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# LEVERAGING ESSA

TO  
SUPPORT  
QUALITY-SCHOOL  
GROWTH

By Nelson Smith and Brandon Wright

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# INTRODUCTION

The purpose of this brief is to support Education Cities members and other city- and state-based stakeholders in their efforts to influence how states use the mandatory 7 percent Title I school improvement set-aside in the Every Student Succeeds Act (ESSA)—an allocation that could total more than \$5 billion nationwide over the next five years.<sup>1</sup>

First, we provide an overview of the ESSA’s school improvement provisions and discuss how these differ from the school improvement grants (SIGs) in the now-defunct No Child Left Behind (NCLB) Act. We review some current approaches to school improvement that aim for more fundamental and effective changes than resulted from SIGs, while considering how they relate to the ESSA’s revised evidence requirements. And we offer recommendations for how education-reform advocates and municipal leaders can participate in shaping state school improvement programs in the ESSA era.

This brief paper is intended to prompt action. Following each section, we suggest some “action opportunities”—ways that education-reform advocates and their colleagues can make fruitful use of openings provided by the new law. Please feel free to share this paper with other policymakers and stakeholders and to use our analysis and suggestions to stimulate conversations with local officeholders and state leaders. And when you see elements worth adapting as op-eds, blogs, Tweets, or radio commentaries, please do so!

Planning and implementing strong turnarounds takes time, and drafting of state plans is well underway. Education-reform advocates and stakeholders shouldn’t wait to get engaged in the process.

# LAWS & REGULATIONS

States have long exercised plenary power over public schooling. In the past two decades, however, Washington has pressed them hard to take more direct and forceful action to remedy longstanding education failure.

The NCLB Act demanded disaggregation of student-achievement data and mandated a cascade of consequences for schools, districts, and states that failed to make adequate yearly progress toward proficiency targets. States competing for Race to the Top grants, beginning in 2009, were required to act on the “bottom 5 percent” of their schools. Waivers of NCLB accountability provisions, starting in 2011, also required states to undertake turnaround strategies for those schools.

These efforts were often funded by the U.S. Department of Education’s SIGs, the agency’s marquee turnaround initiative since 2002, for which funding vastly increased beginning in 2009. Grantees had to choose among four SIG-approved improvement models. Yet the program’s final evaluation, released in January 2017 (just before the change in administrations), reached a sobering conclusion: “Overall, across all grades, we found that implementing any SIG-funded model had no significant impacts on math or reading test scores, high school graduation, or college enrollment.” It also found no compelling evidence that any one improvement model had stronger effects than the others.<sup>2</sup>

With the passage of the ESSA, however, SIGs are gone. School improvement funds will now flow directly through Title I formula grants. States must set aside 7 percent of their Title I funds to turn around low-performing schools using evidence-based improvements. Unlike SIGs, however, there is no prescribed “menu” of intervention options.

Here is the key language from the ESSA:<sup>3</sup>






## Sec. 1003b: Uses

*Of the amount reserved under subsection (a) for any fiscal year, the State educational agency--*

*(1)(A) shall allocate not less than 95 percent of that amount to make grants to local educational agencies on a formula or competitive basis, to serve schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); or*

*(B) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies, or nonprofit or for-profit external providers with expertise in using evidence-based strategies to improve student achievement, instruction, and schools.*



### *This is followed by a Rule of Construction:*

*Of the amount reserved under subsection (a) for any fiscal year, the State educational agency-- (1)(A) shall allocate not less than 95 percent of that amount to make grants to local educational agencies on a formula or competitive basis, to serve schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); or (B) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies, or nonprofit or for-profit external providers with expertise in using evidence-based strategies to improve student achievement, instruction, and schools.*

In short, the ESSA opens the door to a variety of strategies directly managed by the state and/or carried out through intermediaries chosen by the state, albeit undertaken “with the approval of the local educational agency.” And the Rule of Construction specifically authorizes funding to flow through innovative governance structures—not just traditional districts—en route to schools.

Moreover, the mandatory 7 percent school improvement set-aside can be leveraged by other funding streams available under the ESSA:



*States may reserve an additional 3 percent of their Title I funds for direct student services, examples of which are given in the statute’s text and include credit recovery, personalized learning, and transportation to a school of choice (including a charter school).*



*Title IV, Part A, creates a \$1.6 billion block grant for student support and academic enhancement. These funds are quite flexible and can support a host of activities and programs contributing to a “well-rounded education”—including AP courses, physical education, mental-health supports, and classroom technologies.<sup>4</sup>*



*The federal Charter Schools Program (Title IV, Sec. 4301) is authorized at \$270 million for FY17 and moves up to \$300 million in FY19. The CSP provides startup, facilities, and replication funding that can support charters created through all the turnaround models discussed below.*

While broadening the array of options available to states, the ESSA also tightens statutory stipulations regarding the evidentiary base for initiatives that states and districts undertake with these funds. It spells out four descending tiers of evidence strength.<sup>5</sup> Tiers 1–3 (with tier 1 being the strongest) indicate a statistically significant effect on improving student outcomes or other relevant measures, while tier 4 demonstrates a rationale from high-quality research findings that a certain intervention or strategy is likely to improve student outcomes or other relevant measures. The four tiers are as follows:



## Tier 1

*Strong evidence (based on at least one well-designed and well-implemented experimental study)*

## Tier 2

*Moderate evidence (based on at least one well-designed and well-implemented quasiexperimental study)*

## Tier 3

*Promising evidence (based on at least one well-designed and well-implemented correlational study with statistical controls for selection bias)*

## Tier 4

*Strong theory (includes ongoing efforts to examine effects of such activity, strategy, or intervention).<sup>6</sup>*

## *Where Evidence Matters*

The ESSA's four-tier evidence requirements are more complex than the "scientifically based research" standard repeated throughout the NCLB—and the new law requires that school improvement strategies be justified by one of the top three tiers.

Most educational evaluation looks at the impacts of specific programs, not broad state or district reform strategies. So in the case of governance-based interventions (turnaround districts and receiverships, for example), the quandary is that the interventions themselves have not been subjected to the most rigorous forms of evaluation.

For any number of reasons, it is immensely difficult to perform “randomized controlled trials” that isolate governance itself as the critical variable in improvement—not to mention trying to do this across several intervention models that differ in organizational form. As discussed below, the storehouse of evidence about charter schools is more robust and direct.

States considering governance-based improvement strategies should remember that evidence matters most at the school level. Public school governance (of any kind) is simply a vehicle for ensuring that strongly grounded actions are taken where they will benefit students. So, for example, use of a particular model may only be a tier 4 intervention but can be justified if there is a convincing argument that it will deliver school-level action that meets the tier 1–3 standard.

The Department of Education published nonregulatory guidance on the ESSA’s evidence requirements in September 2016; although there is currently a pause on formal regulations, it’s likely that the 2016 guidance will be used by federal and state reviewers considering SEA Consolidated Plans and by state officials reviewing district applications for grants under the ESSA.<sup>7</sup>

For a thorough discussion of how to think about the nuances of evidence standards, see the Chiefs for Change policy brief *ESSA and Evidence: Why It Matters*.<sup>8</sup>

# ESSA SCHOOL IMPROVEMENT FUNDING IMPLEMENTATION & TIMELINE

Though the ESSA was signed in December 2015, regulations spelling out its implementation are still in flux. Rules promulgated by the outgoing Obama administration in November 2016 are on hold—and legislation that has passed the House and been introduced in the Senate would void them altogether. The new administration seems committed to giving states a freer hand in interpreting the law.

In a February 2017 letter to state superintendents of education, U.S. education secretary Betsy DeVos wrote that “the Department is currently reviewing the regulatory requirements of consolidated State plans, as reflected in the current template, to ensure that they require only descriptions, information, assurances, and other materials that are ‘absolutely necessary’ for consideration of a consolidated State plan, consistent with section 8302(b)(3) of the ESEA.” She said state plans could still be submitted on either of two deadlines: April 3, 2017, or September 18, 2017. And she promised a revised template for ESSA plans by March 13, 2017.

“The new administration seems committed to giving states a freer hand in interpreting the law.”

Among many other requirements, consolidated State plans must describe how the state will award funds and monitor their use by LEAs and how it will identify and take action on two types of troubled schools: those requiring “comprehensive support and improvement” (the lowest-achieving 5 percent of Title I schools plus high schools with low graduation rates) and those that need “targeted improvement” because they routinely fail a particular group, such as low-income, minority, or special-education students. The plans must also say what kind of “rigorous intervention” will be applied to schools getting comprehensive support but failing to sufficiently improve after a period of time (no more than four years). And they must include provisions for periodically assessing whether districts are receiving adequate resources for their school improvement work.

Although the law is explicit about the criteria states should use for selecting “comprehensive” and “targeted” schools and the timelines for action on each, it is intentionally silent on what they should do about them. In contrast with both SIGs and the NCLB, there are no mandated interventions. But in both cases, the steps taken by states or districts must meet the law’s evidence requirements.

Once plans are approved by the U.S. Department of Education, states must decide which schools are in the “comprehensive and additional targeted support and improvement,” bucket. When states will have to begin interventions and commence annual identification of “targeted improvement” schools is unclear at this writing.

The following section explores ways that local education leaders can make a difference in each of these areas. But time is of the essence. At least nineteen states have already released drafts of their proposed plans.

The U.S. Department of Education recommended broad stakeholder engagement in development of these plans. States have conducted listening tours and held formal comment periods. The Collaborative for Student Success hosts a website called Understanding ESSA that tracks individual state activities related to the ESSA and provides links to state education websites showing activities completed and in progress.<sup>9</sup> It’s a handy resource for finding out what your state is doing and where it provides the next opportunity for participation.

The Council of Chief State School Officers (CCSSO) is also keeping track of state ESSA plans, with links to drafts of those plans. States are already beginning early submission, but there are still opportunities to review drafts and provide comments in most cases.<sup>10</sup>

## Action Opportunity: ESSA Plan Comments

If your organization is not already taking an active role in creating the state’s Title I Consolidated Plan, it’s not too late to engage:

- 1 Read the draft. Is it clear and understandable? Does it address your community’s most pressing education needs?
- 2 Are the proposed accountability indicators clear? Will they tell the public—in understandable ways—the story of your state’s progress (or lack thereof) in meeting the needs of all its students?
- 3 Does the draft adequately address issues of critical importance to your state, such as closing the achievement gap and ensuring a supply of effective educators for every classroom?
- 4 Focus on the section entitled “State Support for Improvement for Low-Performing Schools.”
  - Does the plan present a compelling, evidence-based theory of action for turning around such schools?
  - Is it clear how schools will be selected for each type of intervention and how they will qualify for exit?
  - Are the proposed measures likely to create fundamental improvements in school culture and accountability?

The ESSA leaves an important design choice in state hands: whether to allocate school improvement funds by formula, simply reflecting the share of Title I dollars going to each district, or whether to target the funds more specifically through competitive grants. The Act explicitly allows states to prioritize grant applications that “demonstrate the strongest commitment to using funds under this section to enable the lowest-performing schools to improve student achievement and student outcomes.”<sup>11</sup> Education Cities strongly recommends that members and their colleagues stress the importance of creating a competitive grant process, using a request for proposals (RFP) to allocate the 7 percent set-aside dollars. Members can offer to help SEAs design the RFP.

# SCHOOL IMPROVEMENT POLICIES & MODELS

This section reviews approaches that Education Cities members and other city- and state-based education leaders can consider supporting as they seek to influence their states' school improvement policies. In all cases, keep in mind that although the 7 percent set-aside can help defray setup of program infrastructure, 95 percent of the funds must go to schools actually doing the work. We suggest considering the following three models:

## **Charter Expansion**

Wherein schools identified for comprehensive and targeted support are replaced by or converted into charter schools.

## **State Turnaround Districts:**

Now active in four states: Louisiana, Tennessee, Michigan, and Nevada. Under such models, the state usually withdraws control of struggling schools from the districts in which they operate and creates a state-led entity that assumes responsibility for getting those schools to an acceptable level of performance over some period of time.

## **State-led, District-based Solutions:**

Among Ed Cities member states, Michigan, Pennsylvania, Massachusetts, and Ohio have employed such remedies. Here, a state vests authority over existing districts or individual schools in a single individual who enjoys many of the powers usually exercised by district superintendents and school boards.

Before reviewing these, we note three key findings in the Center for Reinventing Public Education's recent review of school-turnaround strategies:

- 1 - Although rigorous evaluation shows that these efforts can improve student outcomes, no single approach is the clear "winner."
- 2 - Each approach has advantages and drawbacks that states should weigh given their own context and the contexts of the districts and schools they hope to improve.
- 3 - One state's success can be another's failure if turnaround ideas are imported with little attention to state and local factors that made the original effort work.<sup>12</sup>



Before Education Cities members and other leaders decide on a plan of action and influence, they should ponder the distinctive circumstances of their states and districts. The most compelling consideration is the acute need of students and families for rapid, reliable school improvement. A sense of urgency is needed, not plans and programs that unfold at a stately pace while students languish in failing schools.

Still, stakeholders should look realistically at the political currents in their own states and communities. Some of the models discussed below may not attract the political support needed to succeed in each place. Others will require hard bargaining. And this is not an exhaustive list; there are other steps states are considering that may yield strong results.

Whatever path they choose, leaders should look to the example of Winston Churchill, who famously stamped “Action This Day!” on wartime documents.

## Model I: Charter Expansion

Charter schools have grown at a robust pace in communities with large numbers of low-income families of color. The National Alliance for Public Charter Schools, in the 2016 edition of its “Growing Movement” series, shows that forty-four communities now enroll more than 20 percent of their public school students in charters, including seventeen that enroll more than 30 percent, among them such major urban centers as Detroit, Cleveland, and Kansas City.<sup>13</sup>




There is no magic in the word “charter,” and the performance of today’s charter schools across the country ranges from amazing to awful. But when overseen by vigilant authorizers, charters can achieve powerful results by innovating in areas of talent, professional development, curriculum, school structure, schedules, and beyond.

Charters do seem to offer significant benefits to students in schools most in need of “turnaround.” CREDO’s massive 2015 study of urban charter schools, which reviewed forty-one regions, concluded that “[U]rban charter students [are] receiving the equivalent of roughly forty days of additional learning per year in math and twenty-eight additional days of learning per year in reading”

compared to their peers in traditional public schools. The study revealed particularly strong charter performance for “black, Hispanic, low-income, and special-education students in both math and reading.” Of the regions studied, “regions with larger learning gains in charter schools outnumber those with smaller learning gains two-to-one.”<sup>14</sup>

Despite the quality of this and other evidence on charter performance, however, the movement of hundreds of thousands of students into relatively high-performing charters has been little studied as a turnaround initiative, perhaps because charter growth involves many different operators (and often different authorizers) and because in the final analysis it is determined to a considerable degree by parent choice (there is usually no “program” to move students from lower- to higher-performing charter schools). Relatively few charter operators and networks specialize in turnarounds in the conventional sense (taking on an existing school with students staying in place). The majority prefer startups, where they can instill a defined program and culture from the outset.

So does charter expansion makes sense as a turnaround strategy? Yes, if we’re focused on turning around students’ lives rather than school buildings, and more so if charter opportunities are focused in urban areas where success has been best documented. Christy Wolfe of the National Alliance for Public Charter Schools notes that the ESSA allows state leaders to use Title I as a strategy to “transform entrenched failure in schools or districts.” Examples include the following:

-  Replacing a school identified for comprehensive support and improvement with one or more charters
-  Opening new charters or expanding successful ones
-  Developing a comprehensive district-choice program that includes expanding the number of high-quality seats through replication and expansion of high-quality charter schools (this strategy could get a significant boost from the as-yet undefined, \$20 billion school-choice plan that President Trump has proposed)

*Following are brief snapshots of three jurisdictions where chartering has been an especially successful lever for change: Washington, D.C.; New York, NY; and Newark, NJ.*

## WASHINGTON, D.C.

Washington, D.C., enacted its charter law in 1996 and has seen explosive growth; today, 45 percent of the District of Columbia's 87,000 K-12 students are enrolled in 118 public charter schools.

CREDO found that between 2007-08 and 2010-11, charter students gained an average of seventy-two more days of learning per year in reading than district students and 101 days in math—equivalent to more than half an academic year.<sup>15</sup>

Such gains may appear less pronounced with newer data, as both charters and district schools in D.C. have made considerable progress. In 2006, charter students on average were at 36 percent proficiency on combined math and reading assessments, and DCPS students were at 30 percent. On the 2014 assessments, charter students were 56.5 percent proficient, and DCPS students were at 49.3 percent—a true race toward the top.<sup>16</sup>

## NYC

According to CREDO, “The typical student in New York City charter schools gains more learning in a year than his [traditional public school] counterparts, amounting to one month of additional gains in reading and five months in math.” One straightforward reason is that charter students of all races are significantly less likely than their district peers to face ineffective teachers, according to a 2015 report by the NY State Education Department.<sup>17</sup>

Of course, the outcomes that CREDO reported in New York represent an average of many schools. The strongest operators pull up those averages—and recruiting or cultivating such operators is key to any charter-expansion strategy.

Consider the impressive impact of Success Academies, especially in an area like central Harlem, where the network has five campuses. In 2015, “proficiency rates were 64 percent in English and an astonishing 94 percent in math. Success students in the city's most underserved communities outperformed students in the wealthiest suburbs. If the network were a single school, it would rank in the top 1 percent of the state's 3,560 schools in math and the top 3 percent in English.”<sup>18</sup>

# NEWARK, NJ

After years of substandard performance that resulted in state takeover in 1995, Newark’s public schools gained national attention 2010 when Facebook founder Mark Zuckerberg made a sensational \$100 million donation, to be matched equally from other sources. There has been some progress in the district schools since: graduation rates have risen modestly and suspensions are down.<sup>19</sup> And after several years of static or declining performance, there were substantial gains in in reading and math growth beginning in 2015.<sup>20</sup>

But Newark’s charter sector has been booming in the same period, and according to journalist Richard Lee Colvin, “high-performing charter schools are the overwhelming first choice of Newark parents selecting schools for their children in the city’s universal enrollment system”<sup>21</sup> National Alliance data now show that charters enroll about 30 percent of Newark public school students.<sup>22</sup>

Achievement in that sector has outpaced that of district schools for some time. CREDO’s 2012 study found that “charter students in Newark gain an additional seven and a half months in reading and nine months in math” compared to NPS peers.<sup>23</sup> Those results seem to be sustaining: “For 2014, the most recent year that data [are] available, more than 40 percent of the black students enrolled in Newark charters attended a school that beat New Jersey’s average in their grade/subject. In district schools, that was only true for 6 percent of students.”<sup>24</sup>

Though charter expansion remains controversial, it is providing an avenue for relatively rapid growth in quality seats. Between 2010 and 2015, the number of students in Newark’s two top-performing charter school networks increased from 5,441 to 12,700.<sup>25</sup>

## Action Opportunity: Charter Expansion

Although the ESSA makes it clear that the Title I set-aside can be used in statewide districts—which include “turnaround zones” with power to convert district schools into charters—it provides less clarity regarding direct uses of these funds for charter expansion absent the zone structure. Look for that to be clarified when new regulations are issued.

For now, states should be on firm footing if (a) they clearly link charter authorization to turning around failing schools, whether by directly converting them or by offering their students a higher-performing option, and (b) if the charter offering (whether a network-based replication or an expansion of grades or enrollment at an existing school) has the kind of track record that meets the ESSA’s evidence requirements.

State- and city-based education leaders who are interested in this model should be prepared to work on several key issues in making sure that the charter option clearly meets the quality test.

- **Support strong authorizing.** Unless your jurisdiction has authorizers with rigorous approval processes and willingness to close poor-performing charters, the model will not produce exemplary results. The National Association of Charter School Authorizers recommends eight key state policies that create the right environment for effective authorizing.<sup>26</sup>
- **Leverage the Charter Schools Program.** Not only do these federal funds defray startup and early implementation costs, but under new amendments, states can also set aside 7 percent of CSP funds to strengthen authorizing. Education Cities members should push state leaders to submit a persuasive application for the CSP grant.
- **Address the supply side.** Education Cities members and other leaders can play a critical role in recruiting high-quality, nationally known operators—and in addressing constraints such as low per-pupil funding that may be deterring them from entering the state.
- **Grow your own.** Local and statewide talent should also be cultivated. There are excellent models of entities that help incubate promising local models and prepare them for replication, including New Schools for New Orleans, the Mind Trust in Indianapolis, Friends of Choice in Urban Schools (FOCUS) in Washington, D.C., and the Tennessee Charter School Center.

# Model II: State Turnaround Districts

Three states with Education Cities members (Louisiana, Tennessee, and Nevada), and others, have created turnaround districts, wherein the state removes struggling schools from their home districts and place them under a state-led entity (another state with an Education Cities member, Michigan, created a turnaround authority through a contract between Detroit and Eastern Michigan University; it achieved weak outcomes and will be terminated by July 2017<sup>27</sup>). All stakeholders should consider what lessons they can draw from these examples and how their own states' circumstances resemble or differ from them.

## LOUISIANA

Louisiana created the nation's first statewide turnaround district in 2003—nearly two years before Hurricane Katrina. The Recovery School District (RSD) was originally intended as a modest venture by which individual schools would be taken into a state-run LEA—a sort of virtual school district—until their performance improved sufficiently enough to return to local district control. But when the storm devastated the city and left it bankrupt, unable to pay teachers (who had scattered across other states), the Orleans Parish School Board used its chartering authority to begin opening schools. The state legislature then altered the RSD's entry criteria so that all but sixteen of New Orleans's 128 public schools qualified, effectively putting the RSD in charge of New Orleans public schools.

There has been controversy about the RSD's achievement outcomes, but a comprehensive 2016 study by the Education Research Alliance for New Orleans found strongly positive effects, even while accounting for demographic changes as the city recovered.<sup>28</sup> “The performance of New Orleans students shot upward after the reforms,” the Alliance found. “Between 2005 and 2012, the performance gap between New Orleans and the comparison group closed and eventually reversed, indicating a positive effect of the reforms of about 0.4 standard deviations, enough to improve a typical student's performance by 15 percentile points. . . We are not aware of any other districts that have made such large improvements in such a short time.”



**“ The effects of school closure and charter takeover on student outcomes depended substantially on whether students ended up in higher-quality schools, as well as, perhaps, how much disruption they experienced. ”**

But there was a major caveat: “The effects of school closure and charter takeover on student outcomes depended substantially on whether students ended up in higher-quality schools, as well as, perhaps, how much disruption they experienced.” And the results were not particularly strong when charters took over an existing school because charter operators are more accustomed to—and often more successful at—starting schools from scratch.<sup>29</sup>

## TENNESSEE

The Volunteer State, which won a large grant in the Race to the Top competition’s first round, created its Achievement School District (ASD) in 2010, hiring as its first superintendent Chris Barbic, founder of the successful Texas charter network Yes Prep. Although headquartered in Nashville, the ASD’s schools are heavily concentrated in Memphis, where the preponderance of the state’s lowest-performing schools are located. The ASD’s first few schools were directly managed, but the ASD has subsequently relied exclusively on its chartering authority, recruiting top-performing networks and in-state replications and then matching them, with community input, as schools were selected into the District.

Barbic’s original intention was to move Tennessee’s bottom-5 percent schools into the top 25 percent of performance within five years. ASD school outcomes are growing faster than the state’s in science and math, and growth is stronger the longer schools are in the District.<sup>30</sup> However, Barbic’s shoot-the-moon goal is still distant: a 2015 Vanderbilt University study found that “overall, ASD schools did not gain more or less than other Priority schools that were not in an iZone.”<sup>31</sup>

Also authorized in the ASD legislation, innovation zones, or iZones, allow local districts to keep control of some low-performing schools while giving the schools more resources and increased autonomy. Both Memphis (later merged with surrounding Shelby County) and Nashville took advantage of the provisions, and Vanderbilt found that both sets of iZone schools outperformed the ASD, perhaps owing to enhanced competition.<sup>32</sup> The ASD itself now encompasses twenty-nine schools, with four having opened in Fall 2016.

A 2015 state audit disclosed some troubling operational deficiencies. Although state officials continue to express confidence in the ASD's academic work, the district has lost some of its autonomy, as financial, human resources, and federal program oversight have been moved back under the control of the state department of education.<sup>33</sup>

## NEVADA

Enacted in 2015, the Nevada ASD has limited scope, taking in no more than six schools—either elementary or middle schools in the bottom 5 percent of the state or high schools with a graduation rate below 60 percent, criteria quite similar to those in the ESSA. There are forty-seven schools on the eligible list, twenty of which are located in Clark

County (Las Vegas) alone, the state's largest district. But the district has run into rough sledding in its startup phase. California-based Celerity Schools, which was approved to take several sites, was removed after a federal investigation of its management was disclosed; the situation means no takeovers until the 2018–19 school year. ASD officials are now pushing for a “parent-trigger” option that would give parents in failing schools the right to demand a performance compact with the district or force a charter conversion under ASD supervision.

“There are forty-seven schools on the eligible list, twenty of which are located in Clark County (Las Vegas) alone, the state's largest district.”

# Action Opportunity: State Turnaround District

- 1 Time is of the essence.** Statewide districts (explicitly sanctioned in the ESSA) need careful crafting, particularly with respect to evidence. Consolidated Plan drafters will need to show how this governance-based intervention will get evidence-based practices into school sites. With deadlines looming, “sooner rather than later” is the rule for weighing this option and seeing if it makes sense in your state.
- 2 Push due diligence.** Which standards and processes will be used for choosing charter operators? Does the evidence of performance at the operator’s existing sites meet tier 1–3 requirements? And if the district plans to run some schools directly, how do its own management plans address evidence requirements?
- 3 Facilitate.** Local ownership of schools is not easily relinquished. Members can help spur dialogue among community leaders and turnaround district officials, grounding conversations in serious data about current and prospective outcomes for students and trying to get everyone on the same page about the terms of takeover and return.
- 4 Work for broader impact.** Members should ask how the zone plan will generate improvements outside a zone’s own schools. Competition from Tennessee’s ASD, for example, has led to rapid growth in district-run iZones. How will the state leverage this new asset?
- 5 Be realistic about funding.** Turnaround zones have startup costs. Leaders should advocate that they are financed through public monies—but also be prepared to seek private resources if policymakers fail to fund the effort properly. Given the ESSA’s statutory language specifically allowing grants to statewide school districts, it does appear that a portion of the 7 percent could be used to defray these startup costs.

## Model III: State-led, District-based Solutions

Many states have taken over districts that were financially unsound or academically deficient; notable examples include Newark, Oakland and Roosevelt, NY. But State Education Agencies are generally ill equipped to manage local schools directly, and a few states have adopted various forms of receivership. The Education Commission of the States defines this model as follows: “Authority over existing districts or, in some cases, individual schools is vested in an individual who has been appointed as the receiver. The receiver is granted all of the powers of a district superintendent and school board, although likely excluding ones to levy and raise taxes. The receiver determines what entities to partner with to run schools, which may include charter-management organizations and teachers unions.”<sup>34</sup>

The most prominent current model is found in Lawrence, Massachusetts. And there is also a watered-down version in New York State.

### LAWRENCE, MASSACHUSETTS

Under 1997 legislation, Massachusetts’s Commissioner of Education can appoint receivers for districts or individual schools. In 2011, the long-troubled public schools of Lawrence were in the bottom 1 percent of Massachusetts district performance in both reading and math and had a high school graduation rate of 52 percent.<sup>35</sup> The State Board of Elementary and Secondary Education approved a turnaround plan in 2012 that included the appointment of receiver Jeffrey Riley, as well as numerous partnerships: school operators such as Unlocking Potential (UP) and Phoenix Academy, assessment specialists from the Achievement Network, and—to partner on design and launch of the entire project—Empower Schools.

Even AFT President Randi Weingarten, who ordinarily objects to receiverships, applauded the model: “The only place it’s working is in Lawrence, Mass., and that’s because there is collective bargaining and the leadership believes that teachers should have a voice, and, as such, collaboration among all partners exists.”

In 2015, Riley reported to the state board on the district’s progress, saying it had “exceeded the first year turnaround plan goal to double the number of schools with a median [student growth percentile] above fifty on both ELA and math MCAS . . . [and] achieved a 14.6 percentage point increase in the four-year cohort graduation rate (from 52.3 percent in 2011 to 66.9 percent in 2014) and a 4 percentage point decrease in the annual dropout rate (from 8.6 percent to 4.6 percent), after three years of results.”<sup>36</sup>

## NEW YORK STATE

New York governor Andrew Cuomo expressed interest in replicating the Massachusetts receivership model, but legislative horse trading in the 2015 session gave significant authority back to local districts. Low-performing schools in New York are divided into “struggling” and “persistently struggling.” In the former case, local superintendents get to keep the schools but can exercise receiver-like powers for two years; if the schools don’t improve, they must then appoint a state-approved receiver for an additional three years. For persistently struggling schools, the local superintendent acts as receiver for just one year, giving way to the independent receiver if schools make insufficient progress. Additionally, each persistently struggling school is eligible to receive a portion of \$75 million in state grant funds to support and implement turnaround efforts over a two-year period.

New York state commissioner MaryEllen Elia announced in 2015 that 120 schools were identified as struggling and another twenty were persistently struggling. In October 2016, she announced that most of the persistently struggling schools had made enough progress to continue under local superintendents, except for one that is on a sixty-day clock toward appointment of a receiver.<sup>37</sup> Reform groups have challenged the program’s standards, however, pointing out that even with meager improvements, median proficiency levels at the demonstrable-progress schools were only 5 percent in reading and 6 percent in math.<sup>38</sup> The low bar on absolute outcomes is apparently the price for maintaining local sovereignty.

## Action Opportunity: Receiverships & Other District-Based Solutions

If states are looking at this type of intervention, Education Cities members and other city-based education leaders can help in several ways:

- 1 Monitor the evidence base.** Unless management is outsourced, a receiver will make more direct decisions about school-level programming than will a turnaround-zone superintendent. It is important that classroom strategies meet the ESSA's demanding standards.
- 2 Make clear that authority is aligned.** If a receiver is intended to have plenary powers, these powers should be spelled out in law, as should clear limits on any existing district bodies, to avoid wasting time on Youngstown-style turf battles.
- 3 Help negotiate the local and state tensions.** Local ownership of schools is not easily relinquished. Members can help spur dialogue among community leaders and turnaround district officials, grounding conversations in serious data about current and prospective outcomes for students and trying to get everyone on the same page about the terms of takeover and return.
- 4 Support evaluations.** Education Cities and other civic leaders can also conduct or commission periodic evaluations so the community can develop a strong sense of how the intervention is working and where it needs adjustment.



# CONCLUSION

State ESSA implementation plans are currently in the works, with at least fourteen states having already made public drafts of their plans, including five member states. Final versions are due to the U.S. Department of Education by April 3, 2017, or September 18, 2017, depending on the state's preference. But plans can be submitted sooner, so Education Cities members and other education leaders should act as soon as possible to help with design and implementation.

In this paper, we have outlined three models that are worth considering as strategies for use of the 7 percent Title I school improvement set-aside. Of the three interventions, charter expansion is most likely to meet the evidence requirements of the ESSA directly. Numerous studies have examined the achievement effects of charter schools, with the strongest results found in urban areas (as documented by the CREDO work mentioned earlier). Many such studies make direct sectoral comparisons between charters and traditional public schools, very likely qualifying this strategy for tier 2 status.

With respect to the other two strategies we discussed—state turnaround districts and state-led, district-based solutions—little sophisticated evaluating has been done. Modifying governance can enable successful adoption, at the school level, of evidence-based programs that meet tier 1–3 standards. But outcomes depend heavily on implementation, and at this stage only the Louisiana example presents compellingly strong results.

These models are simply options with the potential to improve student outcomes—but they also carry distinct advantages and drawbacks. What works in one place might fail in another, and states should be ready to explain and document why local circumstances justify implementation of a given strategy.

The good news, however, is that the ESSA, unlike the NCLB, permits states to choose from a wide variety of strategies, as long as they meet the ESSA's standards of evidence. Members have a unique opportunity to make a significant, positive impact.

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