

POLICY PRINCIPLES FOR CREATING NEW HIGH QUALITY SCHOOLS UNDER NCLB'S RESTRUCTURING REQUIREMENTS

Overview

The No Child Left Behind Act (NCLB) impacts charter schools in several ways – from requiring them to make adequate yearly progress (AYP) with each of their students to ensuring that all of their teachers are highly qualified. Beyond these broad requirements, however, there is one provision that has particularly important implications for the charter school movement.

As required by NCLB, if a school does not make AYP for five consecutive years, its district must create a restructuring plan for that school. If the school does not make AYP for a sixth consecutive year, the district must implement this plan. One of the restructuring options offered by the law is “reopening the school as a public charter school.” However, the federal law and its accompanying regulations and guidance do not provide much direction about how this option should be carried out.

Without more clarity, districts and states could simply slap the charter label on chronically low performing schools without changing much else – including student results. Therefore, there is a need for thoughtful guidance for districts and states who decide to head down this road to ensure that real change and improvement takes place for the students now attending struggling schools. To fill this void, the National Alliance for Public Charter Schools offers the following policy principles and recommends that states, districts, and schools take heed of them as they interpret and implement the “reopen option.”

Policy Principles

Create New, High-Quality Charter Schools BEFORE Restructuring is Necessary: Districts and states should develop a two-track approach to the reopen option. The first track is to create new, high-quality charter schools in communities where students now attend schools that will likely have to be restructured under NCLB. That is, don't make students wait until schools are identified for restructuring to create new and fundamentally different learning opportunities for them. Start today. And, in states with non-district authorizers, those agencies should be pro-active in chartering new schools in areas now served by low-performing schools.

Make Reopened Schools Start-Ups NOT Conversions: The second part of the two-track approach is to selectively and wisely reopen schools as start-up charter schools, not conversion charter schools. State charter laws typically require that a majority of a school's teachers and parents vote in favor of a conversion. While the conversion approach may work in some situations, it has a number of shortcomings. If the leadership and more than a majority of the staff at a school are part of that school's problems, for example, districts probably don't want them in a position to veto the decision to convert. Nor do they want them to control the direction of the new school.

Therefore, districts and states should use the start-up approach to reopen schools. This approach allows potential operators – e.g., parents, teachers, community organizations – to start from scratch with new leadership and staff, new mission and culture, and new educational approaches. In taking the start-up path, districts and states need to create a firewall between the two parts of the reopen option: (1) the process of closing schools and (2) the process of soliciting proposals and selecting operators to run the new schools. Districts and states also need to be prepared for the political and legal controversies that will likely ensue.

Involve Parents and Community Members in the Reopening Process: The reopening process may initially be met with skepticism – if not initial opposition – from some parents and community members. It is therefore incumbent on districts and states to involve parents and community members in the process of opening new schools.

Parents and community members should be consulted on what they would like to see in the new schools as well as be a part of the decision-making process for selecting the new learning program, management, and other aspects of the new school's design. They should also determine whether the charter route is the best way to go to create the new school – as opposed to becoming a contract school or remaining a district school but with more autonomy and accountability. And, parents should be given plenty of lead time to choose other traditional or charter public schools if the learning program or other aspects of the new school do not meet their child's needs.

In addition, districts and states should invite long-standing organizations with credibility in the community to play significant roles in the new schools – as operators, programmatic partners, in-kind experts, and political and financial supporters. These organizations typically include colleges and universities, neighborhood organizations, social service providers, economic development entities, law enforcement agencies, businesses and business coalitions, and trade and community-based organizations.

Give Reopened Schools Autonomy over Staffing, Budgets, and Learning Programs: Districts and states must ensure that reopened schools have the autonomy to make changes in a timely manner to meet the particular needs of their students, especially regarding budgets, staff, and learning programs. While reopening as a charter school doesn't change the challenges that students bring with them, it gives the new school the flexibility to better deal with these complex needs – presuming the state's charter law does, in fact, allow for the creation of new and different schools free of prescriptive

regulation, in control of their staff, budget, and learning program, and fully accountable for their results. In states that do not currently allow this kind of autonomy, the charter laws should be amended so they do.

Make Accountability Requirements Clear: Districts, states, or other authorizers should create mission driven, performance based contracts with new schools that delineate what each school will be accountable for as well as how the accountability process will work. For example, the overseeing agencies should require that a school's charter delineate academic, operational, and fiscal performance goals and objectives for the time period covered by the charter. They should also require a new school to submit periodic reports – perhaps two to four times a year – that show the school's progress toward meeting the performance goals and objectives contained in the charter.

Replicate Successful Models, But Be Open to Innovative Ideas: Districts and states should use the reopening process to introduce and replicate successful models. For example, districts and states should recruit as school operators the entities and individuals that have successfully served students similar to those in the new school. In this effort, they should reach out to national charter school networks (both non-profit and for-profit), national school reform models, charter public schools, traditional public schools, and private schools with a proven record of success. While emphasizing such entities in their recruitment efforts, districts and states should also remain open to innovative ideas about how to operate the school that emerge from teachers, administrators, parents, and community groups.

Provide Equitable Funding to Reopened Schools: Districts and states should reopen schools as charters under the general principle that all funding follows students on a per pupil basis to the schools they choose. This funding includes federal and state planning and start-up funds, general operating support, categorical funds and extra aids targeted to students based on demographics or other factors, and facilities funds.

Give Reopened Schools Access to Facilities: Districts and states should ensure that reopened schools have access to the previous school's facility or other surplus district space. Funding sources should also be available to finance building acquisitions, any remodeling or major maintenance expenses, and other costs associated with ongoing occupancy. If districts and states actually shutter a school for one year to refurbish the facility as well as provide planning time to the new school team, they will need to carefully handle student transitions after the school closes and once it reopens.

Provide Adequate Time and Resources for Planning and Start-Up: In the reopening process, districts and states should provide sufficient time and resources for careful planning, learning program determination and development, facilities changes, staff and student recruitment, and other pre-opening activities. Adequate planning and start-up funding and technical assistance should also be made available to these schools, drawing on all available federal, state, district, and private resources. Again, parents of students now attending affected low-performing schools should be kept apprised of all aspects of

new schools being created and should be given plenty of time and the opportunity to make other choices, should the new school(s) not meet their child's needs.

Establish Rigorous Monitoring and Oversight Processes: There is growing recognition across the country about the important role of charter authorizers – not only in establishing a rigorous process for reviewing and selecting applications but also in implementing mechanisms to ensure that charter schools meet their academic and financial accountability requirements. Given the stakes involved with reopening schools as charter schools, districts and states should create rigorous monitoring and oversight processes for new schools. If non-district authorizers with such processes exist in states, states should consider assigning reopened schools to them.

Conclusion

NCLB's provision to reopen chronically low-performing schools as charter schools has particularly important implications for the charter school movement. In response, districts and states should develop a two-track approach to the reopen option. The first track is to create new, high-quality charter schools serving students in communities whose schools will likely have to be restructured under NCLB. The second part of the two-track approach is to selectively and wisely reopen low-performing schools as start-up charter schools. In both cases, districts and states must be focused on creating new and fundamentally different schools that better serve students who have long struggled in their schooling experiences.

Resources

California Charter Schools Association, "Opportunities for California's Charter Schools under No Child Left Behind."

Education|Evolving, "Opportunities, Principles, and Policies for New School Creation under NCLB."

Todd Ziebarth, "Closing Low-Performing Schools and Reopening Them as Charter Schools: The Role of the State," ECS.