



September 24, 2009

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

***RE: School Improvement Grants – American Recovery and Reinvestment Act of 2009 –
proposed requirements.
Docket ID ED-2009-OESE-0010***

Dear Mr. Secretary,

The National Alliance for Public Charter Schools (the Alliance) appreciates the opportunity to comment on the proposed requirements for the School Improvement Grants (SIG) funded via the American Recovery and Reinvestment Act of 2009 (ARRA). Combined with other ARRA funding streams, the SIGs will enhance efforts and resources focused on improving our nation's lowest performing public schools.

On behalf of the over 4,900 public charter schools across the country educating over 1.5 million children, the Alliance strongly supports your desire to dramatically improve the lowest performing public schools in our country and your recognition of the valuable role that new high quality public charter schools can play in these efforts.

The Alliance looks forward to working with you and the Administration to ensure that our education system meets the challenges of the 21st century, and that we provide high quality educational options to children trapped in our lowest performing schools. If you would like additional information for any of the points detailed below, please contact Brooks Garber, Federal Policy Director at brooks@publiccharters.org or 202-289-2700.

Sincerely,

Nelson Smith
CEO and President

General Comments

With the reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965 as the No Child Left Behind Act in 2002, the federal government began a significant push to turn around our lowest performing public schools. But these efforts have not produced the necessary results. Section 1116 (b)(8) of the ESEA currently requires schools failing to make Adequate Yearly Progress (AYP) for six consecutive years to implement major restructuring or “turnaround” efforts. Because of an often used loophole (i.e., the “other” provision), however, nearly all local education agencies (LEAs) in the country have selected piecemeal and superficial restructuring approaches for their failing schools, while still complying with the letter of the law. These sidesteps require the federal government to dramatically redesign its turnaround efforts, especially with the sizeable new amount of funding available for them via the FY2009 budget – \$3.5 billion – and the additional resources appropriated via ARRA (State Fiscal Stabilization Fund and Race to the Top). Ideally, all these programs should work together to instigate and sustain long lasting educational improvements in the communities that need them most.

In that light, we begin by stipulating that we have concerns about the complexities of the proposed turnaround strategy, including the additional classifications of schools, new reporting requirements, waivers potentially needed, and oversight responsibilities and we strongly urge that the final guidelines take into account the practical, on-the-ground realities of implementation. However, we do applaud the Department’s efforts to administer these funds via a process different than the current statutory language for SIGs.

We also want to raise a concern for the almost 2500 public charter schools that are part of a traditional public school LEA. These autonomous public schools will be entirely under the control and ultimately decisions of their LEA, without recourse or any say in the SIG process. Certain LEAs hostile to public charter schools could use this new control as a way to shut down charter schools that may be only three years old, making dramatic gains towards hitting the AYP bar fast approaching 100% proficiency by 2013/2014, but still labeled as “in improvement.” As the Administration works to grow successful charter schools, this possibility might work at cross purposes with its efforts.

Public charter schools have shown a particular power to achieve accelerated gains in educating children from failing schools. As most recently demonstrated by the NBER study of New York City charters¹, they often open in areas where large numbers of students are failing to be adequately educated. The Department has outlined a valuable role that public charter schools and Charter Management Organizations (CMOs) can play in turning around our worst performing public schools – and we know that many leaders in this community are exploring whether to take on this challenge.

But for public charter schools and CMOs to replicate their successes through turnarounds, they must be able to maintain the charter model’s autonomy, flexibility, and accountability. If failing schools are closed and reopened as public charter schools, states and districts must enable the charter schools to implement their own culture and practices in the same

¹ <http://www.nber.org/~schools/charterschoolseval/>

building as governed by the state’s charter law instead of imposing existing district rules and collective bargaining agreements.

Additionally, the Department should include the creation of new high quality charter schools in areas where failing public schools are being closed down as a turnaround strategy – and not just rely on closing failing schools and reopening them as charter schools in the same buildings. Stated another way: turnaround efforts should not be viewed as saving an institution, but rather as turning around the educational opportunities of children trapped in failing schools. This approach can be amplified by the Secretary’s new ability to directly fund CMOs for the replication and expansion of successful charter models with the funding from the Charter Schools Program (CSP) that the Department requested via the FY2010 appropriations process. Such an approach will ensure that federal resources from across multiple sources are aligned in these efforts.

Lastly, the Department should work to directly fund CMOs, individual charter operators, or Education Management Organizations (EMOs) engaged in turnaround work via the SIG and let states and districts compete for these providers. Creating a competitive environment for turnarounds will ensure states and districts have multiple providers and that states and districts truly partner with these organizations to achieve success.

Specific Comments

Supporting Only the Most Rigorous Interventions

The Department has outlined four “rigorous interventions” for Tier 1 and Tier II schools identified via the proposed requirements:

1. The Turnaround Model, which would include, among other actions, replacing the principal and at least 50% of the school’s staff, adopting a new governance structure and implementing a new or revised instruction program.
2. The Restart Model, in which an LEA would close the school and reopen it under the management of a charter school operator, a CMO, or an EMO that has been selected through a rigorous review process.
3. School Closure, in which an LEA would close the school and enroll the students who attended the school in other, high achieving schools in the LEA.
4. And, the Transformational Model, which would address four specific areas (developing teacher and school leader effectiveness; implementing comprehensive instructional reform strategies; extending learning time and creating community-oriented schools; and providing operating flexibility and sustained support) critical to transforming the lowest achieving schools.

Each of these interventions has their own merits and values. However, we have recommendations for improving each of them.

First, we recommend consolidating models 1 and 4, the Turnaround and Transformational models, into one strategy. Failing schools need both new staff and intensive support to succeed. These two strategies should be paired together to maximize a school’s chances for success. Even

with this step of consolidation, we have some hesitations about the effectiveness of this strategy; however, we are encouraged that the Department is prohibiting LEAs with nine or more Tier I schools and Tier II schools from implementing the same intervention in more than 50% of its served schools.

Second, for the Restart Model, the Department should clarify that “under the management of a charter school, CMO, or an EMO...” actually means the school would be a charter school if it is being operated by a CMO or an individual charter operator, not just managed as a contract school (or similar type of school) by a CMO or individual charter operator. Charter schools that take over failing public schools should be guaranteed facility space and, the flexibility to implement their model with integrity, and should be held accountable for turning around the educational outcomes of the children. These requirements should be governed by the state’s charter law, not by new processes created on a district by district basis.

The Department should also clarify that SIGs can be used to support charter operators as they start new schools as part of school improvement efforts. And the Department should state that closing one school while starting another one can happen at the same time in the same building; similar to what is happening in New Orleans and elsewhere, where charter operators are phasing in new successful schools one grade at a time while districts phase out failing traditional public schools one grade at a time.

Third, for the School Closure model, the Department should also provide incentives for the development of successful charter schools in the areas where schools are being closed. Many LEAs where Tier I and Tier II schools are located may not have seats available at their high achieving schools (or even any high achieving schools). However, successful CMOs are often looking to expand in these LEAs. The Department should clarify that LEAs partnering with CMOs expanding in areas where the LEA is closing failing schools be prioritized for SIG funds.

SEA Responsibilities

Similar to what is happening with the Race to the Top (R2T) program, the Department should consider the role of public charter schools when evaluating state applications for SIG funds. States capping the number of charter schools, or constraining their growth in any other way, should be at a disadvantage when applying for SIG funds. As one of the core models identified by the Department for this initiative, only those states supporting and creating environments conducive to charter school growth should be rewarded with SIG funds.

Definitions

The Department defines both CMOs and EMOs in the proposed requirements. A CMO is defined as a non-profit organization that operates charter schools by centralizing or sharing certain functions and resources, and an EMO is defined as a for-profit or non-profit organization that provides “whole-school operations” services to an LEA. These definitions are accurate, and give the department the flexibility to react to the evolution of these entities over time. However, there are minor changes to each that will help make them more accurate. Ideally, the definition for a CMO is a non-profit organization that operates or manages a charter school or schools by centralizing or sharing certain functions and resources. For the EMO definition, the Department should clarify the meaning of “whole school operations.”

Conclusion

The Department has outlined an ambitious turnaround strategy under these proposed requirements. We applaud its commitment to improving our nation's lowest performing public schools, but hope the Department will look supportively on a simultaneous strategy of starting new high quality schools while working to turn around or close our lowest performing public schools.