September 24, 2009

The Honorable Arne Duncan
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Duncan,

We are writing to submit the comments of the Center on Education Policy, a nonpartisan, nonprofit organization, on the draft requirements for the Title I School Improvement Grants (Docket ID ED-2009-OESE-0010).

Since 2004, a CEP team of researchers and policy analysts has conducted detailed field research on schools in restructuring under NCLB in 48 schools, 23 districts, and six states (California, Georgia, Maryland, Michigan, Ohio, and New York). Our comments on the draft requirements are based directly on this research.

As part of this research, we have interviewed more than 260 state and local administrators and teachers about restructuring; visited dozens of districts and schools, in some cases following their improvement initiatives for as long as five years; analyzed state, district, and school-level student achievement data; and reviewed state guidelines, school improvement plans, and other key documents. This work resulted in over 20 reports, available on our Web site (www.cep-dc.org), and has given us a unique perspective on the proposed requirements.

Participants in our studies have long called for more funding for and more focus on improving low-performing schools. We applaud several aspects of the requirements for the use of these funds, as outlined below. We also feel strongly that many aspects should be revised and have offered specific recommendations for revisions. Finally, we have questions about several other aspects of the requirements.
Positive Aspects of the Proposed Requirements

- **Allowing states to consider districts’ “commitment” to serve struggling schools when giving grants will help leverage district efforts** (Section I.A.2). States in CEP’s studies of schools in NCLB restructuring have found this approach promising. For example, Michigan has held onto section 1003(a) funds until districts rewrite their plans to satisfy the state. Ohio got special permission to withhold section 1003(a) funds from districts that do not formally agree to give state officials access to school data and make onsite visits. In these states, state officials believed these measures gave them more authority and helped strengthen schools’ improvement plans. In Michigan, in particular, district officials were aware of the state’s power and worked to revise plans. In contrast, California awarded section 1003(a) funds to districts by formula only, and district and school officials were often not aware of exactly how these funds were spent.

- **Several, though not all, of the proposed models require multiple approaches to school improvement** (Section I.A.2.). The Turnaround Model and Transformational Model are both steps in the right direction in that they require multiple reform measures. CEP’s analysis of school-level adequate yearly progress results in California, Georgia, Maryland, Michigan, and Ohio has shown that no single approach to school restructuring guaranteed success and that none of the five restructuring options listed in NCLB was more likely to be associated with schools making AYP. In addition, educators we interviewed in successfully restructured schools credited multiple, coordinated reforms for their success.

However, as discussed more fully in the next section, not all the reforms included within these two options may be feasible and effective for all schools.

- **Adding school closure to the list of rigorous interventions is a positive step** (Section I.A.2.). Some states are already using this strategy, and formally tracking closures of low-performing schools makes sense. Michigan with its declining enrollment and New York with its urban density have both had success closing restructuring schools and shifting students elsewhere. Although this option is often not feasible in small, rural districts and districts with increasing enrollments, it is worth documenting because it is important to see how students who leave closed schools perform in other settings.

Aspects of the Proposed Requirements that Need Revision

- **The state role in improving schools should be increased.** Although ED’s proposed requirements for School Improvement Grants emphasize that states must identify eligible low-performing schools, our research shows that states can and are willing to do more. The officials in the six states in our restructuring study all said the following two state strategies were important for improving schools:
1. Developing or fine-tuning existing needs assessments to help diagnose schools' challenges and plan improvement

2. Increasing on-site visits to low performing schools either through direct state staff visits or through visits by other personnel that the state approves, such as staff at regional technical assistance centers

The proposed requirements should be expanded to charge states with developing or identifying school needs assessments that schools and districts can use to plan school improvement activities and also with visiting or designating other organizations to visit these low-performing schools. These state activities would help ensure that activities supported by School Improvement Grants are well thought out and implemented as intended. The cap on the 5% of funds that states can set aside should also be waived so that state officials can have sufficient funds to carry out these activities.

- **States, districts, and schools should be required to use data to make decisions about interventions** (Section I.A.2.). The proposed requirements allow districts to choose “rigorous interventions” in a somewhat willy-nilly fashion. States, districts, and schools are not required to do any kind of needs assessment or any analysis of existing data before picking one of these so-called “rigorous interventions.” To use a metaphor from medicine, putting someone in a body cast is a “rigorous intervention,” but it is not likely to be effective if the patient has suffered a heart attack rather than a broken spine.

Our research shows that states, districts, and schools can do better than this. All of the states we studied require on-site monitoring or visits to at least some of their lowest performing schools. These visits gather data about the schools that is used to plan the next steps in school improvement. Similarly, all participating districts and schools say they are increasing their use of data to inform instructional decisions in the classroom.

ED should encourage districts and schools to choose “rigorous interventions” that specifically address schools’ needs and should explicitly encourage flexibility in the interventions to meet these needs. For example, if data analysis shows high numbers of disciplinary incidents that interfere with learning, the school should be required to address discipline (which is currently not addressed directly in any of ED’s “rigorous interventions”).

- **The Restart Model should be eliminated or refined** (Section I.A.2.b.). The Restart Model is simply a new name for an unproven and unpopular strategy: becoming a charter school. Few charter organizations have jumped on the chance to take over failing schools since NCLB was authorized. Our work in six states found that during the time of our studies only 2% of schools in Maryland, 1% in California and Ohio, and none in Georgia, Michigan, or New York became charter schools as a response to restructuring. Our one participating school that
became a charter school has not increased student achievement significantly. In addition, CEP’s research has found that a number of the lowest performing schools in Ohio and Michigan have always been charter schools. Finally, recent research has found that charter schools have a wide variance in quality and that many students in charter schools are not faring as well academically as their counterparts in traditional public schools. (CREDO, 2009).

This model might be eliminated, or becoming a charter might be one of several well-integrated strategies that address a particular school’s needs. It should never be the sole strategy for turning around a low-performing school.

- **Schools should replace staff only if their district finds this a feasible and potentially beneficial option** (Section I.A.2.). ED’s draft requirements could result in all low-performing schools having to replace their principals and some staff.

  1. The Turnaround Model requires replacing the principal and 50% of the staff.
  2. The Transformational Model requires replacing the principal.
  3. The Restart Model requires becoming a charter which typically entails replacing the principal and staff.

Many state and district officials in our studies have pointed out that replacing staff in low-performing schools is not a “tough” consequence because these schools already have high turnover. These schools, they said, typically had multiple open positions each year and regularly lost good principals and more experienced teachers to other districts. In districts with multiple low-performing schools, officials noted that replacing staff at a restructuring school sometimes resulted in a “dance of the lemons” with dismissed staff being rehired by other district schools that were struggling to fill positions. While dismissing staff may sound “tough,” in some restructuring schools it is simply business as usual.

In addition, replacing staff has often resulted in unintended negative consequences, according to CEP’s research. One Oakland, California, school tried to restaff but started the year with substitutes in several unfilled positions. Others in Detroit spent so much time over the summer hiring staff that they had little or no time to plan for the new school year and therefore got off to a rocky start.

Also, some union regulations compromised successful restaffing. In Mansfield, Ohio, teachers bid for open positions in order of seniority as required by contract. In restructuring schools, this put some low-seniority teachers into positions they were not highly qualified for. Finally, union contracts had ill effects on restructuring schools in Detroit. Several schools restructured by hiring younger (and they believed more energetic) teachers who had less seniority with the district. These new hires were among the first to be let go when district-wide layoffs were necessary.
Schools in our case studies that successfully replaced teachers and principals had large pools of applicants, plans or visions for the school that allowed them to overcome their past reputation as a “failure,” help from the teachers’ union to resolve stumbling blocks in the contract, and effective hiring systems that did not rely on principals alone to recruit and interview applicants.

Instead of requiring a blanket replacement of staff, schools should have to do a feasibility study to determine whether replacing staff would be a promising practice at the particular school.

- **Do not allow schools to exit school improvement status until they have demonstrated increased student achievement** (Section I.B.2.). The proposed requirements are unclear and perhaps misguided about when a school will be allowed to exit school improvement. The document proposes that “a state could seek a waiver to permit a school that implements a Turnaround or Restart Model to ‘start over,’ exiting school improvement and no longer needing to provide the public school choice option or supplemental educational services.”

Several of the schools participating in our studies have already done the things that would be required in the Turnaround or Restart Model and have not improved student achievement significantly. Because there is no strong research-based evidence indicating that either of these approaches typically work to improve struggling schools, allowing schools that choose these options to exit restructuring seems dangerously soft. Moreover, it encourages districts to choose one of these two options rather than the Transformational Model when there is no evidence that these two options are more effective.

**Questions Needing Clarification**

- **How will these proposed requirements apply to states with ED-approved differentiated accountability pilots?** The proposed “rigorous interventions” do not seem to take into account interventions for struggling schools that were previously approved by ED in nine states’ differentiated accountability projects. How will ED resolve these conflicts between these policies for struggling schools?

- **How will “rigorous interventions” be defined?** The proposed requirements call for “supporting only the most rigorous interventions that hold the promise of producing rapid improvement in student achievement and school culture,” yet current research seems unclear on which interventions are most promising for schools with chronically low academic achievement. The Institute for Educational Sciences is currently offering grants that would allow researchers to explore these questions more fully. How will educators and policy makers identify these promising, rigorous interventions?
School Improvement Grants offer timely funding to improve America's most struggling schools. We personally thank you and the President for your leadership and for the priority you have placed on raising the quality of education in these schools. We hope that our comments help strengthen the proposed requirements for the use of these funds. CEP plans to continue to study school improvement efforts as well as the effects of federal policy on these efforts, and we look forward to working with you and the Department on this important issue in the future.

Sincerely,

[Signature]

Jack Jennings
President and CEO