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RESTRUCTURING ‘RESTRUCTURING’:

Improving Interventions for Low-Performing Schools and Districts

By Robert Manwaring

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In 1997, the state of California labeled Markham Middle School as low-performing. Located in the Watts neighborhood of Southeastern Los Angeles, Markham is stuffed with over 1,500 students in just three grades, sixth–eighth. Roughly 70 percent of the students are Hispanic, and 30 percent are black. Eighty-two percent are poor. That year, the average Markham student scored at the 16th percentile in math and 12th percentile in reading.

Over the next 11 years, the state and then the federal government under the No Child Left Behind Act (NCLB) enacted a series of reforms designed to turn Markham and other schools like it around. Officials affixed a variety of alarming labels to these schools: “chronically low performing,” “failing,” or “troubled.” They drew up plans, disbursed funds, and hired specialists. Principals and teachers came and went, while politicians of all stripes vowed to get tough and do what it takes to reform these schools or close them down. Yet, at the end of all that, Markham Middle School was still open for business, still serving low-income and minority students, and still low-performing. In 2009 only 3 percent of the students were proficient in math and 11 percent in English.

Markham Middle is not unusual—there are many hundreds of similar schools nationwide. While advocates and interest groups for the past eight years have contested the merits of NCLB—arguing about standardized testing, “Adequate Yearly Progress,” and the best way to properly identify the worst schools—schools like Markham have been mired in chronic failure. Even today as Congress considers reauthorizing NCLB, much of the debate continues to center on what measures should be used to label schools as high-performing, low-performing, or somewhere in between. Relatively little attention has gone to fixing schools that, like Markham Middle, look bad no matter what method of evaluation is used to label them. The biggest challenge in public education is no longer determining which schools need help. It’s determining how to help them, and when to decide that no amount of help will do.

Unfortunately, many states appear to be taking the same approach to reforming low-performing schools that they’ve taken to identifying them in the first place—that

is, exploiting their flexibility in interpreting NCLB to avoid tough choices on behalf of vulnerable students. In 2006 and 2007, Education Sector published two reports on the school identification process. The reports featured “The Pangloss Index,” a summary of education statistics reported by states under NCLB.¹ The index revealed that many of the states reporting the best results—high test scores and graduation rates, low levels of school violence, and few schools identified as failing under NCLB—achieved those results not through actual educational excellence but through their implementation decisions, including setting unusually lax achievement standards. And when states and districts have acted, change has often come in the form of serial, ineffective reforms that leave chronically failing schools resistant to intervention.

President Obama and U.S. Secretary of Education Arne Duncan have made “turnaround” a major priority of the administration, vowing to fundamentally reshape the nation’s worst performing schools. Duncan has targeted the lowest 5 percent of schools, stating that “we cannot continue to tinker in terrible schools where students fall further and further behind, year after year.”² The administration has put both a reauthorization proposal and money behind this goal. In March 2010, the president released a “blueprint” for the reauthorization of NCLB that would target meaningful interventions at the lowest 5 percent of schools. In addition, the stimulus package set aside \$3 billion to begin this work. Some believe that President Obama and Duncan have taken a heavy-handed approach. But to move beyond tinkering to genuine reform, they’ll have to confront the sobering reality of NCLB implementation: When it comes to taking meaningful action on behalf of students trapped in schools like Markham Middle, the hard work has barely begun.

Districts Avoid Hard Choices

Education Sector’s 2006 and 2007 reports focused on the school identification process. This report analyzes what happens next, *after* states identify schools as low-performing. While some states, like Wisconsin and Iowa, which topped the Pangloss Index both years, continue to insist that low-performing schools are virtually non-existent, others, like California, Florida, and South Carolina, have established legitimate academic standards and generally followed the spirit of NCLB in identifying schools where students aren’t learning what they need to know.

But for schools like Markham Middle, the answer to “what’s next” has often been “not enough.” While NCLB gives states broad discretion in setting standards and identifying low-performing schools, it gives states little in the way of resources or regulatory authority to turn low-performing schools around. Instead, it leaves that responsibility in the hands of school districts. It also gives districts the ability to take the easy way out.

Schools that fail to make AYP for five consecutive years are put in the most severe, “restructuring” status.³ (See sidebar on Stages of School Improvement.) As Table 1 shows, 4,580 schools (out of approximately 90,000 schools nationwide or 47,000 Title I schools) were in restructuring during the 2008–09 school year. These numbers mask the size of the problem somewhat because some states under identify low-performing schools by setting a low proficiency bar, but also because only schools that serve Title I eligible students—students whose family income is below the poverty level—and receive Title I funding are identified for improvement or restructuring. Many districts chose not to provide Title I funding to their high schools, instead focusing the funding at the elementary and middle school levels. As a result, only one quarter of high schools receive Title I funds and are subject to the requirements of school improvement or restructuring. Many of the country’s worst “dropout factories” are not even identified as being in need of improvement even if they fail AYP every year.

Over half of the schools in restructuring are in four states—California, Florida, Illinois, and New York—with over one quarter in California alone. These states tend to have more rigorous standards than other states, and because these states have larger schools, more of their schools have large enough subgroups (special education,

Table 1. Schools in Restructuring by State, 2008–09

State	Number of Schools	State	Number of Schools
Alabama	15	Montana	40
Alaska	70	Nebraska	1
Arizona	49	Nevada	24
Arkansas	90	New Hampshire	6
California	1,183	New Jersey	100
Colorado	52	New Mexico	170
Connecticut	77	New York	253
Delaware	2	North Carolina	87
District of Columbia	54	North Dakota	14
Florida	640	Ohio	145
Georgia	60*	Oklahoma	8
Hawaii	69	Oregon	7
Idaho	16	Pennsylvania	134
Illinois	358	Rhode Island	10
Indiana	31	South Carolina	108
Iowa	2	South Dakota	21
Kansas	4	Tennessee	20
Kentucky	47	Texas	56
Louisiana	57	Utah	1*
Maine	5	Vermont	7
Maryland	51	Virginia	11
Massachusetts	205	Washington	44
Michigan	66	West Virginia	8
Minnesota	20	Wisconsin	6
Mississippi	9	Wyoming	2
Missouri	65	Total	4,580

*These states did not have 2008–09 data, so their 2007–08 data is shown.

Source: U.S. Department of Education preliminary 2008–09 estimates (<http://www.ed.gov/programs/statestabilization/schooldata.pdf>).

English language learners, low income, race/ethnicity) to count in their AYP calculation. Many schools fail AYP because of the performance of one of these subgroups.

Under NCLB, districts must take one of the following actions for schools in restructuring:

- Replace most of the school staff
- Hire a private management organization to run the school

- Reopen the school as a charter school
- Turn operation of the school over to the state
- Other major governance restructuring

News accounts of NCLB consistently focus on the most drastic possible options, particularly staffing changes, school closures, and state takeover.⁴ Such descriptions have done much to paint NCLB as a severe, punitive law. But as the law’s implementation has played out, the most popular restructuring choice has been the last one, “Other major governance restructuring.” Not coincidentally, this is the choice that gives districts the greatest ability to take actions that aren’t “major” at all.

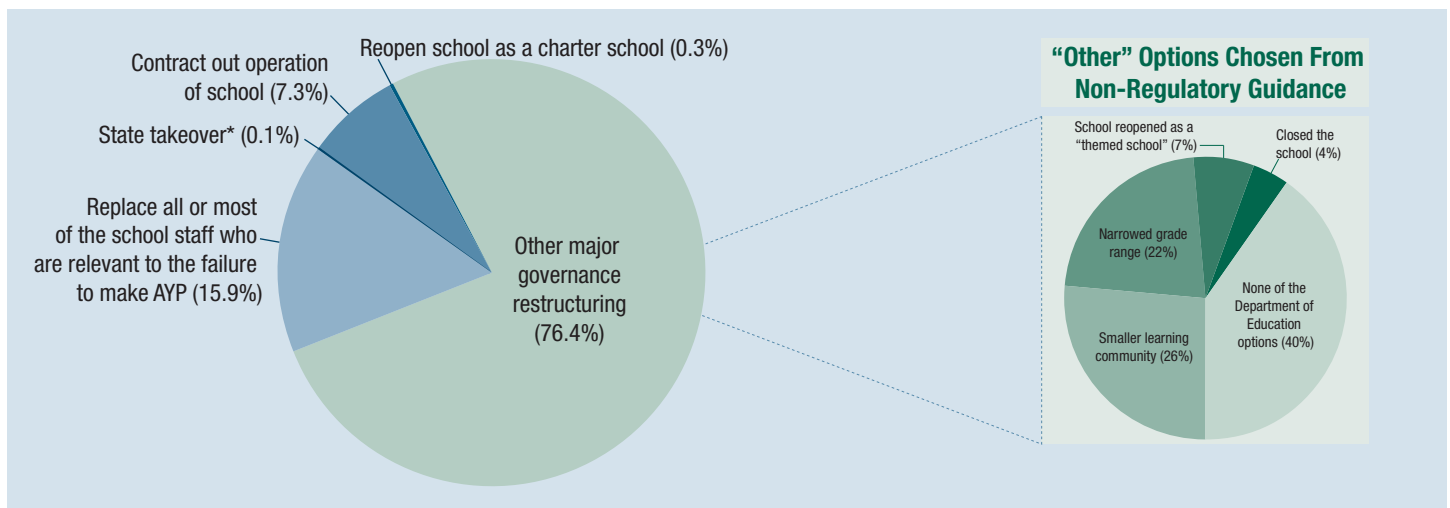
For Markham Middle, the restructuring choice was to shift certain governance responsibilities from the school to the superintendent of the district (Los Angeles Unified, the nation’s second-largest school district) or his designee. Those responsibilities included staffing decisions, determining the type of professional development teachers would receive, and allocating instructional time. In other words, instead of implementing a new educational philosophy at Markham or hiring new people to run the school or new teachers to teach there, L.A. Unified decided to take over administrative responsibilities that most school districts already assume as a matter of course.

Similar decisions have been made across the country. As Figure 1 shows, “Other major governance restructuring”

was used by 76.4 percent of districts in 2007–08. This is based on states that chose to report data; 14 states were unable to supply this information to the U.S. Department of Education.⁵

The feared state takeover option is virtually non-existent, used in only 0.1 percent of cases. And while Secretary Duncan has touted the potential of charter school management organizations like the Knowledge Is Power Program (KIPP) and Green Dot Public Schools (which began in Los Angeles) to help reform the worst of the worst public schools, the charter option has thus far been used rarely, for only 0.3 percent of restructuring schools. This is in part because the charter school sector is still relatively small, enrolling less than 3 percent of all public school students last year.⁶ A recent Education Sector report examines the capacity of charter school management organizations (CMOs) to expand at a rate necessary to play a major role in the restructuring of a larger portion of these struggling schools or in providing alternative school sites to serve the most disadvantaged school populations.⁷ In addition to the fiscal, bureaucratic, and facility constraints that charter schools face, they also often face ideological opposition to taking over the management of traditional public schools. CMOs also generally prefer starting new schools to taking over old ones. The other restructuring options—replacing staff and contracting out operations—have been concentrated in a few states, like New Jersey. Eleven states used only the “other major restructuring option” for their toughest cases.

Figure 1. Actions Taken by Schools in Restructuring, 2007–08



*Hawaii reports that all of its schools in restructuring were subject to state takeover, but this reflects the fact that Hawaii only has one school district run by the state, and upon further analysis, Education Sector reclassified these schools as implementing an other major restructuring.

Source: Compiled from state’s Consolidated State Performance Report submitted in 2008.

It is, of course, possible that “other” is the best choice. Schools end up in restructuring for different reasons, and it may make sense to tailor interventions to the underlying causes of failure rather than choose from the NCLB list. But a recent report from the Government Accountability Office (GAO) found that many of the “other” options are hardly “major”—and that’s when they’re identifiable at all.⁸

In 2006, the U.S. Department of Education published “non-regulatory guidance” that suggested what “other” could mean.⁹ “Non-regulatory” means “in no way mandatory”—these were suggestions, nothing more. The published options included:

- Smaller learning communities
- Expanded or narrowed grade range, e.g. converting to a K–8 school
- Reopen as a “themed” school
- Close the school or merge with a higher-performing school

The most significant school reforms ultimately come down to people—changing the people who work in a school by replacing teachers and principals, changing the people who ultimately manage the school by turning leadership over to the state or a charter management organization or another school, or simply closing the school down. Eight years of NCLB implementation have made one thing clear: Given a choice, states and school districts would rather not change people. These are undoubtedly the most difficult reforms to implement, because they involve rendering harsh judgment on the success of educators and putting people out of jobs. But often, they are the only way to truly change a chronically low-performing school.

This pattern is clear in the GAO analysis. First, over three-fourths of districts avoided the people-changing reform options for schools in restructuring and chose “other” instead. Then, when given a new set of “other” options, they again shied away from the hard work of divesting people of their responsibility and employment. Of the 76 percent of districts that chose “other,” around a quarter of schools went with “smaller learning communities,” which can be accomplished by re-organizing the existing people in a school or hiring new people. Twenty-two percent chose the expanded or narrowed grade range approach, another people-neutral reform. Seven percent reopened the school as a “themed school,” which might or might not involve the same people. Four percent closed the school down.

What did the remaining 40 percent of schools that choose other major restructuring do? According to the GAO, these schools adopted none of the recommended non-regulatory reforms, instead opting for some different “other” restructuring reform. Recent analyses from the Center on Education Policy (CEP) offers some clues to what that “other” reform involved. The CEP analyses focus on five states—California, Georgia, Maryland, Michigan, and Ohio. These states contain about one-third of all schools in restructuring.¹⁰ Frequently used reforms included:

- Appointing a school turnaround specialist
- Using an external research-based reform model
- Redesigning the curriculum
- Appointing a new principal

With the exception of hiring a new principal, none of these reforms involve changing people. What’s worse, they are by and large reforms that districts are mandated to choose among for schools in “corrective action”—the milder designation that schools receive when they miss AYP for four consecutive years. The whole point of having a more severe “restructuring” label is to mandate more severe interventions for schools where the “corrective action” interventions didn’t work. Yet Michigan, for instance, encourages schools in restructuring to hire an expert adviser (corrective action option #4), and 87 percent of schools in Michigan have done exactly that.

Many States Prohibited From Intervening

If school districts are unwilling to make hard choices to turn around low-performing schools, the only other possible actor is the state. States have a relatively small formal role to play in this respect—their minimum obligations under NCLB amount mostly to providing technical assistance. But, NCLB does not limit the ability of states to step in when a district’s actions fall short. States can influence the distribution of school improvement funding and use state laws and regulations to require schools to implement specific types of restructuring reforms. Unfortunately, many states have proved unwilling or not able to do so. States can face various barriers to getting involved in these chronically failing schools including lack of capacity, strong political opposition, and even statutory restrictions.

Stages of School Improvement

Schools in school improvement status under NCLB must take specific actions:

Choice (failed AYP 2 years). Schools must develop an improvement plan, use a share of Title I funds for professional development, and provide students the option to transfer to another school and pay for transportation.

Supplemental Services (failed AYP 3 years). In addition to choice requirements, schools must use a share of Title I funds to support students receiving tutoring/after-school programs from a state-approved provider.

Corrective Action (failed AYP 4 years). Continue choice and supplemental services plus the district must choose one of the following actions:

- Replace responsible staff
- Implement a new curriculum
- Significantly decrease a school's management authority
- Appoint an external expert to advise school
- Restructure internal organization of school

Restructuring (failed AYP 5 years or more). Plan and implement:

- Replace all or most of the school staff
- Contract out operation of the school
- Reopen school as charter school
- State takeover
- Other major governance restructuring

Until March 2010, the state of Washington, for example, had laws prohibiting state government agencies from playing a direct role in fixing deficient schools or districts. The state Legislature as well as education reformers, including members of the Washington State Board of Education, had attempted to change the restriction. In 2005, the Legislature asked the board to create a new accountability system that would address the problem of chronically bad school performance. The board came back with a proposal that would have created differentiation between different kinds of failing schools, allowing for greater supports and interventions in schools with the lowest level of performance and a lighter touch for schools barely missing expectations. But it also would have “restarted the clock,” giving even the worst schools a clean slate and, presumably, years of future failure before stiff interventions kicked in. At that time, the Legislature chose not to give the state board authority to help students caught in chronically underperforming schools, but instead enacted legislation that required the board to make further developments and report back to the Legislature. In 2010, the state finally made changes to state law to allow the state to intervene in schools who were identified as the “persistently lowest-performing schools.”

Hawaii is another state with serious school performance problems—over 25 percent of schools are in restructuring. For every one of them, Hawaii chose the “state takeover” option. On the surface, this might seem bolder than the standard “other” option that ultimately leaves all people unchanged. Indeed, with the exception of a single school in Louisiana, Hawaii is the *only* state to have played the much-discussed state takeover card. There’s just one problem: Hawaii, unique among states, has only one school district, which is run by the state. In other words, the state of Hawaii chose to help low-performing schools by taking over their governance from the state of Hawaii.

Even after wresting control of failing schools from itself, Hawaii still faces the problem of not being able to change the people within these schools. State Superintendent of Education Patricia Hamamoto sought the authority to replace the principals, most teachers, and other employees in schools that are in restructuring. The Hawaii State Teachers Association effectively fought this idea, arguing that their current collective bargaining agreement prohibits the state from removing teachers or principals without “extraordinary reason or cause,” which apparently does not include circumstances such as “the school is chronically low-performing.”¹¹ Legislation to change this did not make much progress in the Hawaii Legislature, and the retirement of Superintendent Hamamoto has effectively killed the proposal. Instead, the state’s Race to the Top application is seeking additional funding to provide incentives for experienced teachers and to lengthen the school day and year at these lowest-performing schools. (Their application was not selected.)

Washington and Hawaii are not alone. According to an analysis by the Washington State Board of Education, 18 states do not have authority to intervene in consistently low-performing schools.¹² These states often offer voluntary assistance to their schools and districts, but this type of relationship is likely to limit the type of assistance that the state can provide.

Other state departments of education aren’t legally prohibited from helping local schools improve, but lack the capacity to do so. One CEP study noted that the California Department of Education “is not required to and does not check to ensure that all schools are actually implementing [NCLB] restructuring strategies.” But one California education official said that while she had no reason to suspect schools weren’t implementing restructuring, it “would be almost unfathomable for [the

department of education] to develop the capacity to monitor each school in restructuring.”¹³

States Required to Intervene in Low-Performing Districts

NCLB does more than identify low-performing schools—it also identifies low-performing *districts*, using a parallel accountability system based on the same standardized tests. And while many states have legal, political, and financial limitations when it comes to turning failing schools around, states have substantially more authority to intervene and change chronically low-performing *districts*. As with schools, however, states have been reluctant to impose the hard-edged reforms that are most needed to turn failing districts around.

Districts that fail to make AYP for two consecutive years are simply identified as in “district improvement” status and are given technical assistance by the state. Districts that fail to make AYP for four consecutive years are identified for “corrective action,” which involves the state choosing from another menu of possible interventions:

- Defer programmatic funding or reduce administrative funding
- Institute a new curriculum
- Replace school district personnel
- Remove schools from jurisdiction of the district and establish other public governance or supervision
- Appoint a trustee in place of the superintendent or school board
- Abolish or restructure the district
- Authorize students to transfer to other districts

There were 1,735 districts in corrective action during the 2008–09 school year, out of roughly 15,000 nationwide.

As with schools, states have thus far not been eager to make hard choices and intervene aggressively to turn around low-performing districts. One state, Missouri, went as far as to exercise this preference by blatantly breaking the law. During a monitoring visit in 2007, U.S. Department of Education staff discovered that while Missouri had reported that zero districts were in district improvement status, the actual correct number was 178. When asked to account for the discrepancy, one state

official explained that it was due to “a combination of not agreeing with aspects of the law and not being clear of what was expected of us in some cases.”¹⁴

Other states eschewed the open defiance strategy and implemented one of the reforms on the corrective action list. Table 2 shows the results.

The most popular option, used in nearly half of all districts, was implementing a new curriculum. Twenty-four percent

Table 2. Corrective Action Taken to Turn Around Districts

Corrective Action*	Percentage of Districts
Implemented new curriculum	48%
Deferred funding	29%
Allow student transfer to neighboring district	24%
Replaced personnel	7%
Restructured district	1%
Appointed receiver or trustee	0.4%
Removed schools from district	0%
Abolished district	0%

*Data reflects information reported in the Consolidated State Performance Report. Some states did not report. Some states implemented more than one of the corrective actions in some or all of their districts.

chose to allow students to transfer to a neighboring district, and 29 percent deferred funding the district would otherwise have received. (Because some states applied more than one intervention, the amounts add up to more than 100 percent.) Only 7 percent replaced personnel, and 0.4 percent appointed a trustee. As with low-performing schools, those responsible for turning around low-performing districts under NCLB have been loath to implement people-changing reforms.

Some of the people-neutral reforms are less than meets the eye. Five states—Arkansas, Colorado, Kentucky, Ohio, and Washington—mandated that districts in corrective action allow students to transfer to other districts, so-called “inter-district choice.” But four of those states—all but Ohio—had laws on the books allowing students to transfer between districts *before* their districts were identified for corrective action under NCLB. While Arkansas, Colorado, and Ohio required additional corrective actions to be taken, 33 of the 53 districts in Washington state used inter-district

choice as their sole mandated improvement strategy. In other words, they simply continued to comply with a law that was already in place.

Florida chose a different route. Education in the Sunshine State is governed by a group of 67 unusually large, countywide school districts that enroll diverse populations of students, generating many subgroups that are required to pass tests in order for districts to make AYP. As a result, 65 of the 67 Florida school districts are now in corrective action. For every one of them, Florida chose to defer funding as its corrective action, requiring districts to reallocate a percentage of their funds received under NCLB from administrative to student-level activities. Specifically, the state reduced the district's administrative funds by the percentage of failed AYP indicators. The average district used less than 4 percent of its total Title I grant for district administration, and only missed around a quarter of AYP indicators. So, a typical district was required to reallocate 1 percent of its total Title I grant from administration to direct student services. It is unclear whether this resulted in a reduction in the number of administrative staff, and certainly, these small budget changes are not likely to have had a large influence on addressing the academic problems in a district.

Other states have chosen a mix of strategies. Most provide some level of technical support to failing districts, along with professional development for district staff. Connecticut assigned “executive coaches” and “data team facilitators” to its 12 lowest-districts. These individuals conducted site visits and focused on data analysis, formative assessments, leadership, and strategies for helping low-performing students. Nine states conducted audits or inspections of districts in corrective action. Some of those states required districts to address audit findings in their official, NCLB-mandated district plans. New York and California required their auditors to make specific, actionable recommendations that the districts were obligated to implement (districts can challenge the recommendations via formal appeals).

No states have abolished a school district or removed a school from district control, the most severe corrective actions. Ten districts were reported to have been “restructured,” but these were mostly districts that contain a single school building that was already in corrective action or restructuring under the school accountability provisions of NCLB. Five states replaced personnel in at least some districts, and Ohio stands out

for replacing personnel in all 47 districts identified for corrective action.

But overall, states have taken the same approach to fixing their worst districts that they've taken to fixing their worst schools: avoid politically difficult people-changing reforms unless absolutely necessary and often not even then.

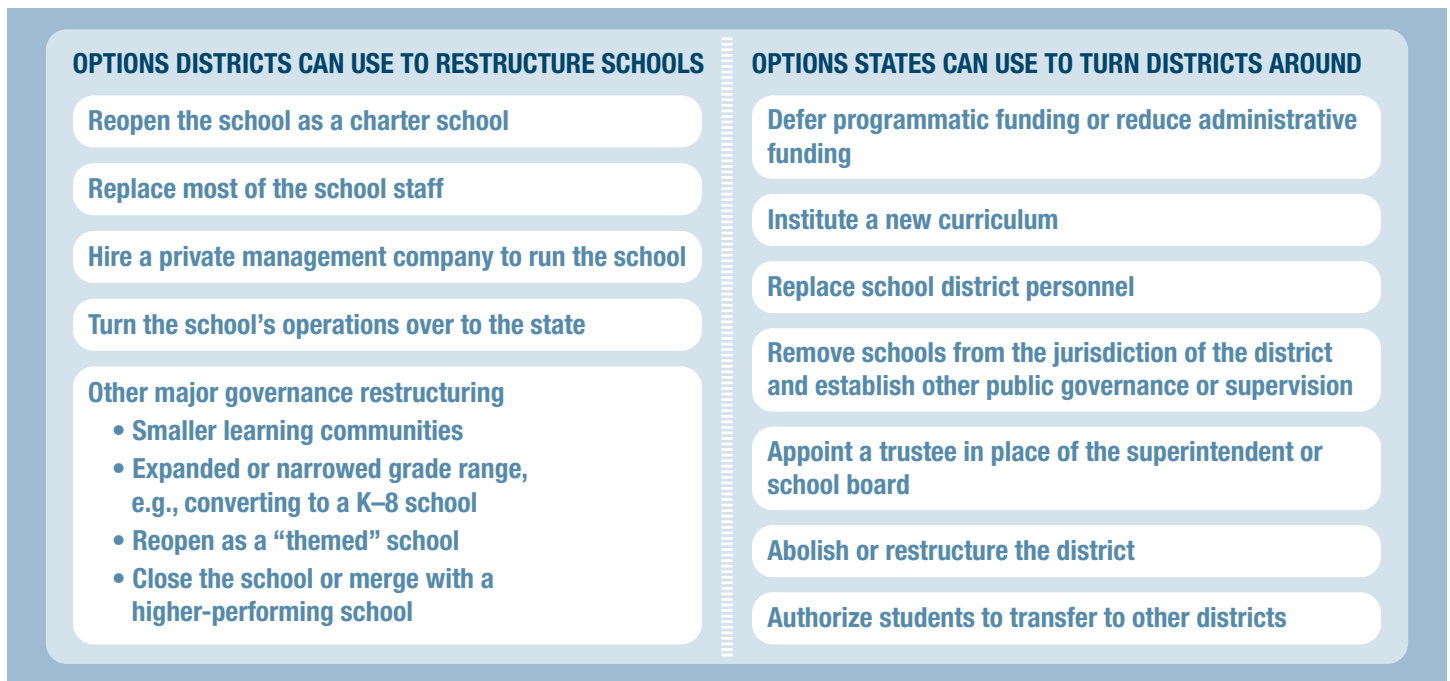
The net result of states failing to take decisive action to turn around low-performing schools and districts is that many of those schools and districts are, unsurprisingly, still low-performing. The GAO report found that “over a third of schools that fully implemented corrective action or restructuring options made AYP, as opposed to 16 percent of schools that had mostly or partially implemented improvement activities.”¹⁵ Schools may also benefit from comprehensive, multi-strategy reform. A CEP study of Michigan found that schools in the state “that implemented five or more [reform] strategies [among 18 identified reforms] over the past two years were significantly more likely to meet AYP targets two years in a row and exit restructuring than those implementing fewer reforms.”¹⁶ However, the GAO study did not find a correlation between the number of reforms a school pursued and school outcomes.

In the long run, the pattern of serial, half-hearted attempts at school turnaround can create a culture of cynicism and resistance to change, like a patient who takes only a half-dose of antibiotics and builds up a resistance to medicine while leaving the underlying disease uncured. Markham Middle School offers an instructive example.

Reforms Change But the School Doesn't

Shortly after being identified as a sub-standard school in 1997, Markham was chosen to participate in a federally funded program called the Comprehensive School Reform Demonstration (CSRD). Over the next three years, Markham worked with an external consultant to develop a plan to implement 11 specific changes to the way it did business, using comprehensive reform strategies that were “scientifically research based,” including programs like Success for All, Roots and Wings, and Modern Red Schoolhouse. The plans had to give teachers and staff high-quality professional development and other supports, provide opportunities for meaningful parent and

Figure 2. NCLB Required Interventions for Schools and Districts



Source: *No Child Left Behind Act of 2001*, and “Revised LEA and School Improvement, Non-regulatory Guidance” (Washington, DC: U.S. Department of Education, 2006)

community involvement, and ensure sustainability over time. The CSR program was eventually discontinued at the federal level because evaluations of the programs had mixed reviews.

In 1999, California adopted a new statewide accountability system, part of its compliance with the previous version of NCLB, the 1994 Improving America’s Schools Act. Test scores at Markham were still dismal, and the school was assigned to the state’s Immediate Intervention / Under Performing Schools (IIUPS) program. As a result, Markham received an additional \$200 per pupil—over \$200,000 per year—to hire an external consultant and develop and implement a new reform plan that contained 22 specific requirements, including contracting for external assistance, reviewing and reallocating budgets, and disaggregating and analyzing data to identify barriers to improvement. While California attempted to integrate the IIUPS and CSR programs, Markham still had to meet each program’s separate planning requirements.

Then, in 2005, the IIUPS program began to be phased out because external evaluations showed it to be ineffective. In 2006, California replaced it with a new initiative called the High Priority School Program (HPSP), which targeted the bottom 10 percent of schools in the state. Markham

qualified, and the extra funding was bumped up to \$400 per pupil. In exchange, the school was required to develop yet another school improvement plan, one that included all 22 IIUPS elements plus four more brand-new HPSP elements, including a requirement to participate in state-endorsed training programs for teachers and principals, conduct an academic program survey, and create a district/school liaison team.

Students at Markham continued to fail state tests in large numbers. This resulted in the school being identified for corrective action and then restructuring under the separate NCLB accountability system. This created various new obligations for Markham, including, inevitably, more plans.

In 2006, the state of California settled a school funding lawsuit that had been filed by the California Teachers Association. The settlement called for a new program to help low-performing schools: Quality Education Investment Act (QEIA). To the surprise of no one, Markham Middle qualified. Funding was increased to \$900 per pupil, swelling Markham’s failure-based cash flow to roughly \$1.4 million dollars per year. In exchange for QEIA money, Markham was required to write another plan, ensure that all teachers were “highly qualified” and that the school had a similar level of teaching experience as

the district overall, and reduce student-to-teacher ratios below 25-to-1 in core classes. As of the 2008–09 school year, Markham had reduced class sizes to 25-to-1, but almost half of the school’s teachers were first- or second-year teachers resulting in the school not meeting the seniority and qualified requirements. It still receives the full amount of QEIA funds.

After 11 years of continuous, often overlapping reforms, the expenditure of over \$3 million dollars in extra funds, and the creation of enough school improvement plans to denude wide swaths of the nearby Angeles National Forest, Markham Middle School is still, educationally speaking, a wreck. Sixteen percent of teachers are working under an emergency credential, 30 percent of classes in core academic subjects are taught by teachers who are not “highly qualified” under NCLB, and many teachers are teaching English to the largely immigrant student population without proper training in teaching English language learners.

The lack of a stable, high-quality teaching force is one of the reasons academic results at Markham are poor and not improving. In 2005, only 12 percent of eighth-graders were proficient in English and 4 percent proficient in algebra. In 2009, those percentages had gone down slightly to 11 percent in English and 3 percent in algebra.

Nobody believes that it’s easy to turn schools like Markham around. But it’s clear that the policies of the last decade have not worked. In part, that’s because ultimate responsibility for improving Markham has been left with L.A. Unified, which has its own considerable problems to overcome. This is true for many low-performing schools, which are left reliant on districts for school improvement even when district-level neglect and mismanagement are key factors in the school’s low performance. One strategy for overcoming this problem is strengthening the state role in fixing poor-performing districts. But California again provides an example of how this task is often stymied by those who oppose any reform that threatens the jobs and authority of people within the education system.

States Not Pressuring Districts to Improve

Of the 1,735 school districts in the most severe “corrective action” status last year, only four were selected for the

drastic “appoint a trustee in place of the superintendent or school board” option, which changes not just people but the most prominent people in the district. Two of the districts were in South Dakota, one was in Illinois, and one was in California: Coachella Valley Unified, a medium-sized district of 18,000 students located 140 miles west of Los Angeles. Coachella serves a largely immigrant population: 97 percent of students are Hispanic, 61 percent are English language learners, and 90 percent are poor.

California is one of the lowest-performing states in the nation, ranking in the bottom five on the National Assessment of Educational Progress in reading, math, and science. Coachella is one of the lowest-performing districts in California—only 22 percent of students are proficient in English language arts, and only 27 make the grade in math. Of the 22 schools in the district, half are in restructuring, and all are in some form of NCLB-designated school improvement status, with the exception of a middle school that just opened in 2008 and has reported only one year of test results. That school did not make AYP.

While most states give federal improvement funds directly to schools and districts, they are allowed to use alternate means of distribution. In 2005, the state of California offered all districts in improvement status an opportunity to receive a larger allocation of federal funds. To receive the higher funding level, a district would have to agree to the following bargain: Make AYP within two years or be subject to the more severe corrective action options, like being assigned a trustee. The rationale is that if a district received a higher funding level and was still not able to improve then it needed a greater level of intervention. Coachella, alone among districts, took the deal and received an extra \$1 million per year. It didn’t help, or at least it didn’t help enough. Coachella missed AYP in both 2006 and 2007.

In 2008, the California State Board of Education followed through on its side of the bargain and assigned a state trustee to oversee the decisions of the Coachella superintendent and locally elected school board. The state also assigned nine employees from the county office of education (unlike many states, California maintains county-level education offices to provide districts and schools with support) to assist in the district turnaround process.

The state’s education community, led by the powerful California Teachers Association (CTA) and the lobbying

organization that represents local school boards and administrators, objected. According to the Associated Press, the CTA “opposes all sanctions for schools and districts that fail to meet the goals of the federal law. Instead, the union prefers programs such as class-size reduction and tutorials to help struggling students.”¹⁷ The union found an ally in Don Perata, former president pro tempore of the California State Senate. To force the California State Board of Education to back down, the Legislature took away the board’s ability to disburse federal school improvement funds. The board refused to budge, and the resulting stalemate lasted until the end of the fiscal year, when a compromise was found. In the end, the compromise was to allow the board sanctions to stand, but to provide no funding to Coachella for the cost of the required trustee. Clearly this was the worst possible outcome for the district, because the district had to pay the trustee out of its own funds.

Because the Legislature had prohibited the state from distributing federal funds, California was forced to return \$12.5 million to the federal government. At the time, California was facing a \$40 billion budget deficit which resulted in steep funding cuts to local schools and the issuance of 27,000 pink slips statewide. The lesson: People who run schools and districts have significant political power. When states contemplate removing them as a means of helping children who aren’t learning, those people often push back.

New Money Pushing Meaningful Reform

In the coming months, Congress will continue debating the best way to identify low-performing schools. But as time goes on, the problem of what to do with low-performing schools, once identified, will move to center stage. In a sense, the entire standards and accountability movement to date has been only a prelude to the main event: tackling the complex challenge of intervening in schools that persistently fail. It is difficult work, but not impossible. Promising ideas can be found at all levels of government and beyond, from federal policymakers in Washington, D.C., to charter management organizations and officials in local schools.

Since taking office in January 2009, Secretary Duncan has made school turnaround a high priority. He has specifically

targeted the bottom 5 percent of schools, particularly the so-called “dropout factories” where graduation is often the exception instead of the rule. Last month, the administration released its blueprint for reauthorization that would target meaningful turnaround at the lowest 5 percent of schools and would require locally determined improvement strategies at the next 5 percent of schools. Nationwide, this could target as many as 10,000 schools for one of these reforms. But, the administration is not waiting for reauthorization to start this work, and Duncan is using the power of the purse to motivate states to take on the challenge of reforming—or replacing—schools that persistently fail. The stimulus bill made \$3 billion in one-time funds available for school improvement. Another \$545 million resides in the fiscal 2010 budget, and a proposed \$900 million in the president’s 2011 budget.

Historically, such school improvement funds have flowed with little restriction on their use. The result has been the half-hearted, ineffective strategies evidenced in many states. In August 2009, Duncan took a different course, releasing new proposed regulations to require states to implement specific reforms in the lowest-performing 5 percent of schools in improvement, corrective action or restructuring. For these schools to receive a part of the \$3.5 billion in school improvement funding, districts would have to implement one of the following reform models:

- Turnaround model—replace principal and at least half of teachers
- Restart model—Close school and restart it as a charter school
- Close/Consolidate model—Close the worst-performing schools and transfer the students to other schools with higher achievement levels
- Transformation model—replace principal, overhaul evaluation systems and professional development, extend learning time, and create community school, operational flexibility, and comprehensive instructional programs

In the administration’s reauthorization blueprint, the lowest 5 percent of schools are required to implement one of these models.

States are currently determining how many of their schools will be deemed a “persistently lowest-achieving school” and be eligible for funding to implement one of these reform models. Each eligible school will receive

a three-year grant ranging from \$150,000 to \$6 million. In order for a school district to receive any school improvement funding it must prioritize serving the needs of one of its eligible schools to implement one of these four models. And for the first time, many high schools that do not receive Title I funds will be held accountable to implement one of these interventions. Of course, this will affect states differently, because some states have set low standards and as a result have identified few schools in need of improvement, and thus few schools eligible for these large grants. Many states are still negotiating the list of schools that will be eligible. But some states like Texas and California have already determined their list of schools with 182 and 188 schools respectively. Once again Markham Middle has made the list and will be eligible for up to an additional \$6 million (around \$1,300 per pupil per year) to implement one of these four models. This would be on top of the \$1.4 million a year the school is already receiving in state funds for interventions.

In addition, 41 states have applied to compete for \$4 billion in “Race to the Top” funds, another stimulus program, based on the effectiveness of their policies in four areas, one of which is turning around struggling schools. Criteria for these funds include having a policy framework that supports the creation of high-quality charter schools, having policies and the authority for the state and districts to intervene in the lowest-performing schools, and using these policies to make the difficult changes to actually turn around or close the lowest-performing schools. State leaders have the opportunity to leverage the combined resources of these programs to overcome political obstacles to make tough choices about low-performing schools.

Some Districts Are Taking Action

Several school districts from around the country are experimenting with one or more of the four school turnaround models that Secretary Duncan is promoting, including his former home in Chicago.

In 2004, under Duncan’s leadership, Chicago Public Schools launched “Renaissance 2010,” an initiative to increase the number of high-quality educational options available to students. New schools were created through a combination of new starts and turnarounds. Some of the district’s lowest-performing schools were closed, while others entered the turnaround program. An Office of New

Schools (ONS) was created to oversee the new “portfolio” of schools including the district’s charter schools and turnaround schools. The office now oversees 86 schools, and the number of schools will continue to grow.

The Academy for Urban School Leadership (AUSL) offers one example of the new schools in the ONS portfolio. AUSL was originally a nonprofit organization that ran a teacher residency program to train teacher candidates for the most difficult urban schools. The organization decided to integrate its teacher residency program with newly created or turnaround schools. It now runs six schools, and their performance has been impressive. The Chicago Academy High School, for example, sent 93 percent of its students to college in 2008.

While some of the schools in the ONS portfolio are clearly successful, over time some will fall short. In theory, the ONS should close those schools and open new schools to replace them. That phase of the program has not yet taken place, but will be an important test for the portfolio approach. Overall, the Chicago experiment has shown early signs of success, and parents and students are clearly interested in the choices that it provides. In 2008 there were over 13,000 students on a waiting list to get into one of the portfolio schools.

But even with the 86 schools the ONS oversees, Chicago has not been able to open up enough high-quality alternatives to the low-performing schools that it is shutting down. Many of the students who were displaced ended up moving to other nearby low-performing schools, and these students continued to perform poorly on state tests.¹⁸ While students who left the closing schools and moved to higher achieving schools did see improvements in their achievement levels, relatively few students took this path.

The portfolio approach used in Chicago represents a new relationship between districts and schools, with districts providing oversight and holding schools accountable but not directly managing them. Several other large districts have implemented a school portfolio reform. The Center on Reinventing Public Education is currently studying several of these school portfolio approaches in cities including Chicago, New York, Washington, D.C., and New Orleans. Paul Hill, the project leader, says “there are encouraging signs in each of the four districts under [his] team’s microscope.” But he adds this cautionary observation: “Rebuilding a school district on the portfolio

model involves challenges of many kinds: technical, organizational, and political. Reform leaders in the districts we have studied have made great progress but they are still learning what needs to be done to provide effective schools for all kids.”

A New Chance for Markham?

Markham Middle has already implemented the school turnaround model, and because of the timing of implementation and the district’s hiring practices, the reform is not going very well. On May 27, 2008, L.A. Unified transferred management responsibility for 11 schools including Markham to the Partnership for Los Angeles Schools, an organization created by Mayor Antonio Villaraigosa to take over and turn around a cluster of the district’s lowest-performing schools. (The Partnership resulted after the mayor’s failed attempt to take control of the entire district.) The Partnership had about three months to take over management of these schools (effectively a medium-sized school district serving 18,000) and start running them. The Partnership made a fresh start, letting all of the existing staff go and then rehiring school staff at the 11 campuses. For the first time in Markham’s decade-plus of school reform, there was a dramatic change in the people on the campus.

But the Partnership got a late start in the hiring process, a major disadvantage in hiring quality applicants for many urban school districts and for L.A. Unified in particular.¹⁹ At Markham, almost half of the new hires were first- and second-year teachers, and many of them were under-qualified.

Then California’s budget woes made things worse. By March of the first year of operation, these first- and second-year teachers, the principal, and others at the school had been given pink slips along with almost 9,000 employees in the L.A. Unified School District due to lack of funds.²⁰ In its deal with the school district, the Partnership had to agree that the teachers at these schools would be district employees and subject to the district’s collective bargaining agreement and teacher policies. Thus, teachers at Markham were subject to the district’s seniority policies when it came time for layoffs. Since the teachers at Markham were mostly new, they were the first ones the district would let go. Almost half of the layoffs were rescinded by the time L.A. Unified adopted a final budget in the summer of 2009, but

for Markham, these cuts resulted in almost half of the school’s teaching staff being let go.

The Partnership was also required to pick from the district’s surplus teacher pool (senior teachers who were not wanted by other school principals) when backfilling vacancies. Many of those teachers did not want to teach in troubled schools like Markham, and the school has had difficulty finding candidates that will work in this potentially dangerous environment. As of November 2009, almost three months into the school year, the school still had six teaching positions unfilled. And by March 2010 over halfway through the year, 20 percent of the classes were taught by long-term substitutes because the school was not able to hire permanent staff.²¹ Markham’s test scores declined in 2008–09, and given the continued staffing difficulties, the prospects for 2009–10 do not look good. Because of these events, the American Civil Liberties Union recently sued Los Angeles Unified on behalf of students at Markham and two other schools in the district at which more than half of the schools’ teachers were laid off in last year’s budget cuts.²² The goal of the suit is to protect these three schools (and presumably other similar schools that predominately serve low-income students) from further layoffs as Los Angeles begins to make its next round of layoffs, issuing pink slips to 2,300 teachers recently.

Meeting the Challenge

States have long criticized NCLB for imposing a single federal system of identifying and fixing low-performing schools. But Markham Middle shows that some schools fail by all available measures. California has its own separate accountability system, the Academic Performance Index, and Markham is the second lowest-performing middle school in the state. For schools like Markham, the biggest challenge isn’t knowing what schools to fix, or how they need to change. It’s overcoming the political, policy, and resource barriers that stand in change’s way.

This challenge isn’t unique to California, or even America. Former Prime Minister Tony Blair talked recently about what it takes to make a successful school in the context of the community school movement in the United Kingdom. Community schools integrate education services with antipoverty services including health and social services and after-school/extended care. Blair explained that

successful schools have a strong ethos, good leadership, discipline, effective teachers, engaged parents, and serve as a resource to the whole community. “We ... know what works—what’s hard is implementing it.”²³

For some schools, the challenges of reform are insurmountable. But closing the worst-performing schools only works if students are given a better school to attend. Otherwise, students may end up in nearby schools with similar poor outcomes. Charter school conversion only works if the charter school organization is prepared for the specific turnaround challenge, has the control of staffing and budget, and has the autonomy to make necessary changes at the school. Charter conversion also requires effective oversight, including closing the charter school down if the school is not effective.

Some reforms will not work for all schools. Rural school districts face a more limited set of options: Charter conversion, new starts, and school closure are difficult to implement in rural areas. States and regional consortia must develop support structures for their rural schools, and these schools may need to rely on technology to provide the mentoring and coaching that their staff needs to be successful in improving the quality of rural schools.

Policy changes will be needed at each level of government—federal, state, and local—if the immense challenge of helping students in the nation’s worst schools is to be met.

RECOMMENDATIONS

Federal Policy Recommendations

The hands-off approach to fixing low-performing schools embodied in NCLB hasn't worked. Left to their own devices, states have systematically avoided the hard choices of replacing people in chronically failing schools. Intervention in low-performing districts has been even rarer. In administering federal stimulus funds and re-authorizing NCLB, the federal government should insist on much stronger oversight from states and much shorter timelines for taking action in schools where students consistently fail to learn. And, even if reauthorization does not happen in the near term, most of these recommendations could be implemented under existing statute.

Specifically, the federal government should:

- Continue to invest resources targeted in school improvement, but transition this funding from a formula-driven program to competitive grants, so that only the states and districts that are truly willing to overcome the political barriers to making dramatic improvement for low-performing schools receive additional funding to support this work.
- Require states to approve any school restructuring plan for which a school district has chosen "other major restructuring" for one of its schools. While another restructuring option may be best for a school, states need to ensure that the school is taking actions that are likely to lead to dramatic improvement, and not just using the other major restructuring as a loophole.
- Require states to improve the monitoring of schools in restructuring, including the measurement of each school's progress against both outcome and process benchmarks established in a school's restructuring plan.
- Change Title I funding "comparability" requirements to ensure Title I schools receive a comparable share of state and local funding. Currently, a loophole in that requirement allows high-poverty, low-performing schools to be staffed with inexperienced low-paid staff, while higher-performing schools maintain more stable and higher paid staff.
- Require that all schools serving Title I eligible students are held accountable for their outcomes if the school district receives Title I funding.

Currently most high schools avoid consequences for low performance because the district does not allocate Title I funds to the high school.

State Policy Recommendations

State reluctance to intervene in low-performing schools is, in some ways, understandable. Many state departments of education lack experience and capacity in school turnaround and are loath to engage in the bruising political process of intervening in a function that traditionally has been left to local districts. But the alternative—student failure that literally lasts for generations—can't be allowed to continue.

States should:

- Implement the policies required to have a competitive Race to the Top application including:
 - State identifies schools in need of improvement, requires that districts implement a required intervention model, provides support, and monitors the implementation.
 - Smart charter school policies including removing arbitrary charter school caps, ensuring effective charter oversight, closing low-performing charter schools, and providing equitable funding and facilities for charters.
- Ensure comparability of general purpose funding across schools within a district. Similar to the Title I comparability requirements, states should ensure that low-performing schools receive a fair share of general purpose funds as well as any funds that the state targets for special needs populations.
- Craft state funding policies that allocate funding equitably and target additional resources to districts and schools with the greatest number of hard-to-educate students.
- Monitor school restructuring closely and step in when districts fail to implement meaningful reforms or allow low performance to persist over long periods of time.
- Develop support tools for districts to use including data analysis tools to help schools create a culture of continuous improvement.

Local Policy Recommendations

Local school districts are closest to ground and have the most flexibility to act immediately on behalf of students

trapped in low-performing schools. Many districts, particularly those with large diverse student populations, have allowed their worst schools to persist with little oversight, insufficient funding, crumbling facilities, and inexperienced teachers. Districts should reorient their policies to make resources more equitable and long-term failure unacceptable.

Districts should:

- Ensure that collective bargaining agreements allow for improving the staff at low-performing schools. This will include evaluation systems that allow for the timely removal of low-performing teachers and the elimination of seniority policies that make low-performing schools difficult to staff with high-quality teachers. These changes could be made in a targeted way by creating zones within the district where different collective bargaining rules apply.
- Provide supported autonomy at low-performing school sites. To dramatically change a school in a short time period, school leaders need to be able to make radical changes quickly. The district needs to provide both the autonomy to make tough changes and the supports to help ensure that the changes are the right ones.
- Ensure that teachers at the site are part of the leadership team that drives the school's reform and that the teachers buy into the reform plan. Any reform plan that does not have general teacher support will likely not succeed.
- Establish new schools or portfolios of new schools that will allow the lowest-performing existing schools to be closed over time. Districts that are able to combine the creation of new schools with effective school choice policies will be able to close the lowest-performing schools because such school's enrollment will continue to decline until the school is no longer viable.

ENDNOTES

- ¹ Kevin Carey, *Hot Air: How States Inflate Their Educational Progress Under NCLB* (Washington, DC: Education Sector, 2006) and Kevin Carey, *The Pangloss Index: How States Game the No Child Left Behind Act* (Washington, DC: Education Sector, 2007).
- ² “The Race to the Top Begins.” Remarks by Arne Duncan, U.S. Secretary of Education to announce the beginning of the Race to the Top, July 24, 2009, available online at <http://www2.ed.gov/news/speeches/2009/07/07242009.html>.
- ³ For a full discussion of what it means for a school or district to “make AYP,” see Erin Dillon and Andrew J. Rotherham, *States’ Evidence: What It Means to Make ‘Adequate Yearly Progress’ Under NCLB* (Washington, DC: Education Sector, 2007).
- ⁴ For example see Diana Jean Schemo, “Failing Schools Strain to Meet U.S. Standard,” *New York Times*, October 16, 2007, and “Should Schools Be Blown Up?” *Los Angeles Times*, November 21, 2007.
- ⁵ Compiled from the 2008 State Consolidated Performance Reports (<http://www.ed.gov/admins/lead/account/consolidated/sy07-08part1/index.html#la>).

The 14 states that did not report information to the federal government were Arkansas, Connecticut, Idaho, Iowa, Maine, Mississippi, Missouri, Nebraska, New Hampshire, Pennsylvania, Tennessee, Vermont, Wisconsin, Wyoming. These states did not collect information about what type of restructuring its Local Educational Agencies (LEAs) were implementing in 2007–08, which was the first year that this specific reporting requirement was added to the Consolidated Performance Reports.
- ⁶ The Center for Education Reform estimates charter school enrollment at 1.4 million of the 49.3 million students currently attending public schools, or 2.9 percent.
- ⁷ *Growing Pains: Scaling Up the Nation’s Best Charter Schools* (Washington, DC: Education Sector, 2009).
- ⁸ *No Child Left Behind: Education Should Clarify Guidance and Address Potential Compliance Issues for Schools in Corrective Action and Restructuring Status* (GAO-07-1035) (Washington, DC: General Accountability Office, September 2007).
- ⁹ “Revised LEA and School Improvement, Non-Regulatory Guidance” (Washington, DC: U.S. Department of Education, 2006)
- ¹⁰ The Center on Education Policy has published a series of reports that informed this report including: Caitlin Scott, *A Call to Restructure Restructuring: Lessons from the No Child Left Behind Act in Five States* (Washington, DC: Center on Education Policy, 2008); Maureen Kelleher, Caitlin Scott, *It Takes More than a Hero: School Restructuring in Ohio Under the No Child Left Behind Act* (Washington, DC: Center on Education Policy, 2008); Brenda Neuman-Sheldon, *Restructuring Under the No Child Left Behind Act in Maryland* (Washington, DC: Center on Education Policy, 2008); Elizabeth Duffrin and Caitlin Scott, *Uncharted Territory: An Examination of Restructuring Under NCLB in Georgia* (Washington, DC: Center on Education Policy, 2008); Caitlin Scott, *Managing More Than a Thousand Remodeling Projects: School Restructuring in California* (Washington, DC: Center on Education Policy, 2008); Caitlin Scott and Maureen Kelleher, *The Sit-Down Dinner: Formalizing Restructuring Under the No Child Left Behind Act in Michigan* (Washington, DC: Center on Education Policy, 2008); and Caitlin Scott, *Written Testimony for the Little Hoover Commission Hearing on January 24, 2008* (Washington, DC: Center on Education Policy, 2008).
- ¹¹ Loren Moreno, “DOE Seeks Takeover Powers,” *Honolulu Advertiser*, February 8, 2009. For similar comments, see Superintendent Patricia Hamamoto’s Testimony to the House Education Committee, February 4, 2009.
- ¹² The Washington State Board of Education identified 18 states that do not have authority to intervene in consistently low-performing schools. These states include Alaska, Delaware, Hawaii, Idaho, Indiana, Maine, Minnesota, Montana, Nebraska, New Hampshire, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, and Virginia. See, *The National Picture of State Intervention Authority in Low Performing Schools and Districts* (Washington State Board of Education, 2008).
- ¹³ Caitlin Scott, *Managing More Than a Thousand Remodeling Projects: School Restructuring in California*.
- ¹⁴ *Thompson Publication*, “Missouri Cited for Accountability Breakdown; ED Pushes Greater Oversight of Districts,” September 28, 2008.
- ¹⁵ *No Child Left Behind: Education Should Clarify Guidance and Address Potential Compliance Issues for Schools in Corrective Action and Restructuring Status* (GAO-07-1035) (Washington, DC: General Accountability Office, September 2007).
- ¹⁶ Caitlin Scott and Maureen Kelleher, *The Sit-Down Dinner: Formalizing Restructuring Under the No Child Left Behind Act in Michigan*.
- ¹⁷ Juliet Williams, “Bill Would Dilute Fixes for Failing California School Districts,” *Associated Press*, June 11, 2008.
- ¹⁸ Julia Gwynne and Marisa de la Torre, *When Schools Close: Effects on Displaced Students in Chicago Public Schools* (Chicago: Consortium on Chicago School Research, 2009).
- ¹⁹ Jessica Levin and Meredith Quinn, (2003) *Missing Opportunities: How We Keep High-Quality Teachers Out of Urban Classrooms* (Brooklyn, NY: The New Teacher Project, 2003); *Teacher Hiring, Transfer, & Evaluation in Los Angeles Unified School District*, (Brooklyn, NY: The New Teacher Project, 2009).
- ²⁰ George Sanchez and Connie Llanos, “L.A. Teachers Protest, But School Board Votes to Send Layoff Warnings,” *Los Angeles Daily News*, March 11, 2009.
- ²¹ “Markham Middle School Isn’t Working,” *Los Angeles Times*, November 25, 2009, and Nicolas Melvoin, “At a Watts School, Layoffs Take a Heavy Toll,” *Los Angeles Times*, March 2, 2010.
- ²² The American Civil Liberty Union complaint can be downloaded at <https://www.aclu-sc.org/documents/view/229>.
- ²³ Comments by Prime Minister Tony Blair at an event on community schools hosted by the Center for American Progress, Oct. 28, 2009, available online at http://www.americanprogress.org/issues/2009/11/community_schools_event.html.