guarantee better results.

To the Commission, the response is clear: Reform is critical. Let's get started.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel W. Hancock". The signature is fluid and cursive, with a large initial "D" and "H".

Daniel W. Hancock
Chairman

EDUCATIONAL GOVERNANCE & ACCOUNTABILITY: TAKING THE NEXT STEP

Table of Contents

Executive Summary.....	i
Background.....	1
Accountability System: Inconsistent and Incomplete.....	21
New System of Appraisal and Improvement.....	41
The Commission’s Study Process.....	63
Appendices.....	65
Appendix A: Public Hearing Witnesses.....	67
Appendix B: Advisory Committee Members.....	69
Appendix C: Educational Governance and Accountability Timeline.....	71
Appendix D: Selected Education Acronyms.....	75
Notes.....	77

Table of Sidebars & Charts

Annual Performance Targets & Projected Percentage of Schools Meeting Targets.....	1
Workforce Demands and Educational Attainment in 2020.....	3
Effective Governance System.....	6
Governance Reform Studies.....	7
State-Monitored Schools.....	11
AYP Components.....	13
Program Improvement (PI) Ladder for Failing to Meet Federal Benchmarks.....	14
Success Rates of California Schools Using Various Restructuring Options.....	15
State Board of Education.....	18
A Comparison of State and Federal Accountability Systems.....	23
Where Did the \$1.4 Billion Go?.....	25
Cumulative School Participation in Accountability Programs.....	26
Closing Charter Schools for Academic Performance.....	28
Michigan.....	29
Sanger High School: On the Right Path.....	30
Potential State Roles for Restructuring.....	31

Number of Authorized Positions at the California Department of Education.....	32
Money and Restructuring Plans.....	33
School Funding Landmarks.....	34
Embracing the Challenge.....	35
Essential Data System Elements.....	36
SchoolStat.....	37
Continual School Appraisal & Improvement: Building an Accountability System for the Next Step.....	42
New York City: Children First.....	52
Testing.....	56

Executive Summary

When President George W. Bush leaves office after the 2008 election, the future of his landmark and controversial domestic policy initiative, the No Child Left Behind Act, will be in doubt. The drive to hold schools responsible for raising student achievement will not be.

Accountability is here to stay.

Over the past 20 years, state policy-makers and educators have moved toward a system of elevating all students to higher levels of learning. They set expectations for what students should know, canonized in academic content standards. Then they began measuring students' abilities to master those standards on assessment tests and formed systems to link those outcome measures to a series of interventions and rewards.

California policy-makers, however, left the job half completed. Without a real way to ensure actual improvement in student proficiency, today's accountability systems often amount to little more than a drill, with far more energy devoted to process than to outcomes.

According to the federal law, all students, regardless of their starting point, must reach proficiency in math and reading by 2014. It is understandably a daunting task. But given the state's present and future social and economic needs, the goal of getting California's 6 million students to read and perform math at grade level is worth embracing, not abandoning.

At 10,000 schools across California, the paradigm already has shifted, with teachers and administrators focusing on student outcomes. With annual test scores and separate state and federal proficiency yardsticks, they know how well they measure up and where they need to improve. But accountability systems based on yardsticks and sanctions so far have not succeeded in elevating proficiency across the state's classrooms.

At the state level, the responsibility for improving student learning is diffused. From an accountability perspective, a governance structure that splits education policy among a State Board of Education, a state

superintendent of public instruction, a Legislature and a Governor's Office has resulted in the following:

- The lack of a coordinated system of oversight and follow-up to ensure improvement plans are appropriate, in place and effective.
- The marginalization of the California Department of Education as a compliance agency, focused on the still-important job of ensuring that taxpayer dollars are spent according to statute and regulation, rather than on holding districts and schools accountable for, and helping to improve, student performance.
- The state's highly prescriptive school spending culture, emblemized by widespread use of separate pools of money for specific spending categories, that reduces flexibility at the local level and discourages innovation.

The governance structure is unlikely to change. But California's approach to accountability can, and to improve student proficiency, it must.

The federal accountability system is driven by an ever-increasing bar of excellence that leads to the 2014 deadline for all students to reach proficiency. Many policy-makers and educators have been distracted by the specter of federal sanctions as more California schools – now more than 2,200 – do not meet annual performance benchmarks and become enmeshed in the federally mandated Program Improvement process. The reality is that no schools are expected to meet the 2014 federal deadline. This requires the governor, the Legislature and other education policy-makers to adopt a new way of thinking.

California pioneered an educational accountability program, building a system that stresses the performance growth of an entire school. Its transition to the federal government's deadline-driven system that requires individual student success, as opposed to that of an entire school, has been difficult. Many would like to hold onto the state system. This tension has resulted in districts and schools feeling pulled in opposite directions by state and federal accountability systems that often are at odds.

With the 2014 deadline nearing, the transition is almost complete. Transformation is next; once all schools are labeled as "failing," the identification system becomes meaningless. This is an opportunity. The state must stop fighting the federal No Child Left Behind (NCLB) system and instead merge the two systems. Policy-makers, educators and parents must recast the accountability program as a system of continuous appraisal and improvement. Education leaders from the Capitol to the classroom must work together under a structure that links

interventions and rewards to outcomes. All schools, even the “good” ones that are bound to get caught in the NCLB net, should strive to better themselves constantly.

As a first step, the state must put teeth into accountability. Despite the fear of sanctions from No Child Left Behind, the reality is no schools in California are being shut down or taken over by the state for low performance. NCLB interventions are not necessarily onerous. The federal government provides considerable flexibility to states to implement the program, which has led California to delegate turnaround efforts to local districts without additional state oversight. Many of these schools do need a stronger hand from state or regional authorities than currently is provided to place them on a pathway to proficiency. Some chronically underperforming schools require even stronger interventions. A few probably deserve to be shut down.

In practice, the Program Improvement process forces most schools to revise instructional programs to engage students, analyze data to evaluate programmatic efforts and allow teachers to collaborate on lessons – hardly what most would see as punishment. On the continuum of interventions, replacing a principal or starting over as a charter school is not necessarily the first choice a district should or even has to make at a struggling school under NCLB.

The flexibility allowed by Program Improvement has allowed many schools and districts to take a path of least resistance. But the flexibility also is the program’s strength, a guiding principle that state policy-makers should preserve regardless of what happens to No Child Left Behind. What is clear is that the state cannot revert back to its Public Schools Accountability Act of 1999 as a sole measure of accountability.

Accountability is not voluntary. Though it does not do so now, the system must include all students at all public schools.

A universal approach requires the governor, the Legislature and the state superintendent of public instruction to implement a coherent and comprehensive system that provides differentiated support for all of the state’s schools. Such a system must include the financial and regulatory freedom to empower local school boards, engage teachers and encourage schools to pursue their own turnaround plans while holding leaders responsible for the results.

This system must be guided by education leaders from the state to the local level. The Commission recognizes the challenges faced by the California Department of Education with intervening in every low-performing school district or school. But the issue of capacity cannot be

used as a crutch. The department must take ownership of student performance.

Many county offices of education already are taking the initiative to link state policies with on-the-ground implementation at local school sites. The Commission learned about successful collaborations at the county level that help schools embrace accountability as a means to raise achievement. These entities must have the formal support and authority from the state to oversee and monitor local schools for continuous improvement.

The Commission also found great merit in a model for swift academic intervention for chronically underperforming schools and districts based on the existing Fiscal Crisis and Management Assistance Team approach, also run through the county-level network.

And all levels must continue to expand on infusing data-driven strategies into policy and classroom practices to reach the goal of improving student outcomes.

The state is not short of inspirational stories about low-income schools beating the odds, and the Commission heard from two Central Valley schools that unite parents, teachers and staff around an unwavering commitment to high expectations for students.

Their message is that accountability is more than test scores and punishing “bad” schools. It is bigger than the politics of the No Child Left Behind Act. The discussion of how to improve accountability must take place apart from the budget crisis that threatens school finances, but it must inform how those budget choices are made.

Accountability can be transformative. The transformation will require a series of linked steps with responsible officials playing distinct and interdependent roles. It begins by recognizing that students can do better, then making the commitment to take them there.

Recommendations

Recommendation 1: The state must establish a comprehensive accountability system that combines state and federal principles.

- ❑ ***Combine the state and federal accountability systems.*** The State Board of Education must align the metrics of the state and federal accountability systems to the highest common denominators, including proficiency goals, timelines, participation, subgroup expectations and exit criteria from interventions.
- ❑ ***Set clear goals for all students.*** The state must establish non-negotiable expectations with clarity and specificity of purpose that all students can reach a minimum of grade-level proficiency on California’s academic content standards.

Recommendation 2: The state must implement a new, transparent rating system for schools that aligns interventions and rewards.

- ❑ ***Leave the old intervention programs behind.*** The state must abandon the High Priority Schools Grant Program (HPSGP) and the Immediate Intervention/Underperforming Schools Program (II/USP). The Legislature should direct the state auditor to investigate school-site expenditures from the HPSGP and the II/USP.
- ❑ ***Use simple language to communicate school status.*** To better communicate a school’s standing to educators and parents, the State Board of Education must adopt a simple overall rating for schools, such as “excellent,” “commendable,” “continuous improvement,” “academic watch” and “academic emergency.” The ratings must correspond to a new education index.
- ❑ ***Activate a new education index that links state and federal criteria.*** The State Board of Education must adopt a new “Right Track” index that incorporates both state and federal criteria – growth and performance. This index should include multiple metrics, such as improving proficiency levels for subgroups, improving graduation and attendance rates, increasing the number of Advanced Placement courses, raising redesignation rates for English learners, improving parent participation, placing more experienced teachers in hard-to-staff schools, reducing school suspensions and reducing teacher absenteeism.
- ❑ ***Institute a new intervention model.*** Using the “Right Track” index, the California Department of Education and the State Board of Education must triage schools and districts with appropriate and differentiated levels of interventions and rewards.

- ✓ Following the lead of Maryland and Michigan, the state must expand the five federal restructuring options into a menu of more specific strategies in order for schools and districts to select, with approval, the appropriate level and type of intervention to create their own turnaround strategy.
- ✓ Using the successful Fiscal Crisis and Management Assistance Team (FCMAT) model, the state must create the Academic Crisis Management and Assistance Team (ACMAT) – a quasi-independent agency, separate from the California Department of Education, that sends strike teams to the most chronically underperforming schools and districts that are unable or resistant to change after earlier intervention steps.
- ✓ For schools still unable to improve, the State Board needs to install a trustee who will utilize legal authority, such as “stay and rescind” power, to effect change.
- ✓ Ultimately, the State Board must close schools that fail to improve the academic performance of students over a reasonable time period and make provisions for the quality education of those students.

Recommendation 3: The state must give districts and schools flexibility to ensure deep implementation of standards and instructional improvement.

- ***Allow more financial flexibility.*** The Legislature must coordinate and combine state categorical programs that target factors affecting student achievement: academic preparation, language acquisition, parental involvement and school safety. The state should redistribute these funds in a block grant tied to high-needs student populations.
- ***Reward success.*** Districts must be rewarded with additional money from the pooled categorical funds in exchange for increasing their performance on the new “Right Track” index.

Recommendation 4: The state must formalize and enforce the chain of accountability.

- ***Take ownership of school outcomes.***
 - ✓ The governor must use his power to appoint members of the State Board of Education to focus that body as the policy lever and independent enforcer of the accountability system, serving as a true check on the California Department of Education.
 - ✓ The state superintendent of public instruction, as the leader of the California Department of Education and spokesperson for student achievement, must use the existing arsenal of

intervention tools and the power of the office to catalyze a dramatic turnaround for underperforming schools.

- ❑ **Keep the lines of authority clear.** In the name of efficiency and streamlined accountability, the state must not continue to expand the Secretary of Education’s Office, which would increase redundancy and dilute lines of responsibility. The governor should maintain a cabinet-level education emissary and a residual education policy staff. The governor can continue to exert influence to shape and determine education policy through his State Board appointees as well as through the budget process. To further professionalize the State Board, the Legislature should expand the role of the board president into a full-time position.
- ❑ **Increase the authority of county offices of education.** The Legislature must expand the fiscal oversight role of county superintendents to include academic accountability.
 - ✓ As part of the existing budget-approval process, county offices of education must not endorse a district’s budget until the local school board adopts a blueprint for districtwide improvement strategies that comply with federal NCLB guidelines.
 - ✓ The Legislature must authorize county offices of education to conduct evaluative, diagnostic inspections of chronically underperforming schools in their jurisdiction to ensure turnaround plans are being implemented. County office of education recommendations should be enforceable through state law or policy. The state needs to set uniform standards for this process.
- ❑ **Strengthen the Regional System of District and School Support.** The 11 regional centers carry the potential to coordinate and oversee statewide accountability programs more effectively. The state must delineate the roles and responsibilities of the regional centers to serve as official field offices of the California Department of Education.

Recommendation 5: The state must champion the use of data to drive instructional improvement and policy and financial decisions.

- ❑ **Support the build-out of data systems.** The Legislature needs to monitor closely the progress of CALPADS and CALTIDES and work with the administration to ensure the systems are being built as robustly and accessibly as envisioned – and needed.
- ❑ **Make data usable.**
 - ✓ The state must return fine-grained data to teachers, schools, districts and parents on timelines and in formats that support efforts to improve educational outcomes.

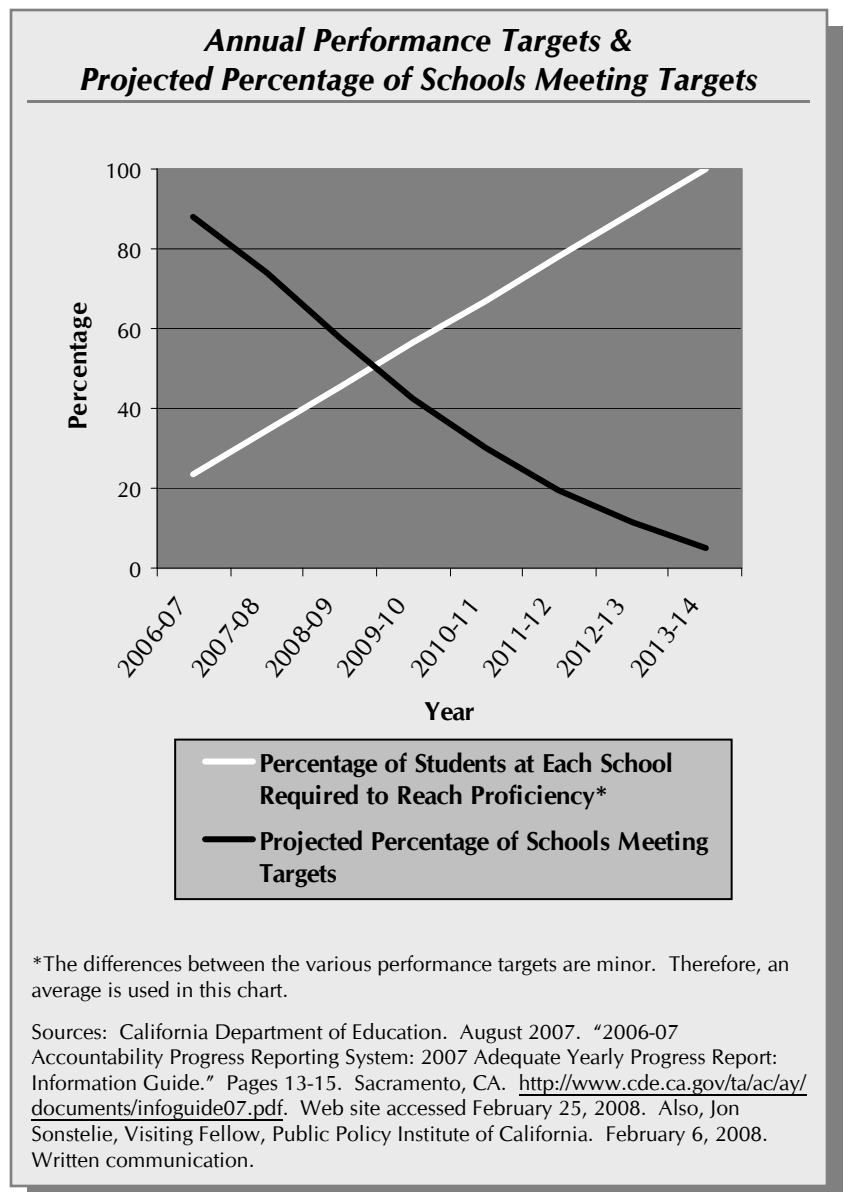
- ✓ The state must ensure that data about students and teachers can be linked to identify what instructional practices and strategies are working and to target support to students and teachers who need it.
- ✓ The state must support more training for districts and schools to compile data on the front end and translate and utilize it on the back end.
- ❑ **Capitalize on periodic assessments.** The state must ensure that districts develop benchmark assessment tools.
- ❑ **Reach out to parents.** The state must simplify School Accountability Report Cards (SARC) and improve Web-accessibility for parents to better understand progress at their children’s schools and districts.

Background

California's education system is approaching an alarming juncture. By 2010, more than half of the schools in California will be identified as failing under the federal No Child Left Behind Act of 2001 (NCLB). By the federal deadline of 2014, all of California's schools are expected to fall below the requirement to have all students reading and performing math at grade level.¹

This situation is the result of an accountability system that identifies schools that do not meet rising performance standards as a way to bring all students, nationwide, to proficiency. Measuring performance, at the school level as well as at the individual student level, is a key first step in a credible accountability system. What is missing is an accompanying mechanism that can consistently raise the performance of students and schools to proficient and better. The goal of accountability systems, after all, is more than diagnosis but remedy as well.

Educational accountability, practiced in California through two separate systems, has lacked consistent and meaningful remedies. To many, the question of accountability at the school and student level is linked to governance: Who at the state level is accountable for ensuring the development and delivery of these remedies?



In the absence of a ready answer to the governance question, the politics of No Child Left Behind's accountability methods have divided and distracted the education community, from the State Capitol to the classroom.

During its study, the Commission heard from educators who dismissed the federal accountability law's expectations as impractical and others who thought the initiative will be altered or repealed when President George W. Bush, who signed NCLB into law, leaves office after the 2008 election.² Others saw a "misleading and unfair" federal law that labels too many schools as failing.³

Many, however, welcomed the federal system of accountability as a wake-up call – "an alarm clock telling us that it's time to get up and do the hard work to help our schools get better," said Russlynn Ali, executive director of EdTrust-West, a nonprofit organization that pushes policy-makers to close achievement gaps separating low-income and minority students from others. "The question is whether we have the courage, compassion and common sense to address these truths, or would we rather continue to just roll over and hit the snooze button," Ms. Ali said.⁴

Test scores, once increasing, have flattened out, with minority and low-income students still lagging behind.⁵ In written testimony to the Commission, the Mass Insight Education and Research Institute implored the state to pursue the transformation that true accountability demands: "The state must seek ways, now, to catalyze more fundamental change in its poorest-performing schools or they will continue to send thousands upon thousands of severely ill-prepared, under-skilled students into the world, with all of the social costs that entails."⁶

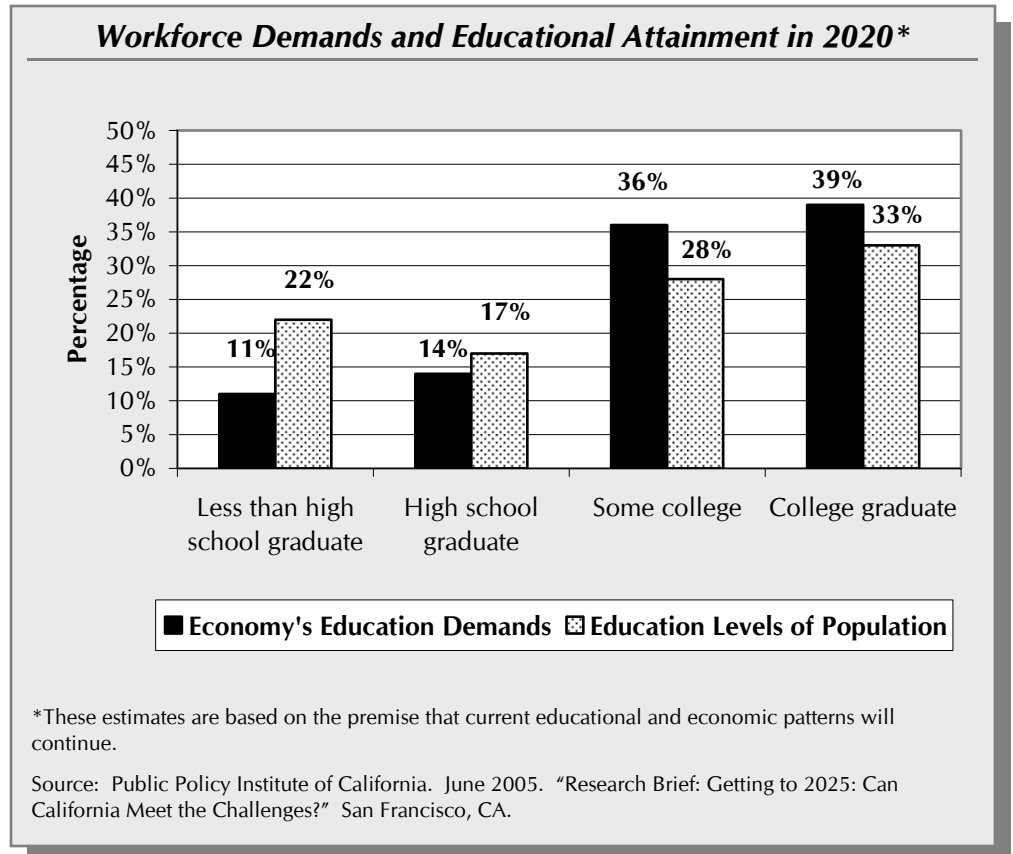
The pressure on the state's education system is only becoming more intense. The demographic and academic challenges of educating today's students have profound implications for the state's economic health.⁷ We are about to hand over a world-class economy to a new generation of Californians, an economy that will require more highly educated workers than the state may be able to produce.⁸

Over the next 20 years, manufacturing jobs will continue declining in favor of business, professional, entertainment, recreation, health and educational services that require associate, bachelor's and advanced college degrees.⁹ According to the Public Policy Institute of California, "In the coming decades, if California's youth do not get a college education, they face the prospect of low or no employment, lack of opportunities for high-paying jobs, and greater likelihood of depending on public health

and social services. They will also generate lower tax revenues for supporting the state’s infrastructure and other services needs.”¹⁰

The ability to tap college graduates from other states or countries to fill that void also is limited. That leaves California’s public education system as the bridge for a homegrown student population to meet the state’s future needs and demands.¹¹

The discussion about how to move forward encompasses California’s early adoption of standards, a state accountability system that took years to develop, a federal accountability model subsequently introduced that uses a different yardstick – and philosophy – to measure performance and a weak governance system that has hindered the emergence of strong leadership on the issue.



How Did We Get Here?

Today’s accountability movement can trace its start to a report issued 25 years ago by the National Commission on Excellence in Education. “A Nation At Risk” warned of a “rising tide of mediocrity” in the nation’s schools. The report stated: “Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. ... What was unimaginable a generation ago has begun to occur – others are matching and surpassing our educational attainments.”¹²

The report galvanized education reformers and put the focus on student achievement. The reform movement has evolved into systems of measuring, tracking and comparing student performance across district,

state and even international lines and holding students, teachers and school leaders accountable for the results.

The transition has been difficult, but the education paradigm already has shifted from simply giving lessons to students to assuring that students learn those lessons, said Richard Bray, the superintendent of the Tustin Unified School District in Orange County, in testimony to the Commission. Principals have gone from a job of running schools to that of “instructional leaders.” Superintendents are not merely administrators; they are “change agents” for student achievement, he said.¹³

“In my day, we talked about the bell curve,” said Superintendent Bray, who began teaching in the 1960s. He explained the acceptance that came with letting students trail behind on the tail end of the curve. “That’s what life is,” he said. Today’s era of testing and accountability follows a J-curve, where no one is left behind, and expectations for student performance curve sharply upward, with educators teaching and re-teaching until every student performs at high levels, he said.¹⁴

The conversation is changing, and many schools are showing improvements. But thousands of schools, representing many more thousands of students, still are falling below expectations to read and perform math at grade level. More work is needed. But as James S. Lanich, president of California Business for Education Excellence, told the Commission, no one has stepped up at the state level to own the problem of underperforming schools in California – not the State Board of Education, the superintendent of public instruction or the governor.¹⁵

Who is in Charge?

California’s educational governance structure has vexed those who have studied it and, for more than a century, confounded those who have tried to reform it. In 1920, State Senator Herbert C. Jones, chairman of the Senate Education Committee, issued a report identifying the “double-headed system” of educational governance between the elected superintendent of public instruction and a governor-appointed Board of Education. The “Jones Report” noted that “the present California educational organization must be regarded as temporary and transitional, and dangerous for the future, and it should be superseded at the earliest opportunity by a more rational form of state educational organization.”¹⁶

Several decades later, not much has changed. Many governance reform efforts in the Legislature or at the ballot box have stressed reducing the

authority of the state superintendent of public instruction – eliminating it, in some proposals – and centralizing education policy and implementation under the governor’s State Board of Education. But the reform has not been adopted. Voters rejected three initiatives, in 1928, 1958 and 1968, to make the state superintendent an appointed position, which requires a constitutional amendment.¹⁷

Governance at the state level remains split among:

- The state superintendent of public instruction, elected by voters statewide, who serves as head administrator of the Department of Education. The position was created in the State Constitution, and the first state superintendent was sworn into office in 1851.
- The State Board of Education, appointed by the governor, which sets policy for the Department of Education to follow, clashing at times with the state superintendent’s priorities. The board, now 11 members, was established in 1852.
- The secretary of education, who serves on the governor’s cabinet as the education advisor. The position, formally created by executive order in 1991, holds no real authority, other than the backing and influence of the governor.
- The governor, who influences and shapes education policy through the budget process and appointment power.
- The Legislature, which has taken on a larger role as education funding has shifted to the state.

The Governor’s Committee on Education Excellence, in its 2007 report, described California’s educational governance as a system in which “everyone is in charge, and no one is accountable.”¹⁸

In 2005, the Little Hoover Commission initiated a study of California’s educational governance system but decided to postpone a detailed study until the “Getting Down to Facts” project, then just getting under way, had been completed. The project brought together a coalition of academic scholars, policy experts and researchers to conduct a comprehensive study of California’s educational governance and finance systems. Requested by Governor Arnold Schwarzenegger’s Committee on Education Excellence, legislative leaders and Superintendent of Public Instruction Jack O’Connell, the 1,700-page report was released in March 2007.

“Getting Down to Facts” concluded that the education system in California is so broken that it requires fundamental reform – “not tinkering around the edges.”¹⁹ In 23 volumes, experts described a top-down statewide education system that has a stranglehold on local school

districts. The project’s researchers said the current system is designed around a jumble of regulations – not student achievement – and that the system would not necessarily benefit from more money without first fixing inherent structural problems.²⁰

The authors of the “Getting Down to Facts” reports stopped short of making recommendations to fix those problems. Rather, the stated goal was to carve out common ground for a serious and substantive conversation that would lead to meaningful solutions.²¹ The project’s backers succeeded in catalyzing a swirl of debate and policy development in the run-up to what Governor Schwarzenegger had planned as 2008’s “Year of Education.”²²

Informed by this work, the Little Hoover Commission resumed its study of educational governance in fall 2007. The Commission learned from the “Getting Down to Facts” project that California’s fragmented

educational governance system has evolved to the point where no one is solely responsible for education outcomes or overseeing education policy, at a time when parents and the community are demanding a greater level of accountability over schools. The Commission then began a deeper look at the state’s accountability system and how effectively the administrative structure, from Sacramento to the school site, functions to improve student outcomes.

In recent decades, numerous studies have drawn attention to the blurry lines of authority and overlapping or conflicting priorities of state-level education leaders. Appendix C provides an educational governance and accountability timeline.

The research, however, fails to demonstrate effectively that one model for educational governance works convincingly better than others to boost student achievement, Dominic J. Brewer, a University of Southern California professor of education, told the Commission.²³ Nationwide, states are split nearly evenly among education systems that are centralized under the governor and a power-sharing model like California’s that requires the governor to work with an independent state schools chief or state board of education, according to the Denver-based Education Commission of the States, which provides non-partisan information about education policy.²⁴

Effective Governance System

Professor Dominic J. Brewer identified five criteria for an effective governance system. At a Commission hearing, he gave poor marks for California’s performance in these categories:

Stability: Policy is made as far in advance as possible, enabling rational and planned decision-making. Stability is detected through examining revenue fluctuations, policy continuity and tenure of leaders.

Accountability: Institutions and individuals are held responsible for their actions. The system must have clear lines of authority between parts of the system and limited duplication of functions.

Innovation, Flexibility and

Responsiveness: The system must be adaptable to changing needs and respond to new demands.

Transparency: The system must make clear to all stakeholders how decisions are made and who makes them. Participation is encouraged at every level.

Simplicity and Efficiency: Decisions are coherent, coordinated across domains and levels and made in a timely manner. Duplication and waste are minimized.

Source: Dominic J. Brewer, Professor of Education, Economics and Policy, University of Southern California. September 27, 2007. Written testimony to the Commission.

“Because the linkages to student outcomes are indirect, and governance arrangements typically complex, it is rarely possible to test whether a specific set of governance arrangements lead to certain outcomes,” noted Professor Brewer in written testimony to the Commission. “Frustrating as it may be for policy-makers, research cannot provide a blueprint for good governance. At best it can provide some pointers on what might be most likely to produce good outcomes.”²⁵

The most important consideration is aligning the governance structure as closely as possible with the goals of the education system. Though the laws, rules, institutions and relationships that make up a governance system may not directly cause good student achievement, they can enable it, said Professor Brewer, who participated in the “Getting Down to Facts” project. “An effective governance structure can help schools get the most out of students; an ineffective governance structure can lead to poor resource allocation, impose barriers to good instruction and lead to frustration,” he noted.²⁶

Measuring Progress Toward the Goals

The achievement goals of California’s education system were established in the mid- to late-1990s as California’s academic content standards. These standards define in detail what students are expected to learn in each subject at each grade. Still touted as among the strongest in the nation, the academic standards form the foundation of California’s accountability system as well as the basis for implementing the federal system that followed.²⁷

Adopting these standards was considered monumental, as evidenced by a statement in 1997 by then-Board of Education President Yvonne W. Larsen and then-Superintendent of Public Instruction Delaine Eastin. “Fifteen years from now, we are convinced, the adoption of standards will be viewed as the signal event that began a ‘rising tide of excellence’ in our schools,” they wrote. “No more will the critical question, ‘What should my child be

Governance Reform Studies

- The 1985 **California Commission on School Governance and Management** recommended changing the process used to select the state superintendent of public instruction and State Board of Education members.
- The 1996 **California Constitution Revision Commission** recommended making the governor responsible for the state’s education system, having the governor appoint the state superintendent and allowing the governor and the Legislature to determine if a State Board is even necessary.
- The 1999 **Legislative Analyst’s K-12 Master Plan** recommended shifting much of the work of the state superintendent to the secretary of education, directing the state superintendent to focus on accountability efforts and recasting the State Board as an advisory panel.
- The 2002 **California Master Plan for Education** recommended giving the governor more authority over California’s education system through an appointed chief education officer, with a more limited state superintendent.
- The 2004 **California Performance Review** recommended forming a Department of Education and Workforce Preparation to direct education policy from pre-school through higher education and the workforce, restructuring the current secretary of education as the head of the department and maintaining the state superintendent in a diminished role.
- The 2007 **“Getting Down to Facts”** project called the governance system a “remarkable crazy quilt of interacting authorities that are not aligned for purposes of accountability or action.”
- The 2007 **Governor’s Committee on Education Excellence** recommended consolidating education policy, finance and program responsibilities under the secretary of education; placing the state superintendent in charge of accountability programs; and, reducing the State Board to an advisory role.

Sources: See page 87.

learning?,' be met with uncertainty of knowledge, purpose or resolve. These standards will answer the question. They are comprehensive and specific. They represent our commitment to excellence."²⁸

To determine how well students were learning the standards, the state spent more than a decade developing an annual test to administer to all students.²⁹ The effort started by replacing the 1970s-era California Assessment Program (CAP), which tested students in order to measure the effectiveness of schools and districts but did not provide individual student scores.

In 1991, the state introduced the short-lived California Learning and Assessment System (CLAS). The CLAS, which provided individual student performance data to parents, included a writing sample that permitted self-expression by students and required a new, more involved method of grading. CLAS was poorly received, and Governor Pete Wilson vetoed an extension of the exam in 1994. Following the CLAS veto, school districts turned to 56 different tests to measure performance.³⁰

In 1997, Governor Wilson and the Legislature agreed on the Standardized Testing and Reporting (STAR) program to track how well students in grades 2-11 met California standards in math, reading, social studies and other subjects.³¹

The first STAR tests were rolled out in the spring of 1998 and now include:

- The California Standards Tests (CSTs), multiple-choice and writing exams designed specifically for California students. The information tested is tied to the content standards and expectations that have been set at each grade level in each subject by the State Board of Education. Additionally, there are six end-of-course CST math exams, looking at specific areas, such as algebra II; eight end-of-course, subject-specific CST science exams, such as chemistry; and, one CST end-of-course exam in world history. Students with significant cognitive disabilities can take an alternate exam, the California Alternative Performance Assessment (CAPA). A Spanish-language version also is available for English learners who have been enrolled in a U.S. school for less than 12 months.³²
- The California Achievement Tests, Sixth Edition Survey (CAT/6 Survey), which compares students across the country in grades three and seven in reading, language arts, spelling and mathematics. A Spanish-language exam also is available.³³

California students also participate in the California High School Exit Examination (CAHSEE), offered since 2001, which tests high school

students in reading, writing and math. The CAHSEE became a diploma requirement starting with the graduating class of 2006.³⁴

Progression Toward a State Accountability System

A decade of debate in the 1990s also delivered a state accountability system.

In 1992, the Legislature approved a plan to work with “focus schools” – the lowest performing ones – that would be required to develop a school action plan to improve student achievement and would receive expert assistance and additional resources. The state superintendent of public instruction was given the authority to appoint outside management consultants and intervene in the management of the most troubled schools. However, the Legislature never funded the program.³⁵

Though the plan was not implemented, the effort led to a 1996 advisory committee formed by the Legislature to develop a system of incentives to improve student achievement. The committee issued a report in 1997, “Steering By Results,” that proposed a statewide school accountability system and a comprehensive program of rewards and interventions for California schools and students. The committee issued seven major recommendations:

- Develop a school performance index based upon students’ academic achievement.
- Establish a rewards program to recognize successful schools.
- Establish an interventions program to assist schools in need of improvement.
- Develop a student incentive program to support the school rewards and interventions programs.
- Provide adequate funding to implement the rewards and interventions programs.
- Establish an advisory group to deal with policy and technical issues.
- Conduct comprehensive ongoing external evaluations of the rewards and interventions programs.³⁶

The report was transmitted to the State Board of Education, which declined to endorse it and forwarded it to the Legislature for further discussion.

“Steering By Results” led to a 1998 legislative conference committee that developed legislation for a two-stage process, an Immediate Short Term Voluntary Program and a Long Term Public Schools Accountability System. Governor Wilson vetoed the bill.³⁷

The voluntary program would have provided state grants to 250 of the lowest performing schools that agreed to participate in the program. The long-term program, which was to become effective if subsequent legislation was adopted to implement it, would have established a framework for a mandatory system of accountability for all schools with a focus on growth over time. It would have included multiple measurements, required a collaborative and inclusive planning process, required the setting of measurable goals, authorized the use of outside experts to analyze problems, provided rewards for high-achieving schools and funds for low-performing schools based on a plan for improvement, provided for interventions for low-performing schools and provided for sanctions if interventions failed.³⁸

In his veto message, Governor Wilson pointed out the optional nature of the short-term program and the requirement that a future Legislature and governor must enact subsequent legislation to implement the comprehensive accountability plan. “There are no teeth in this proposal,” Governor Wilson wrote.³⁹

The Emergence of a State Accountability System

Policy-makers succeeded in establishing a state accountability system the next year, in 1999, after Governor Gray Davis called a special session and worked with the Legislature to write the Public Schools Accountability Act. The legislation set up a system based on school-wide growth that established interventions and penalties for schools unable or unwilling to improve.

The state’s system is gauged to the Academic Performance Index (API), which measures school-wide growth of student test scores. Each school is given an API score on a 1,000-point scale tied to a formula that incorporates student test scores on different subject-matter assessment tests, with reading and math scores weighted more heavily.

The State Board of Education set a target goal for each school to reach 800 on the API, which the board determined represented a “basic” level of proficiency. The threshold for fully proficient is 875. Schools are required to increase their API annually by 5 percent of the distance of their score to 800 or by 5 points, whichever is greater.

Schools in the lowest deciles can apply for the High Priority Schools Grant Program (HPSGP), through which the state provides extra funds to schools in exchange for improving instruction with help from outside experts and agreeing to a series of consequences for lack of growth. Participating schools that do not show improvement after two years are subject to “state-monitoring.” About 200 schools currently fall into this category. The Legislature authorized the California Department of Education to take over these schools, assume all legal responsibilities and reassign the principal. The department and the State Board of Education, however, favor an intervention strategy in which the school district hires an outside consultant from a pre-approved state list to oversee the improvement effort at the school site. These School Assistance and Intervention Teams (SAIT teams) are comprised of retired educators, private consultants, colleges or universities, county offices of education or nonprofit organizations.⁴⁰

The Education Code requires SAIT teams to “possess a high degree of knowledge and skills in the areas of school leadership, curriculum, and instruction aligned to state academic content and performance standards, classroom management and discipline, academic assessment, parent-school relations, and evaluation and research-based reform strategies and have proven successful expertise specific to the challenges inherent in (low-performing) schools. ... Decisions about interventions shall be data driven.”⁴¹

Schools tapped to work with SAIT teams are required to implement state-mandated strategies to boost student achievement called the “Nine Essential Program Components.” These strategies include aligning course materials to standards; allowing more classroom time for problem subjects, such as math; and, assigning qualified teachers.⁴²

SAIT teams are required by law to “provide intensive support and expertise” to implement the “Nine Essential Program Components” that form the basis of the school reform effort.⁴³ The intensity of the support, however, is not defined. They can visit a

State-Monitored Schools

Option A (Never Used): State assumes all legal responsibilities for a school, reassigns the principal subject to a hearing process and selects at least one of the following:

- Allow students to attend any public school in which space is available.
- Allow parents to establish a charter school at the existing school site.
- Assign the management of the school to a college, university, county office of education or other appropriate educational institution.
- Reassign employees.
- Renegotiate a new collective bargaining agreement at the expiration of the existing one.
- Reorganize the school.
- Close the school.
- Place a trustee at the school to monitor the school for three years with “stay and rescind” powers over the school board and principal.

Option B (Preferred): State requires a district to contract with a School Assistance and Intervention Team to implement a turnaround plan for the school. If the SAIT team fails to improve student performance after three years, the state superintendent shall do one of the following:

- Ensure that 100 percent of teachers are “highly qualified.”
- Hire another management team, SAIT team or trustee that has proven successful.
- Allow parents to establish a charter school at the existing school site.
- Close the school.

Sources: California Department of Education. November 20, 2006. “Intervention and Support for High Priority Schools and Districts.” Sacramento, CA. Power Point slides. Also, California Education Code sections 52055.5, 52055.51 and 52055.55.

school a few times a year and mark off progress on a checklist, or they can actively participate in the school's turnaround efforts.⁴⁴ Either method satisfies the state's requirements.

In a study for the California Department of Education, the American Institutes for Research found the quality of SAIT teams inconsistent. Researchers noted that the SAIT process provides a basic infrastructure for school improvement, but the level of service provided by SAIT teams varies. Many SAIT teams provide intensive coaching while some focus only on monitoring the implementation of the "Nine Essential Program Components," according to the report.⁴⁵

As a quality control measure, the State Board of Education updates its list of eligible SAIT teams every two years. It decertified one team from the 2006-2008 list of 50 SAIT providers for "not performing up to expectations."⁴⁶

Schools that have not shown adequate improvement with SAIT teams – there have been eight – have been reassigned a new SAIT team or forced to work with an adviser-like "trustee." In practice, the work of trustees – designees from the county offices of education – differ little from SAIT teams. Although trustees are given the authority to overrule decisions by local districts and the principal, the "stay and rescind" power has never been used. California Department of Education officials acknowledge that the trustee designation is mostly symbolic – it can bring a higher level of public visibility to a school and district to prompt change.⁴⁷ The ultimate penalty allowed by the state, which is shutting down a school, has never been used.⁴⁸

The original plan for the state's accountability system included the Governor's Performance Award, also known as the High Performing/Improving Schools Program. The program rewarded schools that met or exceeded growth targets – distributing a total of \$384 million – though it has not been funded since 2002.⁴⁹

The Federal System: The No Child Left Behind Act

California, like many other states, already had spent years developing, pioneering and tailoring an accountability system to its needs when the federal government enacted the No Child Left Behind Act, creating a nationwide accountability system that linked a series of interventions to schools and districts with lagging student achievement. The NCLB system essentially became an overlay of the state systems.

The federal law also represented a major philosophical shift. Inherent in its name, the No Child Left Behind Act focuses on individual student achievement, a refinement designed as a backstop to state-based accountability programs that stress schoolwide growth, which can mask the underachievement of low-performing students.⁵⁰

No Child Left Behind raised the bar in another way as well: Federal education officials had been critical of pre-existing state plans – such as California’s – that do not set a hard deadline for all students to reach proficient levels in math and reading.⁵¹ NCLB placed the marker at 2014. By contrast, there is no timeframe for how long a school may take to reach the state’s API target, which means a bottom-tier school could make incremental improvement for decades and escape further scrutiny under the state system.⁵²

Most significantly, NCLB uses a different yardstick than the state to measure student achievement, called Adequate Yearly Progress (AYP). The federal law requires all schools, regardless of the previous year’s performance, to meet the same annual AYP benchmarks to keep students on track to reach grade-level proficiency in math and reading by 2014. NCLB also requires minority, English-learner and disadvantaged students to make the same achievement goals as other students, or the entire school could face sanctions.

The federal approach places proficiency as a mandatory goal, which has tested states’ commitment to maintaining high expectations on academic content standards.

NCLB leaves it up to states to define “proficiency.” The federal government allows each state to determine how rigorous to set their academic standards, how high to set the bar of proficiency on those standards and how difficult to structure its tests to measure the standards. What has resulted is that the percentage of students deemed “proficient” varies widely from one state to the next. Compared to other states, the percentage of California students who are proficient in reading

AYP Components

There are four components to Adequate Yearly Progress (AYP):

- Schools and sub-groups must meet increasingly difficult proficiency targets on math and reading tests that are set by the State Board of Education, reaching 100 percent mandatory proficiency in 2014. For example, unified school districts in 2007-08 need 34 percent of students to pass assessment tests with proficiency in English-language arts; for math, it is 34.6 percent. The marker moves up by roughly 10 percentage points each year. “This pattern was established to reflect the expectation that the strongest academic gains in schools and (districts) are likely to occur in later years (after alignment of instruction with state content standards, after schools and [districts] have the opportunity for increased capacity, and after a highly qualified teacher is in every classroom),” according to the California Department of Education.
- Ninety-five percent of students at each school must take assessment tests.
- In 2007, high schools must maintain a graduation rate of at least 82.9 percent or show improvement in the graduation rate of at least 0.1 from the previous year or show improvement in the average two-year graduation rate of at least 0.2.
- The federal government allows states to incorporate a fourth optional indicator, and California uses the API. However, to make adequate yearly progress, the State Board of Education only required a school to post one-point annual growth (as opposed to the five-point requirement under the state system). The board also set a 590 API target, which will increase to 800 (the current target under the state accountability system) by 2014.

Source: California Department of Education. August 2007. “2006-07 Accountability Progress Reporting System: 2007 Adequate Yearly Progress Report: Information Guide.” Sacramento, CA.

***Program Improvement (PI) Ladder
for Failing to Meet Federal Benchmarks***

- **Years 1-2:** Schools have a chance to improve on their own.
- **Year 3:** Parents are notified of a school's PI status and can send their children to other non-PI schools in the district; the district pays for transportation costs. Schools and districts set aside a portion of federal Title I funds for staff development.
- **Year 4:** Supplemental services are offered, such as tutoring.
- **Year 5:** School districts step in to provide at least one corrective action at the school site level:
 1. Replacing staff.
 2. Implementing new curriculum.
 3. Decreasing management authority at the school level.
 4. Appointing an outside expert.
 5. Extending the school year or day.
 6. Restructuring the internal organizational structure of a school.
- **Year 6:** Schools must develop an alternative governance plan and choose one of five options:
 1. Entering into a contract with an outside organization.
 2. Reopening as a charter school.
 3. Replacing staff.
 4. Turning school operation over to the state (if the state agrees, which California does not).
 5. Any other fundamental overhaul, including:
 - ✓ Dissolving the school and sending students to other schools in the district.
 - ✓ Reorganizing into smaller school-within-a-school units.
 - ✓ Reopening the school with a specific theme or focus (such as a math and science academy).
 - ✓ Pairing/combining the school with a higher performing school in the district.
 - ✓ Changing the governance structure to give the district more control over the school.
- **Year 7:** Schools implement their alternative governance plans.
- **Year 8 and beyond:** Schools continue in PI and offer school choice and services until they meet federal benchmarks for two consecutive years.

Source: California Department of Education. March 24, 2006. "NCLB Program Improvement School Requirements: Requirements timeline over a five year period." Sacramento, CA. <http://www.cde.ca.gov/ta/ac/ti/nclbpireq.asp>. Web site accessed October 5, 2007.

and math is well below average; however, California students are tested on more rigorous material.⁵³ According to one district superintendent, California's celebrated academic content standards gave the state the proverbial rope to hang itself with.⁵⁴

California based its standards in the 1990s on the knowledge and skills a student would need to gain admission to the California State University, reserved for the top third of students, or the University of California, reserved for the highest performing 12.5 percent of high school students. The state's standards are among the highest in the nation, but as the Legislative Analyst's Office (LAO) noted, the State Board of Education expected all students to aspire to that level, not necessarily perform to it.⁵⁵

With NCLB, California's ambitiously set standards became a mandatory target for all students to meet, rather than a goal for college-bound students. The State Board has not backed off its position, though in the LAO's analysis, California's high standards have the effect of sending more schools into federally mandated improvement programs than the local districts and the state have the capacity to manage.⁵⁶

Some states, such as Utah, Nebraska, New Hampshire and Wisconsin, have made their standards less stringent since the implementation of No Child Left Behind, allowing them to show higher proficiency gains than California has.⁵⁷ The LAO has argued that California should have followed the lead of Texas, where more than 80 percent of students meet the state's definition of proficient. Texas implemented modest performance expectations, then raised standards as students reached achievement goals.⁵⁸

Efforts in California have been made to reset the threshold at a lower level as a way to keep more

schools from becoming subject to federal sanctions. Vetoing one such bill in 2006, Governor Arnold Schwarzenegger wrote: “Redefining the level of academic achievement necessary to designate students as proficient does not make the students proficient.”⁵⁹

Under NCLB, schools that do not meet the federal AYP performance targets for two years are identified for Program Improvement – a category that now includes more than 2,200 schools in California. Schools in Program Improvement must allow students to transfer to non-Program Improvement schools in the district and are required to offer tutoring and other services to low-performing students.

“Restructuring” is the last in the sequence of NCLB interventions for schools that do not meet federal benchmarks for five or more years. More than 1,000 schools in California are planning or implementing restructuring plans as of 2007-08, a number that is expected to continue increasing sharply each year as federal AYP benchmarks rise.⁶⁰ The law requires schools to choose at least one of five options to restructure their management, from replacing staff to reopening as a charter school.⁶¹

More schools in California continue to reach the restructuring phase. Far fewer – a total of 33 in 2006-07 – have improved enough over two years to exit the process.⁶²

Under NCLB, school districts also must track the academic progress of individual students under their purview. As with low-performing schools, low-performing districts can be subject to federally mandated interventions. For school districts that do not meet federal benchmarks after five years – nearly 100 districts currently fall into this category – the state is required to take at least one corrective action:

- Defer programmatic funds or reduce administrative funds.
- Institute new curriculum and professional development for staff.
- Replace district staff.
- Remove individual schools from the jurisdiction of the district and arrange for other governance.
- Appoint a trustee in place of the superintendent and school board.
- Abolish or restructure the district.⁶³

Success Rates of California Schools Using Various Restructuring Options

In 2006-07:

- 14% of schools undertaking the “any other” major restructuring of the school’s governance option met federal targets.
- 11% of schools replacing all or most of their staff met federal targets.
- 17% of schools entering into a contract with an outside organization met federal targets.
- 50% of schools reopening as a charter school met federal targets.*

*Only two schools used the charter school option.

Source: Caitlin Scott. February 7, 2008. “Managing More Than a Thousand Remodeling Projects: School Restructuring in California.” Page 8. Washington, D.C. Center on Education Policy. http://www.cep-dc.org/data/n_0001/resources/live/CARestructuringFeb2008.pdf. Web site accessed February 25, 2008.

As with the interventions for low-performing schools, the State Board of Education has authorized teams of education consultants – called District Assistance and Intervention Teams (DAIT teams) – to work with local administrators in most of the troubled districts on diagnosing problems and offering support for improvement. In 2008, Governor Schwarzenegger, the State Board of Education and the department issued the first round of interventions for 98 districts.⁶⁴

Building Capacity

In sum, state policy-makers made it clear what students should learn by developing academic standards and annual testing systems to measure student achievement. They implemented intervention strategies, placed more scrutiny on low-performing schools and, at one time, rewarded successful ones.

Policy-makers, however, left unclear who is responsible for ensuring that the outcomes of interventions and sanctions include lasting improvements in student achievement. This has raised questions not only about the effectiveness of California’s accountability system but also about the ability – or limitations – of the educational governance structure to implement successfully a comprehensive oversight and intervention program for California’s 10,000 schools and 1,000 districts.

Some researchers and reform advocates have suggested that the Department of Education reorganize staff, shifting from an “audit” function into a more proactive, “inspection” mode of helping districts and schools on the ground.⁶⁵

Modeled after the British school inspectorate system, the idea of creating a thorough, on-site quality check of California schools continues to stir policy-makers. The British system dates to 1839 and includes self-evaluation, direct observation by an independent party, public reports and follow-up.⁶⁶

Advocates say test-score data can show how a school is performing, though the data does not provide information about why a school’s program is not working. An inspection system can serve as that link for an on-the-ground analysis of a school’s performance, according to Thomas Timar, a professor at University of California, Davis. Professor Timar points to three goals of an inspection system:

- ***Ensure greater transparency.*** School inspections provide more detailed information to the public and policy-makers on the inner workings of schools and can begin to explain why schools are thriving or struggling.

- **Provide increased outcomes-oriented accountability.** Inspections encourage innovative approaches and allow the state to learn from and disseminate best practices.
- **Create a system of support.** Inspections support a continuous cycle of improvement in which staff evaluate strengths and weaknesses, work with knowledgeable trained inspectors and implement tailored action plans that complement the culture of their school.⁶⁷

Since 1997, Rhode Island state officials have visited schools every five years with teams of public school teachers to review a school's self-evaluation. New York City also implemented a school inspection model recently to provide a check on new budget authority given to school principals.⁶⁸ Governor Schwarzenegger's Committee on Education Excellence has endorsed this concept.⁶⁹

Voters have been cool to the idea. In 1998, Proposition 8 would have established a state Office of the Chief Inspector of Public Schools. It was defeated, 37 to 63 percent.⁷⁰ Other education leaders have questioned if adding another bureaucratic layer of a statewide school inspection system would overlap the on-site reviews already conducted by county offices of education at low-performing schools through the *Williams* settlement, the high school accreditation process (required by the University of California) by the Western Association of Schools and Colleges and the oversight of schools in the state's intervention programs by SAIT teams.⁷¹

A recommendation that also continues to surface from the policy community is to expand the Secretary of Education's Office, essentially creating a secondary education agency with a focus on compliance-related functions and policy development. The Department of Education, under the auspices of the superintendent of public instruction, would become an accountability agency, focusing on assessment and evaluation, as advocated by the Governor's Committee on Education Excellence.⁷² Opponents note that this would create even more state-level duplication.⁷³

In the proposed 2008-09 budget, Governor Schwarzenegger is asking to merge the State Board of Education staff into the Secretary of Education's Office. This would expand the secretary's budget to \$3.8 million from \$2.3 million and increase staff to 25 from 18.⁷⁴

In addition, another entity has emerged to oversee and coordinate accountability programs and turnaround efforts at districts and schools: county offices of education. The 58 county offices, created in the State

Constitution, have voluntarily stepped in as intermediaries on behalf of the California Department of Education (CDE) despite the offices' lack of any real authority to require change.

“We’re their feet on the ground,” said Susan K. Burr, executive director of the California County Superintendents Educational Services Association (CCSESA).⁷⁵ County offices market their services to schools and districts, which can include providing consultants to work inside struggling schools or holding leadership workshops for principals and teachers.

State Board of Education

As state superintendent of public instruction in the 1980s and early 1990s, Bill Honig took a more assertive role over the Department of Education than his predecessors. He began issuing hundreds of program guidelines for school districts to follow.

The 10-member State Board of Education – appointees of Governor George Deukmejian – at first deferred to State Superintendent Honig’s recommendations, but eventually, the board became more critical of the emboldened policy-making role Superintendent Honig used to guide the department.

In February 1990, the Little Hoover Commission said the department was overstepping its authority – circumventing the regulatory process by distributing program guidelines, which the Commission concluded was a responsibility assigned to the board. The Commission went so far as to recommend the attorney general file an action to prevent the department from further violating the Administrative Procedure Act.

By September 1990, Board President Joe Carrabino complained that the board was reduced to an advisory panel. He demanded greater oversight of the department budget and prior review of all policy directives. Superintendent Honig refused to comply, and the State Board sued Superintendent Honig in 1991.

Symbolic of the overlapping power structure, the State Board had to receive special permission from the attorney general to hire an outside counsel because it technically was staffed by and considered a part of the department.

The State Board fought successfully in court to establish itself as the lead policy-making authority for education policy and to serve as a check on the state superintendent. In 1993, the 3rd Appellate Court ruled that the state superintendent must follow the board’s lead, not the other way around. With legislative approval, the State Board soon expanded its influence and size. Its professional staff grew from one to eight, including an independent legal counsel.

The feud between the governor’s appointees on the State Board and the state superintendent also led to the prominence of the secretary of education, established as a cabinet-level position under Governor Pete Wilson.

Today, the State Board functions as the hammer for enforcing accountability programs; however, in recent years, the board has deferred to the state superintendent’s recommendations for intervening with and turning around low-performing schools.

Board member and staff turnover is high. As is his prerogative, Governor Schwarzenegger has appointed new board members, and the average tenure for current members is about two years. Ten executive directors (including two who served twice) have guided the board since 1999, when the state adopted the Public Schools Accountability Act.

Sources: See page 88.

Some county-level work that stands out is:

- The Riverside County Office of Education, which created the Riverside County Achievement Team (RCAT), a response team that helps districts and schools increase student performance in reading and math. RCAT has served over 200 schools and 22 of the 23 districts in Riverside County. The program now is being used as a model for a statewide pilot program to raise the achievement of students with disabilities.⁷⁶
- The county offices of Napa, Solano and Contra Costa, which formed a SAIT partnership that successfully moved 10 schools out of Program Improvement by increasing achievement. The partnership focuses on expanding instructional time in problem subjects, using data diagnostically and allowing for teacher collaboration. The partnership, which has been hired by schools as far away as Ventura, also identifies “pre-Program Improvement” schools that are on a downward slide and headed toward federal interventions. “If the school is on the trajectory and they are in our own county, we intervene,” said Jan Sabo, who oversees the partnership.⁷⁷
- The Sonoma County Office of Education, which created a leadership network for superintendents, principals and instructors to learn and share best practices about setting goals, using benchmarks and incorporating data.⁷⁸

The scope of that work has proven successful – data shows the schools involved in those county-level programs are on trajectories toward proficiency, and many have exited federal Program Improvement. These services, however, are not atomized and not coordinated or monitored by the CDE. Though pockets of innovation and initiative exist at the county level, the efforts are not implemented on a statewide scale.

Building on those examples of success, Assemblymember Juan Arambula proposed a bill in 2006 to put county offices in charge of improving the lowest performing schools, essentially stripping supervision from local districts. The plan would instead engage county superintendents and arm county offices with the authority to intervene directly with turnaround efforts at school sites.⁷⁹ He testified to the Commission that the current state or federal processes are not aggressive enough because the state has hesitated to use its power to reorganize schools. The bill was defeated.⁸⁰

The emergence of the county offices of education as the key change agent marks a significant revision of their status. This Commission recommended abolishing them in 1982, considering them an antiquated leftover.⁸¹ Today, the county offices hold the potential for tremendous

leverage. Interest is growing in how to develop the role of the county offices, which also maintain their traditional job of operating alternative schools for students at risk of dropping out of school and other specific populations, such as special education students and career technical education students.

Since the 1990s, policy-makers have seen an opportunity for an enhanced oversight role for the county offices and have enacted laws requiring the offices to monitor local school district budgets and intervene with districts in financial trouble.⁸² Suggestions have been made to consolidate and turn the county offices into regional branches of a decentralized California Department of Education to help implement assessment and other state programs.⁸³ For example, school districts in Texas, which has more than 200 counties, are overseen by 20 regional education service centers.⁸⁴

California added another administrative layer in the direction of the Texas action, in 2002, called the Regional System of District and School Support – 11 regional centers – that, organizationally, exist between the state Department of Education and the county offices. The system was created through the No Child Left Behind Act to build regional coalitions to better coordinate federal intervention programs. The CDE steers \$10 million annually for staffing and services to the regional centers, which are housed in county offices of education. The regional centers operate with small staffs – statewide about 40 employees – that hold professional-development workshops and help districts with data analysis. Again, collaboration has proven successful in pockets of the state, though a school’s decision to use such services is entirely voluntary. “Nobody is required to use us,” said Robin Hall, executive director of the Region IV System of District and School Support in the Bay Area.⁸⁵

Accountability System: Inconsistent and Incomplete

With the advent of the state's Public Schools Accountability Act and, on its heels, the federal No Child Left Behind Act, California went from no statewide accountability system to two separate, high-profile – and contradictory – systems that measure and report school progress in different ways. A school showing gains on test scores can win praise under the California system but can be penalized for failing to meet federal targets and vice versa.⁸⁶

Though both approaches can be relied upon to identify academically challenged schools, the state lacks a structure that can connect all schools to appropriate strategies that can reliably improve student achievement. Throughout this study, the Little Hoover Commission heard inspiring stories of California schools that embrace accountability as a means to drive student achievement and improve outcomes under daunting conditions. Such schools often succeeded in spite of the system, not because of the system.⁸⁷

Through testimony and in discussions with educators, state officials and researchers, several key barriers emerged that prevent California from developing a complete system for ensuring that good intentions result in better performance from schools and students:

- Districts and schools feel pulled in opposite directions by state and federal accountability systems that often are at odds.
- Exclusions and exemptions for certain schools and districts that do not volunteer for state intervention programs and do not receive Title I funds undercut the premise emphasized by the title of the federal No Child Left Behind Act, raising fundamental questions of fairness.
- The state lacks a coordinated system of oversight and follow-up to ensure improvement plans are appropriate, in place and effective.
- The California Department of Education is organized primarily as a compliance agency, focused on the still important job of ensuring that taxpayer dollars are spent according to statute and regulation, rather than as an agency that holds districts and

schools accountable for student performance and helps to improve it.

- The state’s highly prescriptive school spending culture, emblemized by widespread use of separate pools of money for specific spending categories, reduces flexibility at the local level and discourages innovation.
- California is moving toward an education data system that meets the letter of the federal No Child Left Behind Act but currently lacks the data needed to understand what interventions produce the best improvements in performance and why.

Conflict Between API and AYP Sends Mixed Signals on Priorities

Together, the state and federal systems follow paths that intersect and conflict with one another. Each system is based on scores from the same assessment tests. The similarities end there. The two systems use their own distinct vocabulary, measure test results differently, require varying levels of participation, rank schools differently, use separate ladders of enforcement interventions and delegate responsibility to competing agents.⁸⁸ One system is based on the collective student gains on standardized test scores at a school, the other on how many individual students at each school are reaching “proficiency” on the exams.

With two accountability systems, researchers and practitioners have called attention to the mixed signals and conflicting state and federal messages about school success.⁸⁹ “One principal described this as getting ‘pulled from both ends,’” according to a report from the American Institutes for Research.⁹⁰ Another felt he was “trapped between two accountability systems.”⁹¹

The dual accountability systems also make it difficult for parents and community members to gauge a school’s performance easily. The California Department of Education provides significant school-by-school data on its Web site, but parents have to translate the state’s 1,000-point API, an overall state API ranking and an API ranking in comparison to similar schools as well as navigate the numerous federal benchmarks set for AYP.

In California, as in other states with accountability systems that preceded the No Child Left Behind Act, education officials have been reluctant to jettison their system or align it with the federal system. “Our approach should be to retain as much of the present system as possible,” the California Department of Education noted in a 2002 memo to the

A Comparison of State and Federal Accountability Systems

Components	State Accountability	Federal Accountability
Accountability Program	Public Schools Accountability Act (PSAA) – 1999	No Child Left Behind (NCLB) – 2001
Yardstick	Academic Performance Index (API)	Adequate Yearly Progress (AYP)
Goal	Growth of each school and subgroup	Performance of each school, subgroup and district
Metrics	Test scores	Test scores, participation, graduation rates and API
District Accountability	Not included	Included
General Measure	Each school has its own annual target, based on previous year's scores	Each school, subgroup, district has the same annual target, regardless of starting point
Subgroup Measure	Subgroups must reach 80% of school target	Subgroups must reach state target
Growth Requirement	Greater of 5 percentage points or 5-point improvement toward 800 API	1-point improvement toward 590 API
Proficiency Requirement	None	A percentage of students must be proficient every year in both math and reading, with 100% proficiency by 2014
Assessment Tests Used	CSTs, CAT/6, CAHSEE	CSTs, CAHSEE
Subjects Tested	Math, Reading, Writing, Science, Social Studies, History	Math, Reading, Writing (and to a minimal extent, other subjects)
Test Participation Requirement	85%	95%
Graduation Requirement	Not included	Maintain a graduation rate of at least 82.9% or show improvement in the graduation rate of at least 0.1 from the year before or show improvement in the average 2-year rate of at least 0.2
Deadline	None	2014
Improvement/ Intervention Programs	High Priority Schools Grant Program Immediate Intervention/ Underperforming Schools Program	Program Improvement
Intervention Participation	Voluntary	Required for schools receiving Title I funds
Improvement/ Intervention Program Exit Criteria	10-point API gain over three years for HPSGP	Two consecutive years of making AYP

Sources: Jenifer J. Harr, et al. September 2006. "Evaluation Study of California's High Priority Schools Grant Program: Year 1 Report." Palo Alto, CA. American Institutes for Research. Appendix A: Key Elements of State Academic Performance Index (API) and Federal Adequate Yearly Progress (AYP) Accountability Requirements 2004-05. Also, California Department of Education. November 2006. "Intervention and Support for High Priority Schools and Districts." Sacramento, CA. Power Point slides.

State Board of Education, as NCLB requirements were being enacted. “To implement fundamental changes in the (state accountability system), or even throw it out in favor of the federally prescribed model, would fundamentally disrupt the process of educational accountability in California.”⁹²

Officials within CDE acknowledge that two contradictory accountability systems have not worked well together and maintaining both is not without costs. Rick Miller, deputy superintendent for policy development, told an education symposium audience in October 2007, “It’s going to bury us if we continue to do this schizophrenic approach.”⁹³

In 2005, Secretary of Education Alan Bersin, State Board President Ruth Green and State Superintendent Jack O’Connell formed an advisory panel of assessment experts and education officials to brainstorm ways to align the state’s API system with No Child Left Behind benchmarks. “The contradictory results confuse school leaders and the public, and ultimately undermine public faith in the accountability systems,” wrote Stanford Professor Ed Haertel, who sat on the panel and drafted a proposal to merge the two systems. Professor Haertel proposed increasing API targets and deadlines to match the federal government’s timetable for all students to reach proficiency by 2014.⁹⁴

After two months of meetings, the group gave up. William Padilla, deputy superintendent in charge of accountability at CDE, told Commission staff that the state and federal models are so ideologically different that they cannot be harmonized without destroying one of them. “The bottom line is we want to use the API for NCLB,” Mr. Padilla said. “We want the API. Period.”⁹⁵

State Superintendent O’Connell favors the state’s system, saying it “offers the public a more credible, accurate and more comprehensive picture of school performance.” He has pressed Congress and the U.S. Department of Education to allow California and other states to use their pre-NCLB accountability programs in place of the federal system.⁹⁶

Opportunities to Opt Out

Through the gaps in the two systems, thousands of low-performing California schools have been allowed to avoid stricter oversight and intervention.⁹⁷

Under California’s accountability system, school participation is voluntary. About 80 percent of the state’s schools have not participated so are not subject to sanctions – or eligible for rewards or support. Known officially as the High Priority Schools Grant Program (HPSGP),

California's accountability program gives extra money to the state's lowest performing schools if they agree to use outside experts to improve instruction and agree to a series of consequences if they do not show sufficient growth in test scores. To date, the state has spent \$1.4 billion on this program and its predecessor, the Immediate Intervention /Underperforming Schools Program – money that has not produced the desired results and has raised questions about the state's willingness to discontinue ineffective programs.⁹⁸

In a study for the CDE, the American Institutes for Research (AIR) said those two programs have shown negligible results.⁹⁹ The researchers could not make a scientific link between schools that showed gains on test scores and their participation in the grant program because similar schools that did not participate in the grant program also have boosted their test scores.¹⁰⁰

However, successful schools that participated in the grant program told researchers that they attributed their success to it because the program provided vision and focus, needed funds and a sense of urgency and accountability. Unsuccessful schools, however, failed to take the program seriously from the start, according to the AIR. Their schools were hurt by the lack of buy-in from school staff, poorly conceived and poorly communicated strategies and the leadership's inability to create an urgent and focused climate for change.¹⁰¹

As one researcher noted, "One school was a poster-child for improvement, the other a poster-child for frustration."¹⁰²

Schools can enter the program by two paths. Schools can apply for the extra funding, about \$400,000 a year. Alternately, the state can seek out low-performing schools to participate in the program. If a school refuses to participate after being approached by the state, the school must hold a public hearing at a district-wide school board meeting to formally opt out. To date, 173 schools in California that were identified for HPSGP since 2002 have held hearings to refuse state help. That amounts to roughly 15 percent of the lowest performing schools that the state has targeted for intervention.¹⁰³

A report by Pacific Research Institute showed that those schools participating in the High Priority Schools Grant Program are far from the lowest-scoring schools

Where Did the \$1.4 Billion Go?

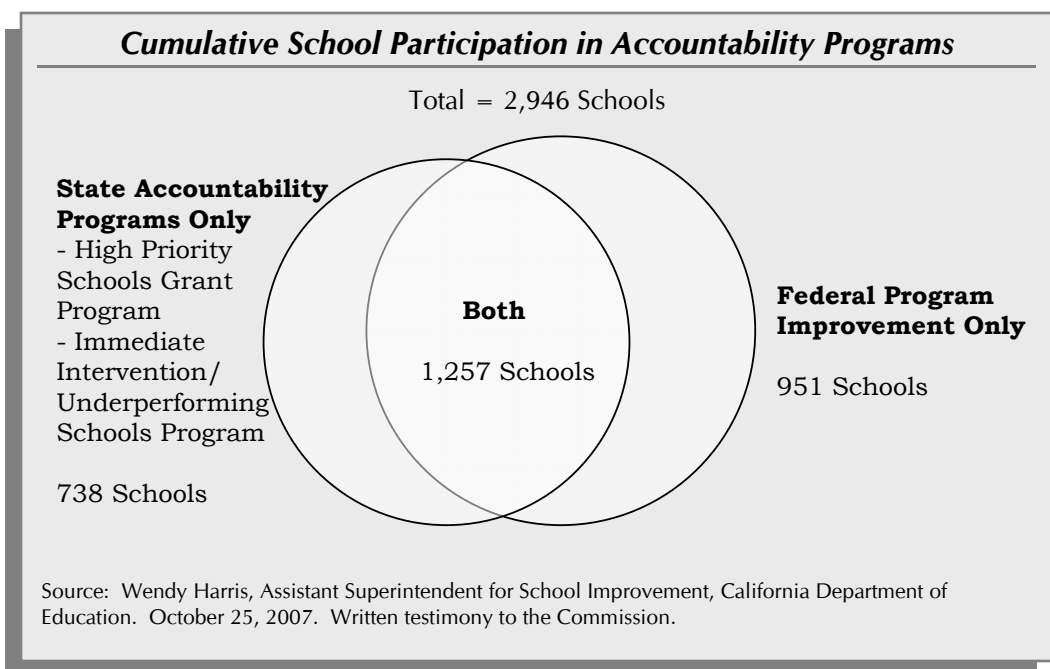
UC Davis Professor Thomas Timar tried tracking down how schools spent state dollars through the High Priority Schools Grant Program. The state's intervention efforts have totaled \$1.4 billion, with the typical school receiving about \$400,000 a year for three years to pay for reform strategies. The state, however, does not track or monitor the funds closely, so Professor Timar followed up directly with schools and districts that participated in the program. He found record-keeping problems, especially in schools with high administrative turnover. In some cases, "no one really knew how much money the school had, how it had been spent or how (the grants) were budgeted for the entire year." Other schools showed expenditures charged against (grant) funds but no budget to explain how the money was allocated or how it fit into an overall program of improvement. One school spent most of the grant funds on hand-held computers that students could use to help with homework, but students got bored with them, and the program was abandoned. Another school used the funds for teachers to attend conferences on gifted and talented education programs.

Source: Thomas Timar. September 2006. "State Strategies to Improve Low-Performing Schools: California's High Priority School Grants Program." Pages 26 and 38. Davis, CA. University of California, Davis.

statewide, raising questions about the efficacy and equity of a voluntary intervention process that is not targeting the neediest schools. Eight participating schools have been subjected to the harshest state sanctions for not improving test scores – forced to receive guidance from an outside consultant or accept a state-appointed trustee. But as many as 1,610 California schools not in the program reported lower proficiency levels than those schools targeted for additional oversight.¹⁰⁴

Those 1,610 other schools might get captured by the federal accountability system and be required to undergo instructional changes. But schools can opt out of the federal accountability system as well. Enforcement of No Child Left Behind is triggered only when lower-income schools receive Title I federal funding, grants to districts and schools with high numbers of poor students. This exempts all non-Title I schools in California – 40 percent of all schools – from further federal interventions or sanctions. Low-performing schools, however, do exist beyond low-income areas. Well-to-do neighborhoods, with high home values, report equally troubling statistics of students who are not proficient in the basic subjects of math and reading.¹⁰⁵

More than 2,200 California schools already have fallen subject to federal penalties for not meeting NCLB benchmarks. Another 900 non-Title I schools, however, did not meet the federal targets but are not subject to the federal Program Improvement process.¹⁰⁶ Other states, such as Tennessee, have closed this loophole by applying their accountability system to all schools.¹⁰⁷



Schools also can avoid NCLB, at a cost, when districts, which distribute Title I funds to their schools, simply cut off a low-performing school from the federal money. A district in the Central Valley farming community of Lindsay did that in fall 2007, with administrators boasting how the district is able to ease off a focus on math and reading – and avoid further NCLB penalties – by turning down nearly \$250,000 in Title I funds for Lincoln Elementary School.¹⁰⁸

Another way to maneuver around the federal accountability program requirements, to a point, is to simply opt out. California law allows parents to exempt their children from taking standardized tests. However, if a school's participation rate drops below 95 percent, the school and district can face federal penalties under No Child Left Behind. In 2007, 49 schools and districts were red-flagged solely because they failed to meet the participation requirement.¹⁰⁹ In one case, only 62 percent of students at the Lagunitas Elementary School District in Marin County sat for the standardized tests because parents sent written statements excusing their children.¹¹⁰ The district, now in the third year of Program Improvement, is considering foregoing all Title I money for the elementary school to avoid further penalties.¹¹¹

“Students, parents and teachers at Lagunitas District feel strongly about students not participating in these tests. The standardized testing program is something district parents and teachers object to ... one test deciding the fate of a whole school or program.”

Mary Buttler, Superintendent, Lagunitas Elementary School District

The ability to reject Title I money adds to the sizeable portion of schools not held accountable under NCLB. The federal interventions only extend to the 60 percent of schools across California receiving Title I funds, undercutting true accountability.

Interventions Insufficient

Accountability systems have a reputation for severe punishments: Failing schools get shut down. In practice, this never happens in California. Despite the arsenal of rigorous sanctions at its disposal, the state has taken a “light-touch” approach – putting teams of consultants with little authority at school sites. The state has not followed through with meaningful consequences for chronically underperforming schools that are unable or unwilling to change. Its intervention programs remain disconnected, weak, ineffective and costly – \$1.4 billion to date. Indeed, the threat of further sanctions has been “a mere background feature” of the state’s accountability program, according to University of California researchers.¹¹² “Some suspect that states shrink from the responsibility and political costs that the heavy hand of sanctions entails,” stated a 2005 UC study.¹¹³

Closing Charter Schools for Academic Performance

The era of testing and accountability raised the specter of shutting down chronically underperforming schools, but this has never happened – at least for traditional public schools. The 700 charter schools in California are held to a higher standard for academic performance.

A charter campus can be shut down because of management problems, low enrollment or not meeting education goals. Approved in 2003, AB 1137 (Reyes) further delineated the academic expectations of charter schools.

The law requires that the academic performance of charter schools, based on standardized-test results, must at least equal the academic performance of the public schools that the charter school students would otherwise attend. Charter schools also must rank in the top six deciles on the Academic Performance Index (API) and in the top six deciles of the API for a demographically comparable school. Since the state implemented those oversight rules in 2005, six charter schools have closed their doors:

- Learning With a Purpose (Pioneer Union Elementary in Placerville).
- Cornerstone Academy (Fresno Unified).
- Pacific Learning Center (Long Beach Unified).
- Valley Community Charter School (Los Angeles Unified).
- Rehoboth Charter Academy (Riverside Unified).
- James Urbani Institute for Language Development Charter School (Stockton Unified).

Sources: Greg Geeting, Interim Director, Charter Schools Division, School and District Operations Branch, California Department of Education. December 10, 2007. Written communication. Also, California Charter Schools Association. August 2004. "Accountability in California's Charter Schools; An Analysis of Closures, Revocations, and Non-Renewals." Also, California Education Code section 47607(b).

Interventions tied to missing NCLB benchmarks are not necessarily severe. Schools that have not met the federal performance targets for five or more years are required to undergo "restructuring" of school management and must choose among five federal options, which include a catch-all "any other" choice.

The "any other" option has been the most popular choice in California, according to the Center on Education Policy, chosen by 90 percent of schools in restructuring. Schools that choose the "any other" route are given wide latitude to implement changes. Sacramento's Grant Joint Union High School District, for example, met the requirement by designating a district-level coordinator to help oversee Grant Union High School, with assistance from the principal and teacher teams. North Tahoe Middle School, in the Tahoe-Truckee Unified School District, pursued a more hands-on strategy. Officials changed the school schedule, shifted staff to accommodate the new schedule, hired coaches to improve instruction and added new instructional programs to address student motivation and improve teaching for English language learners.¹¹⁴ Both schools met the standards set by the law.

Researchers found no single federal restructuring strategy stands out as most effective in helping schools meet academic benchmarks. To raise achievement, schools that successfully exited restructuring often implemented strategies that went beyond the federal options, such as using data to inform instructional decisions; increasing staff collaboration time; and, adding coaches who model effective work, observe staff and provide suggestions for teachers and principals.¹¹⁵

Michigan and Maryland serve as examples of states that have outlined more specific turnaround strategies stemming from federal Program Improvement options. Michigan lists 18 alternatives, while Maryland includes eight approaches to school restructuring under NCLB.¹¹⁶

Michigan

Michigan serves as an early example of what states can do when schools do not meet federal targets for several years and continue to move through and past the seven-year timeline of Program Improvement. Michigan found itself in this position because, like California, it implemented an accountability system before NCLB went into effect. In 2006-07, 2 percent of Michigan’s 2,065 Title I schools were in restructuring.

Though not required by the federal law, Michigan has expanded upon the five restructuring options included in NCLB, providing schools with a menu of reforms. In 2004-05, 94 percent of schools decided to pursue the non-specific “any other” option, and 63 percent of schools also replaced their principals. The popularity of these two options fell in 2005-06 to 23 percent and 8 percent, respectively. In contrast, the popularity of using a turnaround specialist rose from 16 percent to 72 percent during that period. These changes may be attributed to the influence of the Michigan Department of Education (MDE) through messaging and the grant approval process. The MDE can defer grant funding for low-performing schools until a satisfactory improvement plan is submitted to the state.

NCLB Restructuring Options	Michigan Restructuring Options
1) Reopen the school as a charter school.	1) Close the school and reopen it as a complete school of choice within district governance (i.e., a charter school that only district students can attend). 2) Close the school and reopen it as a charter.
2) Replace all or most of the school staff who are relevant to the failure to make AYP.	3) Appoint a new principal. 4) Replace most of the staff, including the principal. 5) Replace the staff relevant to the failure to make AYP.
3) Enter into a contract to have an outside organization with a record of effectiveness operate the school.	6) Appoint/employ an independent turnaround specialist. 7) Appoint an outside expert to advise the school based on its school improvement plan. 8) Turn the school's operation over to a private management company.
4) Turn the operation of the school over to the state, if the state agrees.	Not applicable.
5) Any other major restructuring of the school's governance arrangement that makes fundamental reform.	9) Appoint/employ a coach from the Coaches' Institute. 10) Use an external research-based reform model. 11) Turn operation over to the school's School Improvement Committee/team. 12) Restructure the governance of the school by appointing a governing board. 13) Decrease the management authority at the school level. 14) Implement a new research-based curriculum and provide appropriate professional development for all. 15) Suspend the office of the principal; indicate how the school will be governed. 16) Restructure the internal organization of the school. 17) Extend the school year or school day for the school. 18) Implement any other major effort that significantly changes the governance of the school (other than those listed above).

As the federal government has not provided guidance on steps to take when schools continue to miss their targets toward the end of the NCLB timeline, Michigan decided to implement comprehensive school audits. The first audits were piloted in 2005-06. The audit team is made up of specially trained individuals who interview and observe at each campus, cull through school data and provide recommendations on how to improve.

Michigan’s experience has shown that employing multiple improvement reforms is more effective than using any one over another. In 2005-06, all schools that had put five or more strategies into practice over the past two years moved out of restructuring, whereas just 49 percent of schools implementing four or fewer reforms exited the program.

Michigan schools showed results of their improvement in 2005-06. That year, 57 percent of schools – 51 schools out of 90 in restructuring – had met their targets for two years and were able to leave the program. An additional seven schools achieved their targets for the first time but remain in Program Improvement until they meet their targets for two consecutive years. These gains are notable. However, they may not be due solely to Michigan’s improvement reforms. Changes to federal and state policies for reaching targets may have affected gains as well. Additional time and research will provide more clarity.

Source: Caitlin Scott. March 2007. “What Now?: Lessons from Michigan about Restructuring Schools and Next Steps Under NCLB.” Washington, D.C. Center on Education Policy.

Sanger High School: On the Right Path

Although faced with potentially challenging demographics and a marginal performance on early academic measures, Sanger High School has shown notable success during this era of standards and accountability. Sanger High's story may be the template for attaining higher levels of academic achievement throughout an increasingly diverse California.

Sanger High School is located in Fresno County. In 2006-07, the student population of 2,421 was approximately 69 percent Latino, 18 percent white, 10 percent Asian, 2 percent African American and 1 percent other. Almost 70 percent of students qualified for free and reduced price lunches, and just over 18 percent of students were considered English learners, with Spanish and various Asian languages being represented at the school. Sanger High's API score in 1999 was 576; the school was able to raise its score to 725 in 2007. Sanger High met all of its federal performance targets in 2007 with 46.3 percent and 49.6 percent of students at or above proficient in English language arts and math, respectively.

The administration and faculty at Sanger High School achieved the gains by focusing on changing instruction and the school's culture, through:

Strong Leadership. The school was categorized as an underperforming school in August 2001. Even though the school was not at the bottom of the state's API in August 2002, the principal decided to volunteer the school to be a part of the state's Immediate Intervention/Underperforming Schools Program (II/USP), arguing that improvement was necessary regardless of the school's starting point. This decision was controversial with faculty because many felt that the state assessments and measures were not valid and that the school was doing fine. The principal and others pushed ahead with the funding that II/USP provided - \$400,000 for each of three years.

Focused Instruction. Sanger High implemented a college preparatory education for all students. The adjustment eliminated different expectations and tracks for students based on preconceived notions of ability. Many students initially struggled in college prep courses due to deficiencies in literacy skills, so the school adopted an intensive reading program. II/USP funds were used to hire more English teachers and curriculum support providers (CSP) for English language arts and math to support teachers with lesson plans, instruction methods, classroom management and professional development. The CSP for English language arts was able to test incoming eighth graders' reading abilities in order to provide them with the correct level of reading instruction once they arrived at Sanger High. In addition, the school integrated special education students into core classes and used special education teachers as consultants on their instruction, which often helped other students as well.

Professional Development. Teachers met often to look at assessment data and make instructional changes to better fit the needs of their students. This could mean including intervention groups and reteaching lessons that students did not absorb the first time. Test results also were used to predict performance on state assessments.

Community Building. Sanger High hired a parent liaison to increase parent involvement and to provide information regarding academic and other issues. School safety also became paramount with a zero tolerance policy for gang activity and all staff participating in supervision during lunch and before and after school.

Consistent Funding. These efforts exhausted most of Sanger High's II/USP money, and as the school had made improvements, it was not eligible for a third year of funding under the program rules. To replace the state grant support for these new endeavors, the school applied for and received federal Title I money. Sanger High also received a Riverside County Achievement Team grant to improve special education students' performance.

With these and other changes, Sanger High's level of achievement has avoided federal penalties under No Child Left Behind and further state sanctions. With higher expectations demanded of the school and an influx of newly arrived students from other countries each year, the principal remains concerned about, but committed to, keeping pace.

Sources: Daniel Chacon, Principal, Sanger High School. October 25, 2007. Written testimony to the Commission. Also, Willetta Fritz, Teacher, English Department Chairperson and English/Language Arts Curriculum Support Provider, Sanger High School. October 25, 2007. Written testimony to the Commission. Also, Daniel Chacon, Principal, Sanger High School. September 13, 2007. Personal Communication. Also, California Department of Education, Ed-Data. "School Reports – Sanger High School." <http://www.ed-data.k12.ca.us/Navigation/fsTwoPanel.asp?bottom=%Fprofile%22Easp%3Flevel%3D07%26reportNumber%D16>. Web site accessed December 18, 2007. Also, WestEd. "SchoolsMovingUp – Ideas In Action – Sanger High School." <http://www.schoolsmovingup.net/cs/wested/view/sdp/28>. Web site accessed September 12, 2007.

State and Local Authorities Do Not Coordinate or Connect Activities

As Caitlin Scott of the Center on Education Policy told the Commission, the federal government gives states tremendous flexibility to enforce the accountability program.¹¹⁷ Overwhelmed with the sheer volume of schools entering federal Program Improvement, California responded by scaling back its previous approach of directly intervening with schools that were participating in the High Priority Schools Grant Program, according to written testimony by the Mass Insight Education and Research Institute.¹¹⁸

The California Department of Education delegated the responsibility for turning around low-performing schools to local districts, citing a lack of staff and resources at the state level to monitor and oversee restructuring efforts. “Improving schools, school by school, is not possible” from Sacramento, Wendy Harris, assistant superintendent of school improvement at the CDE, told the Commission.¹¹⁹ Through the development of the District Assistance and Intervention Teams (DAIT teams), state officials have worked to build support systems to engage districts as the first-line responders to treat underperforming schools. The state, however, has not financially supported this effort. Only 15 DAIT teams have been authorized to work in school districts across the state – funded entirely by the Bill and Melinda Gates Foundation.¹²⁰

When states such as California adopt a hands-off approach, districts often pursue the path of least resistance by choosing the open-ended, “any-other” option for restructuring, according to the Mass Insight Education and Research Institute.¹²¹

At the state level, the CDE is caught between the demands of serving its traditional role as a compliance bureaucracy and its newer duties of implementing, analyzing and evaluating assessment programs. Ongoing issues of staff capacity and data analysis and evaluation are paramount to that shift in responsibility.¹²²

According to the Denver-based Education Commission of the States, which provides non-partisan information about education policy, state leaders should play active roles in education reform for three reasons:

Potential State Roles for Restructuring

Mildly Active: Provide technical assistance to district and school leaders. Identify technical assistance providers. Require districts and schools to submit restructuring plans for review and comment.

Moderately Active: Build district capacity. Approve restructuring plans. Track and share what works and what does not.

Highly Active: Identify potential school operators. Create a competitive funding pool. Cultivate turnaround leaders. Create capacity for state takeovers. Create a viable chartering process for the reopen option.

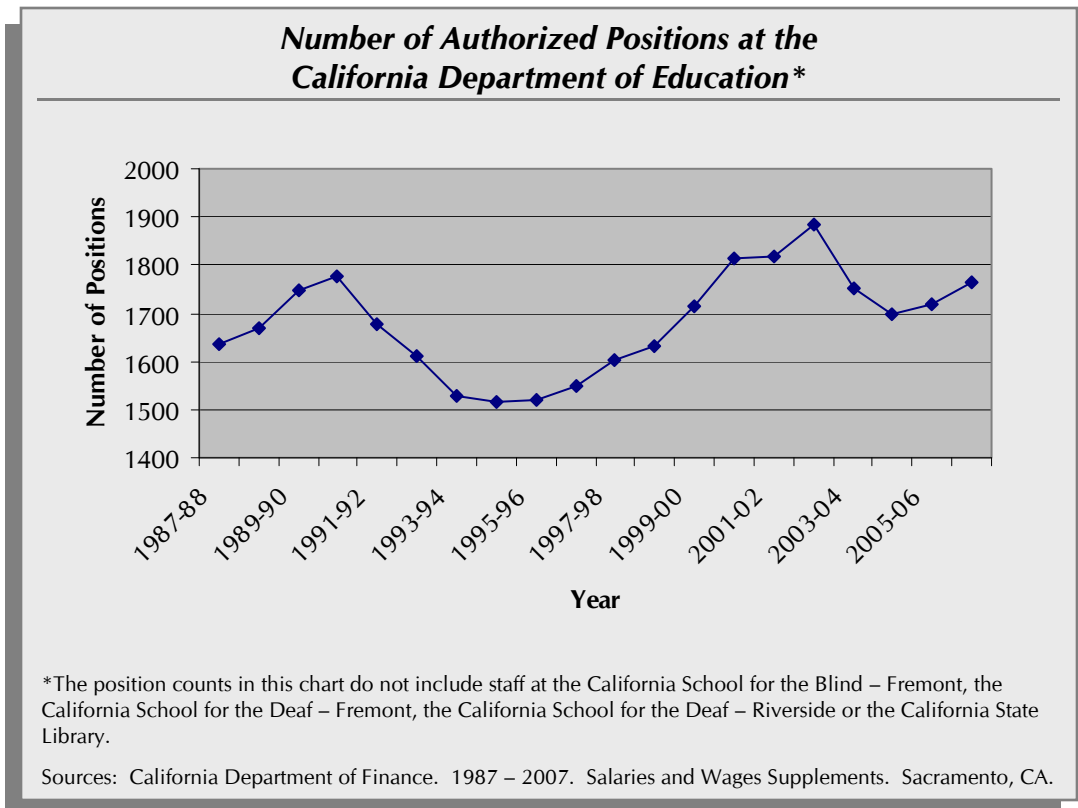
Source: Todd Ziebarth and Bryan Hassel. November 2005. “ECS Issue Brief: School Restructuring Via the No Child Left Behind Act: Potential State Roles.” Denver, CO. Education Commission of the States.

- State leaders are constitutionally responsible for providing a public education system, with high expectations for all students.
- Turning around chronically low-performing schools requires an “all-hands-on-deck” approach.
- Without help from the state, many districts are unlikely to make the tough but necessary changes in schools that face restructuring.¹²³

Department officials would like to move to a model that incorporates more direct oversight of and assistance to schools, but “we have to continue to do our core mission, which is compliance,” said Rick Miller, deputy superintendent for policy development at the CDE.¹²⁴

Changing that role inside the department clearly is not easy. About 1,800 people currently work for the department, a number that has fluctuated over the past two decades. Repeated budget cuts and Proposition 98 requirements left non-classroom expenditures, such as state administrative jobs, vulnerable. Many positions eliminated were field representatives who worked at schools on curriculum and instruction efforts – the kind of jobs in demand in today’s accountability era.¹²⁵

About 70 percent of the CDE’s budget – and staff – is now tied to the implementation and monitoring of federally funded programs.¹²⁶ Rick



Simpson, deputy chief of staff for the Assembly Speaker, called the CDE a “small arm” of the U.S. Department of Education because of the time and staff dedicated to simply meeting federal requirements.¹²⁷

Under the current culture, researchers have confirmed that the scale of the problem of underperforming schools in California has overwhelmed the state’s education agency. According to a 2005 report by the Education Commission of the States, “The sheer size of the state – in terms of geography and the number of schools – has meant that the California Department of Education is limited in its capacity to be heavily involved in the planning or implementation of school restructuring.”¹²⁸

The state Department of Education distributes planning documents and holds workshops for school districts and county offices of education on how to best evaluate their restructuring options.¹²⁹ Unlike several other states, California’s education department does not provide input or approve restructuring plans. Other states require state-level approval of detailed restructuring plans. Several states also have linked federal money earmarked for school improvement to the completion of restructuring plans.¹³⁰

According to a CDE training guide for district and school administrators, the “CDE does not endorse or recommend any particular form of restructuring option(s). It is recognized that a particular (district’s) range of options may be limited by existing contractual obligations or other factors.”¹³¹

The CDE is not required to and does not check to ensure that all schools actually are implementing these restructuring strategies. In a national sample, the Government Accountability Office found that 40 percent of schools in restructuring did not actually implement any plan.¹³² California education officials told Center on Education Policy researchers they have no reason to suspect schools are not implementing self-designed restructuring plans; however, it “would be almost unfathomable” for the CDE to develop the capacity to monitor each school in restructuring.¹³³ Instead, the CDE relies on county offices of education to follow through – though the county offices have no authority to do so and can be ignored by local districts.¹³⁴

Money and Restructuring Plans

Alabama requires schools to submit their restructuring plans to the Department of Education for approval and possible review by the superintendent. Schools that complete their plans receive Title I funds from the state, which helps promote prompt plan development and submission.

Michigan allows districts to decide which NCLB restructuring option to use. The state then evaluates each restructuring plan and can delay funding until it finds the plan suitable.

Tennessee has a state-level process for approving restructuring plans and follows up on plan implementation. Funds can be restricted if districts and schools do not follow through with their plans.

Sources: Andrew Calkins, William Guenther, Grace Belfiore and Dave Lash. 2007. “The Turnaround Challenge: Supplement to the Main Report.” Boston, MA. Mass Insight Education & Research Institute. Also, Rebecca Wolf DiBiase. September 2005. “ECS Policy Brief: State Involvement in School Restructuring Under No Child Left Behind in the 2004-05 School Year.” Denver, CO. Education Commission of the States.

The department has been lulled – but is not necessarily locked – into a compliance-centered organizational structure. The perception that change does not fit into that structure is self-fulfilling. One policy analyst noted that the CDE should be wary of using its genuine concerns about capacity as a crutch from taking a more active ownership of student achievement.¹³⁵ Instead, the CDE can drive student outcomes by finding opportunities to reprioritize and reallocate resources.

Micromanaged System Leaves Little Room for Innovation

While many call for adding even more money to the education system, researchers make a compelling case that a more immediate priority involves removing barriers and simplifying education regulations. A series of court rulings in the 1970s required school dollars to be allocated equitably. Then followed a series of voter initiatives that limited districts’ ability to raise taxes locally. Local districts, accustomed to raising and spending money the way they saw fit, now had to deal with Sacramento, which began redistributing school dollars and categorizing in statute how to spend money on individual programs. Each siloed program – roughly 100 today – became known as a “categorical.” Thomas Timar, a professor of education at the University of California, Davis, told the Commission that a dozen disparate state funding streams aim at various problems associated with urban education.¹³⁶

School Funding Landmarks

1971 – The California Supreme Court declared the school funding system unconstitutional in *Serrano vs. Priest*. The decision prohibited wealth-based differences in local property tax revenues to fund schools and led to state-equalized base funding levels.

1978 – Voter approval of Proposition 13 eliminated the ability of school districts to set local property tax rates and led to the state assuming responsibility for K-12 finance.

1988 – Voter approval of Proposition 98 created a guaranteed budget for schools and reinforced the state’s role in school funding.

Source: Legislative Analyst’s Office. May 1999. “A K-12 Master Plan: Starting the Process.” Sacramento, CA.

Throughout the 1990s, as the Legislature increasingly directed school spending through “categoricals,” schools also were being held to a new, higher standard of accountability for student achievement. This led to an untenable result, Professor Timar said. How can schools be held accountable for student performance if they have less control over resources to improve their students’ performance? “They are like puppets on strings controlled by a dozen puppet masters, none of whom communicates with the others,” Professor Timar wrote in a 2003 report.¹³⁷

A group of educators empanelled in 2007 by the American Institutes for Research echoed the concern that “categoricals tend to create a rule-compliance mentality that limits creativity and diverts attention from meeting student needs. Principals and district leaders too often ask first, ‘Can we do this with that money?’ and then make decisions based on what is allowed rather than what would be most effective.”¹³⁸

Many argue a shift to more local control, which would allow districts to use resources more strategically, would improve student outcomes.

One is Susanna Loeb, a Stanford professor of education who led the “Getting Down to Facts” project. Professor Loeb quantified in a recent study how accountability policies are “substantially more effective” at boosting student achievement when districts have more control over education funding. She said: “Without some local control, even well-thought-out accountability policies will be less effective, and sometimes ineffective and harmful. ... As education finance continues to be centralized at the state level, citizens and districts lose control over revenue raising and allocation, potentially impeding the positive effects of state-implemented accountability policies.”¹³⁹

The education community has long criticized the inability of districts to spend dollars as they choose. Professor Loeb told the Commission that simply adding more money will not produce the desired achievement

Embracing the Challenge

When schools continue to fall below expectations, No Child Left Behind requires districts to take certain actions, but the federal and state governments rely on an “honor system” for schools to implement changes, according to Tamra Taylor, director of program improvement for the San Juan Unified School District.

At San Juan Unified School District in Sacramento County, district officials took it upon themselves to push major changes at one long-troubled middle school, noted in a WestEd report for its “toxic” environment and described by its own teachers as dysfunctional. Jonas Salk Middle School had been in Program Improvement, the federal intervention for underperforming schools, for several years.

Seeing a “moral imperative” to boost achievement at the diverse, low-income school, district and school officials pushed for a dramatic overhaul. “We had tinkered a lot here,” second-year Principal Jamey Schrey said. The district collaborated with the teachers’ union and staff to come up with a new plan that put them at the center of change instead of at the hands of short-term experts who previously swooped in to make recommendations and then left.

Though the district could have used less-stringent options under NCLB, the school board voted two years ago to reorganize – or “reconstitute” – Jonas Salk by replacing the principal and forcing teachers to reapply for their jobs. Only 14 of 41 teachers were rehired at the reconstituted school, with its mission of high expectations and emphasis on teacher collaboration and cooperation. Other teachers were given jobs elsewhere in the district. The district also spent \$1 million on computers and technology for the school. It reopened in September 2006 as Jonas Salk High-Tech Academy with a new standards-based curriculum.

The Commission visited the school in October 2007; met with teachers and administrators about the school’s turn-around efforts; and, observed classrooms where students sat at laptop computers, enjoyably working out standards-based lessons.

While the school still fell short of meeting federal proficiency targets for all subgroups in 2007, test scores are continuing to rise. “The goal is when you walk into that school you would not know this is a poverty school and when you look at the scores, you can’t tell it’s a poverty school,” said Ms. Taylor, the district program improvement official.

District and school officials said their turnaround solution is not a “silver bullet” for all schools. Instead, they recommended that the state should give districts and schools the flexibility to make choices to improve.

Sources: See page 88.

gains. She testified: “California already has far over 100 well-intentioned categorical programs, and there is no reason to think that adding one or two more will make much difference, no matter how carefully targeted or lavishly funded. The marginal impact of any new program will be small.”¹⁴⁰

Policy-Makers Need More, Easily Accessible Data

Essential Data System Elements

The Data Quality Campaign calls for 10 essential elements critical to a longitudinal data system that can track individual student performance over time. California has implemented seven of the 10 elements:

- A unique statewide student identifier that connects student data across key databases across years.
- Student-level enrollment, demographic and program participation information.
- The ability to match individual students’ test records from year to year to measure academic growth.
- Information on untested students and the reasons they were not tested.
- Student-level college readiness test scores.
- Student-level graduation and drop-out data.
- A state data audit system assessing data quality, validity and reliability.

The three elements still in the planning stages are:

- A teacher identifier system with the ability to match teachers to students.
- Student-level transcript information, including information on courses completed and grades earned.
- The ability to match individual student records from the K-12 and higher education systems.

Source: Data Quality Campaign. “Results of NCEA/DQC Survey of State P-12 Data Collection Issues Related to Longitudinal Analysis.” www.dataqualitycampaign.org.

Much information is collected about schools, but it is often not usable or accessible. For example:

- Results from the STAR exams taken in the spring are not relayed back to classroom teachers until the next school year.
- The School Accountability Report Card (SARC) has turned into a cumbersome printout of information that can stretch more than 16 pages and overwhelm parents.
- The lack of a longitudinal data base limits the ability to analyze large-scale statewide reform programs, such as a class-size reduction plan, for success.¹⁴¹

California lags behind other states that have more readily embraced a culture of data and accountability, according to the Data Quality Campaign, a national partnership of education groups advocating for states to improve the quality, accessibility and use of data in schools.¹⁴²

“Our information systems are so inadequate, that even if we implemented reforms that were particularly effective, we might not realize it,” said Stanford Professor Susanna Loeb, in written testimony to the Commission. “Similarly we cannot be confident that we can recognize and weed out programs that are ineffective at improving student achievement.”¹⁴³

“In the absence of timely and reliable data,” Professor Loeb told the Commission, “California is literally flying blind.”¹⁴⁴

California has lacked the critical buy-in on developing the technological and cultural backbone

to help districts and schools analyze data about student and teacher performance, a cornerstone of successful accountability programs.¹⁴⁵ It could be a fear of information – former Superintendent of Public Instruction Delaine Eastin told the Commission that funding for a student data system has been held up in the past because no one wants to be governor on the day the results are tabulated and show an embarrassingly high high-school dropout rate.¹⁴⁶

Despite a slow start, the state’s under-construction student data system – a requirement of No Child Left Behind – should be fully operational by the 2009-10 school year. A constituency of stakeholders and policy experts also is pushing the administration and the Legislature to expand the capacity of the California Longitudinal Pupil Achievement Data System (CALPADS) beyond measuring student achievement on assessment tests, to also follow students’ course loads, grades, teachers and college and workforce paths. The blueprint for a new teacher data system – CALTIDES, or California Longitudinal Teacher Integrated Data Education System – also is moving forward.¹⁴⁷

Data advocates also would like to see education data merged with prison, health and social service information. This would be a boon for researchers to evaluate statewide policies. It is important, however, not to lose sight of the need for local districts and schools to sift through fine-grained data that can help keep students on track during the school year.

Pinpointing how and why instructional strategies pay off requires more than the annual STAR tests. In order to use data diagnostically, many districts already have turned to periodic assessment tests every six or eight weeks to analyze student progress and adjust lesson plans accordingly. Researchers have shown that assessment for learning, as opposed to of

SchoolStat

Philadelphia school principals and administrators gather more than two dozen times a month to pick apart data about attendance, analyze test scores and deploy resources to trouble spots. Modeled after CompStat – a data-driven strategy first employed by the New York City Police Department in 1994 – the SchoolStat program has spread to a half-dozen school districts around the country.

While school officials have pored over data like test scores for decades, SchoolStat drills down into student-by-student detail, presented in charts and graphs on large screens to spot problems and trends. It has been called a “central nervous system” that carries information through the chain of command that, with relentless follow-up and mid-course corrections, will improve outcomes.

In Baltimore, the intense, often confrontational SchoolStat meetings have been credited with reducing teacher vacancies and increasing student immunization rates. A Jackson, Mississippi, district used it to increase food sales in high school cafeterias by adding salads and hot breakfast items after the data showed that more than one-third of students were not buying meals. Philadelphia’s 185,000-student district implemented the real-time data project in 2005 and tracked a drop in suspensions and student and teacher absence rates. Test scores also improved, but researchers are not yet linking it to SchoolStat because the upward trend predated the SchoolStat implementation.

A small start-up investment is needed – the Bill and Melinda Gates Foundation spent \$268,000 to bring a version of SchoolStat to the District of Columbia. The Supski Foundation spent \$85,000 for one in Paterson, New Jersey.

University of Pennsylvania researchers who studied the Philadelphia SchoolStat program concluded in a 2007 report: “A stat program can serve as a transformative vehicle for organizations seeking to become more data and performance driven.”

Sources: Winnie Hu. December 2, 2007. “Tackling School Data, No Excuses Allowed.” *The New York Times*. Also, Christopher Patusky, Leigh Botwinik and Mary Shelley. 2007. “Managing for Performance and Results Series: The Philadelphia SchoolStat Model.” Washington, D.C. IBM Center for the Business of Government.

learning, can profoundly benefit achievement, especially for struggling learners.¹⁴⁸

For example:

- ***Long Beach Unified School District*** is an early and enduring national pioneer for using data to improve instruction. The district adopted a standards-based curriculum-and-assessment system in the mid-1990s – before California did. Teachers and administrators rely on frequent interim assessments in math and reading to understand what instructional practices need to be modified or abandoned, to determine students in need of summer school or other interventions and to adjust staff professional development opportunities. Recognized as a finalist for the Broad Prize in 2007 and 2008 and the winner in 2003, the district has elevated its student performance beyond that of similar districts.¹⁴⁹
- ***Merced Elementary School***, a largely minority school in the West Covina Unified School District, also is outperforming similar schools, as recognized by WestEd’s “School’s Moving Up” list. The school attributes gains in student achievement in part to the faculty’s use of student data to improve teaching and learning continuously. Students throughout the district take a reading assessment three times a year and a writing assessment every quarter. Teachers meet four times a month, usually in grade level teams, to disaggregate and analyze the data and use that information to plan instruction. An outside education research company also analyzes weeks of students’ classwork and homework to determine how closely the assignments cover state standards. “Teachers have moved beyond the point where they might feel embarrassed about sharing their student work with colleagues and now look forward to and appreciate the feedback they receive,” according to WestEd.¹⁵⁰

In written testimony to the Commission, Jenifer J. Harr of the American Institutes for Research (AIR) noted that many successful schools in California that had initially been identified as low-performing and high poverty at least partially attribute their success to regular assessments and review of data to drive instruction. The AIR’s evaluations of several state-run intervention programs found that many of these benchmarking programs are developed locally. Ms. Harr suggested that the state encourage broader development and dissemination of such systems in districts and local schools.¹⁵¹

Not all districts have the means to incorporate data into their daily routine or have grasped the potential of using performance data. In

testimony to the Commission, Nancy Sullivan, special projects administrator for California School Information Services (CSIS), said local training for teachers and administrators is critical. CSIS is a quasi-state agency that helps districts and schools “slice and dice” data. A “data dump,” in which a district receives a compact-disc file of testing information from the state, is not helpful in some districts with little technological know-how, Ms. Sullivan noted. “There’s a lot of (districts) that can’t open the CD,” she said.¹⁵²

New System of Appraisal and Improvement

By 2010, the majority of California's 10,000 schools will be falling below the federal expectation for students to reach proficiency in math and reading by the 2014 deadline. Once virtually all schools are in this category of Program Improvement, the label will lose meaning in identifying the state's most troubled schools. California needs to anticipate this coming reality with a second-generation accountability system that not only measures how a school and its students are performing but implements measures that will improve that performance to the point that it meets or exceeds its standards of proficiency. State leaders, starting with the governor and superintendent of public instruction, must recast Program Improvement and use it as an appraisal system, not a punishment system, in which all schools should continuously seek improvement – and be rewarded for improving.

This new system will need a new yardstick to measure performance, though elements of this tool will look familiar, as they should. The state must recognize the changed environment by stopping its resistance to NCLB and taking immediate steps to link the state and federal accountability systems and move toward a common goal – for all students in all subgroups to meet grade-level proficiency – and away from confusion and conflict.

The new system must impose real and uniform accountability on schools and districts and must be *mandatory* for all schools, regardless of Title I status. A system cannot be voluntary and be equitable or credible.

Better data collection and analysis of school and student performance are critical components to a new performance measure that eliminates conflict and confusion between the state API and federal AYP yardsticks. Mandatory participation will allow the state to gain a more complete and accurate picture of performance trends, from the classroom to the state as a whole.

Simply rating schools and districts, however, is not enough. There must be legal and policy consequences attached to and aligned with the poor ratings, and education leaders at all levels must have the authority, expertise and will to take action and ensure improvement.¹⁵³ At the

same time, a system of financial and regulatory incentives must be connected to the rating system to encourage creative strategies and reward successes. Schools and districts, however, need far more flexibility than the Education Code and current accountability system permit and should be allowed that flexibility when they demonstrate they have sound strategies to improve results.

The accompanying chart describes a new appraisal system that links a school’s score on a new performance index to one of five descriptive rankings, then connects the ranking to interventions and incentives for improvement.

***Continual School Appraisal & Improvement:
Building an Accountability System for the Next Step***

SCHOOL RANKING	"RIGHT TRACK" INDEX	INTERVENTIONS	INCENTIVES FOR IMPROVEMENT
Excellent	10	Design & Implement Improvement Plan	
Commendable	8, 9	Implement Improvement Plan	
Continuous Improvement	6, 7	Implement Improvement Plan or Request ACMAT Assistance	
Academic Watch	3, 4, 5	Implement Intensive Improvement Plan or Request ACMAT Assistance	
Academic Emergency	1, 2	Implement Intensive Improvement Plan with ACMAT Assistance or Install a State-Appointed Trustee	

A “Right Track” performance index combines state and federal performance expectations. The formula is based on growth on the state’s API together with the movement of students to proficient or advanced levels in reading and math. The State Board of Education should develop other metrics to incorporate into the index that influence the school climate, including, but not limited to, improving proficiency levels for subgroups, improving graduation and attendance rates, increasing the number of Advanced Placement courses, raising redesignation rates for English learners, improving parent participation, placing more experienced teachers in hard-to-staff schools, reducing school suspensions and reducing teacher absenteeism.

Interventions are designed in anticipation of all schools and districts missing federal No Child Left Behind benchmarks by the 2014 deadline, which will require an improvement plan for each school. This presents an opportunity to give individual schools the freedom to craft their own

turnaround strategies, but those blueprints must be approved by the district. The district's overall improvement plan also must be endorsed by the county office of education, similar to the way county offices already review and approve school district financial budgets. California Department of Education regional designees (the Regional System of District and School Support) would review the county-wide strategies.

Under the "Right Track" model, even schools and districts deemed "excellent" are expected to continue improving and must develop and implement an action plan. No school or district that misses NCLB benchmarks can be rated "excellent." For example, a school that excels academically could be forced into NCLB-mandated restructuring if that school did not test enough special education students. The highest ranking that school could receive would be "commendable."

The intervention ladder corresponds and complies with NCLB corrective action and restructuring regulations. As the federal law permits, the system allows for differentiated levels of intervention based on the severity of the problem.

A new quasi-independent agency, the Academic Crisis Management and Assistance Team (ACMAT), would advise schools and districts, upon request and availability, that are ranked in the "continuous improvement" or "academic watch" categories. Schools and districts ranked in the "academic emergency" category are required to use ACMAT or a state-appointed trustee. Ultimately, the state will close schools and districts that do not improve after a certain time period and make provisions for the quality education of those students.

The "Right Track" intervention steps allow for success – schools and districts that improve can receive performance incentives. Incentives for improvement correspond with rankings. Schools and districts receive a base amount of improvement money, pooled from existing categorical programs to develop and begin implementing improvement plans. Schools and districts would receive additional funds and fewer bureaucratic restrictions on spending based on improved performance under the "Right Track" index.

New Measures for Performance

Given that California adopted its Academic Performance Index prior to the introduction of the federal No Child Left Behind Act's Adequate Yearly Progress measure, its reluctance to abandon the state measure – the product of considerable and thoughtful work – is understandable. But California needs to plan for an all-but-certain scenario of having all

of its Title I schools categorized as requiring Program Improvement. This new reality requires the state to salute the good work and intentions that went into creating the API, then move past the legitimate philosophical differences with the federal AYP to create a new measure for a new system, one appropriate for when all schools are in Program Improvement and all schools are required to be accountable.

Achieve, Inc., a Washington, D.C., education research group, has advocated that states adopt a transparent school-rating system that aligns rewards, interventions and sanctions so that all actions drive improvement in student proficiency. As it is, labels attached to struggling schools under NCLB, for Program Improvement, Corrective Action and Restructuring, often follow timetables and terminology unrelated to state accountability programs. Combining a state-based rating system with federally mandated interventions can help a state organize and communicate differentiated outcomes. “Such alignment has the potential to create a single, cohesive system of ratings and consequences, eliminating the need for schools and districts to look separately” at their state and federal ratings, according to a study of the Ohio school system by Achieve.¹⁵⁴

Several outside groups have created simpler measuring sticks that offer guidance for state policy-makers. Greatschools.net, a Web-based tool funded by nonprofit foundations, devised a 1-10 percentile rating system in 1998 based on the percentage of students scoring at or above the proficient level on assessment tests.¹⁵⁵ Separately, University of Southern California researchers created the Academic Momentum Index, a 1-10 scale that combines growth on the state’s API with growth in moving students to proficient levels in math and reading.¹⁵⁶

California can look to states and cities that have devised ways to combine these different measures. New York City schools use an A through F letter-grade system, based on the improvement of individual students on state tests from one year to the next, overall achievement on state tests and the school’s environment (measured by attendance figures and parent, teacher and student surveys). For its report card, Ohio incorporates multiple federal and state measures to designate schools as Excellent, Effective, Continuous Improvement, Academic Watch or Academic Emergency. Indiana also places its schools in five categories based on improvement and performance data: Exemplary Progress, Commendable Progress, Academic Progress, Academic Watch and Academic Priority.¹⁵⁷

Using these as guideposts, the state should develop a “Right Track” performance index to provide the needed transparency and clarity to parents, educators and policy-makers. It would package the

requirements of the federal system around other appropriate academic and environmental measures that educators have told the Commission influence a school's performance, such as reducing suspensions, improving student – and teacher – attendance and increasing parental participation.¹⁵⁸ Current performance benchmarks do not include school climate and culture issues that can be critical in creating an environment for school reform, according to the American Institutes for Research.¹⁵⁹

The state already has taken positive steps in the direction of linking the state's growth-based API with the pass-fail federal approach of meeting AYP benchmarks. In March 2008, the California Department of Education and State Board of Education linked district-level interventions with a new formula that incorporates the state API with federal AYP measures.¹⁶⁰ The state should build on this concept by translating a hard-to-follow formula into an easy-to-understand descriptive ranking for all schools and districts.

As previously mentioned, several states and cities have taken steps toward a measure that incorporates growth in test scores with the percentage of students who have cleared the proficiency hurdle. These entities, however, have not fully completed the transition to a truly merged system that integrates the mandatory consequences of No Child Left Behind. A New York City school could receive an A rating but still be placed in Program Improvement under NCLB. Similarly, an Ohio school could be rated by the state as "excellent" while forced to undergo federally required restructuring of its school management.¹⁶¹ Parents and educators in those states still must navigate the No Child Left Behind classification and their states' separate, homegrown identification systems.

California can learn from this by establishing clear and understandable goals expected of all students in all schools across the state. To maintain credibility, an accountability system must make this mission clear by unifying the federal program with the state's priorities. If schools, parents and the public do not have an understanding of how the accountability system works, they ultimately will have no faith in the system or the data that it presents.¹⁶²

"Everybody knows that the more complicated the system, the easier it is to manipulate or obfuscate or confuse the bottom line," U.S. Education Secretary Margaret Spellings said in a 2007 speech about proposed changes to the No Child Left Behind Act.¹⁶³

So what is the bottom line? In California, it is the world-class standards that state policy-makers adopted in the 1990s. What has not been

emphasized clearly and succinctly is that all students must reach a minimum of grade-level proficiency on those standards to be prepared for college or the workforce. The federal accountability system is holding California to that commitment. When the state focuses only on a schoolwide-growth measure, as provided by the API with a target below full proficiency, it masks the underperformance of individual students and runs counter to the high expectations outlined in the standards.

Without abandoning the API, the State Board of Education still can align metrics of the state and federal accountability systems to the highest common denominators – including proficiency – and use the API as an indicator in a new “Right Track” performance index. As James S. Lanich, president of California Business for Education Excellence, said in written testimony to the Commission, “We know from high-performing environments across the country that the most important thing education leaders can do will not cost them a penny or require legislation or countless committee meetings. It simply requires a will to set expectations high and accept no excuses for not meeting them.”¹⁶⁴

Consolidate Players that Intervene into One Operation

In California, with two accountability systems, two sets of interventions – both of which allow wide latitude – and several ways in which agencies direct such interventions, there is little standardization and less consistency in following up with schools to ensure interventions are implemented in a way that improves student performance and proficiency.

As it is, interventions for schools participating in the state’s High Priority Schools Grant Program are guided directly by the California Department of Education and State Board of Education. Under the federal No Child Left Behind Act, interventions for schools are directed by local districts and, at times, by county offices of education, while the state oversees interventions for school districts.

A more coordinated and organized approach would offer consistency and transparency to parents and educators.

In written testimony to the Commission, the Mass Insight Education and Research Institute calls on California to create a quasi-independent “entrepreneurial agency,” outside of the California Department of Education, that would be charged with managing the state’s turnaround initiative.¹⁶⁵

“California has an opportunity to become a national model, as it has done in so many other respects. The road to fulfilling that opportunity begins with the honesty of acknowledging the inadequacy of current intervention efforts, and the courage to use the urgency of these failing schools to generate real change.”

Mass Insight Education and
Research Institute

A similar concept was proposed in the Legislature in 2006 by Assemblymember Juan Arambula. The legislation would have created an Academic Crisis and Management Assistance Team (ACMAT), a quasi-independent strike team that would be sent into low-performing school districts with the authority and leverage to reshape the district. The Governor's Committee on Education Excellence also endorsed this idea.¹⁶⁶ Assemblymember Arambula, who testified to the Commission about his proposal, based ACMAT on the Fiscal Crisis and Management Assistance Team (FCMAT), which was created in 1992 as a quasi-independent agency that assists in the turnaround of schools in financial crisis. FCMAT reports to a board of directors comprised of one county superintendent and one district superintendent from each of the state's 11 service regions. A CDE representative also sits on the board.¹⁶⁷ It is not a state operation. Rather, it is an arm of the Kern County Office of Education, and the state contracts for its services.

In the end, Assemblymember Arambula's efforts to have county offices of education more involved in the accountability system were halted during the Legislature's committee process. Several groups opposed these measures, including the California School Boards Association (CSBA). The CSBA asserted that these efforts undercut the role and authority of the State Board of Education and the superintendent of public instruction to intervene in districts and schools and that this type of arrangement creates an additional layer of accountability when the state and federal accountability systems need to be better aligned.¹⁶⁸

Several states have developed a range of creative interventions that serve as a useful guide for California:

- **Massachusetts** changed its incremental approach to improving schools by requiring chronically underperforming schools to design a reform plan in six months and to meet federal performance targets within two years. The state has 10 specified measures that must appear in the plan, including giving principals authority to make personnel and budget decisions; using state framework-aligned curricula, benchmark assessments and the resulting data; allowing time for individualized student assistance and teacher collaboration; implementing after school support programs; and, hiring subject-area coaches. Schools that do not follow their reform plan or do not improve can be classified as "chronically under-performing" schools, which results in a state takeover. Schools that do not follow their plans also can have funding suspended. In 2007, the state allowed for schools that were in jeopardy of being classified as "chronically under-performing" to apply for Commonwealth Pilot School

status, a kind of in-district charter school with much control going to district and school leaders.¹⁶⁹

- **Michigan** is taking a direct role by linking school improvement money to a state-approved reform blueprint based on an expansive and thorough list of proven reform strategies. The state has given attention to capacity building at the local level, allowing the use, for example, of academic coaches to help school officials develop their own restructuring plans. Michigan also has created other capacity-building measures, including grants for restructuring, a toolkit to guide the process and technical assistance. Since the state has focused on local efforts, it has had to ramp up a way to deal with schools that are unresponsive to reforms. A “critical list” has been created, and grants are distributed for team-led audits and year-long technical assistance as well as employment of a turnaround specialist.¹⁷⁰
- **Virginia** considers the job of improving underperforming schools a specialty in the education field and is training “turnaround specialists” to work in the lowest-performing schools. Participants from around the country learn business and education skills by attending a short program at the University of Virginia, working with districts to make sure sufficient support is available and making multi-year commitments to serve in struggling schools.¹⁷¹
- **Arizona** has taken on a strong role in managing school improvement. Schools are categorized based on the state accountability system, federal benchmarks and state review team observations. To advance local school reform efforts, Arizona pursues various state-level strategies, such as deadlines with monetary sanctions, on-site review by the department, required testimony from local superintendents, public hearings and disclosure of academic failure on school board election ballots. The state also formed Solutions Teams that help craft school improvement plans and review them when schools continue to struggle. If a team decides to label a school as “failing to meet academic standards,” it does more in-depth school-level research and makes recommendations to the state. A school improvement coach then is assigned to the school by the department. Interventions escalate if schools still do not improve, up to and including removal of teachers and administrators.¹⁷²

The state’s new intervention model should follow the “Right Track” index, which would differentiate schools and districts with appropriate levels of support. Turnaround plans should start as homegrown blueprints designed by the school with district approval. As the Commission heard from Jonas Salk High-Tech Academy in Sacramento County, outside

experts are not always the answer.¹⁷³ District strategies must be vetted by county offices of education. But for schools and districts unable or unwilling to show improvement after earlier intervention steps, the state must create a quasi-independent agency, separate from the California Department of Education, that sends strike teams with the authority and leverage to intervene and reshape the school or district. This agency's leadership and teams must meet qualifications for practical expertise and a track record of success in academic turnaround efforts. For schools still unable to improve, the State Board needs to use tools that the Legislature already has approved to install a trustee who will utilize legal authority, such as "stay and rescind" power, to effect change. Ultimately, the State Board must have the political will to close schools that fail to improve the academic performance of students over a reasonable time period and make provisions for the quality education of those students.

These changes must be made in connection with the alignment of the state and federal accountability systems and an understanding that the State Board of Education and the Department of Education cannot directly oversee all turnaround strategies at all districts and all schools. Turning the system around will require recognizing these limits and decentralizing authority, along with accountability.

Streamlining Rules and Regulations

The state Education Code has grown to more than 100,000 sections and 2,218 single-spaced pages.¹⁷⁴ A California Department of Education Web site lists nearly 500 acronyms commonly used by the agency – from AAACE (the American Association for Adults and Continuing Education) to YRE (year-round education).¹⁷⁵ The annual School Accountability Report Card (SARC), a document designed originally for parents, now stretches 16 pages in what one study described as more confusing and complicated than U.S. Internal Revenue Service forms and Microsoft software driver installation instructions.¹⁷⁶ These are symbols of a state education system that has become tangled in its own complexity.

As professors Dominic J. Brewer and Thomas Timar pointed out to the Commission, it is difficult for schools and districts to be creative if they have to meet the compliance requirements of the current education system.¹⁷⁷ Much of the controversy centers on the way the state distributes money to school districts. With funding coming primarily out of the State Capitol, it is understandable for the Legislature to want to take a greater role in how that money is spent and to exercise oversight over the California Department of Education. But if schools are to have the flexibility they need – especially once they all are swept up in federal

Program Improvement by 2014 – the Legislature should be more appropriately focused on outcomes.

Undoubtedly, this represents a difficult switch given that issues of governance – that is, defining who is in charge of statewide education policy – remain diffused. There is little wonder why the Legislature has felt the only way to really get control is by focusing on prescriptive programs and regulations. That is why improved clarity of governance has to be part of the strategy so that the Legislature can have a more straightforward oversight role. Legislators must have confidence that by focusing and entrusting the California Department of Education and State Board of Education to oversee the accountability system, the appropriate mechanisms will be in place to drive student performance. The Legislature must raise its sights and see that the greater obligation to taxpayers is to ensure that money is spent in a way that increases student proficiency, rather than spent in a way that satisfies the requirements of a funding allocation built around a narrow program that may not raise student achievement.

This issue is not the Legislature’s financial commitment toward raising achievement at low-performing schools. By lawsuit or legislation, the state has made a significant investment to provide struggling schools with more money. Some of it has come by way of lawsuits demanding equitable treatment of schools in areas with a weaker property-tax base, such as the 1971 *Serrano vs. Priest* case or the *Williams* settlement of 2004, which steers money toward improving facilities, textbooks and teacher qualifications at schools in low-income areas. A host of other programs targeting low-income and at-risk students speak to a core value of Californians.

The system, however, is built around ensuring that money is spent according to regulations – an input system. Proposition 98, approved in 1988, focuses solely on per-pupil spending and reinforces an education finance system of the 1970s that came before the movement for curriculum and performance standards. No system exists to ensure the money is spent in a way that achieves the state’s education goals or needs of students – an outcome approach.¹⁷⁸

When California adopted an accountability framework, state-level actors set results-oriented targets without giving the lower-level units, such as schools and districts, the flexibility to reach those targets. The “Getting Down to Facts” authors found that accountability was viewed by many stakeholders as “yet another set of regulations.”¹⁷⁹

Other states, either at the introduction of their accountability systems or in refinements to them, realigned their systems or gave local districts

more autonomy to meet state standards in the manner in which they chose. “Getting Down to Facts” researchers point out that the shift was easier in other states, such as Florida, North Carolina and Texas, because there were greater resources of local tax revenue that provided local districts more control over their spending priorities.¹⁸⁰

These states also revisited their extensive education codes, which “Getting Down to Facts” researchers suggest could serve as a valuable exercise for California lawmakers. For example, in 1993, Texas legislators passed Senate Bill 7, which set an imperative to recast statewide education policy with a focus on standards-based accountability and local control of finances. Lawmakers gave themselves a two-year deadline – if they missed it, Senate Bill 7 would have repealed the state’s Education Code.¹⁸¹

“The effort signified a focused attention to the education governance system across political lines ... with widespread support and synergy among legislators,” according to “Getting Down to Facts” researchers. The move cleared the way for Texas lawmakers to overhaul the Education Code to succinctly and effectively embed the philosophical framework of the education-reform effort into the new law.¹⁸²

California must begin an immediate, consequential review of its Education Code, with a focus on laws affecting accountability and student achievement. This will allow the state’s education statutes to emphasize standards-based improvement of students, schools and districts.

The call to provide more financial flexibility to California’s school districts is nothing new. Since the early 1990s, the Legislative Analyst’s Office has recommended consolidating California’s 100 or so categorical education programs into block grants in order to restore local control and decision-making. “Increasing local flexibility helps educators feel safe about trying new things rather than focusing on complying with state rules and regulations,” noted the LAO’s analysis of the 2008-09 budget bill.¹⁸³

The Earl Warren Institute at the University of California, Berkeley, Boalt Hall School of Law proposed in 2007 to place fewer restrictions on the use of funds and redistribute money according to student needs and district costs. The proposed system would allocate a base level of funds and special education money to districts based on enrollment. It would then combine 10 categorical programs that target low-income students and English learners and redistribute that money – with fewer strings attached – based on those populations.¹⁸⁴ Though untested, the idea

represents a sweeping overhaul of the education finance system and is gaining traction in the policy community around the Capitol.

New York City: Children First

New York City schools have experienced various reform efforts, including a centrally-managed Chancellor's District in which underperforming schools became part of a sub-district with additional mandates and benefits. With a 2002 switch to mayoral control, New York City's 1,456 public schools are implementing a two-step reform process, doing away with previous efforts. The first step simplified the governance structure of the city's schools from 32 community school districts to 10 regions in the one district. Instruction in reading, writing and math was aligned across the entire district. This effort, known as Children First, brought on a Leadership Academy to train school leaders and a new teachers union contract with provisions creating more flexibility for principals to pick the right teachers for their school. This new wave of reforms also created the Autonomy Zone pilot program with 26 schools, which later expanded into the Empowerment Schools initiative with 332 schools. Principals in these programs were given more control and decision-making autonomy in exchange for more accountability, including signing performance contracts and being subject to dismissal pending performance outcomes.

The second step of Children First encompasses three concepts: empowerment, accountability and funding. Starting in 2007-08, the opportunity to be an Empowerment School is open to all New York City schools along with two other School Support Organization options, working with either an internal Learning Support Organization (LSO) or an external Partnership Support Organization (PSO). In the first year of implementation, 35 percent of schools have chosen to be Empowerment Schools, 54 percent have gone with a LSO and 11 percent have selected a PSO.

Empowerment. With the additional student achievement gains they are being held accountable for, schools also are given more autonomy in instructional and financial decision-making, more funding and fewer administrative mandates. Each school principal decides which School Support Organization option to spend money on, money previously used at the central office. In addition, all principals now must sign a performance contract and put their jobs on the line based on student achievement. As an indicator of the new budget flexibility, New York City principals controlled 6.7 percent of their budgets in 2000-01. As of fall 2007, Empowerment School principals have control of approximately 85 percent of their budgets. Other empowerment issues being addressed during this reform process include central bureaucracy reduction as well as teacher tenure and performance.

Accountability. Accountability for district schools involves providing performance reports to parents and interested parties, using diagnostic assessments and a data system to monitor student achievement and modify instruction and implementing a system of rewards and consequences for achievement or lack thereof.

Funding. The Fair Student Funding system is being phased-in, using a weighted student formula to ensure that money follows the individual child and his or her needs.

Clearly, political alignment allowed for Children First to take hold, with a strong mayor and chancellor moving reforms into a district that had been given over to mayoral control by the state Legislature. However, not all early effects have been positive. Some stakeholders have noticed that principals who were successful before the reforms continue to be successful, while principals who struggled before are still facing challenges under the new system. And as a result of the first step of Children First merging community school districts, some parents feel disempowered. Their access to those districts and the people who make hiring decisions about principals has been cut off with the implementation of 10 streamlined regions. The reforms focused on empowering New York City schools only recently have gone into effect, so it is difficult to quantify how these changes are shaping student achievement. Researchers note that although there are not definitive outcomes yet, New York City is trying a remarkable range of new ideas that may inform strategies in other districts and states.

Sources: Andrew Calkins, William Guenther, Grace Belfiore and Dave Lash. 2007. "The Turnaround Challenge: Supplement to the Main Report." Boston, MA. Mass Insight Education and Research Institute. Also, William G. Ouchi, Professor, Anderson Graduate School of Management, University of California, Los Angeles. Sacramento, CA. November 13, 2007. California Department of Education. Achievement Gap Summit. Also, Lynn Olson. November 28, 2007. "N.Y.C. District's Management Theory: More Power to Schools." *Education Week*. Pages 23 – 26.

New York, which has created as many categorical funding programs as California, offers the most instructive example of breaking away from the micromanagement of school financing while ensuring that local authorities are held accountable for increased independence, said William G. Ouchi, a University of California, Los Angeles, professor. Schools in New York City now are given more freedom to make instructional and budget decisions in exchange for principals signing performance contracts that tie their jobs to student achievement gains. The city designed a software package that permits individual school principals to choose which state and federal categorical programs they want to continue using while combining others, within legal limits. California could develop similar software to test the concept in a school district without a sea change of policy.¹⁸⁵ As an indicator of the new budget flexibility, New York City principals controlled 6.7 percent of their budgets in 2000-01. As of fall 2007, principals have control of approximately 85 percent of their budgets.

Professor Ouchi argues that when the state dictates how local districts spend their money, “it is now implicated in the very decisions it is criticizing.”¹⁸⁶

Strengthening Lines of Authority

Acknowledging the failure of past governance reform efforts, the Legislature needs to work within existing constitutional confines to refine the educational governance system, with clear lines of authority and defined roles for each layer of the education bureaucracy. This will ensure a more direct line of accountability, providing each education authority at the state, regional and local levels with a smaller, more efficient target for oversight.

The current structure does not provide the adequate linkages from state policies to the district or school level. The Legislature must adopt a cohesive, coordinated network of state and local agencies that takes into account the scale of the problem in California.

The California Department of Education cannot tackle all the low-performing schools and districts on its own. The sheer number of schools entering federally mandated Program Improvement – more than 2,200 and growing every year – has overwhelmed the department. The agency is limited to holding workshops and offering handouts to schools on designing turnaround strategies, while delegating the job of improving schools to districts. Many districts develop successful programs that adhere to deep implementation and follow-up of proven strategies. Likewise, there are strong examples of innovation and regional collaboration for school improvement efforts at the county and regional

level, but the work is not required nor is it coordinated at a state level. Without a formal enforcement system, low-performing school districts with less aggressive county leadership can fall through the cracks. No one is ensuring that districts – the first responders to step in when schools are struggling – follow through.

Although districts and schools clearly are linked, county offices of education and districts are linked mainly through fiscal channels. This connection must be extended to academics. The county offices of education already serve as that connector on an ad hoc or voluntary basis. Legislation is needed to equip those offices with the authority to oversee and approve turnaround strategies as well as intervene in local districts when needed, to ensure a consistent application of institutional accountability throughout the state. The Legislature also must authorize county offices of education to conduct evaluative, diagnostic inspections of chronically underperforming schools in their jurisdiction to ensure turnaround plans are being implemented. The state needs to set uniform standards for this process, and the recommendations that emerge from these on-site inspections should be enforceable through state law or policy.

Likewise, a more formal link is required between the state and county offices, to hold the county entities accountable for their actions through the 11 regional offices of the Regional System of District and School Support. These regional and county offices need the statutory authority to be empowered to serve as official watchdogs for the California Department of Education.

Under a reformed system, from schools to districts, districts to county offices of education, county offices to regional support centers and regional centers to the California Department of Education, each link in the chain of command holds the one below it accountable for student achievement.

The state superintendent of public instruction, as the leader of the California Department of Education and spokesperson for student achievement, must use the existing arsenal of intervention tools and the power of the office to catalyze a dramatic turnaround for underperforming schools.

The governor must use his power to appoint members of the State Board of Education to focus that body as the policy lever and independent enforcer of the accountability system, serving as a true check on the California Department of Education. To further professionalize the State Board, the Legislature should expand the role of the board president into a full-time position. In the name of efficiency and streamlined

accountability, the state must not continue to expand the Secretary of Education's Office, which would result in more redundancy and diluted lines of responsibility. The governor should maintain a cabinet-level education emissary and a residual education policy staff. The governor can continue to exert influence to shape and determine education policy through his State Board appointees as well as through the budget process.

To ensure that each level does not scapegoat or blame the one below or above it for failures, voters ultimately must hold elected officials – school board members, county superintendents, the state superintendent of public instruction and governor – responsible for outcomes. It starts by granting more financial and regulatory control to local-level actors, which provides the transparency – and incentive – for voters to understand how decisions are being made within their own school districts, according to Professor Ouchi.¹⁸⁷

Culture of Data

From the classroom to the Capitol, all levels of the education system must take ownership of student outcomes. An outcomes-based system requires data to measure and compare results and relies heavily on data, rather than tradition, to shape policies and practices. As CALPADS and CALTIDES near broad implementation, the education community in California must shift its focus to creating a culture of data to support the improved learning that can come from having well-built data systems. During this transition, the Legislature must concentrate on oversight of CALPADS and CALTIDES to ensure that their roll out stays on track and they become effective tools for educators.

Data, however, is more than a data system.

Data must be used first as an improvement tool, based upon valid and reliable standardized metrics. Timely and reliable data can support teachers as they make decisions about the allocation of instructional resources in their schools. District and state officials need comprehensive data to inform their decisions about policy and funding. Taxpayers and voters need far more information than they currently have on what works in California's education system so that they can make informed decisions about how best to support California's students and secure the state's economic future.

As California moves toward this data integration, policy-makers are dealing with the issue of mandated costs, the state constitutional requirement that the state pay for any program that it mandates. The requirement, however, does not extend to programs mandated by the

federal government, which districts have to pay for absent federal support. In her report for the “Getting Down to Facts” project, researcher Janet S. Hansen pointed out that “these constitutional provisions explain at least in part why (the Department of Finance) has insisted that CALPADS be limited to data elements required by the federal NCLB.”¹⁸⁸

To address these concerns, the California Department of Education is taking a building-block approach to constructing CALPADS, which has cost the state \$108 million since 2002. The system addresses what is required federally but also can be expanded to include a wider array of data.¹⁸⁹ This allows CALPADS to accept data from districts capable of supplying additional information as well as for future expansion.

Currently, incentives do not exist for providing quality data to these data systems. Ms. Hansen noted, “In California, data flows up from districts

Testing

California students in grades 2-11 take state-mandated assessment tests each spring through the Standardized Testing and Reporting program, or STAR. First rolled out in 1998, STAR tests are used to track student and school progress for state and federal accountability programs. An advisory committee of state and local education experts convened in October 2007 to explore the testing culture in California. Based on the input of committee members, the Commission offers the following observations and recommendations.

Improving test efficiency. The amount of classroom time used to administer annual assessment tests is not unduly burdensome. However, the State Board of Education should review the scope of tests continually, as directed in Senate Bill 233 (Alpert, 2001) to “minimize the amount of instructional time spent on statewide testing by eliminating redundant tests and consolidating different state testing programs if the consolidated examination can achieve the purpose of the original examinations with equal rigor, reliability, and validity.”

The value of norm-referenced tests, such as the CAT/6 Survey, is questionable given that student achievement is better measured directly by knowledge of academic content standards on the California Standards Tests (CSTs). The Legislature also should revisit the issue of allowing students to opt out of sections of the California High School Exit Examination if they pass the corresponding CSTs before high school.

More study is needed about vertically scaling tests across grade levels to allow a more authoritative examination of test data across time. Legislation signed in 2007 requires the California Department of Education to report to the Legislature by May 2008 on a mechanism to align the system vertically. Building out California State University’s Early Assessment Program to link college readiness with K-12 education standards also deserves more study.

Taking tests seriously. Students need to pass the high school exit exam to earn a diploma, but other assessments are not linked to their academic record. Without an incentive to take other assessment tests seriously, there is nothing to stop students from ignoring the test or using fill-in-the-bubble answer sheets to draw pictures. The Legislature should revisit the state law that prohibits test results from appearing on high school transcripts, Education Code section 60641(a)(3), and it should resurrect the Governor’s Scholars Program. The state’s participation requirement for test-taking also should match the federal requirement of 95 percent of the student body. As the state builds out the California Longitudinal Teacher Integrated Data Education System (CALTIDES) to track teacher data, the Legislature needs to revisit the prohibition of using test scores to evaluate teacher work performance, Education Code section 10601.5(c).

Sources: Little Hoover Commission. October 24, 2007. Sacramento, CA. Advisory committee meeting. Also, SB 233 (Alpert), Chapter 722, Statutes of 2001. Bill analyses.

through all the data collections ..., but very little (with the notable exception of student test score data) flows back down to them except via the School Accountability Report Card”¹⁹⁰

The California Department of Education attempted to create “CALPADS incentive grants” for districts in the 2006-07 budget “to support local data activities and compensate for the work involved in maintaining the new student identifier system, the quality of which will be essential to CALPADS’ successful implementation. In exchange for a total of \$15 million in funding, (the California Department of Education) would have required districts to meet several quality measures related to the identifiers.” These funds, however, were struck from the final version of the budget.¹⁹¹

In order to ensure that education data collections are as substantive and valuable as possible, the governor and Legislature must commit to providing tangible incentives for data quality. The state must send useful data to educators and communities in a form that can be applied to the enhancement of teaching and learning. There also must be training for educators on how to report and, in turn, use this data. The state can leverage the experiences of districts that have embraced data by using tools, such as periodic assessments, to provide feedback for continual improvement.

Conclusion

The state’s goal must be to move students toward proficiency and beyond using California’s academic content standards. The last decade brought two accountability systems from the state and federal governments that serve as an initial roadmap for education leaders. The state must move to the next phase, strengthening accountability under the state’s Public Schools Accountability Act and the federal No Child Left Behind Act. This means focusing on student achievement by linking the expectations of both systems, not expending time and energy trying to prove the value of one system over the other. Education leaders from the Capitol to the classroom must work together under an aligned system that includes relevant and productive interventions and rewards. Authority must be strengthened throughout the chain of command among education entities to instill meaningful accountability both up and down the hierarchy. And all levels must continue and expand on infusing data-driven strategies into policy and classroom practices to reach the goal of improving student outcomes.

Twenty-five years ago, the National Commission on Excellence in Education issued its landmark report, “A Nation At Risk,” and warned of

a “rising tide of mediocrity” in the nation’s schools.¹⁹² It was a seminal event in public education history. Reform followed reform, yet California students still are not performing at levels that will prepare them for college or the workplace.

Accountability begins by recognizing that students can do better, then making the commitment to take them there.

Recommendations

Recommendation 1: The state must establish a comprehensive accountability system that combines state and federal principles.

- ❑ ***Combine the state and federal accountability systems.*** The State Board of Education must align the metrics of the state and federal accountability systems to the highest common denominators, including proficiency goals, timelines, participation, subgroup expectations and exit criteria from interventions.
- ❑ ***Set clear goals for all students.*** The state must establish non-negotiable expectations with clarity and specificity of purpose that all students can reach a minimum of grade-level proficiency on California’s academic content standards.

Recommendation 2: The state must implement a new, transparent rating system for schools that aligns interventions and rewards.

- ❑ ***Leave the old intervention programs behind.*** The state must abandon the High Priority Schools Grant Program (HPSGP) and the Immediate Intervention/Underperforming Schools Program (II/USP). The Legislature should direct the state auditor to investigate school-site expenditures from the HPSGP and the II/USP.
- ❑ ***Use simple language to communicate school status.*** To better communicate a school’s standing to educators and parents, the State Board of Education must adopt a simple overall rating for schools, such as “excellent,” “commendable,” “continuous improvement,” “academic watch” and “academic emergency.” The ratings must correspond to a new education index.
- ❑ ***Activate a new education index that links state and federal criteria.*** The State Board of Education must adopt a new “Right Track” index that incorporates both state and federal criteria – growth and performance. This index should include multiple metrics, such as improving proficiency levels for subgroups, improving graduation and attendance rates, increasing the number of Advanced Placement courses, raising redesignation rates for English learners, improving parent participation, placing more experienced teachers in hard-to-

staff schools, reducing school suspensions and reducing teacher absenteeism.

- ❑ **Institute a new intervention model.** Using the “Right Track” index, the California Department of Education and the State Board of Education must triage schools and districts with appropriate and differentiated levels of interventions and rewards.
 - ✓ Following the lead of Maryland and Michigan, the state must expand the five federal restructuring options into a menu of more specific strategies in order for schools and districts to select, with approval, the appropriate level and type of intervention to create their own turnaround strategy.
 - ✓ Using the successful Fiscal Crisis and Management Assistance Team (FCMAT) model, the state must create the Academic Crisis Management and Assistance Team (ACMAT) – a quasi-independent agency, separate from the California Department of Education, that sends strike teams to the most chronically underperforming schools and districts that are unable or resistant to change after earlier intervention steps.
 - ✓ For schools still unable to improve, the State Board needs to install a trustee who will utilize legal authority, such as “stay and rescind” power, to effect change.
 - ✓ Ultimately, the State Board must close schools that fail to improve the academic performance of students over a reasonable time period and make provisions for the quality education of those students.

Recommendation 3: The state must give districts and schools flexibility to ensure deep implementation of standards and instructional improvement.

- ❑ **Allow more financial flexibility.** The Legislature must coordinate and combine state categorical programs that target factors affecting student achievement: academic preparation, language acquisition, parental involvement and school safety. The state should redistribute these funds in a block grant tied to high-needs student populations.
- ❑ **Reward success.** Districts must be rewarded with additional money from the pooled categorical funds in exchange for increasing their performance on the new “Right Track” index.

Recommendation 4: The state must formalize and enforce the chain of accountability.

- ❑ **Take ownership of school outcomes.**
 - ✓ The governor must use his power to appoint members of the State Board of Education to focus that body as the policy lever and

independent enforcer of the accountability system, serving as a true check on the California Department of Education.

- ✓ The state superintendent of public instruction, as the leader of the California Department of Education and spokesperson for student achievement, must use the existing arsenal of intervention tools and the power of the office to catalyze a dramatic turnaround for underperforming schools.
- ❑ **Keep the lines of authority clear.** In the name of efficiency and streamlined accountability, the state must not continue to expand the Secretary of Education's Office, which would increase redundancy and dilute lines of responsibility. The governor should maintain a cabinet-level education emissary and a residual education policy staff. The governor can continue to exert influence to shape and determine education policy through his State Board appointees as well as through the budget process. To further professionalize the State Board, the Legislature should expand the role of the board president into a full-time position.
- ❑ **Increase the authority of county offices of education.** The Legislature must expand the fiscal oversight role of county superintendents to include academic accountability.
 - ✓ As part of the existing budget-approval process, county offices of education must not endorse a district's budget until the local school board adopts a blueprint for districtwide improvement strategies that comply with federal NCLB guidelines.
 - ✓ The Legislature must authorize county offices of education to conduct evaluative, diagnostic inspections of chronically underperforming schools in their jurisdiction to ensure turnaround plans are being implemented. County office of education recommendations should be enforceable through state law or policy. The state needs to set uniform standards for this process.
- ❑ **Strengthen the Regional System of District and School Support.** The 11 regional centers carry the potential to coordinate and oversee statewide accountability programs more effectively. The state must delineate the roles and responsibilities of the regional centers to serve as official field offices of the California Department of Education.

Recommendation 5: The state must champion the use of data to drive instructional improvement and policy and financial decisions.

- ❑ **Support the build-out of data systems.** The Legislature needs to monitor closely the progress of CALPADS and CALTIDES and work with the administration to ensure the systems are being built as robustly and accessibly as envisioned – and needed.

❑ ***Make data usable.***

- ✓ The state must return fine-grained data to teachers, schools, districts and parents on timelines and in formats that support efforts to improve educational outcomes.
- ✓ The state must ensure that data about students and teachers can be linked to identify what instructional practices and strategies are working and to target support to students and teachers who need it.
- ✓ The state must support more training for districts and schools to compile data on the front end and translate and utilize it on the back end.

❑ ***Capitalize on periodic assessments.*** The state must ensure that districts develop benchmark assessment tools.

❑ ***Reach out to parents.*** The state must simplify School Accountability Report Cards (SARC) and improve Web-accessibility for parents to better understand progress at their children’s schools and districts.

The Commission's Study Process

Over the past two decades, the Commission has assessed various aspects of the state's education system. Previous studies have focused on school facilities and construction, budget and finance issues, teacher preparation and credentialing, community college programs and career technical education.

The Commission initiated this study to review the state's accountability system and how effectively the administrative structure functions to improve student outcomes. The Commission was assisted by many individuals who helped guide its review, identifying model schools, programs and reforms as well as obstacles to improving student achievement. These experts also provided suggestions on opportunities for improving accountability in California.

As part of the study, the Commission convened three public hearings. Hearing witnesses are listed in Appendix A. The Commission also convened an expert advisory committee on assessments and the culture of testing. Advisory committee members are listed in Appendix B.

Additionally, the Commission visited Jonas Salk High-Tech Academy in Sacramento County's San Juan Unified School District to see first-hand reforms being implemented to improve student achievement and to talk with school administrators, teachers and, most importantly, students.

Commission staff attended and were informed by discussions at various education policy events, including "A California Education Policy Convening: Getting from Facts to Policy" hosted by EdSource; the "Achievement Gap Summit" hosted by Superintendent of Public Instruction Jack O'Connell and the Department of Education; the "Symposium: A Discussion of the School Inspectorate in the United Kingdom – Could It Work in California?" hosted by the UC Davis Center for Applied Policy in Education; the forum, "Big Visions and Hard Realities: What We Can Do Now," hosted by EdSource; and, several PACE (Policy Analysis for California Education) and California Research Bureau seminars.

All written testimony submitted electronically for each of the hearings and this report are available online at the Commission Web site, www.lhc.ca.gov.

Appendices & Notes

- ✓ *Public Hearing Witnesses*
- ✓ *Advisory Committee Members*
- ✓ *Educational Governance and Accountability Timeline*
- ✓ *Selected Education Acronyms*
- ✓ *Notes*

Appendix A

Little Hoover Commission Public Hearing Witnesses

***Witnesses Appearing at Little Hoover Commission
Public Hearing on Educational Governance and Accountability, September 27, 2007***

Dominic J. Brewer; Professor of Economics,
Education and Policy; University of
Southern California

Delaine Eastin, former State
Superintendent of Public Instruction and
former Assemblymember

Susanna Loeb, Director, Institute for
Research on Education Policy & Practice,
Stanford University, and
Coordinator, "Getting Down to Facts"
Project

Charles A. Ratliff, former Director, Office of
the Education Master Plan

Jon Sonstelie, Visiting Fellow, Public Policy
Institute of California

Thomas Timar; Professor of Education;
University of California, Davis

***Witnesses Appearing at Little Hoover Commission
Public Hearing on Educational Governance and Accountability, October 25, 2007***

Matt Aguilera, Principal Program Budget
Analyst, California Department of Finance

Keric Ashley, Director, Data Management
Division, California Department of
Education

Gary Borden, Deputy Executive Director,
California State Board of Education

Richard Bray, Superintendent, Tustin
Unified School District

Susan K. Burr, Executive Director,
California County Superintendents
Educational Services Association

Daniel Chacon, Principal, Sanger High
School

Willetta Fritz; Teacher, English Department
Chairperson and English/Language Arts
Curriculum Support Provider; Sanger High
School

Jenifer J. Harr, Senior Research Analyst,
American Institutes for Research

Wendy Harris, Assistant Superintendent for
School Improvement, California Department
of Education

James S. Lanich, President, California
Business for Education Excellence

***Witnesses Appearing at Little Hoover Commission
Public Hearing on Educational Governance and Accountability, January 24, 2008***

Assemblymember Juan Arambula, 31st
Assembly District

Cecelia Mansfield, Legislative Advocate,
California State PTA

Gavin Payne, Chief Deputy Superintendent
of Public Instruction, Office of the State
Superintendent of Public Instruction

Caitlin Scott, Consultant, Center on
Education Policy

Appendix B

Little Hoover Commission Advisory Committee on Educational Governance and Accountability

Gary Borden, Deputy Executive Director,
California State Board of Education

Ken Burt, Liaison Program Coordinator,
California Teachers Association

Isabelle Garcia, Legislative Advocate,
California Teachers Association

Steve Gardner, Assessment Coordinator,
Galt Joint Union High School District

Scott Hill, Undersecretary, Office of the
Secretary of Education

Linda Kaminski, Assistant Superintendent
of Educational Services, Upland Unified
School District

James S. Lanich, President, California
Business for Education Excellence

Roger Mackensen, Policy Consultant,
Senate Republican Caucus

Lee Angela Reid, Consultant, Senate Office
of Research

Michael Ricketts, Deputy Executive
Director, California County
Superintendents Educational Services
Association

Gerry Shelton, Chief Consultant, Assembly
Education Committee

Deb Sigman, Director, Standards and
Assessment Division, California
Department of Education

Rick Simpson, Deputy Chief of Staff, Office
of the Assembly Speaker

Susan Westbrook, President, Early
Childhood/K-12 Council, California
Federation of Teachers

Appendix C

Educational Governance and Accountability Timeline

1849 – The State Constitution establishes an elected state superintendent of public instruction.

1851 – The first state superintendent takes office.

1852 – The Legislature establishes the State Board of Education. The State Board is added to constitution in 1884. Its membership varies over next 60 years, including elected statewide officeholders and county superintendents.

1912 – A statewide ballot initiative passes to reorganize the State Board of Education, and the governor is given authority to appoint lay members to the board. This change creates a fundamental shift in authority over education policy. Previously, the state superintendent had dominated the agency responsible for public education, which took on the unofficial label of “Department of Public Instruction.” After the ballot measure passes, the State Board of Education takes on a greater level of importance, and the agency becomes known as the state Department of Education.

1920 – State Senator Herbert C. Jones, chairman of the Senate Education Committee, issues a report identifying the “double-headed system” of educational governance between the elected state superintendent and the governor-appointed board. The “Jones Report” notes that “the present California educational organization must be regarded as temporary and transitional, and dangerous for the future, and it should be superseded at the earliest opportunity by a more rational form of state educational organization.”

1921 – A new California Department of Education is created formally by legislation, to be overseen by the state superintendent.

1928 – Voters reject a statewide initiative to eliminate the state superintendent, as part of a larger legislative effort to reorganize and expand the State Board of Education.

1944 – As part of a special legislative session to consider education bills, lawmakers appropriate funds for two studies of the administration and organization of the school system. The “Strayer Report” recommends a constitutional amendment to have the state superintendent selected by a lay board, rather than by voters. The recommendation is not acted upon.

1945 – The Legislature passes the Optimal Reorganization Act, which leads to financial incentives for school districts to merge.

1958 – Voters reject a proposition that would have made the state superintendent an appointed position.

1963 – The Legislature declines to place constitutional amendments on the ballot to end the popular election of the state superintendent.

1964 – Governor Edmund G. “Pat” Brown appoints the first education secretary in California.

The Legislature passes AB 145 (Unruh), which offers new incentives for school districts to consolidate.

1968 – Voters reject a statewide initiative that would have changed the process for selecting the state superintendent.

1971 – The State Supreme Court rules in *Serrano vs. Priest* that the public school system cannot be financed based on the value of property in the community.

1978 – Voters approve Proposition 13, which restricts school districts from raising taxes. The state assumes responsibility for determining the level of school funding and how funds are spent.

1982 – The Little Hoover Commission recommends expanding the role of the state superintendent over department budget matters.

1985 – The California Commission on School Governance and Management recommends changing the process used to select the state superintendent and State Board members.

1988 – Voters approve Proposition 98, the “Classroom Instructional Improvement and Accountability Act.” The proposition establishes a minimum funding level for K-12 education and requires each school to produce an annual School Accountability Report Card (SARC).

1990 – The Little Hoover Commission recommends expanding the authority of the State Board and urges the attorney general to file an action to prevent the Department of Education from circumventing the state’s regulatory process by approving program guidelines.

1991 – Governor Pete Wilson establishes a new cabinet position, the secretary of child development and education. The position’s title is later changed to the secretary of education.

1992 – SB 171 (Watson) is enacted, requiring the state superintendent to identify low-performing “focus schools” to receive additional state resources. This program is never funded or implemented.

1993 – The State Appeals Court rules that the state superintendent must execute the board’s policies, following a lawsuit in which the State Board of Education sued State Superintendent Bill Honig in 1991.

Governor Pete Wilson vetoes SB 856 (Dills), which would have placed the state superintendent at the center of the policy-making process and limited the State Board of Education to an “advisory capacity” on other matters.

1996 – The California Constitution Revision Commission recommends making the governor responsible for the state’s education system, having the governor appoint the state superintendent and allowing the governor and the Legislature to determine if a State Board of Education is even necessary. The plan fails.

SB 1570 (Greene) is enacted, creating an advisory committee to assist the state superintendent in developing an accountability system. The committee publishes “Steering by Results” the next year, proposing an accountability system with rewards and interventions.

1997 – Governor Wilson vetoes SB 300 (Greene), which called for a study on school district consolidation.

1998 – Students take STAR tests for the first time.

Governor Wilson vetoes SB 1561 (Leslie). Initially called the Public Schools Accountability and Accreditation Act, the bill would have created an accreditation agency to evaluate schools and directed additional funding to 250 of the lowest performing schools. However, the bill contains no consequences. “There are no teeth in this proposal,” Governor Wilson writes in his veto message.

Voters reject the Governor Wilson-backed Proposition 8, which would have created a state Office of the Chief Inspector of Public Schools, among other education reforms.

1999 – SB1x (Alpert) is enacted, establishing the Public Schools Accountability Act, with interventions for bottom-tier schools and Governor’s Performance Awards for standout schools, based on the Academic Performance Index (API).

2000 – Governor Gray Davis vetoes SB 760 (Alpert), which would have authorized a study of school district consolidation.

2001 – Students take the California High School Exit Examination (CAHSEE) for the first time.

2002 – President George W. Bush signs the No Child Left Behind Act.

The California Master Plan for Education recommends that the governor should have authority over California’s education system through an appointed chief education officer, while continuing the State Board of Education and a more limited state superintendent. The recommendations are not adopted.

2004 – The California Performance Review recommends forming a Department of Education and Workforce Preparation to direct education policy from pre-school to higher education and the workforce, restructuring the current secretary of education as the head of the department and maintaining the state superintendent in a diminished role. The recommendations are not adopted.

2007 – The “Getting Down to Facts” project calls the educational governance and finance systems “broken,” requiring “fundamental reform, not tinkering around the edges.”

2008 – The Governor’s Committee on Education Excellence releases its report, “Students First: Renewing Hope for California’s Future.”¹⁹³

Appendix D

Selected Education Acronyms

ACMAT – Academic Crisis and Management Assistance Team

AIR – American Institutes for Research

API – Academic Performance Index

APR – Accountability Progress Report

AYP – Adequate Yearly Progress

CAHSEE – California High School Exit Examination

CALPADS – California Longitudinal Pupil Achievement Data System

CALTIDES – California Longitudinal Teacher Integrated Data Education System

CAP – California Assessment Program

CAPA – California Alternative Performance Assessment

CAT/6 Survey – California Achievement Tests, Sixth Edition Survey

CCSESA – California County Superintendents Educational Services Association

CDE – California Department of Education

CLAS – California Learning and Assessment System

CSBA – California School Boards Association

CSIS – California School Information Services

CST – California Standards Test

DAIT – District Assistance and Intervention Team

FCMAT – Fiscal Crisis and Management Assistance Team

HPSGP – High Priority Schools Grant Program

II/USP – Immediate Intervention/Underperforming Schools Program

LAO – Legislative Analyst's Office

LEA – Local Educational Agency

MDE – Michigan Department of Education

NCLB – No Child Left Behind

PACE – Policy Analysis for California Education

PI – Program Improvement

PSAA – Public Schools Accountability Act

RCAT – Riverside County Achievement Team

RSDSS – Regional System of District and School Support

SARC – School Accountability Report Card

SAIT – School Assistance and Intervention Team

STAR – Standardized Testing and Reporting

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