

LITTLE HOOVER COMMISSION COMMENTS

We, as a state, must ensure strong accountability measures are in place, to help turn troubled school districts around. For an accountability system to be effective, however, all school districts and schools must be required to participate in the system.

I was quite surprised, therefore, to learn that both our federal and state accountability systems rely on the voluntary participation of school districts and individual schools that elect to receive the monetary incentives offered – be it the Title 1 funds that serve as the carrot for NCLB or the program improvement funds provided to districts in our state district accountability statute, Education Code section 52055.57.

An accountability system based on the voluntary participation of struggling districts may never capture the very districts that need the most help. For example, only schools that receive Title 1 funds are subject to the provisions and potential sanctions of the No Child Left Behind Act. Such a “voluntary” approach potentially leaves hundreds of thousands of students in California who attend non-Title I schools behind. Furthermore, districts can choose to turn down Title I funding if they wish to opt out of the federal system for academic accountability.

I firmly believe that all school districts and schools in California must be required to participate in our state accountability system even if the state is required to pay any costs associated with such a mandate. What more important role is there for the State to play than holding districts and schools accountable for their students’ outcomes – to ensure all children have access to a quality education.

Until recently, our state accountability system only focused on individual under-performing schools that volunteered to participate in the II/USP program and later the High Priority Schools Grant program, for up to \$400 in additional funds per student. The State largely ignored the role of local school districts in supporting individual school reform, and as the key intermediary between state-level policy and school-level implementation.

I *strongly* recommend the State focus additional attention on chronically underperforming school districts, with very low student academic achievement, particularly for their socio economically disadvantaged subgroup. Most of these districts serve predominantly low-income, minority and English learner students. Many have demonstrated dismal results over a prolonged period of time.

The State must develop a method to triage which districts require additional academic oversight, based on a district’s needs, capacity, and progress to date. A one-size-fits-all approach will not work in a state as diverse as ours. We must accurately identify those districts that require additional assistance, and the level of assistance needed based on the unique circumstances of each district – from minimal support to ongoing assistance to intensive intervention, where warranted.

In districts with a long history of turbulence, the best way to promote fledgling reform efforts is to provide immediate meaningful assistance, and credible consequences should a district lose its focus on student achievement. For districts with continued bad performance, the state needs to be prepared to intervene and make significant changes in governance.

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AB 2656 (2006) – Academic Crisis & Management Assistance Team (ACMAT)

As some of you may recall, I introduced AB 2656, which would have established an Academic Crisis & Management Assistance Team (ACMAT).

While a school district's primary mission is to educate students, the State has been slow, even reluctant, to intervene in districts who are on the brink of academic bankruptcy, despite many years of dismal academic results. Until recently, state intervention programs focused on individual low-performing schools. For districts with a large number of schools in the bottom two deciles, such a disjointed approach ignored the significant impact district-wide policies and decisions play on individual schools struggling to put reforms into practice.

Almost twenty years ago, the Fiscal Crisis & Management Assistance Team (FCMAT) was created to help districts fulfill their financial and management responsibilities by providing expedient fiscal advice, management assistance, training and other related school business services.

FCMAT is considered a "best practice" model for district interventions. FCMAT is housed in the Kern County Office of Education, and provides advice to school districts threatened with fiscal insolvency on issues beyond a district's fiscal solvency, including personnel procedures, financial management, facilities management, pupil achievement, community relations and governance.

In more serious cases where a district requires an emergency loan, the State appoints a trustee or administrator. In 2004, AB 2756 strengthened the county office of education role in fiscal oversight and required FCMAT to establish regional teams of education finance experts throughout the state. FCMAT has assisted more than 500 districts, with a budget of \$3.1 million for 06-07.

An Academic Crisis & Management Assistance Team (ACMAT) would help focus attention and resources on those districts which have been failing the students entrusted to their charge.

I recommended the State Superintendent and Secretary of Education jointly select the entity to manage ACMAT, through a competitive bid process. A 25-member Board of Directors, modeled after the FCMAT Board, would be comprised of practitioners familiar with the challenges of operating school districts serving at-risk students – 11 county superintendents and 11 district superintendents, selected by CCSESA and ACSA, respectfully, one from each region, and one representative each chosen by the Secretary of Education, the State Superintendent, and a statewide teacher organization. On further reflection, I recommend the 11 lead county superintendents in the Regional System of District and School Support be selected as board members, with each lead RSDSS county superintendent selecting a superintendent of a high performing district in his region with a significant population of low income and English learner students.

Either the State Superintendent or a county superintendent could have requested the ACMAT unit review the academic and administrative condition of, and provide management assistance to, any school district that is identified for program improvement or subject to corrective action. A program improvement district could also have initiated a request for ACMAT assistance.

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ACMAT staff would have had extensive practical experience in school district management and operations, the design and operation of instructional programs, research-based reform strategies, the effective use of data to improve pupil performance, the roles and responsibilities of school district and school management personnel, budgeting, personnel administration, organization, staffing and working in and with schools and school districts with low-performing students.

Modeled on FCMAT, a project lead would have been assigned to make an initial assessment of the district's strengths and weaknesses, and then **gathered together a team of local experts based on the unique needs** of each district. Each school district would pay a portion of the onsite personnel costs and travel costs incurred by the ACMAT team.

Thus, rather than a stable of in-house experts, an ACMAT lead would have the flexibility to select providers who can best address a district's particular challenges. ACMAT would establish a panel of available education management and instructional experts **distributed throughout the state** that could be brought in based on a district's identified needs. The ACMAT board would establish specific criteria to determine which PI districts require assistance from ACMAT, with at least 60 percent and up to 85 percent of ACMAT funds set aside for contracts for professional services, to provide management assistance to districts where the ACMAT board determines an academic crisis exists.

As envisioned, ACMAT teams would be empowered to make recommendations that target appropriate resources to specific reform initiatives and interventions, to ensure the district is making systemic and substantive change at the district, school and classroom levels. The team would also be empowered to review and analyze all facets of district operations, including the instructional program, finances, and the recruitment, hiring, and retention of district staff. The governing board of the district would then adopt the ACMAT recommendations, subject to appeal to the State Superintendent. Twice annually, the ACMAT team would report on a district's progress until operations had improved.

In 2006, most education stakeholders preferred to await full implementation of District Assistance and Intervention Teams (DAIT), which was scheduled to take place in the Fall of 2007. It was never my intention to supplant the DAIT process, which may or may not prove effective for many of the 98 districts subject to corrective action. Clearly, however, we could all identify a few chronically underperforming districts in academic crisis that require **more intensive intervention and assistance, and at an earlier stage** prior to year three of program improvement, when they would otherwise become subject to corrective action.

I am pleased to see the Governor's Commission on Educational Excellence now is recommending the creation of ACMAT to help districts that are academically bankrupt or otherwise require intensive and systemic academic intervention.

AB 1403 (2007) – Central Valley District Improvement Pilot Program

In 2007, I introduced AB 1403, a **School District Improvement Pilot Program** for districts in which over 50 percent of their students attend schools ranked in deciles 1 and 2 of the state API. This bill was designed to maintain local control, while pushing district leaders and board members to make substantive academic change. Every day, we hear the frustration of families who realize that their

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children are being short-changed educationally. Our jails, unemployment and welfare lines are full of these young adults.

By late summer, when the bill was finally held in Senate Appropriations, I had reluctantly accepted an amendment that would only have mandated districts to participate once they became subject to corrective action; districts could elect to participate during the first two years of program improvement. Ideally, however, for the state to have a meaningful academic accountability system, all districts must be required to participate, even if there are costs involved with that mandate.

Under AB 1403, the local County Superintendent would assume greater responsibility for the operation, oversight and monitoring of the **academic** progress of chronically underperforming districts.

Under AB 1403, the governing board and county superintendent would have had to approve a district's improvement plan. The county superintendent was empowered to make recommendations that target appropriate resources to specific reform initiatives and interventions, to ensure the district is making systemic and substantive change at the district, school and classroom levels, which the school board shall adopt, subject to appeal to the State Superintendent. This was modeled after the proposed authority to be granted the district assistance and intervention (DAIT) teams under a bill the State Superintendent sponsored, AB 1216.

In my view, the State should not micromanage how funds are spent in classrooms. The current hodge-podge of categorical programs¹, each with its own red tape and required personnel, is a recipe for inefficiency. Categorical programs allocate monies based on compliance with rules – rather than on program outcomes. Districts receive the same funding for taking actions, regardless of whether they produce results.

Furthermore, to qualify for categorical funds, schools are forced to create programs that may or may not be useful, so districts have a difficult time developing a coherent education plan. Staff operates in isolation, focused on the specific statutory program requirements, without considering the district's overall education priorities or how the district's multiple programs should work together. It is no wonder such a finance system fails to promote student achievement.

Struggling districts need financial and programmatic flexibility if they are to dramatically improve student learning and ensure students most in need are being effectively served. Local educators who are closest to students can best gauge and meet their needs and develop integrated programs that

¹ Despite having more than 100 discrete programs, few are targeted at students with disadvantages. The share of funding allocated to narrow categorical programs has grown from 10 percent of total education funding prior to passage of Proposition 13 to approximately 30 percent today. According to the Governor's Commission on Educational Excellence, the State provides the equivalent of 10 percent more for students in poverty than for "average students", whereas other states augment general funding levels by 20-80 percent for students in poverty.

Rather than address the underlying problem, the lack of adequate resources for educationally disadvantaged students, the State has simply tried to treat some of the many symptoms resulting from that low investment. However, given our political process, the state often required these well-intended efforts to address specific shortcomings be offered in all schools or for all students, instead of those students with the greatest need.

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support the educational needs of each individual student. Moreover, as resource decisions shift from the state to local communities, local school officials will have the authority to make decisions, and parents and the community will take a more active role in school affairs.

Under AB 1403, almost all categorical program mandates² would have been eliminated and **local choice** would have driven program selection. Only then could educators be fairly held accountable for improving academic achievement. Districts would be authorized to redirect state categorical funds, with specified exceptions³, to implement proven educational strategies with the potential to make systemic and substantive changes, improve the academic achievement of all pupils, and address the specific academic needs of low-performing pupils.

AB 1403 would also have encouraged innovation by authorizing county superintendents to recommend the State Board waive specific sections of the Education Code and related state regulations that hindered a district's ability to implement key educational strategies in its District Improvement Plan that addressed the needs of low performing students. The *Getting Down to Facts* studies subsequently found that our voluminous Education Code creates onerous paperwork demands and often serves as an obstacle to reform.

My bill would also have required the State Board to grant the county superintendent greater oversight over districts subject to corrective action, including the power to stay and rescind district actions that were inconsistent with its District Improvement Plan. Stay and rescind authority has already proven effective with districts in financial difficulty.

AB 1403 did not create a separate accountability framework. It would simply have allowed the county superintendent, who better understands the strengths and weaknesses of local districts, to assume the role of the State Superintendent with regard to recommending which NCLB sanctions were appropriate. Final decisions would still have resided at the State Board level.

I believe AB 1403 embodied the correct approach - greater local flexibility over how resources are allocated in exchange for greater local accountability for results.

With the defeat of AB 2656 (ACMAT) and AB 1403 (Pilot program), we current have several options:

1. Not to intervene at the district level at all - which is what we've done so far, at the expense of our children, the real victims of the status quo.
2. Rely on the State Superintendent, who has historically demonstrated an unwillingness or inability to provide effective oversight or intervene where warranted, and who simply doesn't have the local insight needed.

² Were local districts to be freed from the compliance-driven time and cost burdens of most state categorical programs, we'd benefit from another windfall. Currently, much of the work currently conducted by CDE staff focuses on implementing categorical programs, e.g., allocating funding, providing technical assistance, collecting data on those programs, and conducting compliance reviews. Were much of this work eliminated, CDE staff capacity could be redirected to help districts implement effective educational programs.

³ Exceptions included special education, adult education, child care, economic impact aid, and after school programs.

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3. Provide the 58 county superintendents and the RSDSS network a greater role in the academic oversight and monitoring of school districts, to motivate and assist district leaders in making substantive academic improvements.

Making substantive academic change in districts that have experienced instability and academic decline is a complex process. AB 1200, which gave fiscal oversight to county offices of education, has shown that keeping the intervention and support closer to home is far more effective. We all do better when our work is closely monitored. County superintendents are uniquely situated to provide the direct supervision and intensive assistance these academically troubled districts need. Their geographic proximity and political responsiveness gives locally elected county superintendents a keen insight on district needs and a strong incentive to work in collaboration with local districts to improve performance.

Governor's Commission on Educational Excellence

The Governor's Commission found that when California implemented high-stakes accountability, the State layered new mandates on top of its existing compliance driven system. Other states, in contrast, deregulated their educational systems, allowing local educators the flexibility to determine how best to meet local students' needs. The Commission criticized our current accountability system for directing resources to underperforming schools that are not linked to improvement and, in fact, go away if the school improves, finding such perverse incentives had only limited success.

The Commission felt it critical to provide greater local autonomy while strengthening the state's support role, as well as its accountability and oversight systems, to ensure each student is provided a quality education. It would return primary decision-making authority over budgets, programs and personnel to local entities, because local educators are closest to students and their needs and best positioned to determine how to meet state expectations. Systems responsive to local needs also encourage experimentation and innovation, which may reveal novel "best practices."

I, too, believe that the state's **principal** role must be to hold schools and districts accountable, chiefly through promulgating ambitious academic achievement standards, developing assessments, holding districts accountable for meeting those expectations, and, in extreme cases, imposing interventions. A strong accountability system should:

- provide useful data to both educators and policymakers;
- provide incentives to motivate educators, such as increased authority and resource flexibility;
- ensure sufficient supports are delivered to schools and districts; and
- provide real consequences for chronically underperforming schools and districts that still do not meet expectations.

The Governor's Commission recently presented several worthwhile recommendations to strengthen our state accountability system:

- **Delegate the State's responsibility for academic oversight to a lead county office of education in each of the 11 service regions in California.** While the capacity to provide these services may vary by county, each region incorporates at least one county office that could effectively carry out these duties.

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- Invest immediately to build the capacity of county offices of education so that they provide needed support, address district needs, and intervene directly in failing districts (and sometimes schools), when necessary. County superintendents are well-situated to support recovery efforts. By providing support and oversight locally, regional support teams would have a constant presence, understand the local context, and create and maintain the necessary ongoing relationships needed for success.
- **Create an Academic Crisis Management and Assistance Team (ACMAT)** to help districts that are academically bankrupt or otherwise require intensive and systemic academic intervention.
- **Establish clear rules for imposing sanctions on districts.** The state should use **multiple measures** to determine when a district is not meeting expectations as well as the level of resources and support to allocate, based on the overall level of student performance, recent growth in the API and other value-added measures of improvement, the district's PI status, and findings from district inspections.
 - The Commission envisions four levels of support, which resemble many features of my recent Pilot Project. The State Board would adopt the specific API and growth thresholds that would determine which level of intervention applies.
 - **Tier 1 - Assign a trustee.** A trustee would be assigned to the lowest performing districts that enter corrective action with low API scores and do not show signs of improvement. At present, most of these districts are small with a majority of Decile 1 schools. The trustee would have “stay and rescind” authority over all board actions. The Commission recommends legislation be pursued similar to AB 2756 (Daucher, Statutes of 2004), that would define a process to appoint a trustee and return control to the district governing board after sufficient improvement occurs. The district would support the costs of a trustee with Title I funds, while the state would provide funds to address some of the needs the trustee identifies.
 - **Tier 2 - County-regional direct support.** Districts with slightly higher APIs and/or recent API growth will, nonetheless, likely require external support for a substantial period of time. And their reform efforts will require significant fiscal support. The regional support system would assign a county office to support each district and frequently monitor the district using ACMAT-developed tools to assess administrative practices in seven program process areas – governance, curriculum and instruction, professional development, human resources, data, assessment and monitoring, fiscal operations and parent and community involvement.
 - These districts would be put on notice that if their API scores do not begin to improve in the near term, a trustee would be assigned. However, if the county-region certified that the district was making significant progress in the seven program areas, the State Board could delay assigning a trustee for an additional year. The County-region would select and support the trustee, because it will have become familiar with the district's problems.
 - **Tier 3 - District Assistance and Intervention Team (DAIT).** For districts in the third target range, the state would assign a DAIT team and provide

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\$50,000 per district and \$10,000 per school, consistent with current law. While the role of the DAIT team would be similar to the county-region teams, the level of support would not be as detailed due to resource limitations.

- These districts would be on notice that if their API does not improve within two years, they would proceed to Tier 2.
- **Tier 4. County oversight of district improvement plan.** Districts with higher API scores or significant recent growth in their API would be required to conduct a self-assessment using the 7 program process measures and develop a district improvement plan that focuses on the specific issues that the district needs to address, e.g. English learners or special education students. The district must get the plan approved by the county-region and make quarterly progress reports. A county office of education would receive funding to oversee these districts on a per-district basis.

Thank you for the opportunity to provide these written comments and for your interest and concern. I look forward to working with you and other concerned individuals and organizations to ensure California has a world class educational system that meets the needs of our students and helps ensure California's prominence in the future.