School Restructuring Options Under No Child Left Behind:
What Works When?

State Takeovers of Individual Schools

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Acknowledgements

Introduction to the *What Works When* Series

The No Child Left Behind (NCLB) Act has led to a seismic shift in how states and districts approach school accountability. Before passage of the law, most states and districts already had accountability systems based, in part, on standardized test scores. These accountability systems were tied to a variety of rewards and consequences for schools that did or did not meet student proficiency standards. The measures of proficiency varied, as they still do, based on each state's standards.

With the reauthorization of Elementary and Secondary Education Act and the passage of the NCLB Act in 2002, the federal government revised the existing federal accountability framework. Although this revision relied heavily on existing law—which included less frequent required testing, a less specific definition of adequate yearly progress (AYP), and less prescribed responses by districts and states to low-performing schools—it also introduced new measures designed to make schools more accountable for academic outcomes. Required annual assessment of student learning, a timeline specifying consequences for schools not meeting state-determined proficiency targets, consideration of significantly more dramatic school restructuring options, and a much stronger impetus for improvement from the federal rather than state level are critical aspects of the revised law.

Several years after the passage of NCLB, there are persistently low-performing schools in every state that face increasingly strong consequences for failing to improve student achievement sufficiently. In particular, schools that fail to make AYP for five consecutive years must engage in restructuring to improve student learning. Districts have several options for restructuring these schools. Although constrained to choose an option that is consistent with existing state law, districts can:

- Reopen the school as a public charter school.

- Replace "all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress."

- Contract with "an outside entity, such as a private management company, with a demonstrated record of effectiveness, to operate the school."

- Turn the "operation of the school over to the state educational agency, if permitted under State law and agreed to by the State."

- Engage in another form of major restructuring that makes fundamental reforms, "such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress." (No Child Left Behind Act, 2002)

The *What Works When* series is designed to help district leaders understand what is known about when and under what circumstances each of these options works to improve student learning. The first four options are newer and more dramatic than most school reform efforts employed in the past. Each has high potential when large change is needed, but each also carries risks. The goal of this series is to help district leaders determine which change is the right change for each

school. The fifth piece in this series, *What Works When: A Guide for Education Leaders,* will help districts through the process of deciding when to use each of the five strategies.

Focus of This Paper: State Takeovers of Individual Schools

This paper is focused on the fourth option, turning the operation of the school over to the state, which we will call "takeovers." Additional papers in the *What Works When* series explore the first, second, and third options. *What Works When: A Guide for Education Leaders* will help states and districts choose among the five options for each school.

This paper examines what we know about the use of state takeovers as a way to improve failing schools and issues that state policymakers should address when considering state takeovers as a policy option. The contents are organized into the following sections:

- Methodology

- What Are State Takeovers Under NCLB?

- What Experience Have States Had With Takeovers and Related Initiatives?

- What Do We Know From These Experiences? Key Success Factors and Key Challenges

- What Further Research is Needed to Understand State Takeovers?

- Conclusion

Methodology

Because there are no examples to date of districts that have voluntarily allowed the state to take over individual low-performing schools, there is no research base to indicate under what conditions this option would lead to improved academic outcomes for students or why a state would take this path. In order to identify what is currently known about the fourth restructuring option under NCLB guidelines, the author conducted a review of the literature on analogous situations. For example, she looked at research on hostile takeovers of districts and schools, the effectiveness of new state-level accountability measures, state capacity to turn around low-performing schools, and charter-school authorizing. In addition, the author interviewed state personnel and researchers familiar with state takeovers. These interviews were conducted over the telephone and were guided by open-ended interview protocols.

What Are State Takeovers Under NCLB?

Under NCLB, if a school that receives Title I funds fails to make AYP for five consecutive years, the local education agency (LEA) or district must develop a restructuring plan which it will implement the following year. As described in the introduction, there are five restructuring options for districts. The fourth restructuring option, which this paper explores, is for the district to "turn the operation of the school over to the State educational agency, if permitted under State law and agreed to by the State" (No Child Left Behind Act, 2002). Further guidelines from the U.S. Department of Education indicate that restructuring must involve a "major reorganization of a school's governance arrangement by an LEA that: (1) makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school; (2) has substantial promise of enabling the school to make AYP; and (3) is consistent with State law" (U.S. Department of Education Restructuring Rule, 2005).

The specific scenario envisioned under NCLB legislation, that an individual district would initiate a "friendly" takeover by inviting the state to take over and manage a persistently low-performing school, differs from the more typical "hostile" school and district takeovers that some states have undertaken in recent years. At this point, only a small handful of states have initiated and plan to continue initiating hostile school takeovers for academic reasons, but that number may grow.

The law does not explicitly address what the state should do after state officials have taken over a school; it merely suggests that under some circumstances the district might choose to turn the school over to the state. Presumably, state officials would then select one of the other restructuring options and manage the ensuing process. For example, the state might decide to reopen the school as a charter school, or it might decide to contract with an outside management organization to run the school. (Because these options are addressed in other papers in this series, this review will not explore these options in detail. This paper will focus on the process of state takeover itself.)

What Experience Have States Had
With Takeovers and Related Initiatives?

The author was unable to find any examples to date of a district that has voluntarily given up control over one or more of its schools to the state. The known takeovers are primarily state takeovers of districts rather than individual schools. In the few documented instances when states took over individual schools, the takeovers were hostile in that they were involuntary on the part of the district.

Few Experiences With Individual School Takeovers

Currently, 23 states have the legal right to take over schools, but only five of these states—Alabama, Louisiana, Maryland, Massachusetts, and Rhode Island—have chosen to exercise their right to do so. In three of these cases, the actual number of schools has been quite small: Four schools have been taken over in Maryland, six in Alabama, and one each in Massachusetts and Rhode Island. In Louisiana, the most recent of these states to pass legislation outlining how such a takeover process would work, the number is higher: twenty-six schools (Archer, 2005; A. Buckley-Commander, personal communication, August 19, 2005; Rhim, 2004; Schworm, 2005; Ziebarth, 2002). Districts have also taken over low-performing schools by bringing them under a central administrative structure in New York City's Chancellor's District (Brady, 2003) and Miami's School Improvement Zone (Bailey, 2005). However, because these schools remain district schools, these experiences are beyond the scope of this review.

In Alabama, the state is required by state law to take over a school if the majority of the students score between 1 and 3 on the Stanford 9 test for three consecutive years. The Alabama Accountability Plan outlining this was passed in 1995, and since then the state has taken over six schools. In each of those cases, the state appointed two people, an administrator and an instructional leader, to work alongside the existing administration in the school. According to Dr. Buckley-Commander (personal communication, August 19, 2005), Director for Classroom Instruction for the Alabama Department of Education, test scores at all six schools had risen substantially enough for the state intervention to end. Since our interview, however, the schools have had a mixed record of success: One of the takeover schools has closed; one is back on the watch list; one has made slow progress; and two have made significant progress.

Prior to the passage of the NCLB Act, Maryland developed an accountability system that included state reconstitution as an option for persistently low-performing schools. The legislation did not specify a timetable for state reconstitution; the state department annually reviewed school report cards and then consulted with the state superintendent about which schools to reconstitute. In 1999, dozens of Baltimore City Public School System schools had been on the Reconstitution Eligible list for several years. Facing increasing public pressure, the Maryland State Department of Education moved to reconstitute three elementary schools in Baltimore. Before the department named the elementary schools, the state issued a call for proposals inviting educational management organizations to apply to operate the three schools. They ultimately chose Edison Schools to manage these schools. The following year, the state reconstituted a fourth school in Baltimore, but in a compromise with district officials, it allowed the district to select the outside

contractor, Victory Schools, Inc. (Rhim, 2004). Student-performance results at the four schools have been mixed. Examination of the state's school performance index for two years following the restructuring shows that the three Edison schools demonstrated overall progress, while the Victory school did not. The three Edison schools also met AYP targets in 2003–04 while the Victory school did not. In May of 2004, the state board voted to terminate the contract with Victory.

In 2003, Louisiana passed a law that provides for the mandatory state takeover of schools that are determined to have failed under the school and district accountability program. Twenty-six schools across the state were identified as failing because student test scores had put them in the Academically Unacceptable category for at least four years. The state placed these schools in a special statewide Recovery School District administered by the Louisiana Department of Education, subject to the authority of the State Board of Education. The state issued a request for proposals (RFP) asking qualified nonprofit organizations to apply to run the schools. As of 2005, five organizations have applied to take over seven schools, and the state has selected four of these organizations (Knowledge Is Power Program [KIPP], two local universities, and a local nonprofit that already runs one charter school) to run a total of four schools as charter schools (Louisiana Department of Education, 2004). It is too early to comment on how these changes have affected student achievement.

Massachusetts has very limited school takeover experience. To date, the state has identified four schools as "chronically underperforming" in the past five years (making them eligible for state takeover), but it has taken over only one of these. Following the takeover in 2004 of Kuss Middle School in Fall River, the district fired the current principal and appointed a new principal. At the same time, the state hired a team of educational consultants to work closely with the faculty to improve their methods and raise expectations for students. It is still too early to determine whether the changes at Kuss have had a positive effect on student achievement. The State Board of Education will consider whether to accept the recommendation of the education commissioner to make three additional schools eligible for state takeover by adding them to the Chronically Underperforming list (Schworm, 2005).

In February of 2005, the commissioner of the Rhode Island Department of Elementary and Secondary Education issued an Order of Reconstitution for Hope High School in Providence. This was the first time the commissioner invoked the authority given to him in a 1997 state law to reconstitute persistently low-performing schools. Described as being somewhat short of a state takeover, the order nevertheless details a restructuring plan and prepares the way for reevaluating all teachers and administrators to determine who will be transferred to another building. The commissioner took the additional step of appointing the former state schools chief in New Hampshire, Nicholas Donohue, as Special Master to oversee the restructuring of the high school (Archer, 2005). Although it is too early to know how and if the changes have affected student achievement at the school, early reports from Donohue indicate that a substantial percentage of the previous staff has been replaced, including three new administrators and 50 teachers (Borg, 2005).

Why Would Districts and States Consider State Takeovers of Individual Schools?

In light of the limited experience to date with this option, why would a district or state even consider it? This section considers the district and state perspectives on that question.

District Perspective. Why would a district voluntarily give up control over one of its schools and engage in the process of negotiating with the state over how to redesign governance structures and divvy up existing resources?

Most districts probably would not do so, but there may be circumstances under which a district could see state involvement as positive. If a school has gone five years without making AYP, the district has not demonstrated an ability to improve student achievement in that school. The district does not appear to have the capacity to do so. In addition, many districts, particularly low-wealth districts, may not have the resources, the knowledge or the will to implement one of the other major restructuring options on their own. Assuming that in any given state there might be several hundred schools eligible for restructuring, the state could decide to increase its own capacity to manage the restructuring process in these schools rather than expect individual districts to invest their limited resources in developing this ability. Under this scenario, a state-level governance body would then be charged with determining which restructuring option would be most appropriate for each school and for managing and overseeing the implementation and monitoring of this intervention.

Given the pressure that most districts are under to marshal limited resources toward improving educational outcomes for thousands of students in a relatively short amount of time, it is not unreasonable to assume that some districts might opt out of tackling the most challenging schools, even if that meant losing some of their revenue and authority. There is some anecdotal evidence to suggest that this might be the case. For example, when state officials in Kentucky took over Letcher County in 1994, a vocal and angry local response detracted from state efforts in the first year after takeover. In an attempt to reduce tensions, state officials tried a different approach when a different district was identified for takeover three years later. State officials asked for formal consent from local officials and received it. As a result, the level of hostility was much lower when the state entered Floyd County (Wong, Langevin, & Shen, 2004).

State Perspective. The other question to ask is why a state would be willing to take over an individual school. Anecdotal information gathered in interviews with state-level policymakers suggests that many states would be reluctant to take on this role. Officials cite numerous challenges, including the complexity of negotiating the boundaries of the state's authority with the district, the need to shift existing funding and regulatory mechanisms, and the difficulty of improving student performance in a stubbornly low-performing school. Research on state interventions has suggested that states often lack the capacity needed to intervene successfully in low-performing schools (Anderson & Welsh, 2000; Laguarda, 2003; Millsap, Turnbull, Brigham, Gamse, & Marks, 1992; O'Day, 1999). So under what circumstances would the state have the will, the resources, and the knowledge to effectively take over and improve performance in a chronically low-performing school?

One potential answer to this question has to do with the expanded authority and responsibility that many states have with regard to K–12 education. While there is a well-documented history of state courts preserving local control over the administration and funding of schools (Briffault, 1990), in the last 20 years the locus of control has shifted: There has been a dramatic increase in state-level authority over schools (Liebman & Sabel, 2003). According to Wong et al. (2004), several factors account for this shift: (1) state governments are principally responsible for public education in the American federal system, meaning that local school districts are charged with delivering educational services under regulatory guidelines set down by the state; (2) state departments hold more and more of the purse strings—states now finance almost half of total public spending on K–12 education.; and (3) the federal government has given state governments an expanded role in improving district performance by tying its spending programs to improved performance and monitoring. At the same time, public outcry over reports of failing schools—such as *A Nation at Risk*, a 1983 report issued by the National Commission on Excellence in Education—has led to a strong push across the nation for reform. This public concern has put increasing pressure on governors, state legislators, and state superintendents to improve student achievement. The level of public pressure in some states might lead officials to take over schools. They may be particularly willing to do so in the NCLB context, in which districts must voluntarily decide to ask the state to take over schools. As a result, states will not have to confront the most daunting aspect of most past state takeovers: resistance from the district.

Another reason states might be increasingly willing to intervene and take over a school is that in the policy context that surrounds the accountability provisions in the NCLB Act, state officials who are responsible for turning around low-performing schools seem to place more value on research and data-based decision making than they have in the past. As an increasing number of these officials consider what is currently known about how to improve low-performing schools, they are finding that there is some consensus among researchers and practitioners that certain practices can lead to overall school improvement (Marzano, 2003; Teddlie & Stringfield, 1993; Wang et al., 1993; Cuban, 1984; Huberman & Miles, 1984; Purkey & Smith,1983; Schmoker, 1999). Several organizations, such as the National Center for Educational Accountability (NCEA) and Education Trust, have begun to identify and study what is happening at high-poverty, high-performing schools. They are gathering information about the behaviors of these schools to determine the unique practices that lead to high levels of achievement for traditionally unsuccessful students (Carter, 1999; Carter, 2000; Kannapel & Clements, 2005; Thernstrom & Thernstrom, 2004; Haycock et al., 2001). In most states that have become serious about improving educational outcomes, state education officials are increasingly familiar with this research. Interviews with officials who provide state-level technical assistance to low-performing schools suggest that many of these officials are knowledgeable about best practices and deeply engaged in sharing them with struggling schools.

The state might also choose to intervene because it has access to a larger pool of potential candidates to run the schools more effectively. In Alabama, when the state is preparing to take over a school, the state department office responsible for providing assistance to low-performing schools sends out a letter asking superintendents for recommendations. The state conducts an intensive interview process and then chooses one administrator and one instructional leader to work alongside the existing staff in the school. According to the director of that office, Alabama

has not had difficulty filling these positions with strong candidates who have made significant, positive changes at the schools.

The state might also have the leverage to attract nationally recognized school models. In Louisiana, one of the nonprofit organizations that was selected to run a school in New Orleans is the Knowledge Is Power Program (KIPP). Because KIPP schools across the country have posted impressive gains in student achievement, they have a highly sought-after model. For national programs that have the capacity, the opportunity to scale up their model by opening a network of schools across a state might be appealing.

Some states, therefore, might have the knowledge and the will to take over schools, but the question of resources poses yet another dilemma. Because there are so few examples of states that have been through the process of setting up a state-level entity charged with leading a school takeover effort, it is not clear exactly what type of governance structures would be required or what level of resources these new governance bodies would require. As a result, it is necessary to look at other reform experiences to inform thinking about the capacity needed for a state takeover initiative.

Using Other Reform Experiences to Help Districts Considering State Takeovers

As previously noted, the author could find no examples of voluntary individual school takeovers as described in NCLB legislation, and few examples of any kind of individual school takeovers. Therefore, we need to look at research and anecdotal evidence gathered from analogous situations. Fortunately, the research base for some of these is relatively strong. Three areas in particular are worth exploring: mayoral and state takeovers; state capacity and the effectiveness of new accountability measures; and charter-school authorizing.

Mayoral and State Takeovers. One source is the existing research on mayoral and state takeovers of individual districts (Kirst, 2003; Maranto, 2005; Rhim, 2004; Rhim, 2005; Rhim, in press; Useem, 2005; Wong et al., 2004; Wong & Shen, 2001; Ziebarth, 2002). Since 1988, 20 states have taken over at least 55 local school districts (Ziebarth, 2002). The research base examining mayoral and state takeovers is growing slowly and includes some quantitative studies assessing the effectiveness of city and state takeovers as a school reform strategy.

State Capacity and the Effectiveness of New Accountability Measures. Another helpful body of research exists on how new accountability systems affect low-performing schools (Cibulka & Derlin, 1998; Elmore, Ablemann, & Fuhrman, 1996; Fuhrman, 1999; Fusarelli, 2001; Ladd & Clotfelter, 1996; O'Day, 2002; Seder, 2000). Included in this area are some tentative conclusions about the effects of these new accountability systems and how these effects vary from school to school. There is also a cautionary body of research that examines state capacity—when and if states are able to provide effective help to schools struggling with low student performance (Anderson & Welsh, 2000; Brady, 2003; Laguarda, 2003; Malen, Croninger, Muncey, & Redmond-Jones, 2002; McRobbie, 1998; Millsap et al., 1992; O'Day, 1999). This research provides sobering evidence that while a few states have been able to provide technical assistance that has a positive impact on student achievement, limited resources in many states have

hampered state officials' ability to provide effective levels of technical assistance and other forms of aid to low-performing schools.

Charter-School Authorizing. Finally, there is a body of research on charter-school authorizing that offers lessons related to system-level governance (Bulkley, 2001; Hassel & Vergari, 1999; Hassel & Batdorff, 2004; SRI International, 2004; Thomas B. Fordham Institute, 2005). Many states have state-level entities that oversee the selection and operation of individual charter schools, a role similar to that of a potential oversight body for takeover schools. What does the research suggest about how these authorizing bodies should be chosen? How can this body effectively analyze student needs in a particular community, put out an RFP in order to solicit particular types of help, select from among different options, and then monitor their success or failure? There is some support for the idea that state-level officials might be more effective at overseeing a network of low-performing schools than individual districts. For example, Hassel and Batdorff (2004) found in their empirical study of high-stakes charter-authorizing decisions that state-level authorizers were more likely than local school board authorizers to engage in effective practices. The research base, however, is still sparse when it comes to how these entities should best be designed.

What Do We Know From These Experiences?
Key Success Factors and Key Challenges

This research and experience base suggests a number of factors that might influence the success or failure of implementing this option. The research base suggests three broad areas to consider (defined here, followed by more detailed discussion).

System-Level Governance. Taking over individual schools at the request of the district would be a new role for virtually every state that considered it. The research cited suggests that, in order to take on this role, states would need to design a new governance structure to oversee and implement the process. Case studies of district takeovers, for example, indicate that at the top of the governance system there needs to be an entity with oversight responsibility. Similar to a board of directors in a corporate structure, the oversight body is a decision-making entity charged with planning the effort and with selecting, monitoring, and evaluating the intervention teams.

In addition to appointing an oversight body, each state that has experience with district and school takeovers has also created an office that supports the oversight body. This office assumes responsibility for the day-to-day work associated with running the takeover process. For example, individuals from this office manage the flow of information about the process; report back to the oversight body about various aspects of the process; and serve as a point of contact for intervention teams, districts, and schools.

School-Level Governance. The main responsibility of the state-level entities described is to select school-level intervention teams that work within the schools. As mentioned earlier, these teams could be selected in various ways, but the primary responsibility of this group would be to manage the schools in such a way that student outcomes improve significantly.

Environmental Factors. Inevitably, the layers of this governance structure would be responsive to various outside forces. These "environmental" factors could potentially have the power to make or break various aspects of the process and so would need to be considered and carefully managed.

System-Level Governance

There are various ways that a state could approach designing a governance structure to take over individual schools. Depending on the capacity of existing personnel, the state could decide to rely on an already-established office with similar responsibilities, or it could create an entirely new entity. In either case, a state would need to attend to two broad issues: designing the oversight body itself and adequately staffing the office.

Designing an Oversight Body. With regard to creating the top layer, one option would be to expand the powers of an existing state board or education department office. In Alabama, for example, the office in the state education agency that is responsible for providing technical assistance to low-performing schools is also charged with managing individual school takeovers. Therefore, the head of that office directs the process. In Pennsylvania, the state secretary of

education (or her designee) sat on the oversight board when the state took over the Chester Upland school district.

Another option for creating such a top layer would be to establish an entirely new office in the state education department and charge the director of that office with oversight responsibility. A final alternative would be for the state to appoint a new board or a commission to oversee takeover schools. This commission could be housed in various larger organizations, such as the governor's office or a university. Alternately, the commission could be an independent body with members appointed by one or more public officials. In Philadelphia, for example, an independent oversight board was created to manage the reform process when the state took over the district, with its members appointed by the governor and the mayor (Maranto, 2005).

Ensuring That the Oversight Body Is Effective. What do we know about how to structure this high-level governance in ways that make it most likely to be successful? Evidence on this question comes primarily from two kinds of experience states have had in recent decades: authorizing charter schools and taking over school districts. Research on the effectiveness of charter-school authorizers and on district takeovers suggests that strong oversight bodies have several characteristics in common (Bulkley, 2001; Hassel & Vergari, 1999; Hassel & Batdorff, 2004; Kirst, 2003; Maranto, 2005; Rhim, 2004; Rhim, 2005; Rhim, in press; SRI International, 2004; Useem, 2005; Wong et al., 2004; Ziebarth, 2002).

- **Representative.** Case studies of various district takeovers offer some cautionary lessons about how large and how representative oversight bodies should be. The state of Pennsylvania took over the Chester Upland school district south of Philadelphia in 2000 because of persistently low student achievement and financial mismanagement. At the time of the takeover, the state appointed a three-member board of control to oversee the improvement process in the district. This board was comprised the Pennsylvania secretary of education (or her designee) and two residents from the county in which the school district is located.

  By all accounts, this board was not effective, partly because it was too small and therefore not representative of key stakeholders, and partly because internal division undermined its effectiveness (Rhim, 2005). A slightly larger, and therefore more representative, body was appointed to oversee the takeover of the School District of Philadelphia in 2001. The School Reform Commission has five members—three appointed by the governor and two by the mayor. According to several close observers, this body has functioned effectively in that it has made key decisions without a high degree of internal strife, and it has continued to put pressure on the system and monitor results (Rhim, in press; Useem, 2005; K. Wong, personal communication, August 31, 2005).

- **Independent.** In addition to being representative, oversight bodies that lead successful takeover efforts are decisive and make hard choices in the face of strong opposition (Maranto, 2005; Useem, 2005). There is a tension in these two descriptors. On the one hand, being representative confers legitimacy and creates buy-in, but if there are too many stakeholders at the table, being representative could conceivably come at the

expense of being able to make difficult decisions independent of local interests. One of the reasons often cited for district takeovers is to counter the effects of corrupt management, fiscal incompetence, and misplaced priorities by providing independent oversight free of local interests (Ziebarth, 2002). In the case of Chester Upland, officials in that process seem to have gotten neither factor right. On the one hand, the oversight body was so small it struggled to gain legitimacy; on the other hand it did not operate independent of local interests. According to Rhim (2005), one reason that the Chester Upland takeover was not successful was that members of the oversight board, some of whom were closely tied to the local community, did not wholly agree with the state strategy of hiring external management companies to operate the schools.

- **Knowledgeable**. Another potential strength that members of an oversight body might bring to the table is a thorough understanding of the goals and requirements of NCLB, as well as an understanding of what types of interventions lead to improvement in low-performing schools. Research into school-level responses to new accountability provisions indicate that many district and school employees respond to these requirements in ways that the law did not intend (Fuhrman, 1999; Ladd & Clotfelter, 1996). For example, in a study of low-performing schools in Chicago, O'Day (2002) found that many schools responded to the threat of sanctions not by focusing more on student learning but by teaching test-taking skills and focusing their efforts on students near grade-level cutoffs in the hopes that by raising these students scores slightly, the school could get off probation. A state-level commission overseeing the takeover of such schools that was aware of this research might be in a position to select more effective, long-term interventions.

  The National Association of Charter School Authorizers published an Issue Brief (Smith & Herdman, 2004) outlining the capacities needed to oversee charter schools. Although the research base on charter authorizing is limited, based on the experiences of numerous authorizers around the country, the authors conclude that strong authorizing requires "familiarity with curricula; understanding the traits of an effective school leader; the ability to distinguish real professional development from show-and-tell; and enough assessment background to read test scores and know whether the school is adding value" (Smith and Herdman, 2004, p. 2).

- **Well-planned.** The research on school reconstitution and district takeover suggests that planning time is an essential ingredient in setting up an effective takeover process. In their study of reconstituted schools in Maryland, Malen et al. (2002) found that one of the factors that sabotaged the effort was the short planning period. The three schools examined in this study were closed in May and opened with a new staff in late August. These same schools, the authors report, struggled with inexperienced staff, high levels of teacher dissatisfaction, and inconsistent improvement in student achievement.

  In studies of district takeovers, researchers reported that participants believed that the process had been "rushed." State officials in New Jersey, for example, recognized after the takeover of the Newark Public School that there should have been more time to assemble a team and plan together (Community Training and Assistance Center, 2000).

In hindsight, participants in the Chester Upland takeover in Pennsylvania reported that the contractor-selection process was rushed and not particularly competitive (Rhim, 2005). And in Philadelphia, some applicants expressed frustration that the RFP process was too rushed and prevented meaningful community involvement (Rhim, in press).

- **Tough.** In reviewing the experience of Maryland's Governor Glendening in the late 1990s, Cibulka and Derlin (1998) describe the "enormous" political capital he chose to expend in 1997. In order to strip the mayor of Baltimore of his total control over school board appointments and gain the ability to jointly appoint some of the school board members, Glendening pushed the General Assembly to ratify a settlement that outlined a new process for board appointments. In doing this, Glendening chose to alienate some constituencies that were potentially critical to his re-election, presumably because he felt a stronger pressure to improve student outcomes in Baltimore. His choice to push for the settlement despite the controversy surrounding his decision highlights his willingness to make tough political decisions. As Cibulka and Derlin (1998) make clear, had the governor not negotiated the settlement, the state's sanction-oriented school reform program would have floundered.

  In a related case involving mayors who take control over school boards that have not been able to improve the performance of low-performing schools, quantitative studies have found that mayoral takeovers in particular are linked to increases in student achievement at the elementary grades and that gains in achievement are especially large for the lowest performing schools. Researchers also have concluded that one factor that may explain the success of mayoral takeovers relative to state takeovers could be that mayors are accountable to voters in a more direct, public way (Wong & Shen, 2001). Consequently, mayors appear in some cases to be more willing to make decisions in favor of students, even if the decisions are not perceived to be beneficial to the adults in the system. In reflecting on her experience examining the district and school takeover experiences of three separate cities, Rhim (personal communication, August 31, 2005) concluded that oversight boards are more effective if their members are "knowledgeable, thoughtful and willing to take some political heat."

- **Sensitive to Local Concerns.** Another tension for the oversight body is to be tough, for the reasons already explored, and yet also to be sensitive to local concerns. As noted, most takeovers to date have been hostile in the sense that the state has taken over the district or school without the consent of local officials. In many cases, there have been high levels of animosity toward the state on the part of both the district and the local community (Community Training and Assistance Center, 2000; Maranto, 2005; Useem, 2005). Not surprisingly, empirical research examining data from multiple takeover situations suggests that when there is political turmoil student achievement suffers (Wong & Shen, 2001).

  In the case of the takeover option for restructuring under NCLB guidelines, the district will have requested that the state take over the school. Presumably there would be less hostility on the part of district officials, but there is no way to predict what the reaction of the community would be in such a situation. Nevertheless, case study research suggests

that community reaction is worth heeding. Ignoring the animosity of major stakeholder groups such as parents and community organizations can, at the very least, be a setback to the takeover effort; in the worst case, it can permanently derail the effort (Community Training and Assistance Center, 2000; Maranto, 2005; Rhim, 2004; Rhim, 2005).

An example of a comprehensive takeover designed to improve financial stability and student achievement that was completed successfully, and in which officials paid close attention to local concerns, took place in Logan County, West Virginia. In 1992, the state exercised its right to take over persistently low-performing districts by taking over the Logan County School District, but in an unusual move the state chose to keep the locally elected school board in place with reduced powers. The state board of education and the state-appointed superintendent were responsible for personnel, curriculum, and budget issues while the school board handled transportation and maintenance. Local officials are quoted as saying that they "credit the success of the takeover to working collaboratively with the local school board during the takeover" (Seder, 2000, p. 9).

Staffing the State-Level Entity. Whatever body oversees school takeovers, that body would need some type of staff to support its work and implement its policies. Research on state support for low-performing schools suggests that states might be limited in their capacity to set up effective oversight offices. For example, an evaluation of state implementation of the former Chapter I program found that there were serious limitations in states' ability to provide programmatic leadership to local grantees (Millsap et al., 1992). A later study of state implementation of the Elementary and Secondary Education Act found that many state education agencies reported that downsizing had had a negative effect on their ability to provide technical assistance to schools (Anderson & Welsh, 2000). In her review of what state education agencies in nine states were doing to assist their lowest performing schools during the 1999–2000 school year, Laguarda (2003) found that most state officials reported that their offices were understaffed and underfunded. They further reported that this lack of capacity and funding restricted their ability to provide assistance to many of the schools that needed it.

Given the research about the lack of capacity in many state education agencies, it is reasonable to ask where state policymakers should house a takeover office. Anecdotal evidence collected from researchers and practitioners familiar with charter school authorizing across the country suggests that the state should consider both capacity and will in its decision about where to house such an entity (Bulkley, 2001). Do staff members in existing offices have the ability to manage such a process, and do they have the necessary commitment to the overall goals of takeover? If so, such an office could be housed in an existing organization, such as the state department of education or the governor's office. Across the country, most states with a charter school law have a charter school office housed in the state education agency, and several states have authorizing bodies housed there. There is encouraging news with regard to these offices. Research into the effectiveness of state-level authorizers suggests that they are more likely to use effective practices than authorizers housed in district offices, probably because they engage in higher volume authorizing and have more staff resources to devote to the effort (Hassel & Batdorff, 2004).

In many cases, politicians involved in drafting charter school legislation have concluded that existing state departments did not have the capacity or the will to oversee the complex process of administering a statewide charter-school initiative. As a result, they have looked to other entities, such as universities, foundations, and in the case of the District of Columbia and Arizona, independently staffed offices to fulfill this function.

Regardless of where the office is housed, state-level offices that administer takeover efforts would need a whole range of specific capacities, depending on what will happen to these schools after they are taken over. For example, if the plan is to issue charters or to contract with outside management organizations, experience with charter authorizing suggests that this office would need a range of authorizing capabilities that includes outreach, selection, charter-writing and accountability (Hassel & Vergari, 1999; Smith & Herdman, 2004). On the other hand, if the plan is to hire state-employed turnaround leaders to run the schools, staff members would need another set of capacities related to finding, training, and managing these leaders. These capacities are discussed at greater length in the other papers in this series. For the purposes of this paper, the discussion will focus on three factors that have been identified in the existing literature on takeovers.

- **Fairness.** Case studies of district takeovers indicate that one of the primary responsibilities of such an office is to manage information. This is especially important if the process is likely to be contentious. In Philadelphia, where there was tremendous community backlash against the takeover process, one bright spot was the fact that one person was appointed to handle the proposal review process and all communications about the process went through her. Several applicants agreed in retrospect that application information had been fairly and clearly disseminated (Rhim, in press).

  A commitment to fairness is also important as this office begins to monitor and evaluate the success of school-level interventions. In Philadelphia, policymakers have established an independent commission that is charged with evaluating the district's progress toward meeting its reform agenda. The Accountability Review Commission is appointed by the School Reform Commission and comprises seven members and two professionals (the executive director and assessment consultant).

- **Transparency.** As the office primarily responsible for information management, staff members will be responsible for clarifying how the accountability process will work, how new management teams will be selected, and the overall goals of takeover. Case studies and evaluations of troubled district and school takeovers indicate that failures of communication have contributed to an overall weakening of the effort (e.g., Maranto, 2005). In Newark, New Jersey, for example, a comprehensive study of the impact of the state takeover on students and schools found that four years into the takeover process, "There is still confusion concerning the purpose of the state takeover, division about whether it should have taken place, and a lack of clarity regarding the process that will be implemented to return to accreditation and local control" (Community Training and Assistance Center, 2000, p. 4).

Researchers and practitioners familiar with district takeovers mentioned in interviews that the oversight office has an important role to play in the early stages of the process. They suggested that a coherent, well-planned effort to engage the community ahead of time by clearly explaining what will be different and why it will be better could help avoid the hostility that many districts have experienced.

Another challenge is to clarify internally which office will be responsible for which aspect of the process. In a case study examining Texas's charter school experience, researchers found that there was internal dispute in the state education agency about which division had responsibility for oversight—whether it was the responsibility of the division of charter schools, the financial audit division, the outside review team, or a combination of these groups (Fusarelli, 2001).

- **Adequate Funding.** In her review of state-level accountability systems, Fuhrman (1999) argues that many states "fail to appreciate just how costly the remedy or sanction side of the accountability system can be" (p. 5). However, several lawsuits charging that the NCLB Act is an "unfunded mandate" demonstrate that many state legislators recognize that sanctions require significant funds.

  This challenge is also reflected in the literature on charter-school authorizing. In the case of charter-school authorizers, survey results show that the authorizers themselves are not satisfied with their current level of resources. In only eight out of 24 states surveyed did authorizers say they are receiving adequate funding to support essential staff and activities (Palmer & Gau, 2003). An evaluation of the Public Charter Schools Program, a federal initiative that provides charter-school funding to individual states, found that although most states had a state-level charter-school oversight office that performed a variety of functions, these offices had very limited staff capacity. On average, state offices had three full-time staff members, although the most common level of staffing was one. Even in states with a large number of charter schools, these offices were often quite small. For example, Arizona had 287 charter schools but only two positions dedicated to charter work in 2001–02 (SRI International, 2004). In a case study examining Texas's charter school experience, Fusarelli (2001) also found that the division of charter schools was "woefully understaffed."

  In a recent empirical study examining high-stakes decisions among charter-school authorizers, researchers found in examining randomly selected cases that one of the problems that prevented authorizers from performing their oversight functions effectively was a lack of systems and processes to carry out the work required to set goals, measure progress, and make a careful decision (Hassel & Batdorff, 2004).

  The message from this research is clear. If a state were to set up an oversight body to administer a network of takeover schools across the state, state officials would need to consider how they could provide adequate, long-term funding for such an office. One option for oversight bodies with limited capacity is to pay for outside providers to perform some of their services. According to surveys, many charter-school authorizers outsource all or parts of their financial management functions, charter application

reviews, school reviews, legal reviews of contracts, and special education reviews (Smith & Herdman, 2004).

School-Level Governance

Regardless of who has oversight responsibility for the takeover process, a question remains: Who will do the actual work at the school level? As mentioned earlier, after the state takes over an individual school or schools, the oversight body could implement one of the other restructuring options under NCLB: (1) it could reopen the school as a charter school; (2) it could replace all or most of the staff and bring in a school turnaround leader; (3) it could enter into a contract with an entity, such as a private management company; or (4) it could engage in another major restructuring effort. Louisiana, for example, has chosen the charter option. Under Louisiana state law, persistently low-performing schools are placed in the Recovery School District, at which point the state issues an RFP inviting nonprofit organizations to apply to run the schools as charter schools. (For more in-depth information about the chartering, conversion, and turnaround restructuring options, please see other papers in this series.)

An oversight body would not need to select a single strategy and use it in all cases. Instead, the oversight body could carefully analyze the needs of each school and the community and choose the restructuring option that best meets the needs of that individual school. There are several potential advantages to this approach. Preliminary findings about high-poverty, high-performing schools suggest that certain practices are more successful with students from impoverished backgrounds (Haycock et al., 2001; Carter, 1999; Carter, 2000; Kannapel & Clements, 2005; Thernstrom & Thernstrom, 2004). Choosing from among different options would allow the oversight body to match schools and communities with intervention teams that have a demonstrated record of success with particular practices. In addition, selecting several restructuring options spreads the risk. If problems emerge with one option—for example, the state cannot identify a large number of strong turnaround leaders—then the state has other options to fall back on. One drawback to this approach would be the pressure it puts on the oversight office. Instead of needing capacities related to one option, staff members would need to develop the ability to select and then implement multiple options.

Environment

In addition to the governance issues, there are several environmental factors that could potentially influence the success or failure of a takeover effort. Of course, there are high-level state factors, such as political support and stability of leadership, that would affect the success of any state reform. Here, we focus instead on environmental factors that state and district leaders can more readily influence, including accountability systems, support for schools, and schools' freedom to act.

Accountability. If the oversight body is going to hold schools and their new leadership teams accountable for academic results, it will need to establish a system for monitoring and evaluating outcomes. As observers of state accountability systems and charter-school authorizing have noted, this role presents a number of technical challenges (Fuhrman, 1999; Hassel & Vergari, 1999; Ladd & Clotfelter, 1996). First, the oversight body needs to set expectations for school

performance. Second, the oversight body needs to determine how it will assess the school's progress toward achieving those expectations. And finally, in the case of takeover, officials need to plan an exit strategy. They need to decide at what point and under what conditions the state will return control of the school back to the district. Each of these areas is considered in more detail:

- **Setting Expectations for School Performance.** Just as the governance and oversight systems described need to be handled with fairness and transparency, the research on accountability suggests that accountability systems should be governed by these same principles. In her review of state accountability studies then underway at the Consortium for Policy Research in Education, Fuhrman (1999) found that accountability systems "that are well-designed (with fair, comprehensible, meaningful, and stable features) are associated with improved student achievement when adequate capacity to improve instruction is present in schools or can be provided by an outside partner" (p. 10).

  - **Clarity.** In their study of two relatively sophisticated accountability systems, the state of South Carolina and the Dallas Independent School District, Ladd and Clotfelter (1996) concluded that there is a trade-off between complexity and transparency. In their attempts to create a legitimate system that treats schools fairly, officials in Dallas produced a system that was difficult for the public to understand. This in turn made "it difficult or impossible for school officials to make the link between behavior that they [could] directly observe or affect and the types of performance needed to win an award" (Ladd & Clotfelter, 1996, p. 57). They conclude that while the Dallas program seems to have generated higher student performance, it was also the brunt of ongoing criticism as some school officials questioned why their schools jumped around in the rankings from year to year.

  - **Clearly Defined Roles.** One of the challenges with regard to setting expectations is clarifying district and state roles and responsibilities. For example, which responsibilities are key for the new management team to take over, and which would be burdensome? Case studies of district takeovers suggest that clear guidelines about various aspects of the process—the accountability timeline, the roles and responsibilities of various key stakeholders, and other items—reduce the level of tension when a takeover occurs (Rhim, 2004; Rhim, 2005; Rhim, in press; Useem, 2005). When there is a lack of clarity, the results can be fatal to the effort. In the case of Chester Upland, interviews with stakeholders indicate that a lack of clarity about what the educational management organization would be responsible for and what the district and state-level oversight committee would be responsible for was an ongoing source of tension that ultimately contributed to the failure of the effort.

  - **Fairness.** Because most accountability systems are complex, several different aspects of such a system are vulnerable to charges that they are not being handled fairly. In recent years, most states have invested heavily in developing accountability plans. As Fuhrman (1999) outlines in her review of state accountability studies, many challenges are inherent in designing a fair system. For example, states have to determine what is satisfactory progress, how performance will be measured, and what

they can reasonably ask schools to address. Many of the states that have elected to include and then enact a takeover provision within their accountability system have found that public reaction to this sanction is particularly heated (Community Training and Assistance Center, 2000; Maranto, 2005; McRobbie, 1998; Useem, 2005; Wong et al., 2004). In that environment, devising a fair system to track the progress of taken-over schools is essential.

- **Assessing the Progress of Intervention.** Assuming that the state intends to return control of the school to the district, the state has a strong interest in having as thorough and complete a picture of the school's record of improvement as possible. The state needs to assess both whether outcomes have improved *and* the extent to which the school has developed the capacity to work effectively without state support. According to the literature on state accountability systems and charter-school authorizing, this second kind of appraisal suggests the need for a wider range of assessment tools. Fuhrman (1999), for example, notes the increased use by states of school visits and "inspections" as part of accountability systems. Similar approaches have become prominent among charter-school authorizers (Hassel & Vergari, 1999; Smith & Herdman, 2004).

- **Planning an Exit Strategy.** In planning an exit strategy, a number of policy questions need to be considered. At what point does the state relinquish control back to the district? How is performance evaluated? What happens to the current management team at that point? In their empirical study of district takeovers, Wong et al. (2004) consider what factors may best facilitate a return to local control. They conclude that political factors—whether state and local authorities cooperate effectively with each other—have more influence on the timing of when the state returns control of the district to local officials than a host of economic factors (fiscal health, expenditures, etc.) and staffing patterns.

Additional Support. Clearly, setting up an oversight entity that is responsible for state takeovers will require additional state resources, just as the schools themselves will need additional support if they are to improve student achievement. Unfortunately, there is limited information about how much and what type of support is most effective. The research on state support for low-performing schools includes quantitative studies of particular types of interventions and several case studies and surveys documenting the limited success of such efforts, but less is known about how to diagnose the type and level of support that would be most effective for a particular school (Brady, 2003; Cibulka & Derlin, 1998; Malen et al., 2002; O'Day, 2002; Wong & Shen, 2001). For example, in case studies of district takeovers in Alabama and Kentucky, Wong et al. (2004) found that state department officials struggled with the capacity challenges posed by state intervention, but they did not draw conclusions about what level of support is necessary to improve low-performing schools over the long term. Similarly, in her survey of technical assistance programs in nine states, Laguarda (2003) found that the number of full-time equivalent staff assigned to assist low-performing schools was quite small, ranging from two to ten in most states. More research is needed on what level and type of support is most effective with particular types of schools.

- **Focus.** Interviews with researchers who have examined district takeovers suggest that one reason for state officials to intervene and take over schools is that they can draw

attention in a dramatic fashion to how determined they are to improve outcomes in the state's least effective schools. One of the tools that allows states to play this role is their enhanced capacity to collect and monitor school-level performance data (Wong et al., 2004). This is part of what Fuhrman (1999) and others refer to as the new accountability. Through statewide testing, public reporting and inspections, states are able to direct media and community attention to poor student performance.

Empirical evidence indicates that, overall, district takeovers have had some success in shifting local attention to student performance. In their study of takeover efforts across the country, Wong et al. (2004) found evidence that state takeovers led to changes in staffing allocation patterns—from administrative purposes to teaching and learning. This empirical evidence is further supported by case studies of district takeovers in Alabama and Kentucky, which found that states often replace existing leadership with leaders who are focused on performance accountability and student learning (Wong et al., 2004).

In a related study of the impact of new accountability systems, researchers conducted interviews and large-scale surveys of teachers and principals in two research sites with relatively strong accountability systems, the Charlotte-Mecklenberg school district in North Carolina and Kentucky. They found that setting student achievement goals helped provide teachers with a focus for their work and increased the energy they devoted to instruction (Fuhrman, 1999).

- **Technical Assistance.** One of the arguments against school and district takeover used by opponents is that state officials do not have the ability or expertise to turn around low-performing schools (Ziebarth, 2002). In a policy brief reviewing several studies of state-level accountability systems, Fuhrman (1999) found that states often lack the kind of instructional expertise necessary to make a difference in troubled schools. Even in Kentucky, one of the states frequently cited for its successful model for turning around low-performing schools through technical assistance, state officials express caution about how much they can improve multiple schools using internal resources. According to one senior Kentucky Department of Education official interviewed in a case study about district takeovers, the state "cannot possibly take on many districts at a time" due to resource limitations and "one out of 172 districts is really all you can do to do it right and be efficient" (Wong et al., 2004, p. 34).

  Resource limitations that could hamper such an effort include the technical expertise to know what should be done to improve curriculum and instruction, a sufficient amount of funding, and the leadership capacity to direct the school turnaround. Interviews with experts familiar with state takeover efforts across the nation suggest that certain types of leaders are more successful with leading such efforts. These leaders have experience with school turnaround and success with similar student populations; they have strong people skills and are able to establish rapport and build trust; and finally, they have resolve. They are willing to make decisions in favor of students and have the knowledge to shift the focus of the school to core academic functions and to build professionalism among school staff. (For more in-depth information about turnaround leaders, see the *What Works When?* paper on school turnarounds.)

Freedom to Act. One of the principles frequently cited in the literature on increased accountability is the necessity for states to give districts and schools more freedom from burdensome regulations and requirements (Fuhrman, 1999). The reason for offering these freedoms is to allow schools to focus more effectively on their core mission: improving student performance. State policies or collective-bargaining agreements, of course, may severely limit the types of freedoms that states can grant. In such cases, leaders of a state takeover effort have various options, including seeking to work with unions and policymakers to achieve exemptions for schools in takeovers and attempting to work within constraints as well as possible.

The example that Fuhrman (1999) gives is exempting schools from mandates to teach specific topics, but there are multiple requirements and regulations that are cited as being onerous to schools. The broad areas that are mentioned include (1) control of hiring and firing; (2) other teacher contract issues such as the teacher contract year and tenure requirements; (3) teacher salary and certification requirements; (4) the length of the school day and year; (5) finances; (6) curriculum requirements; and (7) student admission and attendance policies (SRI International, 2004). When a mandate prohibits a practice necessary to improve learning among previously low-performing students, lack of freedom to act may doom the school to continued failure. For example, anecdotal information about the characteristics of high-performing, high-poverty schools suggests that having a longer school day is one of the factors that contribute to their success. Freedom to deviate from district policies in this case may be essential.

The research on how effective waivers have been is limited. One example, however, of a wide-scale initiative where implementation has suffered because school designs were often not exempted from district and state requirements is New American Schools' effort to scale up comprehensive school designs. Over a period of seven years, RAND published several reports documenting the efforts of New American Schools to support and scale up "break-the-mold" schools designed to improve student outcomes in multiple schools across the country. In a retrospective review of that empirical work, Berends, Bodilly, and Nataraj-Kirby (2002) note that:

> The schools by and large were not a fertile ground for "break the mold" ideas, often because of a lack of capacity or local, state, or district regulations. Rather, the designs had to change to be suitable to school conditions or simply not be implemented. Design team calls for significant school autonomy over budget, staffing, curriculum, instruction, and assessments often did not fit into the institutional infrastructure that schools faced. (p. 147)

This research is echoed in the private sector. Christensen (1997), a Harvard Business School professor who studies innovation and change, has found that when major changes emerge in an industry, it is typically because a new organization enters the field using a different approach, one that is not constrained by past practices. And when preexisting organizations foster significant innovations, they often do so by creating new units within their own structures that are free from preexisting norms and practices.

What Further Research Is Needed to Understand State Takeovers?

From a research perspective, the inclusion of individual school takeover as a restructuring option under NCLB guidelines introduces a host of questions and far fewer answers. As districts choose to allow state takeovers, further research will need to analyze these emerging cases carefully in order to learn more about various factors related to this option. First, under what specific conditions should state policymakers consider taking over individual schools? In terms of governance structure, would an oversight body that is independent of the state educational agency be more or less effective than an office housed in the state agency? What level and type of financial and staffing resources are necessary to implement a state-level takeover strategy? How many schools can an office support with a given level of capacity? What specific capacities does this office need in order to function effectively? What level of support and how much freedom to act do school-level intervention teams need to be successful? As individual school takeover becomes more common, these are the sorts of questions that need to be examined systematically.

Conclusion

States and district officials choosing to restructure low-performing schools by initiating state takeovers of these schools are taking on a challenging but not impossible task. Policymakers have limited information upon which to draw, and the information they have is often about what does not work. The majority of people who were interviewed for this paper thought that this was the last option many districts would choose—that most districts would be unlikely to voluntarily give up control of their schools. In addition, the few states that have initiated hostile school takeovers as part of their accountability plans have additional concerns that they will need to address if this option is going to be successful. State officials in these states will want to wrestle with how hostile and friendly school takeovers compare, and if both can and should coexist in the same state.

And yet, there are sound reasons to believe that a well-planned effort might be successful, and plenty of reasons to be skeptical that districts will be able to develop the capacity to manage major restructuring efforts effectively on their own. Considering economies of scale, it is possible that states, particularly those with existing capacity and political will, might be in a better position than individual districts to develop a governance structure to manage this process. For districts with multiple demands and limited resources, partnering with the state to take action in their lowest performing schools is something to consider if states can build the capacity to perform the role successfully.

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