

Written Testimony of  
Fred Tempes  
Senior Program Director, WestEd  
to the  
Subcommittee on Early Childhood, Elementary and Secondary  
Education  
of the  
Committee on Education and Labor  
of the  
U. S. House of Representatives  
San Rafael, California  
April 27, 2007

Mr. Chairman and Members of the Committee. I want to thank you for the opportunity to provide testimony as you begin to deliberate reauthorization of the No Child Left Behind Act. My name is Fred Tempes, and I am the Director of the Comprehensive School Assistance Program at WestEd. As you may know, WestEd is a nonprofit research, development, and service agency with headquarters in San Francisco and with 14 offices throughout the country. Success for every learner is our goal at WestEd, a goal we have been pursuing for over 40 years.

At WestEd I oversee our work in support of schools and districts identified as needing improvement under NCLB or other state-specific criteria. Over the past several

years we have been engaged with more than 100 schools and more than two dozen districts in California, Arizona, Nevada, and Hawaii as they seek to raise student achievement and close the achievement gap. I should add that I also serve as the Director of the California Comprehensive Assistance Center, funded by the U.S. Department of Education and charged with helping to build state capacity to implement NCLB. Prior to joining WestEd, I spent more than two decades in the California Department of Education, and my last position there was Director of School and District Accountability. Hence, I believe that I have a good perspective on accountability systems as they are envisioned at the state level and dealt with at the local level.

Let me start my remarks by very briefly summarizing for you what we have learned about how schools and districts improve. In the standards-based educational world envisioned in NCLB, the path to improvement is clearly marked. Schools and districts need to:

- Guarantee all students have access to a rigorous and coherent curriculum.
- Hire and retain skilled teachers to implement the curriculum.
- Place strong principals and district administrators in leadership positions.
- Be accountable for making sure improvement plans result in actions and actions result in gains in student achievement.

NCLB has done much to move this reform framework forward, and although much remains to be done, many of the tasks ahead are best addressed by states and districts operating within the framework established by NCLB. For example, in the curriculum arena all states now have academic standards and annual assessments designed to measure student progress in meeting those standards, thus creating the structure for a

standards-based curriculum. States and districts now need to work on aligning instructional materials and strategies to those standards, using formative assessments to monitor progress during the year, and providing appropriate professional development to support curriculum implementation and effective instruction.

The focus of today's hearing is, however, on the fourth component of the framework for school and district improvement as we see it: a workable system to hold adults accountable for giving all students access to a rich and rigorous curriculum that leads to improvements in student achievement.

The accountability system called for in the No Child Left Behind Act is undeniably the most controversial feature of the Act, and with good reason. Supporters of the current system rightly point to the fact that NCLB has caused schools and districts to pay attention to whether all students are meeting state standards. And the requirement that achievement results be disaggregated by significant subgroups means that the high achievement of some groups can no longer mask the low achievement of others.

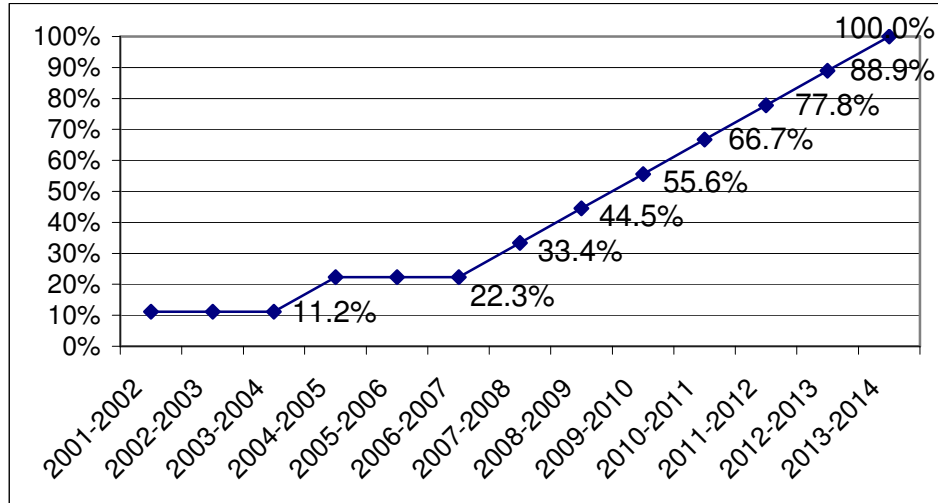
However, to be effective, an accountability system must be judged as reasonable by those being held accountable. Unfortunately, under the NCLB accountability plans established by most states, we are fast approaching the point at which the majority of participants in the system no longer view the system as reasonable. Here's why.

First, a reasonable system must set realistic targets that motivate all to strive to reach them. When participants in the system no longer view the system's goals as attainable, they cease to put forth the effort to reach them.

California provides a good example of the problem. Table 1 displays the percent proficient targets for high schools in English Language Arts in California.

**Table 1**

California Percent Proficient Targets:  
English Language Arts: High School Level



Like many other states, California has taken advantage of the “stair step” provision in NCLB that allows for a more gradual ramping up of proficiency targets. Hence, the proficiency target in English Language Arts for the current school year for high schools is that 22.3% of students will be at or above the proficient level. That is not an unreasonable target. But those in the system looking beyond the current year will see that for next year the target increases by 11 percentage points and 11 points every year thereafter. Over the past three years, the state as a whole has averaged just under 3 percentage point gains in English Language Arts per year. Although we can do better, almost no one in the system believes these out-year goals are attainable for all schools and districts.

Second, a reasonable system must have realistic consequences attached to failure. Particularly at the district level, where states are required to apply sanctions, most of the consequences of falling into Corrective Action identified in NCLB are just not realistic.

One is hard pressed to see the California State Board of Education taking any of the following actions in any but the most extreme cases: Replace the district staff, remove individual schools from the jurisdiction of the district and arrange for alternative governance, appoint a trustee in place of the superintendent and school board, or abolish the district. And beyond the feasibility of these actions, there is little empirical or other evidence that they have been or will be effective.

How, then, can we improve the current accountability system? Many, especially in California, have argued for a system that rewards steady growth rather than the current model that only acknowledges attainment of proficiency. There are good arguments for either system, but the crucial factor, regardless of the type of system, must be reasonableness. **Teachers, principals, and district administrators need to be able to go to work in the morning believing that if they work hard to provide all students a standards-based curriculum, they can meet the targets laid out for them.** How can we make targets more reasonable? Three things seem obvious: revisit the targets for the Special Education and English Learner (see discussion below) subgroups, increase the time frame for reaching the targets, and increase the funding available to our most challenged schools and districts via Title I.

Because one in four students in California is an English Learner and another 18% come from homes where a language other than English is spoken, targets for those learning English is a crucial topic here. Under NCLB, California has established ambitious yet reasonable targets for the rate at which students acquire proficiency in English. However, two revisions to the current system or a future system would improve reasonableness greatly. First, the requirement that English Learners take the same

English language tests designed for English speakers in English Language Arts and mathematics after one year in our public schools is based on the unreasonable and unvalidated assumption that all students learning English should be academically proficient in English after one year. **Testing English Learners on tests developed for native speakers of English should be delayed until those tests can yield psychometrically reliable and valid measures of student achievement.**

Second, NCLB does a great service to English Learners by including them as a subpopulation in the accountability system. Schools and districts should be held accountable for the academic achievement of these students. However, the current system requires removal of the very students who give evidence of school and district success, former English Learners who have met academic and English language proficiency targets, thus depressing the scores of the English Learner subgroup unjustifiably. **Students initially identified as English Learners should remain a part of that subgroup for accountability purposes as long as they are enrolled in the district.**

The question of meaningful consequences for failing to meet achievement targets is, of course, inextricably linked to the question of reasonable targets. Assuming realistic targets, the Committee should look at both the time frames in which sanctions are applied and the level of support given schools and districts in the different stages of sanctions.

The question of time frames is particularly salient at the district level. Whereas schools are given four years to right their ship after failing to make AYP, school districts will find themselves in Corrective Action after failing to make AYP at the district level after just two years. Research and most district superintendents will tell you making

systemic change at the district level takes much more time. The short time line for district improvement sometimes leads to taking short-term measures, such as focusing intervention resources on those students closest to making AYP, that do not result in long-term benefits to all students in the district. **Like schools, districts should be given at least four years after failing to meet AYP before facing the more drastic, and one hopes – in the future – more constructive, consequences of Corrective Action.**

Finally, our experience is that schools and districts need support in their efforts to improve. If they had all the skills, staff, and time they needed to improve, they would be doing the things they all know need to be done. But frontline educators tell us every day that they can best do their job if they receive support from highly qualified, external school improvement experts -- both to help them see the areas in need of attention more clearly and to provide the ongoing support and coaching necessary to ensure that plans result in actions.

Currently there is no provision in law for such external support services. Regional Educational Laboratories, which at one time offered similar support, are now focused on a rather narrow research agenda. The Comprehensive Centers, such as the one I direct, did offer technical assistance directly to schools in a former grants cycle, but they now provide capacity building support to state departments of education exclusively.

I do not argue with these shifts in focus, because both further education research and state-level support are greatly needed. But the changes have left a deficit of federally supported, school and district-focused, external support services. Mr. Kildee was the principal author of legislation supporting the National Diffusion Network in the 1980s

and early '90s. Nothing like this Network currently exists, but schools and districts need expert assistance more now than at any time in recent history.

I support the creation of a new, federally funded, regionally based, external support program designed to increase school capacity. (In its paper on ESEA reauthorization, the Knowledge Alliance [formerly NEKIA] called such an effort a "School Improvement Venture Fund for Using Research-Based Knowledge.") If such a technical assistance program, however named, were to be established and well-supported in the years ahead, schools and districts would again have a place to turn for expert support.

I thank the Committee for allowing me this time and for consideration of my testimony.