NCLB's Ultimate Restructuring Alternatives: Do they Improve the Quality of Education?

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April 2009

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● Suggested Citation:
Mathis, W. (2009). *NCLB's Ultimate Restructuring Alternatives: Do they Improve the Quality of Education?* Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved [date] from http://epicpolicy.org/publication/nclb-ultimate-restructuring

One of a series of Policy Briefs made possible by funding from the Great Lakes Center for Education Research and Practice.

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Executive Summary

Across the nation, the final stage of school restructuring is being reached by an inexorably increasing number of schools. Under the No Child Left Behind (NCLB) law, if a school does not make its adequate yearly progress targets after four previous years of being "in need of improvement," it must implement a fundamental restructuring plan. The restructuring options are as follows: (1) turn the school operations over to the state, (2) turn the operations over to a private company, (3) reopen as a charter school, or (4) reconstitute the school by replacing some or all of the teachers, staff and administrators. There is a fifth alternative of applying "any other" fundamental school restructuring, an option now receiving new attention.

It is essential that we know how these restructuring options work in practice—particularly as the law is now due for reauthorization. This brief reviews the independent research on the ultimate sanctions and provides recommendations designed to enhance school improvement.

Overall, there is little or no evidence to suggest that any of these options delivers the promised improvements in academic achievement. In light of this review of what is known, it is recommended that policymakers:

- Refrain from relying on restructuring sanctions (takeovers, private management, charters, and reconstitutions) to effect school improvement. They have produced negative by-products without yielding systemic positive effects.
- Refrain from supporting the expansion of charter schools. Evidence indicates that, on average, they do not improve test scores or spawn the promised innovative practices. Furthermore, they may increase socioeconomic or ethnic segregation.
- Support research on the effectiveness of alternative improvement strategies that are seen by some as "best practices" but have not to date been supported by careful study. These include school planning, turn-around specialists, data analysis, and instructional coaches.
- Ensure that mandated requirements for technical assistance are met so that states and districts have the capacity to implement, support and sustain improvements.
- Support strategies that have been empirically demonstrated to yield significant school improvement. These include early education, longer school years and days, small school communities, intense personal intervention, strong counseling, and social support systems.

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Introduction

NCLB Provisions

An ever-increasing number of schools are being identified as "in need of improvement" under No Child Left Behind (NCLB), and of these, many are reaching the final stages of sanctions under that law. *Education Week* reports that the number of schools identified as needing improvement increased 28% between 2007 and 2008.[1] The designation is applied when a school misses test score targets for two consecutive years, either for the total student population or for any sub-group (economically disadvantaged, racial and ethnic groups, students with disabilities, and students with limited English language proficiency, for example). While state rules vary, the sanctions are fundamentally based on reading and math tests in grades three through eight and in one grade in high school.

For such schools, each consecutive year of missed targets brings increasingly severe penalties. First, they must provide students with options for attending other schools; then, they must also pay external service providers for tutoring; then, they must implement certain corrective actions; and then make plans for a change in governance. The ultimate sanction, reached in the fifth year of "needing improvements," is mandated school restructuring.

By *Education Week*'s tally, 17.9% of the nation's schools are now identified as "in need of improvement." Nearly a quarter of these, concentrated in urban areas in a limited number of states,[2] are in year five, the final restructuring stage.[3] The Center on Educational Policy (CEP) reports that 7% of schools serving high concentrations of students with social and economic needs (Title I schools) are now in the ultimate, restructuring phase—a 56% increase from the previous year.[4] The Department of Education describes the NCLB restructuring mandate as follows:

> If a school fails to make adequate yearly progress for a fifth straight year, the school district must initiate plans for restructuring the school. This may include reopening the school as a charter school, replacing all or most of the school staff, or turning over school operations either to the state or a private company with a demonstrated record of effectiveness.[5]

Although the federal government's guide for parents does not particularly highlight a fifth option, "any other major restructuring of a school's governance arrangement," this possibility is also becoming increasingly important.[6]

Urgency of the Issue

NCLB, which is actually the current iteration of the Elementary and Secondary Education Act (originally passed in 1965), is overdue for congressional reauthorization. Therefore, it is important both to anticipate the number of schools that may face restructuring sanctions as well as to assess the effectiveness of those sanctions. These factors are critical to determining reauthorization provisions, the federal role in education, and public perception and support for schools.

The question of how many schools may ultimately face restructuring reflects the urgency of this issue. Because the law requires 100% of all students to attain proficiency on state standards, including those in each of the sub-groups, researchers have illustrated that, eventually, virtually all schools can be expected to reach the fifth and final stage of school restructuring.[7] Even with a 2%-3% safety valve for children with severe disabilities, universal proficiency is practically unattainable. In addition, the sanctions will fall most immediately on schools with high concentrations of poor and minority children, because these children tend to have lower test scores and because the NCLB disaggregation approach effectively penalizes more diverse schools. Thus, whether restructuring sanctions can truly transform schools—closing the achievement gap and resolving historical inequities—is a question of enormous import for schools as well as for society.

Among the federally prescribed restructuring options, charter schools and educational management organizations (EMOs) have enjoyed considerable popularity and media attention. There has also been an outpouring of partisan think-tank press releases and reports extolling the virtues of restructuring.[8] To date, however, independent, empirical research has been eclipsed by political actions and orations favoring restructuring options.[9] Far more scarce than promotional rhetoric—though far more important—has been high-quality, peer-reviewed research on whether these strategies actually improve schools.

Do the Ultimate Sanctions Work?

Overview

This brief examines available research evidence on the effectiveness of the ultimate sanctions. Do they work? What is and isn't known about them? Is there any reason to modify or eliminate any of the mechanisms?

Following is a description of the frequency and effectiveness of each of the four primary methods the law prescribes (state takeovers, private management, charter schools, and reconstitutions). Since test scores are the law's major assessment mechanism, each sanction is evaluated for effects on test scores as well as for effects on other vital educational quality factors. The emergence of the fifth category, "any other," is also examined. These efforts are summarized, and suggestions for improvement are provided.

As the quantity and quality of the knowledge base varies considerably for each of the methods, this review draws from both pre-NCLB and post-NCLB evidence. Often, the restructuring methods overlap—such as when state takeovers employ charter schools. In such cases, the overlap is noted. Undoubtedly, there are interactive effects when multiple methods are employed in one location. Likewise, cumulative legacies of earlier pre-restructuring reform activities are present (e.g., the NCLB-mandated public school choice and tutoring reforms would still be in place). However, the emphasis here is on addressing the evidence in each area as discretely as the data allow.

State Takeovers

Frequency

The political and emotional appeal of the state taking over schools in crisis resonates strongly with many. Particularly in urban areas where parents see school buildings in disrepair, gang culture, safety problems, inadequate resources, corruption, patronage and excessive drop-outs and low test scores, a clean sweep is very appealing.[10] Ziebarth says takeovers are "usually due to a combination of inept administration, fiscal mismanagement, corrupt governance and academic problems within the school district."[11] In this thinking, somebody outside the system, with a strong hand, must shake up the lethargy and institutional inertia.

The state takeover section of the federal law requires that state law allow takeovers, and also that the state agree to the particular takeover of a school or district. Twenty-nine states had such provisions in state policy or laws by 2004. Yet, takeovers are infrequent.[12] Only five states had exercised the school level takeover option by 2005. Even then, the numbers of schools taken over within a district are in the single digits, except for in storm-ravaged New Orleans.[13] In a 2007 GAO survey of principals of schools in restructuring, 5% reported using the state takeover option.[14] Even though the GAO proportion is small (less than 1% of schools), it is still a considerably larger number than other surveys and estimates. Differences in definitions are likely at play.

This low frequency is likely due to the absence of state capacity to send in a team to take over all or part of local operations. Particularly in states with high numbers of identified schools, state agencies do not have the staff, funding, technical assistance capacity, data systems or federal support to effectively implement this option.[15] Thus, the shading of takeovers into less intense "any other" solutions may be seen as an inexpensive and practical alternative. As addressed later in this brief, however, sending a "turnaround specialist" or a "consultant" to a school or district may be either a substantive or tokenistic gesture toward fulfilling state assistance requirements.

In practice, the purpose and the extent of past takeovers have varied. Some are for limited purposes, such as financial irregularities or central office administrative paralysis. Some replace school boards but leave other operational features intact. In some instances, the mayor is granted authority by the state to run the district. A specially appointed oversight czar or committee is another

variation. In some cases, an educational management organization or corporation is given authority.[16] Combined with the small number of cases overall, these variations in forms and local contexts caution against generalizations on effective forms of takeovers.

Yet one clear message from these earlier instances is that takeovers are inevitably controversial, tend to generate extensive media coverage, and foster loud political claims. Such public rhetoric is far more common than objective research or reports on the initiatives. For example, the post Hurricane Katrina formation of New Orleans "Recovery School District" of 66 charter schools has resulted in political exultations and condemnations despite little scientific study.[17] The Louisiana state effort to add 10 more schools in Baton Rouge and Shreveport to the takeover list has likewise spawned fierce community opposition and a lawsuit.[18] Earlier high-profile takeovers in Chicago (1995), Cleveland (1997) and Baltimore (1997) were the subject of extensive media controversy.[19] The Philadelphia takeover (addressed below, under EMOs) also continues to foster media coverage.[20]

Perhaps it is the intensity of the media attention that creates the impression that takeovers are common. However, Wong and Shen reported in 2002 that the zenith of takeovers was in 1996 and 1997, with six takeovers in each year.[21] In later data, the Center on Education Policy's study on the effects of restructuring reported none of its five sample states employ a takeover strategy.[22] States have limited capacities for effective interventions, and the low number reported overall suggests that states are reluctant to go down this road.

The Center for Comprehensive School Reform, in its 2005 monograph on school takeovers, bluntly states that "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."[23]

Effect on Test Scores

Wong and Shen similarly conclude that "research has lagged" about the student achievement effects of takeovers and note that it is "difficult to make generalizations about student achievement."[24] However, they go on to report, on the basis of 14 cases, that elementary students seem to fare better academically, as they do not have to reverse previous negative effects. They also note that when administrative and political turmoil ensues, achievement scores suffer.[25] A 2009 study, commissioned by a Milwaukee civic group, reviewed the achievement score literature. The researchers found little conclusive evidence on test score improvements; they also found that resulting changes could be attributed to a multitude of sources.[26] Ziebarth, writing for the Education Commission of the States, says: "The bottom line is that takeovers, for the most part, have yet to produce dramatic and consistent increases in student performance." He explains that takeovers generally have little link to the classroom and that gains, if any, appear to be in central office and administrative procedures rather than in improvements in instruction.[27]

Other Effects

While state or district takeovers are often justified for district abuses such as financial irregularities, patronage and incompetence, even these interventions spark intense political controversy. Takeovers cause internal upheaval, although they may establish much-needed order and stability in chaotic situations. In instances where the stated reason is to control costs, a likely effect of the action is a decrease in spending on education, which could be good (to the extent it increases efficiency) or unfortunate (to the extent it decreases supports and resources for student learning).[28] Wong and Shen contend that mayoral controls are more effective, but the Milwaukee Public Policy Forum cautions that it all depends on the particular mayor and circumstances.[29]

On the whole, however, little can be said with certainty about the impact of takeovers. Given such a small number of cases and the inability to isolate the effects of particular variables amidst a great deal of noise, the Center for Comprehensive School Reform has succinctly summarized the literature about takeovers as being "often about what doesn't work" (p. 24).[30]

Private Management: Educational Management Organizations (EMOs)

Frequency

EMOs appeal to politicians and to some parents for many of the same reasons as state takeovers. Center city urban blight, poor building maintenance, disruption, poorly qualified teachers, safety, high dropouts and poor test scores sound a siren call. When EMO managers say they will come in and sort out corruption, throw out bad teachers, impose curricular reforms, break the union strangle-hold, dismiss the bureaucrats and save money in the process, the promise makes for a potent political message.

Molnar, Miron and Urschel reported in 2008 that 50 companies operated 533 schools with a total enrollment of 254,413 students. The majority of the EMO schools are primary schools. Both the number of schools and the number of companies has leveled off in the past two years, even as the total number of children they enroll has increased. Of these students, 88% are in schools operated by 15 major corporations, with Edison being the largest (48,000 students).[31] During the first decade of the 21st century, EMOs began shifting their focus away from operating schools and toward supplemental services (such as tutoring, summer schools, and consulting) catering to the requirements of the NCLB legislation.[32]

As is true for state takeovers, however, the use of EMOs is not as prevalent as media attention would suggest. Hartford, Connecticut, was the first district to be taken over by an EMO, Education Alternatives, in 1994. In just two years, however, there was a parting of the ways amid great acrimony and contractual disputes.[33] Philadelphia, which disbanded its school board and replaced it with a School Reform Commission, is the nation's largest experiment in mandatory restructuring. More than 45 of its elementary and middle schools

were turned over to seven different private management groups in 2002, including for-profit corporations, non-profits and universities.

In 2004, only 14 states had laws specifically authorizing EMOs[34] although such private schools were operating in 28 states in 2008.[35] The Center on Educational Policy recently studied restructuring schools in five of these EMO states. Yet, except for California (where 10% of restructuring schools chose the EMO option), no more than 2% of restructuring schools chose the EMO model.[36] The GAO's national estimate is 9% of the five percent of Title I schools in restructuring.[37] When the rate of EMO implementation is considered as a percentage of all of a state's schools, or as a percentage of Title I schools, the rate drops below one percent.[38]

Effect on Test Scores

Again, this restructuring approach is highly controversial and generates a great deal of media attention, while only limited research exists to document its effects. Philadelphia's restructuring efforts have been the most intensely scrutinized, but studies on the achievement score impact are hotly debated. In 2007, the RAND Corporation provided a test-score evaluation of this reform after four years of operation.[39] The study found that none of the three external provider groups (for-profits, non-profits and universities) produced a statistically significant advantage. While Philadelphia did register test score gains, these gains "have generally not exceeded the gains of low-achieving schools elsewhere in Pennsylvania"(p.xiii). The private providers argued the schools would have done worse without them, but the researchers found "no evidence supporting this view"(p.xiv). The RAND study concluded: "*In sum, with four years of experience, we find no evidence of differential academic benefits that would support the additional expenditures on private managers*" (italics in the original) (p.xiv).[40] The National Center for the Study of Privatization of Education at Columbia University confirmed the RAND results in its independent analysis.[41]

Responding to RAND's high-profile evaluation, Harvard Professor Paul Peterson produced his own evaluation, which in many regards was a rebuttal of the RAND report. He concluded that the private managers did increase the number of students scoring at a proficient level and pointed out that the RAND report could not be considered a conclusive test of EMOs, as it dealt with only the lowest-performing schools and (he contended) did not properly consider demographics.[42]

Both reports immediately became ammunition in the political battle, with the RAND report employed to call for the firing of private vendors and the Peterson report extolled by the *Wall Street Journal* as affirming market models. In an independent review of both reports, University of Colorado Professor Derek Briggs gives the edge to the RAND report for the use of more comprehensive scale scores, while the Peterson report is considered limited as it only yielded positive findings around one narrow point at the lowest part of the test-score distribution. Furthermore, Briggs observes, the claims of success of the market model were not founded because the students and their parents were assigned to

schools (thus minimizing market competition effects). Briggs cautions that neither of these studies should be considered definitive.[43]

In a 2009 follow-up study, Peterson and Chingos compared Philadelphia schools that had been taken over by for-profit companies with those taken over by non-profit companies. They concluded that non-profit EMOs had a generally negative effect, although not statistically significant. A generally positive for-profit effect was reported, however, although statistically significant only for math. The authors speculate that the difference was due to for-profit managers having a greater incentive for success—namely, the risk that they would be put out of business.[44] Of course, it could be argued that non-profits managers could face the same fate.

As is probably evident from the above discussion, knowledge concerning the impact of EMOs on achievement is confounded by political disputes about effective school improvement models, power struggles, charges (by both sides) of ineffectiveness and incompetence, and sometimes even court fights. Moreover, the combative parties include not only politicians, educators and parents, but think tanks espousing a market model for education.

The effectiveness of Edison, the nation's largest EMO, is similarly debated. In 2004-2005, Edison operated 103 schools, but this number had dropped to 80 by 2008.[45] It commissioned Brian Gill, who later was lead author of the RAND Philadelphia study, to evaluate its programs. In the first three years, Edison schools recorded declines in standardized test scores. In years four and five, scores bounced back, but only enough to recover their losses from the initial years. However, the huge variations between comparison schools and Edison schools were remarkable, often swinging as much as plus or minus two standard deviations. Ultimately, the conclusions about the efficacy of Edison schools were "equivocal."[46]

A multi-state study employing regression modeling, conducted by the Center on Education Policy, found that EMOs show no advantage over other approaches in helping schools meet Adequate Yearly Progress benchmarks.[47] Overall, the research shows that EMOs demonstrate no clear pattern of improvements in test scores.

Other Effects

As noted above, in the RAND evaluation of the Edison schools, the first three years saw scores decline, as new curriculum, instruction and operational systems disrupted the flow of schools, before bouncing back to pre-reform levels. This signals disruptive transition effects. Teacher turnover in Philadelphia was reported as three times the district average and was particularly pronounced at schools operated by Edison and another EMO, Victory Schools.[48] Implications for teacher quality and turnover are discussed below, in the charter school section.

In an interesting study using GPS mapping, EMOs were found to be geographically repositioning themselves in metropolitan Detroit by locating schools in communities with lower concentrations of poor children.[49] This would

suggest a cherry-picking strategy, one that hints at a policy that increases segregation.

The conclusions of the RAND Edison study on EMOs are strikingly similar to the Center for Comprehensive School Reform's recommendations on state takeover schools. No achievement test edge is reported, and the RAND, the Reform Center and the Edison reports all list extensive recommendations on how future EMO implementations could be improved.[50]

Charter Schools

Frequency

Far more popular than state takeovers and EMOs are charter schools, intended to empower local communities to break through excessive district and state bureaucracy and to become active incubators for innovative practices. In exchange for freedom from regulation, they were to be highly accountable for educational outcomes. Depending on the state, charter schools were also encouraged to embrace a specific educational philosophy or niche.

From the first law in Minnesota (1991), charter schools have now spread to 40 states with 4,000 schools enrolling almost a million students, although the vast majority of these schools arose through mechanisms other than NCLB restructuring. State charter school laws and practices vary considerably among and within states, as does the organizational infrastructure beneath a school or group of schools. And, as noted earlier, there is some overlap of categories. About 25% of all charter schools are operated by EMOs; in Michigan, 80% of charter schools are managed by private corporations.[51] Even so, less than 2% of all schools facing mandatory restructuring chose the charter school option in the Center on Education Policy's five-state study.[52] The GAO's national estimate is an even lower 1%.[53]

Effect on Test Scores

Like the other restructuring alternatives, charter schools generate considerable public controversy and ideological passion, clouding the body of scientific evidence.

Setting aside the rhetoric, however, there is a strong research consensus that charter schools show no substantial achievement advantage on average.[54]

One of the most prominent studies on test results in charter schools came from the federal government's Institute of Education Sciences, which in 2005 analyzed a national sample of NAEP test scores for charter schools. This government-sponsored, independent, cross-sectional data analysis found that when ethnic background and reading scores were considered, there were no significant differences between charter and regular school students.[55]

Similarly, University of Illinois professors Christopher and Sarah Lubienski examined national assessment data on mathematics achievement in a

commissioned study for the Institute of Educational Sciences. Again, using a cross-sectional analysis, they controlled for a wide variety of external factors including socio-economic and racial characteristics. At the fourth grade level, charter schools performed significantly lower than public schools. At the eighth grade level, charter schools performed slightly better but not significantly so.[56]

In 2008, researchers at Western Michigan University undertook an exhaustive review of the literature for various types of school choice programs. They rated the various studies on quality and reported on 47 studies, almost all of which were state-level studies, with 19 studies reporting positive results, 16 reporting negative findings, and the remainder showing mixed conclusions.[57]

University of Washington Professor Paul Hill and his colleagues in 2006 examined every state-level charter school study since 2000. The researchers noted that media stories based on these research studies have often been misleading, and dueling ideological studies are common. Of the state studies, 40 reported test-score analysis. None reported long-range effects. The most common finding was null or mixed findings. In no case were the observed differences strong.[58]

Stanford professor Martin Carnoy and colleagues also reviewed the literature and came to similar conclusions. They concentrated on state-level studies and confirmed the national NAEP studies of "no charter school achievement advantage."[59]

In the RAND summary of what we know about vouchers and charter schools, the authors find that the results from charter schools are mixed for academic achievement. In terms of long-term effects, and effects on students in public schools, there is no good evidence one way or the other.[60]

Departing from the generally "no meaningful or significant" differences theme, an elegantly designed study by Bifulco and Ladd followed five entire grade cohorts of North Carolina students for five years. They found that charter school students performed substantially lower than public school students and that the differences were not erased even after several years. Thirty percent of the test score deficiency was attributed to high student turnover rates.[61] On the other hand, Hanushek, Kain and Rivken examined Texas scores and concluded that Texas charter students fully recovered as the program matured.[62]

Research on charter schools has increased in quantity and quality over the past several years, but the results remain unchanged. When controlling for demographic factors, charter schools show no advantage.

Other Effects

Segregation. A significant concern, as Cobb and Glass found in an earlier (1999) study, is that charter schools result in ethnic segregation. In Arizona, a high-frequency charter school state, the authors found white students to be enrolled in charter schools at a far higher rate than in their contiguous public schools—charter schools typically over-enrolled white students by a margin of 20 percentage points. The charter schools where ethnic minority students predominated were generally vocational schools or "schools of last resort" for students expelled from traditional public schools. [63]

In reviewing the increasing body of research findings on segregation in various types of choice arrangements, Mickelson and her colleagues at the University of North Carolina found that charter school policies result in segregation by race, ethnic identity and socio-economic status. Furthermore, charters with an entrance examination and schools for special needs children also have a segregating effect.[64]

Coming to the same conclusion in his review of state charter school studies, Miron has asked policy makers to address the resegregation of public schools by race, class and ability.[65]

Educational Innovation. A central claim made by promoters of charter schools is that, freed from bureaucratic regulation, they are able to freely innovate. However, in a 2000 Michigan study examining practices in charter and regular public schools, Mintrom found "the degree of similarity is more striking than the differences." Some charter schools were doing innovative things but others were described as "willfully isolated backwaters of educational practice."[66]

Christopher Lubienski expounds on this theme, concluding that market models provide no incentive for innovation and that public schools have been as successful as private schools in fostering innovation. He opines that the claim for innovation was a marketing tool for advancing various forms of school choice.[67]

Stanford Professor Martin Carnoy and his colleagues commented that the similarity in achievement levels reflects the similarities in practice between charter and regular public schools. They reason that the touted "freedom to innovate" rationale is likely misplaced. They observe that the bureaucratic rules are primarily to prevent fraud and corruption rather than to stifle innovation. Well-managed and poorly managed schools exist in both public schools and in charter schools.[68]

Teacher Turnover/Teacher Quality. Celeste Carruthers examined the characteristics of all public school teachers and charter school teachers in North Carolina from 1997 to 2007. Among her findings were the following: (1) charter schools experienced high rates of inexperienced and uncertified teachers, (2) yet, the regularly certified mainstream teachers who shifted to charter schools were equivalent in paper qualifications, and (3) charters draw a larger proportion of alternatively licensed or temporarily credentialed teachers, which in the North Carolina context are associated with lower achievement. While the results are nuanced, Carruthers finds overall that charter schools appear to be ". . .losing the war for teachers with high classroom performance statewide."[69]

In Philadelphia, the percentage of certified teachers dropped from 83% to 73% in the four conversion charter schools and fell to 40% in one school. This was partially attributable to the disruption of major organizational changes and may also be associated with the drop in test scores found in the first years of charter operation.[70]

As noted in the following section, recruiting high-quality teachers in high-needs schools is problematic.

Reconstituting Schools

Media coverage of reconstituted schools has also been intense. For example, a recent *Time* magazine cover (calling attention to the feature article) displayed D.C. Chancellor Michelle Rhee, praising the "bold-talking chancellor" while lamenting the high cost and low performance of United States schools, particularly those in Washington, D.C. The article itself included such subtitles as "Scorched Earth" and highly favorable comments on the chancellor's shutting down 21 schools and firing 100 employees "from the district's famously bloated 900-person central bureaucracy." The dismissal of 270 teachers and 36 principals was characterized as reformist work.[71]

School reconstitution is bolstered by such positive media portrayal as well as by the approval of citizens who endorse extreme approaches. It involves replacing principals, teachers and staff (or segments of them) to establish a new climate, philosophy and structure in the "failed" school.

Frequency

The first reconstitution, which involved 14 schools over two years, took place in 1983 in San Francisco. By 2004, twenty-eight states had laws or policies in place, although the actual reconstitution frequency is quite low. The Education Commission of the States (ECS) lists only seven districts engaged in reconstitution, each involving only a handful of schools in urban areas. Among these, internal district-based reconstitutions outnumber state-ordered actions.[72]

The CEP reports that reconstituting staff occurred in only 3% of the schools under NCLB restructuring—a small fraction of 1% of the nation's total schools.[73] The GAO estimate is that 27% of the restructuring Title I schools replaced "all or most" staff. This translates into about 1.35% of all Title I schools and less than 1% of the nation's schools.[74] Although the frequency is low, the CEP and GAO estimates are higher than the ECS count.

However, the tallies are confounded by the fact that the degree of staff reconstitution is unknown. Whether a given instance involved a massive house-cleaning or merely a shift of only one or a few staff members is not clear.

Often, the new staff arrangement is accompanied by a new curriculum (98% of schools in restructuring), joint school planning (92%), new training, the presence of a state or local turn-around specialist, an extended school day or year, and the like.[75]

Effect on Test Scores

It should be noted first that isolating the effects of reconstitution is a difficult task. For example, the most frequent "reconstitution" is simply replacing the principal, a strategy that exists quite independent of NCLB and employed in 17% of the schools in the CEP five-state study. Principal transfers, career changes and replacements are a common occurrence in most districts. Likewise, teacher transfers occur on a voluntary and non-voluntary basis on a regular basis in most

school districts. Often, the reported reasons for a staffing change are not the actual reasons, so sorting out the effects of a formal restructuring from routine operations does not make for clean categories. Still, researchers have made efforts to assess impact.

Recall that the Center on Education Policy sorted out reconstitution effects using a regression model in its five study states—an approach that offered a conclusion for reconstitution as well as the other options: "None of the five federal restructuring options were associated with a greater likelihood of a school making AYP overall or in reading or math alone."[76] Similarly, the Education Commission of the States reported that the reconstitution evidence to date is mostly anecdotal and noted that the limited evidence in San Francisco reflected uneven test score results. The results "are debatable simply because of a lack of strong research evidence."[77]

Little is known, then, both because the number of cases to date is small, and the reforming schools typically introduce a broad array of other changes at the same time. Untangling influences on outcomes is also complicated by the fact that staff replacements can be more or less inclusive, and loud political rhetoric broadcasts are often persuasive, even when lacking, or indeed contradicted by, good evidence.

Other Effects

Based on its case studies, the CEP explicitly recommends against reconstitution as a restructuring approach. Replacing all or most of a school staff is chaotic and disruptive to the preparations for the opening of a new school year. Moreover, institutional history is lost and basic operational systems are disrupted. CEP expressed the following major concerns: Finding qualified teachers in challenging urban areas can be extraordinarily difficult if not impossible; planning with the new faculty was impossible when staffing was not complete before the fall opening; and collective bargaining rules often prevented the assignment of the most highly qualified staff to the areas of greatest need. Twelve of the study's 17 cases had difficulty replacing staff, and many started the year with substitutes.[78]

The researchers also reported more positive findings, noting that low-quality teachers were often removed, negative school climates changed, and order re-established in chaotic situations. Nevertheless, anecdotal evidence suggested that the staff and surrounding community were stigmatized and demoralized. In addition, CEP noted that since each reconstituted school was already five years into school improvement activities before the reconstitution took place, the previous years of improvement work were often erased or undermined.[79]

"Any Other" Restructuring Efforts

While charter schools have been the subject of extensive study, and EMOs, takeovers and reconstitutions have been the center of high-profile debates, the most frequently used restructuring mechanism (by far) continues to charge ahead in relative obscurity. In addition to the four major reform strategies, the

federal law includes the open-ended phrase, "any other major restructuring of the school's governance that produces fundamental reform."[80]

In the Government Accounting Office's national web survey of principals of restructuring schools, 40% reported the use of the "any other" option.[81] GAO's next highest response was "replacing staff," which was reported by 27% of the respondents (the other restructuring options were in the single digits). In this web based survey, 6% of the principals of restructuring schools reported that they did not undertake restructuring activities of any sort.

The Center on Education Policy's in-depth study of five states' restructuring activities found between 86% and 96% of restructuring schools opting for the "any other" approach—a figure much higher than the GAO survey.[82]

Whether using the GAO numbers or the CEP numbers, "any other" is the most popular restructuring option. In the GAO report, schools would typically employ multiple strategies. The most prominent of these "any other" activities were hiring an outside expert (62%), changing the internal structure (61%), implementing a new curriculum (41%), replacing staff (26%),[83] extending the day (26%) and extending the year (10%).[84]

The CEP study found the hiring of an outside expert as a frequently used strategy but also reported that most schools retained the same restructuring activities and strategies that they had been using before. Typically, the schools opted for a potpourri of popular "best practices," including increased use of data to identify student needs, professional development, off-the-shelf reforms, school planning, aligning curriculum with standards and assessments, intensive academics for needy populations, and extending school day, weeks and years.[85] In some cases, the previously initiated efforts (often multiple activities within the same school) needed time for implementation and maturation. In others, some schools continued activities that showed improvements while others simply continued their activities independent of effectiveness.[86]

The success or potential success of these "any other" efforts is difficult to assess within the framework of NCLB. State standards vary considerably, and the ease of making AYP differs by state. To complicate matters, the federal law does not require tracking of schools in restructuring over multiple years and, for those states that do, the systems are quite different. In addition, states do not have to monitor the quality or intensity of interventions. In terms of what states allow, Maryland restricts schools to the federal options while Michigan allows almost anything. Ohio asks the schools to "describe in your own words the options [you] took." (p. 10). Furthermore, the law is silent about what happens after restructuring continues into subsequent years—that is, in years six and seven.[87]

In terms of making AYP, CEP conducted a regression analysis and found that "any other" was statistically no better or worse than EMOs or reconstituted school districts in advancing school progress.[88] However, caution is required in this comparison, as "any other" is a vast and amorphous landscape. Likewise, EMOs and reconstitutions (as noted above) have shown limited efficacy in restructuring. Thus, little can be concluded from this sparsely studied and diffuse area.

Both the CEP and GAO studies noted the insufficient funding for NCLB, the small amount of "set-aside" improvement money, and limited state capacities to assist schools. Local districts simply lack the financial, personnel, time, or expertise to carry out any of the four major ultimate reform strategies—even if one of those options was their preferred path.[89] Thus, states and districts gravitate toward the "any other" option.

Summary

The research on ultimate school restructuring measures is simply stated: there is no clear body of evidence that any of them will result in significantly improved education. When test score changes are the measure, the differences are small and are as likely to be negative as positive. In highly dysfunctional or disorderly school environments where dramatic change was needed, some positive organizational effects have been reported. However, negative side effects are frequently recorded. These include increased segregation, termination of or dramatic shifts in ongoing reform efforts, substantial short-term drops in achievement scores, and organizational instability.

State Takeovers. There are few examples of state takeovers, the empirical evidence is limited, and the media coverage is extensive. Frequently, a state takeover is an intermediate step to a hand-off to private corporations (Educational Management Organizations) or to mayors. States lack the capacity to operate school districts, takeovers are politically controversial, and they "have yet to produce dramatic and consistent increases in student performance."[90]

Private Management (Education Management Organizations). Despite a high political profile and publicly touted examples of success (as well as failures), the evidence is equivocal. Overall, no consistent test score advantages are found, while disruption and teacher turnover are high. Substantial test score losses are commonly reported in early years, with some controversial evidence suggesting that these losses are recovered in later years.

Charter Schools. Major national studies consistently indicate that charter schools have not demonstrated any clear test score advantage over regular public schools after prior achievement and demographic differences are considered. Unintended consequences often include increased segregation along ethnic, ability and socio-economic lines. No systemic evidence exists that they have yielded more innovation in educational practices than have other public schools.

Reconstituting Schools. The few cases where a large proportion of a school's employees have been changed show a great deal of disruption and no particular test score gains. They show no advantage in terms of making adequate yearly progress. Although 28 states have reconstitution provisions, it is seldom employed as a change strategy.

"Any Other." The GAO found 40% of restructuring schools using the "any other" option while the Center on Education Policy reports a much higher 86% to 96% of schools electing "any other" fundamental restructuring. The one study available suggests no significant advantage for the "any other" approach, but knowledge of the effectiveness of these options is sparse. The poor quality of

the data and the variety of approaches hinders high-quality explorations in this area. Thus, the "any other" option thrives in a highly populated, yet relatively unexplored, nether land of commonly accepted "best practices" that lack empirical support.

Discussion

With reauthorization before Congress and none of the five options showing marked success (albeit takeovers and reconstitutions were seldom used), a fundamental rethinking of the ultimate sanctions in the NCLB law is needed. We must first ascertain if the remedies can be remedied. If they cannot be reasonably expected to be effectively improved, then more promising avenues for school improvement require exploration.

Can the remedies be remedied?

Despite a compelling body of evidence to the contrary,[91] the core assumption of the NCLB law is that education can overcome the effects of impacted poverty and deprivation without further broad-based support or social interventions. The implicit theory is that if greater pressure is placed on schools through increasingly severe sanctions, then positive changes and greater efficiencies will be forced onto the schools. This perspective is reflected in contentions that "money doesn't matter"—that input-oriented policies are not effective.[92]

To support this assumption, restructuring advocates (including Education Secretary Arne Duncan) point to model or "lighthouse" high-poverty schools that have managed to make test score targets.[93] The Center for Comprehensive School Reform advances this claim, asserted in the past by the Heritage Foundation and Education Trust as well, that high-poverty schools can overcome low achievement through internal school reforms.[94] The message is that since "model schools" made their targets despite poverty and adverse conditions, others can be successful as well.

Unfortunately, success is not so easy. As University of Wisconsin Professor Douglas Harris discovered through a longitudinal analysis of these so-called exemplary schools, they were statistical outliers whose progress almost always regressed.[95] In multi-state statistical models, the NCLB adequate yearly progress goals inexorably consume virtually every school.[96] In reviewing the most prominent claims for schools that "beat the odds," Rothstein acknowledges that schools can have a great impact on student achievement, but he nevertheless finds the assertion that schools alone can overcome the effects of poverty on achievement to be unsupportable.[97]

In sum, the ultimate restructuring options show little promise for providing improvements of the magnitude needed to meet the NCLB requirements.

The Insufficient Capacity Concern

The need for extensive improvements in our urban and poorest schools is undeniable. Yet, no improvement effort or ultimate sanction can be expected to be successful if the resources are insufficient to do the job.

A near universal lament among states and districts is that they do not have the staffing, expertise, organizational capacity or funding to support large-scale and effective change strategies. While states vary considerably, insufficient numbers of staff, insufficient federal funding, and inadequate data systems thwart state capabilities to provide effective assistance.[98] A survey of state agencies by the American Institutes for Research reported only 16 states claiming a "moderate" capacity, while 33 states said their capacity was "limited."[99] For example, Massachusetts' Rennie Center calculated that a $14.35 million increase in that state's capacity was needed if its curriculum, professional development, assessment, data analyses and leadership needs were to be met.[100]

Assuming this capacity argument to have merit, the states' emphasis on "process" reforms, continuation of earlier efforts, and the use of "any other" restructuring system is understandable. Those approaches are inexpensive, and it requires limited expertise to ask local districts to develop plans, involve stakeholders, analyze data, form committees and the like. While such "drive by" technical assistance may be what states and districts can afford, there is little evidence that it will provide what they need.

Conclusion and Recommendations

None of the four major ultimate restructuring options—takeovers, private management, charters, and reconstitutions—has been shown to hold particular promise as an effective school reform strategy. The evidence suggests that, on average, private management and charter schools do not deliver the promised improvements. Our knowledge of takeovers and reconstitutions is more limited and confounded. Nevertheless, the lack of test score progress under any of these options, combined with negative side effects, is at best no improvement and at worst harmful. Given that these approaches are being proposed for the nation's most troubled schools, the solutions are likely to be woefully inadequate. Intriguing but virtually unexplored terrain is the potpourri of "any other" activities. We know little about the effectiveness of these approaches or their generalizability.

If the objective of reforms is improved educational performance, broadly conceived, more productive avenues may lie in those activities with direct and demonstrable links to the educational, social and health needs of children. This requires addressing poverty and health systems, shifting our emphasis to reforms with proven effectiveness, implementing and properly funding academic programs for our most needy children, and making adequate and focused investments in school improvements.

The greatest danger is not that these ultimate restructuring alternatives are simply ineffective; it is that they will deter and distract schools and districts from

exploring more promising approaches of achieving the goal of a sound basic education for every child. Therefore, it is recommended that policymakers:

- Refrain from relying on restructuring sanctions (takeovers, private management, charters, and reconstitutions) to effect school improvement. They have produced negative by-products without yielding systemic positive effects.
- Refrain from supporting the expansion of charter schools. Evidence indicates that, on average, they do not improve test scores or spawn the promised innovative practices. Furthermore, they may increase socioeconomic or ethnic segregation.
- Support research on the effectiveness of alternative improvement strategies that have been accepted as "best practices" but have not to date been supported by careful study. These include school planning, turn-around specialists, data analysis, and instructional coaches.
- Ensure that mandated requirements for technical assistance are met so that states and districts have the capacity to implement, support and sustain improvements.
- Support strategies that have been empirically demonstrated to yield significant school improvement. These include early education, longer school years and days, small school communities, intense personal intervention, strong counseling, and social support systems.

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[76] Center on Education Policy (2008, September). *A call to restructure restructuring: Lessons from the No Child Left Behind Act in five states*. Washington, DC: author, p. 2.

[77] Ziebarth, T. (2004a, March). State takeovers and reconstitutions. *State Notes: Takeovers.* Denver: Education Commission of the States., p 5.

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[79] Ziebarth, T. (2004, March). State takeovers and reconstitutions. *State Notes: Takeovers.* Denver: Education Commission of the States.

[80] U. S. Department of Education (2003). *No child left behind: a parent's guide.* Washington, DC: author, p. 9.

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[83] In the GAO study, the analysis of what schools were doing in restructuring grouped the four major restructuring options with "any other," which typically were "best practices." One-third of schools continued what they were previously doing ("best practices") without also employing one of the four major options. Six percent are estimated to have done neither restructuring nor "best practices."

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[85] Center on Education Policy (2007, May). Educational architects: Do state agencies have the tools necessary to implement NCLB? *From the capital to the classroom: Year 5 of the No Child Left Behind Act*. Washington, DC: author.

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[88] The CEP study did not provide technical details in the report or in a separate document on their regression equations, sample size or magnitude of the effects.

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