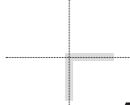


Hopes, Fears, & Reality



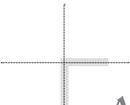
A BALANCED LOOK AT AMERICAN
CHARTER SCHOOLS IN 2005

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About NCSRP and *Hopes, Fears, & Reality*

The University of Washington's National Charter School Research Project aims to bring rigor, evidence, and balance to the national charter school debate. Its goals are to 1) facilitate the fair assessment of the value-added effects of U.S. charter schools, and 2) provide the charter school and broader public education communities with research and information for ongoing improvement.

Hopes, Fears, & Reality is the first publication from NCSRP. This report will be published annually and will explore controversial, developing, or pressing charter school issues. NCSRP intends to identify the root causes, illuminate complexities, and move beyond polemics to elevate the level of the discussion around each problem, without making specific arguments for or against any position in the debate. NCSRP hopes that this report will be useful to charter school advocates, skeptics, and people curious about this new form of public education.

For more information and research on charter schools, please visit the NCSRP website at www.crpe.org/ncsrp. Original research, state-by-state charter school data, links to charter school research by other groups, and more can be found there.



CHAPTER 5

Charters as a “School Turnaround” Strategy

Todd Ziebarth and Priscilla Wohlstetter

One of the most persistent and difficult questions in public education is how to turn around low-performing schools. In the early years of a school’s struggles, a new teacher or two, a refined curriculum, and some focused professional development sometimes make a difference. What happens, though, when these efforts fail? What should political and education leaders do when a low-performing school does not turn around, even after several years of help?

In one of the provocative provisions of *No Child Left Behind* (NCLB), the federal government provides another possible answer to this question. According to NCLB, if a school does not make “adequate yearly progress” for five years in a row, then its district must restructure the school in one of five ways: reopen it as a charter school; replace its staff; contract with a private management company to operate it; allow the state to take it over; or implement another major governance change.

As of the 2004-2005 school year, about 400 schools in 14 states have reached the five-year mark. The number will likely grow in the future. As of 2004-2005, about 750 schools in 31 states were a year shy of the five-year benchmark, and more than 1,000 schools in 40 states were just two years away. How will districts restructure these schools? Perhaps a more important question is: will restructuring lead to better student results?

This essay examines the opportunities and pitfalls of the least understood and most controversial option under NCLB’s restructuring policy—reopening troubled schools as charter schools. In addition, it looks at early experiences with this option in several states and districts, and outlines the steps that political and education leaders should take to increase the odds for success if they choose to implement this option.

OPPORTUNITIES AND PITFALLS

As a way to provide options for children in failing schools, chartering offers new opportunities to districts. First, districts can avoid forcing potentially overcrowded existing schools to enroll additional students. Second, district leaders can authorize charters targeted to the needs of a particular neighborhood or student group. Third, districts can encourage high-capacity institutions such as foundations, colleges, museums, and social service providers to run or contribute to the program mix in new schools.

In the past, districts have had few options for turning around chronically low-performing schools other than to reconstitute a school by closing it and opening jobs up to all current members of the district teaching force. This approach left the possibility of re-creating a new school very much like the one that it was supposed to replace. The chartering option opens up a new possibility: creating an entirely new school staffed with new people (including some not previously employed in the district) and organized around a new plan.

The autonomy provided by chartering can be a major advantage to new schools. Based upon the charter record so far, it is likely that schools reopened as charters will use their new autonomy to extend the school day and school year and will tailor their decisions about budget, personnel, and curriculum and instruction to the needs of specific student populations.¹ The reopen option does not change the challenges that students bring with them. It does, however, give the new school more flexibility to deal with complex needs.

At the same time, the chartering option can increase accountability—when a school reopens as a charter, it operates under a performance contract leading to a renewal process every three to five years. Reopened schools can be closed down if they fail to meet the performance goals set forth in their charters. In these circumstances, chartering is less of the “laissez-faire” experiment that some associate with it and more of a rigorous approach to creating new schools.

But the reopen option under NCLB is not without pitfalls. Because many districts are hesitant to give up their influence over a school’s operations, districts might opt to charter a school in name only—that is, although the school becomes a charter school, it maintains the same staff and the same approach to teaching that existed in its previous struggling form. Further, while federal regulations require districts to continue to offer public school choice and supplemental education services to the school’s students,

it is unclear if districts are allowed to restart the accountability clock when a school is reopened as a charter. If they are allowed to do so, the likelihood that some districts will charter the school in name only, without doing anything substantive to improve performance, is increased—a situation that would “game” the system without doing anything substantive to improve performance.

Finally, closing a school and reopening it as a charter school is fraught with politics and demands considerable resources. In a similar process, when schools were reconstituted in San Francisco in the 1990s, it inevitably presented problems.² Parents had lots of uncertainty: What would happen to their children? What kind of education would the new school offer? Teachers had similar anxieties: Would they be retained? Would their professional life change in the new school?

Aside from politics, it appears that reopening schools as charter schools will require considerable resources. District staff must undertake a number of activities, including disseminating the charter application, recruiting education providers to apply for charter status, organizing and managing community meetings, selecting a new school operator and negotiating a charter with it, overseeing preparations for opening the school, monitoring the reopened school against the performance benchmarks established in the charter, and periodically meeting with the new school operator to keep the effort on track. Only the last two are costs districts would incur with any school they oversaw; the others will require additional resources.

CURRENT STATE AND DISTRICT ACTIVITY

The discussion of the relative merits of charter schools as a restructuring strategy is no longer academic. A growing number of states and districts are implementing this option. There are also several states and districts that have implemented the similar option of contracting with a private management company to operate a school. While differences exist between the chartering and contracting options (e.g., a charter school has its own governing board, but a contract school does not), there are enough similarities between them (e.g., greater school accountability through a performance agreement) to make the contracting examples relevant to the chartering discussion. Further, even though almost all of the examples have been implemented within the parameters of their state or district accountability systems—not due to NCLB’s restructuring requirements—they are

still worth reviewing for lessons about what and what not to do. It is no surprise that some of these experiences have been more positive than others.

On the more positive side are Maryland's intervention in three schools in Baltimore and Pennsylvania's takeover of Philadelphia and subsequent restructuring of 45 schools. In Baltimore, the state took over three schools in 2000 and contracted with Edison Schools, Inc., to operate them. According to a recent study of this intervention, these three schools have demonstrated overall progress in the state's accountability system.³ Subsequent to the state's takeover in Philadelphia, the newly appointed school reform commission contracted with seven organizations to run 45 schools in 2002—three for-profits, two non-profits, and two universities. In the early years of the intervention, the schools have registered academic gains on both district and state tests.⁴

On the flip side, school restructuring in the Chester Upland School District in Pennsylvania is a good example of how not to go about it. After a state-appointed board of control took over the district in 2000, it contracted with Edison Schools, Inc., to operate nine of the ten schools in the district. While the state pressed the board to take this step, it did not follow through to ensure that the agreement that the board negotiated was tenable. For several reasons—most notably, blurred decision-making autonomy and accountability—this arrangement was unsatisfactory to all stakeholders.⁵ The board ended its agreement with Edison at the end of the 2004-2005 school year.

Beyond these three efforts, a handful of other examples—two state-led and two district-led—are too new to have yielded any results yet. Still, they are worth keeping an eye on. In Colorado, if a school is rated “unsatisfactory” for three years in a row, it must become a charter school. In August, the state department of education announced that Cole Middle School in Denver would become the first charter school created as a result of this state accountability law. After releasing a request for proposals, the state received four applications. Three of the applications came from education management organizations—Edison Schools, Inc., Mosaica Education, Inc., and the Knowledge is Power Program (KIPP). The other application came from a parent group in partnership with Padres Unidos, a local community organization. This application proposed to replicate a charter school in Pueblo, Colorado—the Cesar Chavez Academy—that successfully serves a similar student population. At the end of a highly charged process, the state board selected KIPP based on its successful track record both nationally and locally.

As part of its accountability system, Louisiana created a statewide recovery school district in 2003. The state board of education may assume jurisdiction over a chronically low-performing school under certain conditions, including a situation in which the school has been labeled an academically unacceptable school for four consecutive years. Once the recovery school district has jurisdiction over a school, it may turn the school into a charter school. In July 2004, Pierre A. Capdau Middle School in Orleans Parish became the first school to be taken over by the state through this process. The state contracted with the University of New Orleans to operate it as a new charter school in the recovery school district. In 2005, the state took over four more schools. It contracted with two universities and two non-profit organizations to operate one school each—the University of New Orleans, Southern University at New Orleans, KIPP, and Middle School Advocates.

While these two state-led efforts have happened independent of NCLB, one of the district-led efforts is the first known attempt to implement the reopen option within NCLB. In San Diego, the district identified eight schools that had to write restructuring plans for the 2004-2005 school year. The district went to the parents, community members, and teachers at each school and presented them with the five restructuring options of NCLB. At four of these schools, the school communities chose to reopen the schools as charters—one in partnership with the University of California, San Diego, one in partnership with the University of San Diego, and one under the direction of a successful charter school in the city.

Even though the other district-led effort is not occurring as a direct result of NCLB, it is the most ambitious effort in the nation to close low-performing schools and reopen them as charter schools. In 2004, the Chicago school district announced a new initiative—Renaissance 2010—to close up to 20 high schools and 40 to 50 elementary schools and reopen them as 100 or more small schools within six years. One-third of the new schools will be charter schools, one-third will be contract schools, and one-third will be operated directly by the district. Under Renaissance 2010, 18 schools are opening as new small schools in the 2005-06 school year.

INCREASING THE ODDS FOR SUCCESS

Like most public policy proposals, the charter school reopen option does not guarantee failure or success. In certain situations—for example, where political and education leaders are not really serious about improvement and do not take appropriate steps to create a new charter—the approach will probably fail. However, it appears that certain conditions may increase political and education leaders' chances for success—assuming that they are serious about improvement.

STATE LAWS. Whether or not the reopen option is successfully implemented seems to depend to some degree on a state's charter school law. If a law contains adequate provisions for autonomy and accountability—such as waivers from most state and district rules and regulations, annual auditing and reporting requirements, and provisions encouraging authorizers to monitor and maintain oversight responsibility—then the reopened school should be more likely to succeed. Equally important, if a law ensures that the reopened school gets at least the same amount of money as it did before it became a charter—for both operating and facilities costs—then the school should be in a better position to meet its goals. States and districts should provide start-up resources to new school operators to plan and execute their approaches effectively.

In the context of state law, it is also important to consider the two major types of charter schools across the country—conversions and start-ups. In the conversion model, an existing public school converts itself to a charter school. In these cases, state law typically requires that a majority of a school's teachers and parents vote in favor of the conversion. For start-up charter schools, school operators—for instance, parents, teachers, or community organizations—essentially start the school from scratch.

Some political and education leaders have talked about implementing the reopen option through the processes already in place for conversion charter schools. While this approach might work in some situations, it is likely to create problems in others. If the leadership and significant proportions of the current staff at a low-performing school are part of the problem at that particular school, the district probably does not want them making the decision about whether to convert to a charter school. And the district probably does not want them as part of the new school. As the old saw has it: If we keep doing what we've always done, we'll keep getting what we've always got. Restructuring through charters probably makes more sense if approached through existing processes for start-up charter schools.

CHARTER APPLICATION PROCESS. One of the challenges within the charter school option is finding new, high-quality school operators. Instead of turning the school into a charter school in name only—keeping existing leadership, staff, and educational approaches in place—states and districts should cast a wide net for potential charter school operators.

Through the charter application, states and districts should specify the types of problems that need to be tackled at any school identified for restructuring, as well as the types of knowledge, resources, and skills that the state or district feels are necessary to address these problems. The selected operators must not only be familiar with the challenges within chronically low-performing schools, but also must have a track record of success in meeting such challenges.

To increase the odds of success, states and districts should choose charter school petitions that emphasize proven practices, whether it is a community-run school using a successful curriculum or a national management organization replicating an effective school. Although the charter school movement is also an opportunity for innovation, restructuring a clearly floundering school is not the place for experimentation. Students in a failing school deserve a new school with a good chance of improving upon the old one. Expert outside review panels can review the application to increase the odds of success.

States and districts with a successful track record of authorizing charter schools should already have a viable application process in place and should be in a better position to manage the charter option for restructuring.

PLANNING PROCESS. The chances for success are reduced when a school closes in June and opens in September as a charter school. While challenging for a variety of reasons, the more planning time that states and districts can give new school operators, the greater the chance that they will succeed. By doing so, they give new school operators more time to plan the reopening of the school; hire new leaders and staff; engage students, parents, and community members in the process; and make the necessary capital improvements to the school building.

In some cases, this might mean allowing a “lame duck” group of leaders and teachers to operate the school during the year of planning, which may create a number of problems and tensions between the old and new groups of school operators. Nonetheless, this

might be a risk worth taking. Even so, the option may not always be available. Under NCLB's provisions, the restructuring option arrives after five years of failure to meet "adequate yearly progress" goals. Who is going to tell the parents of the students in such a school that another year will have to go by before anything of significance changes?

COMMUNITY ENGAGEMENT. When a district closes a school that is under-enrolled, there is an outcry from the school's parents and students. Under the reopen option, not only are state or district leaders closing a school people have known, they also are opening up a charter school in its place. While charters are increasingly familiar to policymakers, they remain an unknown quantity to many parents and students, which may exacerbate the apprehension and confusion they feel.

It is thus incumbent upon the political and education leaders undertaking the reopen option to involve the school community in the process to a large degree. One of the district examples mentioned above is a vivid illustration of this recommendation in practice. In San Diego, district staff facilitated several meetings at each of the eight schools that were facing restructuring. These meetings generated tremendous parental and community support at the four schools that chose the charter route. For example, one school produced 700 parental signatures in support of the charter.⁶ And, when the approval process became highly charged and controversial—pitting parents and community members against unsupportive school board members—these meetings paid off. In the end, the school board, under intense public pressure, voted to grant charter status to each of the four schools.⁷

To engage the community, we have also observed new charter schools partnering with community-based organizations. In situations where charter schools are facing hostility or local animosity, partnering with well-established and respected organizations, such as the Boys and Girls Clubs of America or the Urban League, can enhance the charter school's legitimacy and credibility within the community.⁸

MONITORING AND OVERSIGHT. There is growing recognition across the country about the important role of charter authorizers—not only in establishing a rigorous process for reviewing and selecting applications, but also in implementing appropriate mechanisms to ensure that charter schools meet their academic and financial accountability requirements. Chapter 4 reviews these issues in some detail. Given the stakes

involved with restructuring, it seems that creating a monitoring and oversight process for reopened schools is especially important.

Two of the lessons learned from the restructuring effort in Baltimore are germane. The first is that engaging external entities to operate public schools requires a significant time commitment on the front end—to both implement a selection process and negotiate a contract. The second is that hiring an external operator to manage a public school represents a delegation of authority but not a delegation of responsibility. The state or district is still responsible for ensuring that contractors fulfill their obligations.⁹

CONCLUSION

The option to reopen a low-performing school as a charter school is a bold idea. Even though there are some examples of the charter school option in practice, the fact that these examples are relatively few in number may suggest that the option is not sufficiently attractive to most districts. After all, many districts are wary of loosening their control over individual schools and are hesitant to give up their facilities to charter schools.

Still, there are no guarantees of improved performance with chartering. At the moment, however, proven solutions for turning around chronically low-performing schools are hard to find. Because educators and policymakers need a larger set of options for this difficult task, district leaders should take a more serious look at the opportunities and challenges inherent within the charter school option. The need to find solutions to improve our nation’s lowest-performing schools clearly calls for them to consider such ideas. If districts fail to do so, state leaders may step in and play a stronger role in school restructuring, as they have in Colorado, Louisiana, Maryland, and Pennsylvania.

While restructuring or reopening schools as charters is a new option, researchers are slowly learning an increasing amount about how to increase the odds of success for the charter school approach—supportive state laws, viable charter application processes, adequate planning time for new school operators, deep community engagement, and appropriate monitoring and oversight. Based on past experience, it seems that when implemented selectively and wisely, the reopen option has the potential to be a powerful tool for school improvement. Conversely, if implemented in a haphazard way, it has the potential to lead nowhere fast. The trick for state and district leaders is to proceed, but

with caution. As a state legislator from Maryland put it, “School restructuring should be approached the same as carpentry: measure twice, cut once.”¹⁰ Once educators and policymakers decide to go down this road, though, school leaders should do everything possible to increase the chances for student success in these schools.

¹ Priscilla Wohlstetter and Derrick Chau, “Does Autonomy Matter? Implementing Research-Based Practices in Charter and Other Public Schools,” in *Taking Account of Charter Schools*, ed. K. Bulkley and P. Wohlstetter (New York: Teachers College Press, 2004).

² Jennifer O’Day, “School Reconstitution: Challenges and Opportunities,” *Reform Talk* 12 (December 1998).

³ Lauren Morando Rhim, *Restructuring Schools in Baltimore: An Analysis of State and District Efforts* (Denver: Education Commission of the States, June 2004).

⁴ Lauren Morando Rhim, *State-Mandated School Restructuring: Management Lessons from Philadelphia* (Denver: Education Commission of the States, forthcoming).

⁵ Lauren Morando Rhim, *Restructuring Schools in Chester Upland, Pennsylvania: An Analysis of State Restructuring Efforts* (Denver: Education Commission of the States, January 2005).

⁶ Marsha Sutton, “Four San Diego Schools Earn Charter Status,” *Voice of San Diego*, March 2, 2005.

⁷ Marsha Sutton, “Gompers Charter Reaches Out to the Community,” *Voice of San Diego*, July 26, 2005.

⁸ Priscilla Wohlstetter, Courtney Malloy, Guilbert Hentschke, and Joanna Smith, “Improving Service Delivery in Education Through Collaboration,” *Social Science Quarterly* (December 2004).

⁹ Rhim, *Restructuring Schools in Baltimore*.

¹⁰ *Ibid.*