

Low Performing Schools in Urban High Poverty Communities



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COMMONWEALTH of VIRGINIA

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Director

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September 24, 2014

The Honorable John C. Watkins, Chair
Joint Legislative Audit and Review Commission
General Assembly Building
Richmond, Virginia 23219

Dear Senator Watkins:

The 2013 Appropriation Act directed the Joint Legislative Audit and Review Commission to review options to restructure low performing schools in Virginia.

This report was briefed to the Commission and authorized for printing on June 9, 2014. On behalf of the Commission staff, I would like to thank the staff of the Virginia Department of Education and Office of the Attorney General for assistance during this review. I would also like to acknowledge staff of local school divisions who provided information and assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hal E. Greer".

Hal E. Greer
Director

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JLARC Report Summary: Low Performing Schools in Urban High Poverty Communities

Key Findings

- Most of Virginia’s schools subject to school improvement efforts still continue to be low performing. However, nearly 40 percent of these schools improved compared to schools statewide following improvement efforts (Chapter 2).
 - Other states and cities have used school takeover to attempt to improve student achievement. Collectively, there is insufficient evidence to assess their effectiveness. These takeovers have often been long-term, complex efforts requiring additional funds (Chapter 4).
 - There is sufficient evidence to assess takeover efforts in Louisiana. More than 40 percent of Louisiana schools that have been taken over improved relative to all takeover schools, but most still remain low performing (Chapter 4).
 - Because Virginia schools using efforts less aggressive than state takeover have improved similarly to those in Louisiana—and due to the increased cost and disruption of takeovers—Virginia’s takeover statute should be repealed (Chapter 5).
-

Item 31.G.1 of the 2013 Appropriation Act directs JLARC to “study options for the restructuring of lowest performing schools and districts” in Virginia (Appendix A). The act includes direction to analyze the primary reasons for low school or district performance, review options (including takeover) used in other states and cities, and assess Virginia’s school improvement efforts to date. JLARC staff interviewed teachers and principals at urban high poverty schools in Virginia, staff at the Virginia Department of Education (VDOE) and national educational experts; analyzed Standards of Learning (SOL) test scores and other relevant school information; and reviewed school takeover and improvement efforts in selected other states and cities (Appendix B).

Improving Low Performing Schools in Urban High Poverty Communities Is a Longstanding Challenge

Because of factors outside of a school’s control, making sustained improvements in student achievement at schools in urban high poverty areas is extremely challenging. More than 50 years of research literature documents the negative effects of poverty on students. The federal government has attempted various initiatives for many years to improve student achievement at low performing schools.

In Virginia, low performing schools receive additional state assistance and are required to undertake certain improvement efforts. A school that fails to meet state accreditation requirements may be trans-

ferred to the control of the Opportunity Educational Institution, a policy board created in 2013 to supervise low performing schools.

Students at Virginia’s High Poverty Schools are Less Likely to Attend School, Succeed on SOL Tests, or Graduate

Compared to their peers in lower poverty areas, students at Virginia schools in high poverty areas are more likely to

- Miss more days of school than other students;
- Change schools during the school year;
- Score much lower on SOL tests; and
- Drop out before graduating high school.

The research literature is replete with evidence of the importance of having a sufficient number of effective teachers, using sound instructional practices, and providing additional student support services. Unfortunately, many high poverty schools—especially those that struggle—do not have these. The lack of these key practices further compounds the difficulty of negating the effects of high poverty.

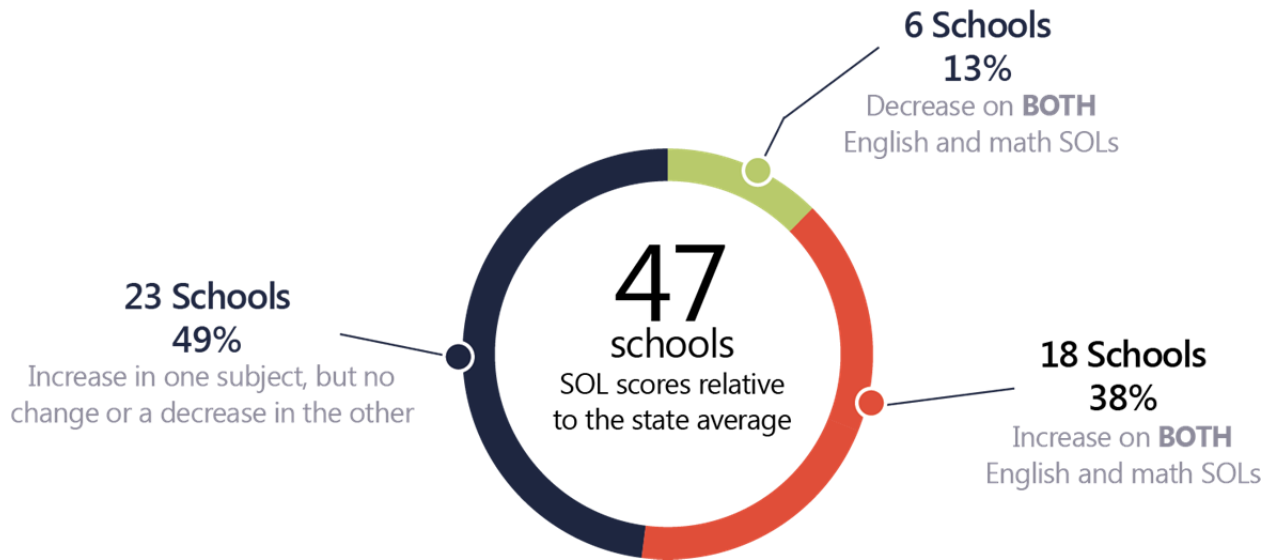
Nearly 40 Percent of Low Performing Schools Experienced Improvements in Student Achievement, But Most Remain Low Performing

The most persistently low performing schools in Virginia have been subject to several types of school improvement efforts in recent years. Nearly 40 percent of these schools subsequently experienced improvement in student achievement. Eighteen of 47 schools (38 percent) improved relative to the state average SOL score in English, math, or both subjects by 10 points or more (figure, facing page). Another 23 schools (49 percent) increased in one subject but not the other. However, none of these 47 schools exceeded the state average in both English and math. Compliance with state accreditation requirements following improvement efforts was mixed. Twenty percent of these schools never achieved accreditation. A majority, though, were accredited for at least some years following the initial improvement effort.

Effective Teachers and Principals, Recommended Instructional Practices, and Support Services Have Helped Some Urban High Poverty Students Achieve

Despite the challenges of high poverty, a few urban high poverty schools in Virginia are able to sustain relatively higher levels of student achievement. Although there is no single formula for success,

Eighteen of 47 Virginia Schools Improved Both English and Math SOL Scores



Source: JLARC staff analysis of 2007-2013 data from the Virginia Department of Education.

several attributes seem to distinguish these schools from other high poverty urban schools that struggle.

First, these schools tend to use recommended instructional practices more consistently. For example, in each of the higher performing, high poverty schools visited by JLARC staff, teachers and principals emphasized regularly analyzing student performance data to gauge how well they understand the material. They indicated that they use the data to adapt their teaching methods to each student's level of understanding and provide timely remediation when necessary. In one high performing elementary school, the teachers and principal attributed much of their success to the fact that teachers had spent several years studying and implementing a specific methodology for reading instruction that uses several recommended instructional practices.

Second, higher performing schools appear to have a more stable group of effective, committed teachers and strong principals. These teachers demonstrate a strong commitment to using effective instructional practices, as noted above, and participate in ongoing professional development. Turnover among teachers at these schools is also usually lower. One higher performing elementary school has had to replace only two teachers in the last three years.

Third, higher performing schools in Virginia's high poverty urban areas attempt to address needs that are not consistently met at home. For example, the two Achievable Dream schools in Newport

News use partnerships with the local business community and government entities to provide a variety of support services for students. The schools receive additional funding through donations and spend about 20 percent more per student than the Newport News school division average.

Results of State Takeovers are Difficult to Determine, and Most Face Financial and Logistical Challenges

School takeover has been most commonly used in 12 states. These other states, and cities, use differing entities to take over low performing schools, but nearly all involve their state board or department of education in the takeover process. Most states and cities are considering three primary criteria to determine when takeover is necessary: (i) a school's history of noncompliance with accountability requirements, (ii) whether student achievement has improved or worsened in recent years, and (iii) the local school district's capacity to improve the school on its own.

Some urban high poverty schools taken over by other states and cities have experienced improvement, but overall there is limited evidence that state and city takeovers substantially improve student achievement. The impact of most state and city takeovers is difficult to determine because they are too recent to assess, or because consistent, long-term data on student achievement is not available.

State divisions for low performing schools face financial and logistical challenges that can require new education funding. State divisions in Louisiana and Tennessee increasingly rely on charters, because directly operating schools is more costly and logistically difficult to administer through a state division.

More Than 40 Percent of Takeover Schools in Louisiana Have Improved, But Most Are Still Low Performing

In Louisiana, takeovers have had a moderately positive impact on urban high poverty schools. More than 40 percent of schools (19 of 43 schools) in the state's Recovery School District improved their school performance scores relative to the state average. On average each year, 21 percent (nine schools), though, declined relative to the state average.

Many schools in the Recovery School District still remain lower performing. Nearly half are still rated as either D or F. Between 2008 and 2013, only 11 of the 43 schools exceeded the state average school performance score for at least one year, while the other three-quarters of schools remained below the state average.

State Takeover Should Not Be Implemented

State takeover is the most disruptive and costly mechanism available to states to address low performing schools. Transferring a low performing school to state control removes the school from supervision by the local school board, the members of which are generally elected by popular vote in Virginia. State takeover also requires establishing a state agency with new state education staff.

Even if implemented, state takeover is not necessarily more likely to improve low performing schools than other, less disruptive and less costly mechanisms. The impact of school improvement efforts through takeovers in other states is not substantially different from Virginia's improvement efforts. For most states and cities using school takeovers, limited evidence is available to assess the impact of these efforts on school performance.

State funding for the newly required state division must be provided either from existing state education funds previously allocated to the local school division, or from another revenue source. Given the extended period often needed to substantially improve performance in urban high poverty schools, and the takeover experiences in other states, funding for a state division will likely be needed for the long term. Further, Virginia's OEI as currently constructed lacks essential elements found in takeover entities in other states and recommended by education experts.

The General Assembly's recognition of the serious need to improve low performing schools through OEI was well founded and constructive. Through the creation of OEI, the legislature underscored the importance of addressing the longstanding challenge of Virginia's chronically low performing schools. OEI embodies the critical concept that, in certain cases, the state does need to assert more authority and play a more prominent role.

However, without more evidence that state takeover will necessarily result in higher academic achievement in low performing schools, there is insufficient basis to move forward with implementation of OEI. There are additional steps short of state takeover that Virginia should consider. Several of these steps are discussed in the final chapter of this report. The General Assembly may wish to consider repealing the statute establishing the OEI and eliminating funding for its board and staff.

State Can Facilitate Improvement Without Taking Over Schools, But State Authority Needs to Be Established

There are no easy or obvious solutions to the problem of low performing schools in high poverty urban areas, but the state has several good options to consider. There is no single approach that will

always produce sustained, substantial improvement in urban high poverty schools. Experience in Virginia and other states has shown that the exact approach chosen is not necessarily what matters. Rather, what matters is whether a school has effective teachers who use appropriate instructional practices with sufficient support services.

Stronger, mandatory MOUs between the state Board of Education and those divisions with persistently low performing schools would enable the state to make overriding and binding decisions related to certain budgetary, personnel, and instructional decisions impacting school performance. Such MOUs would avoid the disruption, costs, and complexity associated with state takeover. JLARC staff recommend that the state Board of Education enter into more stringent, mandatory MOUs with local school divisions that have low performing schools meeting certain criteria. These MOUs would compel school divisions to make more effective budgetary, personnel, and instructional decisions impacting school performance.

The state's authority for stronger, mandatory MOUs needs to be established in the Code and Constitution of Virginia. JLARC staff recommend that the General Assembly consider amending the Code of Virginia and the Constitution of Virginia as necessary to establish state authority to compel low performing school divisions to enter into mandatory MOUs through which the state can make overriding budgetary, personnel, and instructional decisions as needed to improve performance.

There are a number of state-level options for supporting schools in their efforts to attract and retain effective, committed teachers in urban high poverty schools. Even low performing schools have at least some teachers with the necessary ability and commitment. The difficulty is having a *sufficient* number of these teachers. Addressing the need for teachers in high poverty schools requires developing a dedicated "pipeline" of teachers and principals. JLARC staff recommends providing planning grants to facilitate increasing the supply of teachers specifically trained and dedicated to urban high poverty schools.

In addition, certain non-traditional models can improve low performing schools by using different instructional practices or providing additional support services for students. As with traditional public schools, the success of these models depends on key practices associated with student achievement. A number of low performing, urban high poverty schools are already using or seeking approval to use these models, such as year-round schooling.

Improving Low Performing Schools Is a Longstanding Challenge

In Summary

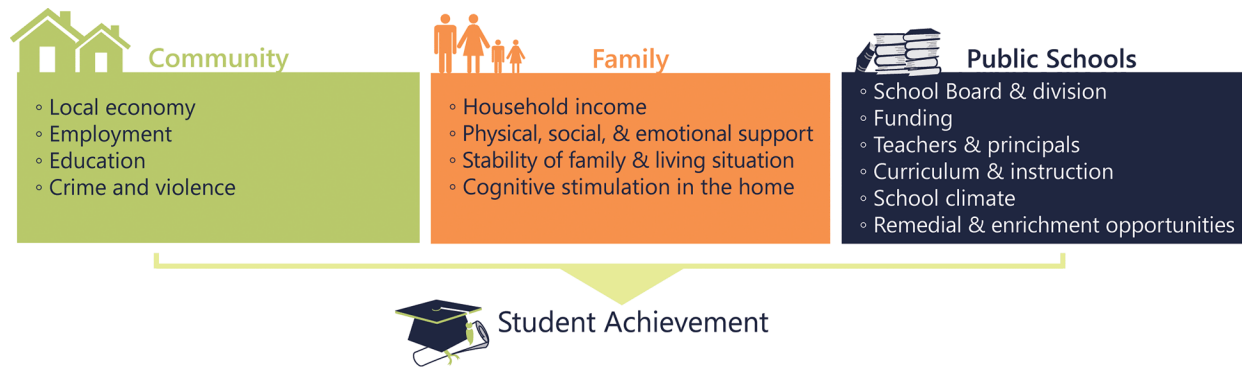
Because of factors outside of a school's control, making sustained improvements in student achievement at schools in urban high poverty areas is extremely challenging. More than 50 years of research literature documents the negative effects of poverty on students, including those that may limit the cognitive development of children. The federal government has attempted various initiatives for many years to improve student achievement at low performing schools. In Virginia, school divisions must meet minimum standards to be accredited. These standards apply to all divisions, including those with very high concentrations of students living in poverty. Low performing schools in Virginia receive additional state assistance and are required to undertake certain improvement efforts. Under new legislation in Virginia, a school that fails to meet state accreditation requirements may be transferred to the control of the Opportunity Educational Institution, a policy board created in 2013 to supervise low performing schools.

The mandate for this study directs JLARC staff to review “options for the restructuring of lowest performing schools and districts” in Virginia (Appendix A). Specific items in the mandate require JLARC staff to

- analyze the primary reasons for low school or district performance;
- consider restructuring options, including takeover, used in other states and cities, and the outcomes of these efforts;
- assess Virginia's school improvement efforts to date, and identify successful approaches for urban high poverty schools in the state that could be replicated; and
- consider appropriate criteria for state intervention decisions, and estimate the state resources and expertise required to implement various restructuring alternatives.

To address the study mandate, JLARC staff interviewed teachers and principals at urban high poverty schools in Virginia; reviewed the research literature on school improvement and best practices for supporting student achievement in high poverty schools; analyzed school-level Standards of Learning test scores and other relevant data; interviewed Virginia Department of Education (VDOE) staff and national education experts; and reviewed school takeover and improvement efforts in selected other states and cities. (See Appendix B for more on the research methods used in this study.)

Figure 1: Student Achievement Is Influenced by Community, Family, and Public Schools



Source: JLARC staff analysis of education literature.

The focus of this report is primarily on high poverty schools in urban communities. The study mandate directed JLARC staff to identify successful improvement options for “high poverty *urban* schools within Virginia.” In addition, all of the schools required to be transferred to the Opportunity Educational Institution are in urban localities, and the vast majority of schools eligible for optional transfer are also in urban localities. However, because high poverty schools in rural communities face many of the same problems as urban schools, some rural high poverty schools are also included in certain analysis for this report.

NEGATIVE EFFECTS OF POVERTY HINDER STUDENT ACHIEVEMENT

Like most states, Virginia has some public primary and secondary schools with persistently low test scores and pass rates. Many of these schools are in urban high poverty areas. The influence of factors beyond the control of schools is part of what makes achieving sustained improvement at urban high poverty schools such a challenge (Figure 1). The community and family in which children grow up can have a significant influence on their ability to learn.

For example, research indicates that children living in communities with high rates of crime, violence, and substance abuse tend to have lower achievement levels. The adverse effects of crime, violence, drug abuse, and drug dealing can be even more pronounced in urban areas, where a concentrated population can expose children to more of these influences.

The negative effects of poverty on student achievement are well established through more than 50 years of research literature (Exhibit 1). Compared to children from higher income families, children from lower income families are less likely to live in a

stimulating environment that promotes cognitive development and readiness for school. For this reason and others, high poverty levels are strongly predictive of lower academic achievement.

The public school system plays an important role. Research highlights the importance of high quality instructional practices and effective, dedicated teachers. Compared to other school-based factors, a teacher can have two to three times the impact on a student's performance on reading and math tests. The leadership provided by school boards, superintendents, and principals is critical to ensuring that schools have effective teachers, adequate funding, and an appropriate curriculum.

FEDERAL GOVERNMENT HAS ATTEMPTED TO ADDRESS POVERTY IN SCHOOLS FOR DECADES

Improving student achievement in high poverty schools has been the focus of federal efforts for nearly 50 years. The federal Elementary and Secondary Education Act of 1965 was intended to address the impact of poverty on student achievement by providing federal funds for schools with high concentrations of students living in poverty. These funds are commonly used to provide additional instruction in reading and math for low income students, including before- and after-school and summer school programs. The act was

Exhibit 1: Poverty Creates Significant Challenges That Can Limit a Child's Academic Achievement

Multiple aspects of poverty can limit the cognitive development of infants and children.

- Families below the poverty line are less likely to engage their children in activities that enhance their cognitive development (Bradley et al., 1994).
- By age three, children in lower income families are estimated to hear 30 million fewer spoken words than children in higher income families. These disparities are strongly predictive of vocabulary test performance at ages nine and ten (Hart & Risley, 2003).
- Low-income students who experience homelessness or frequent moves experience (i) lower reading ability in first grade and (ii) less growth in reading and math achievement between the third and eighth grades (Herbers et al., 2012).

Poverty and socioeconomic status are strongly associated with lower student achievement.

- A study known as the Coleman report, commissioned by the federal government in 1964, identified a child's family background as a primary determinant of his or her academic achievement (Coleman, 1966).
- For most students who begin school significantly behind their peers, the achievement gap widens through the elementary and secondary school years (Rand Corp., 2005).
- In 2007, students from low income families were 10 times more likely to drop out of high school than students from high income families (Cataldi et al., 2009).

Source: JLARC staff analysis of the research literature on poverty and student achievement.

reauthorized in 1994 to require that states receiving federal education funds implement an accountability system to ensure that all schools—including high poverty schools—are held to the same educational standards.

A subsequent reauthorization of the Elementary and Secondary Act in 2001, known as No Child Left Behind, required states to make regular progress toward eliminating achievement gaps. The law specified consequences for schools that consistently failed to make adequate yearly progress. Schools that fail to make progress for five consecutive years are given five restructuring options to change how the school is operated. More recently, the federal government has provided grant funding for a variety of school improvement efforts.

ALL VIRGINIA SCHOOL DIVISIONS MUST MEET MINIMUM STANDARDS

The state and each school division, including divisions that are urban and have a high percentage of students living in poverty, have a shared stake in children receiving an effective education. The Constitution and Code of Virginia assign the state and local school divisions responsibility for providing a free and high quality system of K-12 education. The Code of Virginia specifies that a system of free public elementary and secondary schools shall be administered by the state Board of Education and Superintendent of Public Instruction as well as by local division superintendents and school boards.

Virginia's School Divisions are Highly Diverse, and Some Have Very High Levels of Poverty










There are about 1.3 million students in Virginia's 132 school divisions. These students attend 1,867 schools, which comprise 1,199 elementary schools, 309 middle schools, 309 high schools, and 50 schools with alternative grade compositions. Virginia's school divisions that operate these schools vary considerably in size, poverty rate, student demographic characteristics, and per-student expenditures (Figure 2).

More than 40 percent of students in Virginia's public K-12 schools live in poverty. These students are mostly concentrated in a small number of school divisions. Seven of Virginia's school divisions have poverty rates that exceed 70 percent. Sussex County has the highest poverty rate at 81 percent.

Measuring Poverty in Public Schools

The poverty rate in public K-12 schools is most commonly measured as the percentage of students qualifying for free or reduced price lunch through the National School Lunch Program. This measure is used in this report.

Figure 2: School Divisions Vary Widely, Including By Percentage of Students in Poverty

	High	State Average	Low
Number of students	180,616 (Fairfax County)	9,582	205 (Highland County)
% Poverty	 81% (Sussex County)	 43%	 7% (Falls Church City)
% Black	 92% (Petersburg City)	 24%	 0% (multiple counties)
% Limited English proficiency	 38% (Manassas City)	 7%	 0% (multiple counties)
Annual spending per student	\$18,762 (Arlington County)	\$10,969	\$8,304 (Norton City)

Note: Data is for 2012-2013 academic year.

Source: JLARC staff analysis of data from VDOE.

Virginia School Divisions and Schools Must Meet Minimum Standards

The Virginia Constitution and Code of Virginia set forth standards designed to provide all students with a minimum level of resources and schools that meet minimum standards. These standards generally apply regardless of a division’s characteristics, including its level of poverty. These are specified in the Standards of Quality (SOQ), which apply to all public schools and school divisions and are subject to revision only by the General Assembly. Both the state and localities provide funds for local school divisions to meet the SOQs.

The SOQs include Virginia’s Standards of Learning (SOLs), which form the core of instructional programs at elementary and secondary schools. SOLs specify minimum content for the primary subjects of English, mathematics, science, history, and social science, as well as basic skills such as communication, critical reasoning, and proficiency in computers and related technology. Local school boards are required to implement an instructional program that aligns with or exceeds the SOLs.

The SOQs also provide standards for accrediting K-12 schools. Accreditation standards are prescribed by the state Board of Education and are based on minimum pass rates for SOL exams in

Figure 3: State Accreditation Standards Require Virginia Schools to Meet Minimum SOL Pass Rates and Graduation Rates

	Fully Accredited	Accredited with Warning	Accreditation Denied
English	≥ 75%	< 75%	School fails to meet requirements for fully accredited rating for four consecutive years
Mathematics	≥ 70	< 70	
Science	≥ 70	< 70 or	
History	≥ 70	< 70	
Graduation completion index value (high schools)	≥ 85	< 82	

Note: The graduation completion index is based on the on-time graduate rate for students who began ninth grade four years earlier. The index is calculated from the number of students earning a standard diploma, GED, or certificate of completion, and students that are still in school or that dropped out. High schools that meet minimum SOL pass rates and earn a completion index of 82-84 are rated “provisionally accredited—graduation rate.”

Source: JLARC staff analysis of the Code of Virginia, Virginia Administrative Code, and information from VDOE.

English, math, science, and history, as well as graduation rates for high schools (Figure 3). Schools are rated “accredited with warning” if they fail to meet the minimum pass rate on any of these four exams or—in the case of high schools—score lower than 82 on the Virginia Graduation and Completion index. Schools that fail to meet these conditions four consecutive years are rated “accreditation denied.”

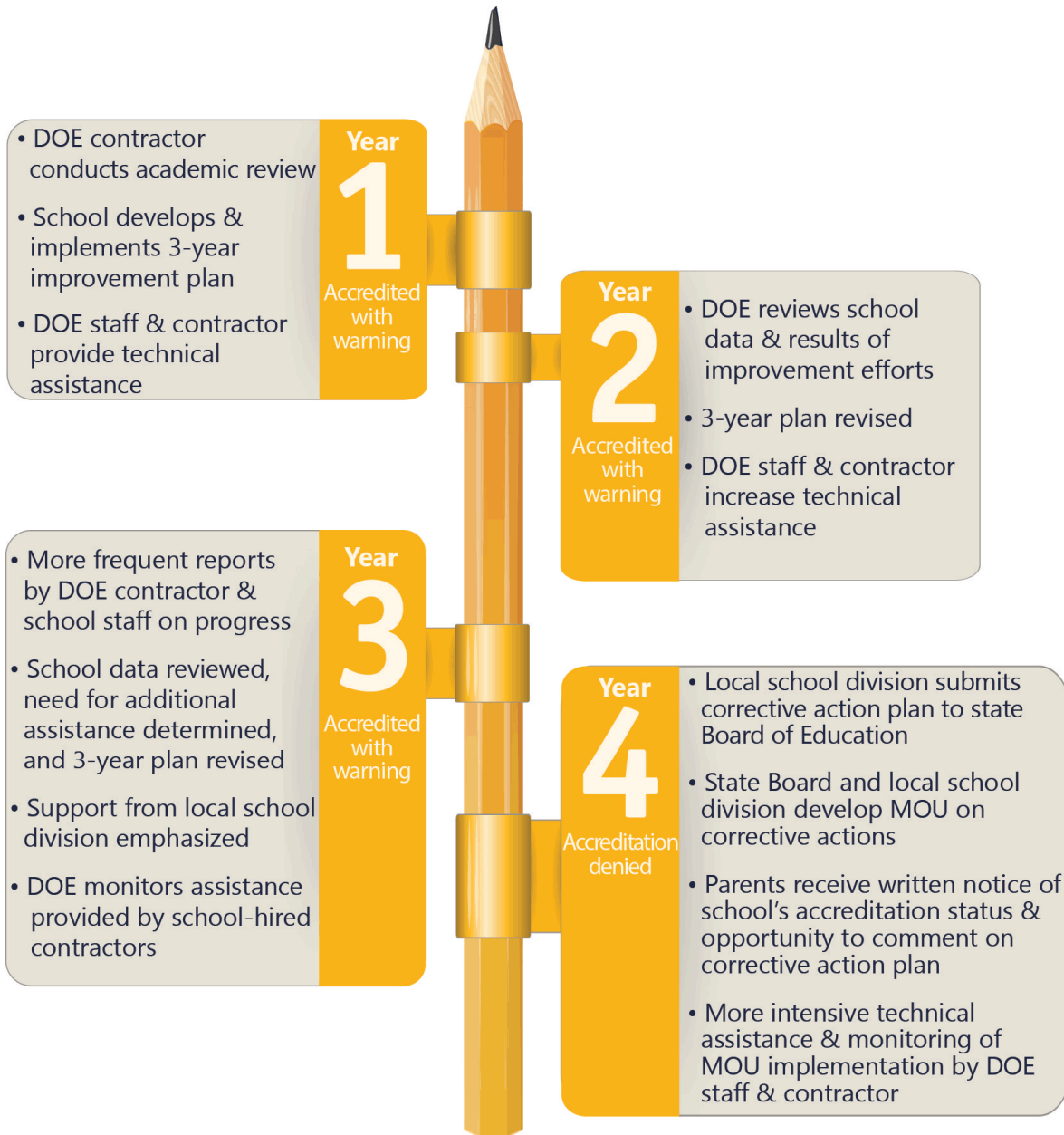
Virginia’s Efforts to Improve Low Performing Schools Include Increased Assistance and Potential State Takeover

Virginia’s Graduation and Completion index is one indicator of the success of a high school. The index is calculated from the number of students who have earned a standard diploma, GED, or certificate of completion, and students who are still in school or who dropped out.

Schools in Virginia that fail to meet the requirements for a rating of “fully accredited” receive state assistance and are required to undertake certain improvement efforts (Figure 4). During the first year of a rating of “accredited with warning,” schools undergo an academic review by VDOE to identify the reasons for their failure to achieve full accreditation. These schools are required to develop a three-year improvement plan for increasing student achievement and returning to full accreditation. Approximately 74 percent of all schools return to full accreditation after one year, and approximately 90 percent reach full accreditation after two years.

VDOE provides increasing assistance to schools that remain accredited with warning for a second and third consecutive year. Schools rated “accreditation denied” continue to receive assistance and are required to develop a Memorandum of Understanding (MOU) with the state Board of Education that specifies actions to

Figure 4: Schools Failing to Meet Accreditation Requirements Receive State Assistance and Must Undertake Certain Improvement Efforts



Source: JLARC staff analysis of information from VDOE, the Code of Virginia, and the Virginia Administrative Code.

be taken to regain full accreditation. In lieu of an MOU, a school may implement a reconstitution of its organizational structure and seek approval from the state board for a one-year rating of “conditionally accredited—reconstituted.”

Persistent noncompliance with state accreditation requirements may result in state takeover. In 2013 the General Assembly enact-

State Takeover

As of 2007, approximately 35 states nationwide had laws authorizing the state or a local government to take control of schools due to persistently low student achievement or financial mismanagement.

These laws generally provide for the conditions under which such schools are transferred to the state or local government, and how they are returned to the local school board.

ed legislation to create the Opportunity Educational Institution (OEI), a state entity to be charged with taking over low performing schools until they return to full accreditation. The OEI is governed by a nine-member policy board, consisting of four state legislators, appointed by the General Assembly, and five citizen members, appointed by the governor. The OEI has an executive director, also appointed by the governor in 2013, but staffing and operations of the OEI will be subject to an appropriation by the General Assembly.

Under the new legislation, any school denied accreditation must be transferred to the OEI. Schools rated “accredited with warning” for three consecutive years can be transferred by a majority vote of the OEI board (§ 22.1-27.2). The new law gives the OEI authority to operate schools “in whatever manner that it determines to be most likely to achieve full accreditation,” and requires that total per-student expenditures from all state, local, and federal funding be transferred to the OEI with the school. OEI schools are eligible to return to their local school division upon achieving full accreditation. Under provisions of the OEI law, six Virginia schools meet the criteria to be transferred by mandate to OEI control for the 2014-2015 academic year, and a number of other schools would be eligible for transfer at the discretion of the board (Appendix C).

The constitutionality of the OEI is being challenged in state court by the Virginia School Boards Association and the City of Norfolk. The plaintiffs argue that OEI statute violates the provision of the Constitution of Virginia that gives the State Board of Education rather than the General Assembly authority to establish school divisions (Article VIII, Section 5). The plaintiffs also assert that the OEI is unconstitutional because it is governed by a policy board and not by a school board (Article VIII, Section 7).

Virginia's High Poverty Schools Often Struggle to Substantially Improve Student Achievement

In Summary

Virginia's urban high poverty schools face significant challenges. The state's highest poverty schools have lower student attendance rates and fewer students who are continuously enrolled for the full school year. Furthermore, only two of the state's 120 highest poverty elementary schools scored above the state median on the English SOL. In many of these schools, the challenges of poverty are exacerbated by an insufficient number of effective, committed teachers and the inconsistent use of recommended instructional practices. School improvement efforts had a moderate impact on schools in Virginia. Nearly 40 percent of schools improved in both English and math SOL scores relative to state averages following improvement efforts, though none exceeded the state average score on both tests. The primary barriers to improvement were difficulty attracting and retaining effective, committed staff and difficulties with the relationship between schools and their education consultants.

The mandate for this study directs JLARC staff to assess the outcomes of school improvement efforts in Virginia. Many of Virginia's improvement efforts have been undertaken by schools in high poverty communities. Assessing the outcomes of these efforts should account for the significant challenges of poverty. Understanding (1) whether these prior efforts have been effective and (2) the reasons for their success or failure is critical to crafting more effective school improvement efforts.

POVERTY IS OFTEN ASSOCIATED WITH LOW SCHOOL PERFORMANCE

Extreme poverty in Virginia tends to be highly concentrated in urban areas. Three-quarters of the elementary schools with the highest poverty rates are in cities, including Richmond, Petersburg, Newport News, Norfolk, and Portsmouth. The most impoverished schools have anywhere from 60 percent to all of their students living in poverty. (Appendix D provides more information on local school divisions with the highest poverty rates.)

To assess the factors influencing student achievement in urban high poverty schools, JLARC staff analyzed Standards of Learning (SOL) test score data and other information available about all schools. In addition, staff examined 18 high poverty schools through site visits and document reviews. Staff visited nine schools and reviewed documentation for 12 (three of which were also visited by JLARC staff). Of these 18 high poverty schools, 11 had low student achievement and seven had relatively higher lev-

els of student achievement. (Appendix B includes a more detailed description of the site visits and document reviews conducted by JLARC staff.)

Urban Poverty Poses Significant Challenges for Students and Staff in Virginia Schools

The effects of poverty present significant challenges to student learning in Virginia’s urban high poverty schools. The most basic element for academic success—regular student attendance—is often not present in high poverty schools. Student attendance tends to be lower in elementary and secondary schools with higher poverty levels. A JLARC staff analysis of school data for all public K-12 schools in Virginia found a moderately strong correlation ($r=.46-.55$) between a school’s student attendance rate and the percentage of students living in poverty. Irregular attendance can make it difficult for a student to learn all the material tested on SOL exams, requiring teachers to reteach material that was missed, and may lead to remedial instruction if the student cannot catch up.

Higher poverty schools also tend to have more mobile student populations. According to JLARC staff analysis of data for all K-12 public schools, there is a moderately strong correlation ($r=.30-.49$) between the percentage of students who remain continuously enrolled in a school for a full academic year and the percentage of students living in poverty. Low rates of continuous enrollment often result from high levels of mobility and homelessness, which are more common among children living in poverty. Moving to a new school can disrupt a student’s academic progress. Proficiency must be reassessed with benchmark exams before a student can begin learning required material. The stress of moving and adapting to new surroundings may also make it more difficult for a child to concentrate on classwork.

The principal at one high school estimated that on any given day at least one-third of the students arrive at school not ready to learn because of difficulties at home, such as having not slept or eaten enough or having witnessed violent or criminal behavior.

Teachers and principals at each of the nine high poverty schools visited by JLARC staff cited poverty as a significant challenge to their students’ academic progress. The principal at one high school estimated that on any given day at least one-third of the students arrive at school not ready to learn because of difficulties at home, such as having not slept enough or eaten enough or having witnessed violent or criminal behavior. The same principal said that roughly two-thirds of the students live in single-parent homes, and that in some cases students are being raised by relatives other than parents. Staff at each of the three middle and high schools visited by JLARC staff reported that many students have difficulty completing homework or attending before- or after-school remedial sessions because they are caring for younger siblings. Staff at four schools visited by JLARC staff cited the impact of intergeneration-

al poverty, noting that many students do not see the value of education because their parents did not benefit from the education system.

Some students living in poverty lack basic experiences and knowledge, which can make learning more difficult. The following case study illustrates the challenges this creates for one elementary school where more than 80 percent of the students live below the poverty line:

According to teachers at one urban high poverty elementary school, many students from a nearby public housing complex lack basic experiences and knowledge. It is often more challenging to teach some material to these students. For example, several students had never seen a garden, and one student did not know that vegetables grow from the ground. To support science curriculum in the classroom, the teachers organized a community garden on school grounds to show students how vegetables grow. The teachers emphasized that making up for these deficits often requires serving as surrogate parents for students.

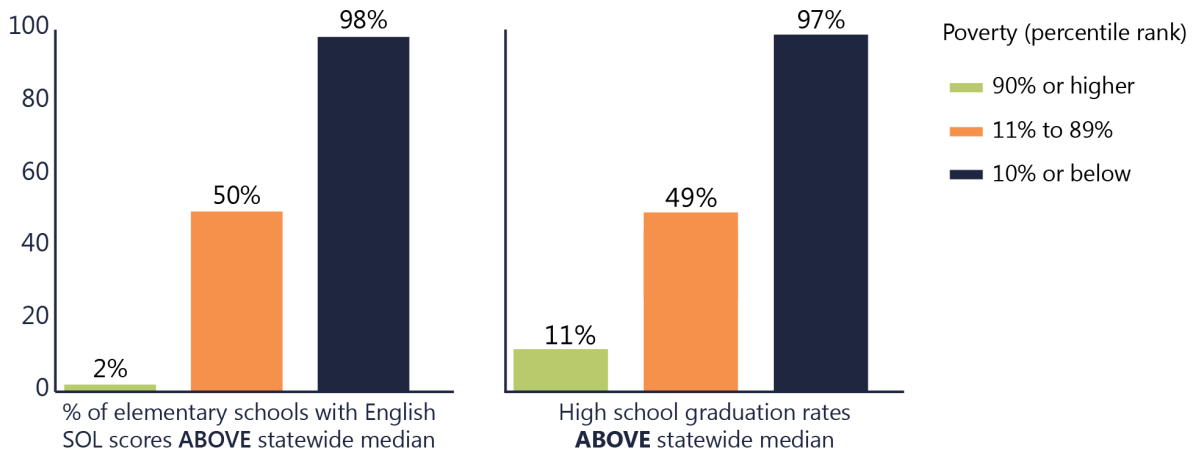
Students in urban communities with high poverty rates are also likely exposed to other environmental factors that may influence their academic achievement. Cities such as Richmond, Petersburg, and Norfolk tend to have higher crime and unemployment rates than many suburban and some rural localities.

High Poverty Schools Have Lower SOL Test Scores and Graduation Rates and Are Less Likely To Be Fully Accredited

The poverty rate within Virginia schools is strongly linked with low student achievement as measured by SOL test scores, graduation rates, and a school's accreditation rating. The highest poverty schools rarely score above the state median on SOL English and math exams, while scores at the lowest poverty schools nearly always exceed the state median (Figure 5). Among the more than 100 elementary schools with the highest poverty rates (77 percent or higher), only two schools had English SOL scores greater than the state median in 2013. Among the 10 percent of elementary schools with the *lowest* poverty rates (below 10 percent), only two had English SOL scores below the state median. A similar pattern is found for English SOL scores among middle and high schools, as well as for math SOL scores among elementary and secondary schools.

Graduation rates tend to be lower in high schools with high poverty levels (Figure 5). The 10 percent highest poverty schools had an average on-time graduation rate of 81.9 percent in 2013,

Figure 5: Highest Poverty Schools Rarely Exceed State Median English SOL Test Scores and Have Lower Graduation Rates



Note: Data is for 2012-13 school year.

Source: JLARC staff analysis of data from Virginia Department of Education.

compared to 96.5 percent for the 10 percent lowest poverty schools. Similarly, the dropout rate for the highest poverty schools was 10 percent in 2013, compared to 1.9 percent in the lowest poverty schools.

The highest poverty schools are also substantially more likely to be rated “accreditation denied” or “accredited with warning” than the lowest poverty schools. Over the last three years, the highest poverty elementary schools (poorest 10 percent) were rated “accreditation denied” or “accredited with warning” about 25 percent of the time. In contrast, the lowest poverty elementary schools received this rating less than one percent of the time. This disparity was even more pronounced among secondary schools, where the highest poverty schools were rated “accreditation denied” or “accredited with warning” nearly half the time, while none of the lowest poverty secondary schools received these ratings.

NOT ENOUGH EFFECTIVE STAFF AND POOR INSTRUCTIONAL PRACTICES OFTEN EXACERBATE CHALLENGES OF HIGH POVERTY

The research literature is replete with evidence of the importance of having a sufficient number of effective teachers, using sound instructional practices, and providing additional student support services. Unfortunately, many high poverty schools—especially those that struggle—do not have these. The lack of these key elements further compounds the difficulty of negating the effects of high poverty.

Lower Performing Schools Often Lack a Sufficient Number of Effective, Committed Teachers

Education research consistently concludes that effective teachers are among the most important elements for strong academic performance in schools. A strong principal to recruit and guide the teachers is also critical. Lower performing, high poverty schools tend to have difficulty recruiting and retaining good teachers. Seven of the 11 lower performing schools reviewed by JLARC staff reported lacking enough effective, committed teachers. At one high school visited by JLARC staff, the principal described almost 20 percent of the school's teachers (or about 10 teachers) as "ineffective" and needing to be replaced, including one teacher who has been teaching at the school for nine years. Staff at this school acknowledged in a grant application the need for "systemic change to reverse deeply embedded patterns of dysfunction among some of our staff." Similarly, a middle school principal told JLARC staff that in a typical year approximately one-fourth of the school's teachers are "ineffective" in the classroom.

Provisional Teaching License

The Virginia Administrative Code defines a provisional license as "a nonrenewable license valid for a period not to exceed three years issued to an individual who has allowable deficiencies for full licensure." An allowable deficiency could include not having completed all required coursework or the student teaching requirement for full licensure.

Furthermore, staff of at least two of the 11 lower performing schools reviewed for this study stated that they tend to rely more heavily on long-term substitutes, less experienced teachers, and—in some cases—teachers with provisional licenses. These teachers may not have the skills or commitment to support learning in high poverty schools. The principal at another middle school told JLARC staff that the math department has several long-term substitutes who generally lack a commitment to student learning and have a poor understanding of the material.

The insufficient number of effective, committed teachers stems from (i) not enough qualified applicants for positions and (ii) an unwillingness in certain cases to replace ineffective teachers. For example, the principal of a middle school told JLARC staff that many of the candidates applying for teaching positions lack the skills to teach in *any* school. Several principals cited two challenges with replacing ineffective teachers:

- the time and documentation required to terminate an ineffective teacher, in part because two years of documented training and observations of the teacher are required; and
- an inability to recruit quality teachers to replace those who are terminated.

VDOE staff indicated that it was common for low performing schools to be unwilling to remove ineffective teachers.

Low Performing Schools Often Do Not Use Recommended Instructional Practices

There is widespread agreement among education researchers on the instructional practices that best support student achievement. Given the challenges facing students living in poverty, these practices are especially critical in urban high poverty areas. One practice recommended in the literature is using student data to identify the skill levels of individual students and areas needing improvement. Teachers can use this information to adapt their lesson plans and teaching methods to address the needs of all of their students, typically by dividing students into small groups based on skill level (often referred to as *differentiated instruction*).

Research also indicates that schools should provide timely remediation to students who have been identified by the data as needing more intensive assistance, particularly students below grade level in core subject areas. Schools should monitor each student's response to remediation to determine whether it should be continued or whether a more intensive intervention is needed.

Extended learning time, which can include before- and after-school programs and longer school days, is another practice discussed in the school improvement literature. Additional learning time is often used to provide remediation to struggling students, but it can also be used to provide regular instruction to all students.

Recommended instructional practices such as these do not appear to be consistently used in lower performing schools. For example, consultants hired to support school improvement efforts at two lower performing Virginia schools concluded that

- teachers “need to increase their use of technology in the lessons and become versed in the use of small group differentiated instruction” and
- “rules and procedures need to be established for group work and using small groups for differentiated instruction.”

SCHOOL IMPROVEMENT EFFORTS IN VIRGINIA HAVE HAD A MODERATELY POSITIVE IMPACT ON STUDENT ACHIEVEMENT

The most persistently low performing schools in Virginia have been subject to three major types of school improvement efforts. First, four individual schools rated “accreditation denied” in the last five years have entered into memoranda of understanding (MOUs) with the state board of education. The MOUs outline the reforms the school divisions agree to implement to improve the schools' accreditation status, and contain provisions allowing the board and VDOE to monitor implementation. Second, as an alternative to an MOU, approximately 38 schools have undergone re-

Reconstitution

According to the Virginia Standards of Accreditation, a reconstitution can be used to initiate a range of actions to improve student performance, curriculum, and instruction to address deficiencies that caused a school to be rated “accreditation denied.”

These actions can include the restructuring of a school’s governance, instructional program, staff, or student population.

constitution (see sidebar) and applied to the state board for a rating of “conditionally accredited—reconstituted” since 2007. Third, since 2010, 85 schools have been awarded federal School Improvement Grants totaling \$82.2 million to support their improvement efforts. As a condition of the grant, schools are required to implement one of several reform models. (Appendix E lists the lowest performing schools that were awarded grants, and the total grant amounts awarded.) A total of 111 schools have implemented improvement efforts through one or more of these means.

Based on these three types of improvement efforts, for this analysis JLARC staff defined as “low performing” schools that were

- rated “accreditation denied” and were subject to an MOU,
- rated “accredited with warning” for three consecutive years and reconstituted in lieu of an MOU, or
- among the lowest five percent of Title I schools or Title I-eligible schools and received a school improvement grant.

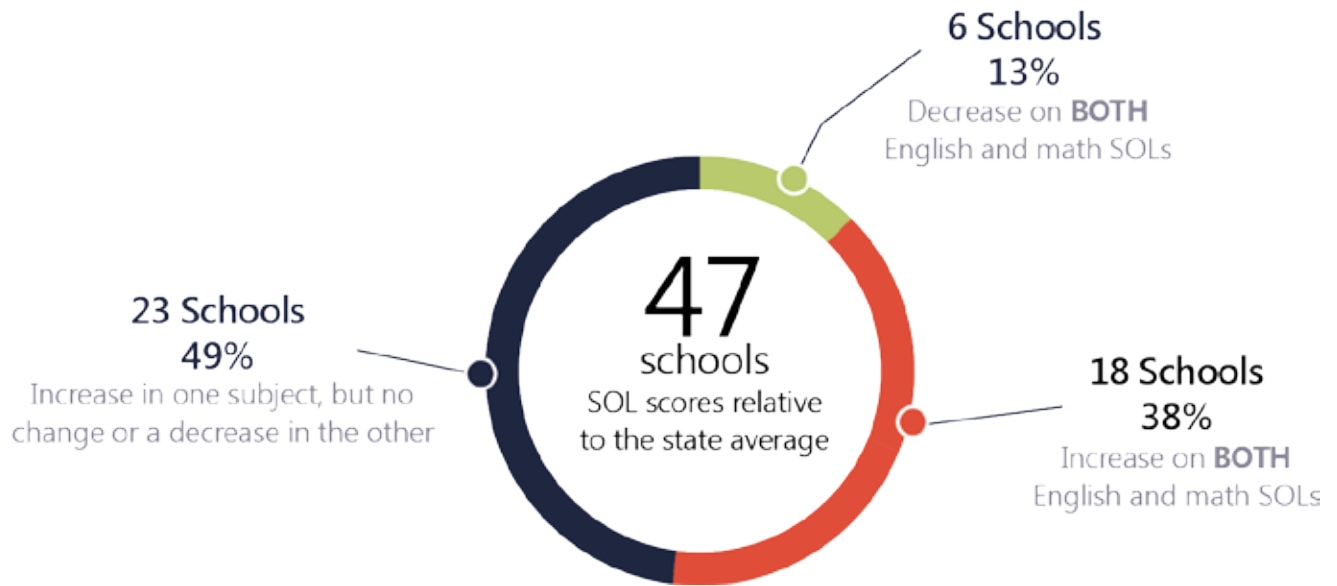
This review analyzed SOL test and accreditation data for 47 of these 111 schools. Some schools were excluded because their improvement efforts were too recent to assess. Other schools receiving school improvement grants were excluded because the schools were not among the lowest five percent of schools in Virginia based on student achievement in English and math SOL test scores. The 47 schools reviewed included 14 of the 25 schools currently eligible for transfer to the OEI, including all six schools required to be transferred by statute. More than half of these schools (55 percent) are located in cities, with the remaining schools located in suburban or rural localities.

One of the major challenges of assessing school performance is drawing a definitive cause-and-effect relationship between attempts to improve performance and any subsequent change in performance. In most cases, this report compares test scores prior to a school improvement effort to scores in later years after the efforts have had time to have an effect. This approach measures whether changes occurred but does not definitively determine whether it was the school improvement efforts that caused the changes.

Nearly 40 Percent of Low Performing Schools Experienced Improvement in Student Achievement

Nearly 40 percent of the low performing schools that underwent improvement efforts subsequently experienced improvement in student achievement. Eighteen of the 47 schools analyzed (38 percent) improved relative to the state average SOL score in English, math, or both subjects by 10 points or more (Figure 6). Another 23 schools (49 percent) increased in one subject but not the other. Six

Figure 6: Eighteen of 47 Virginia Schools Improved Both English and Math SOL Scores



Source: JLARC staff analysis of 2007–2013 data from Virginia Department of Education.

schools (13 percent) declined further from the state averages in both English and math SOL scores.

None of these 47 schools exceeded the state average in English and math, though three schools exceeded the state average in math alone. Nearly half of these 47 schools were able to achieve full accreditation for more than half of the years since their initial improvement efforts. Of the 10 Virginia schools that were subject to school or division-level MOUs, four improved their English SOL scores relative to the state average (three by 30 points or more) and eight improved their math scores (four by 40 points or more).

With regard to annual changes in English and math SOL scores, the majority of schools subject to school improvement efforts improved less than one point per year (see Appendix E for more detail on annual change in test scores at all 47 schools). However, a majority of the 47 schools (55 percent) showed some improvement as measured by their average annual change in SOL scores relative to the state averages.

The impact of federal school improvement grants in Virginia is similar to that in other states. A recent U.S. Department of Education study found that more than one-third of schools nationwide saw no change in reading and math proficiency, or experienced declines, after receiving federal school improvement grant funds. Schools that received grants in 2010-11 experienced an average proficiency rate increase of five percentage points in reading and eight points

in math. Schools that received grants in 2011-12 had an average proficiency rate increase of one percentage point in reading and two points in math.

Virginia schools receiving grants compare favorably to schools in other states when accounting for changes that increased the rigor of SOL English and math tests (in 2012-13 and 2011-12, respectively). For example, since changes to the math SOL test were made, 76 percent of Virginia schools receiving grants improved their math pass rates compared to 69 percent of schools nationwide. Despite changes to the tests, more than 70 percent of Virginia schools receiving grants increased their ranking in math proficiency, with the average rank increasing by an average of 20 percentile points.

Four of the 10 Virginia schools that improved by more than 10 points in both English and math were located in Roanoke City and relied on a combination of professional development strategies to improve the effectiveness of the teachers and instructional practices. The following case study illustrates how these strategies were used in one Roanoke City elementary school.

Westside Elementary, Roanoke City

Westside Elementary in Roanoke City used several strategies to provide professional development for teachers on the use of recommended instructional practices such as formative assessments and differentiated instruction. Westside was granted flexibility by the school division to conduct some of its own professional development. The school used mentor coaches to assist beginning teachers with instructional practices.

The school attempted to foster a culture of continuous learning among its teachers by conducting regular “book studies” on effective instructional practices and encouraging its teachers to offer each other constructive feedback on teaching methods. Westside worked with a nonprofit teaching assistance center to support these and other efforts to improve the effectiveness of their teachers.

According to VDOE staff, the leadership provided by the Westside principal and assistant principals, as well as the Roanoke City superintendent, was critical to improving the school’s English and math SOL test scores. For example, VDOE staff described the leadership as willing to remove ineffective teachers when necessary.

Although most of Virginia’s low performing schools did not show substantial improvement in student achievement following im-

provement efforts, there appear to have been other improvements that may lead to increased student achievement in the future. Several schools receiving federal improvement grants reported improvements in school climate, including how safe students and staff feel and whether students, families, and staff share a vision for the school's future. For example, staff at one high school indicated that

The school is quiet and students are focused on learning. Students report to class on time. Overall attendance and tardy rates have improved. Student behavior is no longer a significant issue—there is staff buy-in and accountability for student behavior.

Teachers and principals interviewed by JLARC staff also discussed positive changes occurring at their schools that may lead to higher student achievement in the future. Teachers at one elementary school said their new principal spends a substantial amount of time in classrooms observing teachers and providing feedback on instructional practices. According to staff, the principal's increased visibility to the students has created a more positive school climate.

Most Persistently Low Performing Virginia Schools Implemented the Transformation Reform Models

As is common nationwide, most Virginia schools receiving grants implemented the transformation models (Table 1). These models require a range of improvement efforts, including replacing a school's principal, obtaining technical assistance from education consultants, and improving the effectiveness of teachers. Compared to the turnaround model, which was chosen by just one school, the transformation models require replacing fewer instructional staff.

None of the schools reviewed by JLARC staff chose to contract with an outside entity, such as a charter or education management organization, to fully operate the school. Virginia currently has a small number of charter schools, but these schools appear to have been created to provide students with more educational options, such as a more rigorous curriculum or a themed school, rather than to improve low performing schools. Many schools did hire educational consultants to provide instructional and other types of assistance to the school, but in all but one of these cases, the consultants were not given significant authority to operate or govern the school.

Of the 13 schools examined by JLARC staff, eight replaced principals or made other changes to administrative staff. For example,

Table 1: Schools Receiving Federal School Improvement Grants Must Implement One of Five Reform Models

Reform model	Primary requirements	Number of schools
Transformation	Replace the principal	16
	Receive technical assistance from the school division, state education agency, or school improvement consultant	
	Increase staff effectiveness (for example, by rewarding staff who increase student achievement and removing staff who do not)	
	Use instructional reform strategies and increase learning time	
State Transformation	Hire a school improvement consultant to assist the school in the areas leading to low school performance	6
	Increase staff effectiveness (for example, by using data on student growth as a significant factor in evaluating teachers)	
	Use instructional reform strategies and increase learning time	
Restart	Convert the school or close and reopen under a charter school operator, charter management organization (nonprofit), or educational management organization (for profit)	6
Closure	Close school and enroll students in higher achieving schools	2
Turnaround	Replace principal and give the new principal flexibility to implement needed improvements	1
	Screen all existing staff and rehire no more than 50 percent	
	Adopt new governance structure, such as the school reporting to a new office at the division or state level	

Note: Number of schools includes only the 31 schools receiving school improvement grants that were reviewed by JLARC staff, not all schools receiving school improvement grants.

Source: JLARC staff analysis of information from U.S. and Virginia Departments of Education.

at one middle school, the history department was re-staffed with more qualified teachers, and a school-based social studies coach was hired to support the department. At least four schools added leadership positions focused on improving instruction. For example, one school created an assistant principal for instruction who reported directly to the school division’s chief academic officer and superintendent on all instruction-related matters.

Other schools created oversight committees to improve instruction in subjects not meeting minimum SOL pass rates. The committees typically used a shared decision-making process by members, which generally included the school principal and teachers, outside experts, and instructional staff from the school division. More than half of the 38 schools that received approval from the state Board of Education to reconstitute implemented these committees.

At least four schools also reconfigured grade levels or changed how existing grades shared the building. Some schools combined the elementary and middle grades or split elementary grades into two different schools. Three schools created smaller learning communities within the larger school to facilitate teacher collaboration in small teams and create a more personalized learning environment for students. (Appendix E shows changes in SOL scores along with type of reform model used at each school.)

Insufficient Number of Effective Teachers and Challenges With Education Consultants Hindered Improvement Efforts

Difficulty attracting and retaining effective teachers is a critical barrier to improving student achievement in low performing schools.

Efforts to increase student achievement in Virginia's low performing schools appear to have been hindered by at least two primary factors. First, a lack of effective, committed teachers likely undermined improvement efforts in some schools. Reports prepared by education consultants frequently mentioned that difficulty attracting and retaining effective teachers was a critical barrier to improving the school's performance. For example, the consultant at one school indicated that

the primary barrier [to improvement] continues to be having adequate staffing and hiring caring, committed, and creative teachers who have a passion to work with urban youth.

In some schools, certain teachers were unable or unwilling to implement recommended instructional practices. At one high school visited by JLARC staff, the principal expressed concern that many of the teachers at the school were using outdated teaching methods. At one school, there was concern from the leadership team about the lack of teaching experience among certain teachers. In another school, some teachers were unwilling to work as after-school tutors, even for additional pay, and the principal had to recruit teachers from other schools for tutoring.

Second, some schools experienced difficulties with the education consultants hired to assist with their school improvement efforts. VDOE staff indicated that the contracts for external consultants did not always clearly define the services to be provided, making it difficult to hold consultants accountable for achieving specific results. Some schools indicated that their consultant used a one-size-fits-all approach that was not appropriate for their school. For example, staff at one high school visited by JLARC staff said their consultant conducted little analysis of the factors contributing to the school's low performance, instead assuming that school climate and a lack of classroom management skills among teachers were key factors. Staff at this school cited high turnover among the consultants assigned to the school, which disrupted the assistance provided by the consultants. School staff said that, as a result of

these difficulties, the use of consultants was not as effective in improving school performance as it could have been.

Several consultants reported that they faced obstacles when working with schools to implement school improvement efforts. According to these consultants, some school staff and local school board members were resistant to implementing recommended changes, some schools were reluctant to share data with consultants, and some schools had high numbers of ineffective teachers and high turnover, which impeded the consultants' ability to make changes.

VDOE staff indicated that schools that implemented the recommendations of a consultant tended to have better results than those that did not. One school that implemented a new reading program recommended by its consultant subsequently improved its reading pass rate from 64 to 79 percent. At a school that rejected its consultant's recommendation to change its reading program, the reading pass rate subsequently declined from 61 percent to 50 percent. VDOE staff indicated that schools that selected their consultant from VDOE's list of approved vendors tended to have more success than schools that did not use the list.

Small Number of Virginia Schools Maintain High Achievement Despite High Poverty

In Summary

Despite the significant challenges of poverty, a small number of Virginia schools are able to maintain higher levels of student achievement. These schools tend to use recommended instructional practices more consistently than lower performing schools, including intensive use of student performance data to guide lesson planning and classroom instruction. Higher performing schools are also more able to attract and retain effective, committed teachers and principals. Such schools benefit from the strong leadership provided by principals who are committed over the long term to the school's success. These schools also have a stable group of teachers who are committed to using recommended instructional practices and supporting the many needs of their students. Further, higher performing schools often provide additional support services to meet the social needs of students. While many staff of high poverty schools—including higher and lower performing schools—attempt to address their students' needs whenever possible, the Achievable Dream schools in Newport News address these needs through extensive partnerships with public and private organizations in the community.

There are a small number of urban high poverty schools in Virginia that sustain higher levels of student achievement compared to most high poverty schools. For example, there are 10 elementary schools in Richmond, Portsmouth, Alexandria, Roanoke City, and Lynchburg with poverty rates in the 90th percentile or higher that have been fully accredited in recent years. They also had English and math Standards of Learning (SOL) test scores that exceeded scores predicted by statistical modeling. Five middle and high schools in Roanoke City, Danville, and Chesapeake meet these same criteria.

To examine how some high poverty schools are able to maintain higher levels of student achievement, JLARC staff visited five higher performing schools and conducted document reviews for two additional schools. The approaches used by these schools can inform policy makers wishing to improve student performance at high poverty schools. However, the fact that there are so few such schools underscores the substantial difficulty of trying to improve student performance at high poverty schools.

JLARC Research to Identify Higher Performing Schools

To identify urban high poverty schools that maintain higher student achievement, JLARC staff identified schools that (i) were fully accredited each of the last five years and (ii) had English and math SOL scores that exceeded scores predicted from a regression model.

The model predicted a school's English and math SOL score based on demographics, such as percentage of students living in poverty, percentage of African American students, or percentage of students of limited English proficiency. See Appendix B for more on JLARC research for this study.

“Flood-In” Model for Reading Instruction

In the flood-in model, students in each grade are divided into small groups based on reading level. Once a day, all available staff in the school—including Title I tutors and special education teachers—“flood in” to the classrooms and provide reading instruction tailored to each student group's needs and abilities.

HIGHER PERFORMING SCHOOLS USE RECOMMENDED INSTRUCTIONAL PRACTICES MORE CONSISTENTLY THAN LOWER PERFORMING SCHOOLS

Compared to schools with persistently low student achievement, higher performing schools tend to use recommended instructional practices more consistently. In each of the five higher performing schools visited by JLARC staff, teachers and principals described regularly analyzing student performance data to gauge students' understanding of the material, using that data to adapt their teaching methods to each student's level of understanding, and providing timely remediation for students who continued to struggle with understanding the material.

In all five higher performing schools visited by JLARC staff, recommended instructional practices were frequently cited as critical to maintaining higher levels of student achievement. In one higher performing elementary school, staff noted that the teachers can use 5- or 10-question assessments to periodically gauge students' understanding of SOL material. The assessments were developed by the school division through an education consultant. The teachers also have access to a “question bank” they can use to conduct daily formative assessments at the end of each lesson. In another higher performing elementary school, the teachers and principal attributed much of their success to the fact that teachers had spent several years studying and implementing a specific methodology for reading instruction that involves the use of several recommended instructional practices, including a form of small group instruction called the “flood-in” model. According to teachers at this school, the principal actively promotes the use of this and other recommended instructional practices that have been critical to maintaining higher English SOL scores.

A team-based approach to teaching appears to be a critical element of higher performing schools. At one higher performing elementary school, teachers regularly work together to share and develop lesson plans. The teachers also address disciplinary issues in the classroom by regularly sending disruptive students to other classrooms in their grade-level, ensuring that these students are not missing instructional time. Staff at this school said the team approach to teaching is deeply ingrained in the school's culture, and allows teachers with varying levels of experience to learn from each other and share best practices. Another higher performing elementary school has weekly grade-level meetings to encourage collaboration among teachers. Weekly meetings are used to prepare standard lesson plans aligned to SOL material, analyze student performance data, and monitor student growth.

A collegial, family-like environment was cited by staff at two higher performing schools as critical to making a team approach possible.

Regular professional development for teachers is critical to the strong instructional practices used in higher performing schools. The elementary school using the flood-in model for reading instruction holds regular professional development sessions in which the teachers discuss the book upon which the model was based. The principal said the flood-in model has increased student reading scores at the school and attributes this positive impact in part to professional development sessions that ensured all teachers in the school bought into the model and understood how to implement it. Teachers at two other higher performing schools visited by JLARC staff also spoke positively of the professional development they receive.

HIGHER PERFORMING SCHOOLS ARE MORE ABLE TO ATTRACT AND RETAIN EFFECTIVE TEACHERS AND PRINCIPALS THAN LOWER PERFORMING SCHOOLS

Urban high poverty schools nationwide struggle to attract and retain effective, committed teachers and principals. These difficulties are well documented in the research literature, and often are most acute in math and science in secondary schools. Attracting and retaining effective, committed staff is critical to supporting achievement in urban high poverty schools. Education researchers interviewed by JLARC staff emphasized that many students in high poverty schools are unable to compensate for learning deficits resulting from even one year with an ineffective teacher. Students in high poverty schools benefit from a stable group of teachers, particularly when mentoring relationships have developed.

Staff turnover at three of the five higher performing schools visited by JLARC staff appears to be relatively low. The principal at one higher performing elementary school has been there 12 years. At another elementary school, the principal has been there five years as principal and four as assistant principal. Turnover among teachers at these schools is also limited. One higher performing elementary school has had to replace just two teachers in the last three years. Turnover at two other elementary schools has been under 10 percent in recent years—just one or two teachers each year.

Teachers and principals in all of the higher performing schools visited by JLARC staff show a strong commitment to using effective instructional practices and a willingness to assist students in a variety of ways. For example, teachers in one higher performing

school interviewed by JLARC staff indicated that they often drive students to after-school activities, such as choir concerts, or drop them off at their homes in the evenings so that students can stay after school for additional help.

The principals in these schools serve as instructional leaders by actively promoting recommended instructional practices through ongoing professional development and coaching for teachers. For example, at one higher performing elementary school, the principal conducts regular professional development sessions on reading instruction. This principal supports teachers through frequent, informal classroom observations to provide constructive feedback on instructional methods and assistance with reaching struggling students.

The ability to effectively manage staff appears to be a common characteristic of principals at higher performing schools. The principals in two higher performing schools reviewed by JLARC staff demonstrate a willingness and ability to remove ineffective teachers from their classrooms, often by having them transferred to another school in the division or encouraging them to leave the teaching profession. The following case study illustrates how the principal at one higher performing elementary school shuffles classroom assignments to prepare the school for SOL tests.

Higher Performing Elementary School

Approximately six to eight weeks before SOL tests are administered, the principal reassigns teachers and students to different classrooms. Based on the results from simulated SOL tests, students are reassigned to classrooms based on their understanding of the material. The most effective teachers are then assigned to classrooms with struggling students, while the least effective or least experienced teachers are assigned to classrooms with the strongest students.

HIGHER PERFORMING SCHOOLS PROVIDE ADDITIONAL SUPPORT SERVICES TO MEET SOCIAL NEEDS OF STUDENTS

The needs of many students in high poverty schools are not consistently met at home, and high poverty schools in Virginia attempt to address these needs to varying degrees. The Achievable Dream schools in Newport News represent a unique model for addressing the social needs of students living in poverty. The Achievable Dream model is a partnership between Newport News Public Schools, the City of Newport News, and the local business community. The schools serve students at risk of academic failure due to socioeconomic factors. There are currently two Achievable Dream schools in Newport News—one elementary and one com-

bined middle and high school—and a new school will be opening in Virginia Beach for the 2014-15 school year.

The Achievable Dream schools use partnerships with the local business community and government entities such as nearby Fort Eustis to provide a broad range of support services for students (Exhibit 2). The schools receive additional funding through donations, and per-student expenditures are approximately \$2,200 higher than the average of \$10,800 for the Newport News school division. According to school staff, strong relationships with the families of students are critical to meeting their needs through support services. This nature of these relationships allows the family of each student to feel comfortable sharing with the teacher when there is a need for assistance from the school.

Other high poverty schools in Virginia are not able to provide the same level of support services available in the Achievable Dream schools. However, the teachers and principals in eight of the nine high poverty schools visited by JLARC staff—including schools with higher and lower levels of student achievement—described attempting to address their students' needs whenever possible.

Exhibit 2: Extensive Support Services Are Provided to Students at Achievable Dream Schools

Character education: Character education is described by school staff as the foundation of the curriculum. In addition to traditional academic classes, students attend classes on etiquette, business language, ethics and morality, and peaceful conflict resolution.

Mentoring and monitoring: The schools employ additional administrative staff who provide individualized assistance to students who are at risk of dropping out of school, falling behind academically, or having personal issues. These staff call students who don't attend school to make sure they come to school if they do not have a valid reason to be absent.

Emphasis on order and respect: Every morning as they enter the school, students shake hands with school administrators, teachers, and soldiers from Fort Eustis. Students must give a strong handshake and make eye contact. Students are required to wear uniforms, and soldiers from Fort Eustis perform uniform inspections. According to school staff, the partnerships with Fort Eustis and with the local sheriff's office help the students develop a positive relationship with law enforcement. The soldiers and officers serve as role models.

Medical services: The schools provide medical services as needed. Eye and dental care services are provided by volunteers. Staff from Riverside Health Systems teach healthy living classes and operate a health clinic at the schools.

Hygiene and personal care services: School staff can do students' laundry and cut their hair with parent permission. The school provides clothing and toiletries to students if needed.

Source: JLARC staff interviews with staff at Achievable Dream schools and reviews of information provided by staff.

At one elementary school, several teachers regularly stay late or come in early to tutor students and often drive students to or from school for tutoring sessions. Students at the school often lack basic supplies, so the teachers provide these supplies for students. At another elementary school, the principal maintains a collection of winter coats, hats, and scarves that are donated by the community and various organizations for students who need them. This school has developed a partnership with a local church to set up a trailer to provide tutoring services to students who live in the trailer park. At another elementary school, teachers reported helping students with laundry and personal care.

Impact of Takeovers on School Performance in Other States

In Summary

Other states and cities use differing entities to take over low performing schools, but nearly all involve their state board or department of education in the takeover process. Most states and cities are considering three primary criteria to determine when takeover is necessary, including a school's history of noncompliance with accountability requirements. Some urban high poverty schools taken over by states and cities have experienced improvement, but overall there is limited evidence that state and city takeovers substantially improve student achievement. In Louisiana, takeovers have had a moderately positive impact on low performing schools. Forty-four percent of Louisiana's takeover schools have improved relative to all schools in the state division, but most still remain low performing. State divisions for low performing schools face costs and logistical challenges that can require new education funding. State divisions in Louisiana and Tennessee increasingly rely on charters, because directly operating schools is more costly and logistically difficult to administer through a state division.

The mandate for this study directs JLARC to review and report on school restructuring options, including takeover, used in other states and cities. The challenge of increasing student achievement in urban high poverty schools is one that many states and cities across the country are facing, and some have taken control of low performing schools as part of their improvement efforts. In the vast majority of instances where school takeover has been used, it has involved schools located in urban high poverty communities.

STATES AND CITIES USUALLY TAKE OVER SCHOOLS THROUGH STATE BOARD OR DEPARTMENT OF EDUCATION

State takeover is one of several restructuring options for low performing schools included in the federal No Child Left Behind Act of 2001. While K-12 education is generally a well researched field, to date there has been relatively little research in peer-reviewed journals on the methods states and cities use to take control of low performing schools or the impact those efforts have on student achievement.

In most school takeovers, a state or city assumes complete authority over the operations of a low performing school or district. This includes authority over personnel; expenditures of state, local, and federal funds; curricula and supporting instructional materials; and instructional practices in the classroom. States and cities use various types of entities to take control of and operate low performing

schools. The entity used has implications for the cost to the state of controlling low performing schools, for the type of staffing expertise needed, and for the extent of local school district involvement.

While a majority of states have laws authorizing the takeover of low performing schools by the state or localities, takeover has been used most commonly in 12 states (Table 2). In these states, takeovers of low performing schools have occurred almost exclusively in urban districts with high poverty levels. Many of the earlier school takeovers were implemented by cities, including Boston, Chicago, and Baltimore. More recent takeovers have been implemented by states such as Indiana and Tennessee.

Four Takeover Entities Are Used by States and Cities, Nearly All Involving the State Board or Department of Education

Four main types of entities are used to take control of low performing schools. Regardless of the entity used for takeover, in nearly all cases the state department or board of education is involved in the decision to take over a school or subsequent efforts to improve the school. (Appendix F describes how these four takeover entities are used in other states and cities.)

Table 2: School Takeover Has Been Used Most Commonly in 12 States

State	Years since takeovers began ^a	Type of takeover	Primary cities / counties where takeovers occurred
New Jersey	25	State	Camden, Jersey City, Newark, Paterson
Massachusetts	20+	State ^b	Boston, Chelsea, Lawrence
Illinois	19	Local	Chicago
New York	19	Local	New York City, Town of Hempstead
Maryland	17	State	Baltimore, Prince George’s County
Ohio	16	State	Cleveland, Lorain, Youngstown
Michigan	15	State	Detroit
Louisiana	11	State	Baton Rouge, New Orleans, Shreveport ^c
Pennsylvania	10+	State	Philadelphia, Harrisburg
Washington, D.C.	7	--	Washington, D.C.
Indiana	3+	State	Indianapolis, Gary
Tennessee	2	State	Memphis, Nashville

^a Calculated based on takeovers implemented primarily or solely due to poor academic performance within a school or district. Takeovers implemented primarily or solely due to financial mismanagement are not included. Because some takeovers are initiated for both academic and financial reasons, some calculations are estimates.

^b The takeover of Boston City public schools was implemented by the city in 1992.

^c Louisiana has also taken over low performing schools in Pointe Coupee and St. Helena parishes.

Source: JLARC staff analysis of information from other states and the research literature.

The first type of entity is a state school division for schools with persistently low student achievement. Low performing schools are transferred to the state school division and overseen by a superintendent appointed by the state board of education or state superintendent. The state division functions like a local school district in that it operates the schools and undertakes school improvement efforts. In recent years, state divisions for low performing schools have been most widely used by Louisiana and Tennessee. The Recovery School District in Louisiana has its own superintendent, appointed by the governor and approved by the Louisiana Board of Education. The Achievement School District in Tennessee also has its own superintendent, who is appointed by the state education commissioner.

The second type of takeover entity is a receiver—either an individual or organization—appointed by the state education commissioner or state board of education to operate all schools in a low performing district. The receiver assumes all authority previously exercised by the local school district, superintendent, and board of education. A receiver is typically used when most or all of the schools in a district are low performing. Receivers are currently used in Massachusetts and Indiana.

The third type of entity used to take over low performing schools is the city or county government in which the schools are located. This has generally been authorized by state statute allowing the state to authorize takeover by a local government. Where this entity is used, the state education commissioner or board of education gives a city mayor the authority to take control of a district's schools. With this authority, a city mayor or county executive can restructure the local school board to include new members and make decisions on such issues as education policy and curriculum. City takeovers of low performing schools—otherwise known as *mayoral takeovers*—have been used in Chicago, Washington, D.C, and several other large cities across the nation.

The fourth takeover entity used is a restructured local school board that includes both state and local appointees, with state appointees constituting the majority of the board. This takeover occurs on a district level and is used in New York City, Philadelphia, and two localities each in Ohio and Maryland. In Ohio, the local school board retains some authority, but most decisions are made by the restructured board.

Most States and Cities Use Three Primary Criteria to Identify Schools in Need of Takeover

Most states and cities reviewed by JLARC staff rely on several criteria to determine when it is necessary to take control of a low per-

forming school or district. Established criteria allow states and cities to focus their takeover efforts on the schools most in need of outside control, while schools with more potential to increase student achievement on their own can remain under the authority of the local school board.

Priority Status

Priority status is a federal designation that is part of a state's flexibility waiver for No Child Left Behind. Priority status is based on the achievement gap between all students and those in subgroups identified by the federal Elementary and Secondary Education Act. Schools are given priority status if they are in the lowest performing five percent of Title I schools in the state.

Other states and cities rely on three primary criteria to identify schools for takeover. First, states and cities look for a history of noncompliance with state or federal accountability requirements. Though these requirements vary, individual states use their accreditation standards to determine school and district performance. States vary in the number of years a school must be noncompliant with accountability requirements before takeover can be considered. The minimum length of noncompliance ranges from three consecutive years in Ohio to six consecutive years in Indiana. States can also use noncompliance with federal accountability requirements to identify schools in need of takeover. For example, Tennessee determines eligibility for a school's transfer to its state division based on its status as a "priority" school (sidebar).

Most states implement improvement efforts prior to takeover. In Indiana, for example, schools failing for four consecutive years undergo quality reviews. If they continue to fail for two more consecutive years, the state takes over. The department of education in Ohio intervenes with an improvement plan, which may have elements of staff training, community engagement, differentiated instruction, and the use of data.

Second, many states and cities consider the extent to which academic outcomes have improved in recent years. When identifying schools in need of takeover, some states focus first on schools that have not met accountability requirements for a minimum period, and that have not shown yearly growth in student achievement. For example, when a school in Tennessee becomes a priority school, the state education commissioner has three options:

- require the school to undertake improvement efforts using federal School Improvement Grant funds;
- give the school greater flexibility with certain policies and practices; and
- transfer the school to the state Achievement School District.

While any priority school in Tennessee can be transferred to the Achievement School District, a school is not considered for takeover if in recent years its standardized test scores have improved compared to the state average.

Third, many states consider the capacity of the local district to undertake improvement efforts effectively on their own before im-

plementing state takeover. In Massachusetts, where an entire district can be placed in receivership, the state department of education first reviews district practices. Similarly, in Tennessee, the Achievement School District considers the capacity of a low performing school to improve on its own before deciding to take it over.

Two states add an additional criterion when identifying schools in need of takeover: whether the state has a viable plan to improve student achievement in the school. Louisiana and Tennessee consider the availability of high quality charter operators before transferring low performing schools to their state division. Staff in these states emphasized that there should be a viable plan for improving schools and a charter operator ready when the schools are taken over.

Most School Takeovers Have Included Efforts to Implement Recommended Educational Practices

As part of their takeovers of low performing schools, other states and cities generally attempt to implement recommended instructional practices and other practices critical to supporting student achievement. Other states often use the following practices:

- increased use of student performance data to guide lesson planning and teaching methods;
- additional professional development and training for instructional staff;
- replacement of teachers and principals who contributed to low student achievement;
- introduction of a culture of high expectations for students and staff; and
- expanded learning time through longer school days or years, before- and after-school sessions, and other opportunities for remediation and enrichment.

Michigan uses a unique student-centered approach to improving urban high poverty schools. Michigan's state district, the Education Achievement Authority, is only currently active in Detroit public schools. Within that district, the authority oversees 12 directly operated schools and three charter schools. In the directly run schools, students are grouped by skill level rather than grade level, with the goal of increasing student proficiency by one to two grade levels each year. The schools operate on year-round schedules, use blended and virtual learning strategies, and allow students to move through curriculum units at their own pace—taking longer if necessary, but moving to the next unit if they finish quickly. At the high school level, students have options to work

from home and check in with school staff during the week, enroll in an accelerated program and earn credits toward an associate's degree, and earn credit through internships and programs that combine course work with community service activities.

Use of Charter Schools Varies Widely in Takeovers by Other States and Cities

States and cities use charters or other private entities to varying degrees to operate the low performing schools they take over. States and cities have two primary alternatives for operating such schools: directly operating them with existing or new staff at the school and division level, or contracting with a private entity such as a charter operator or education management organization. All but one of the 13 states and cities reviewed by JLARC staff use charter organizations or education management organizations as part of their school takeover efforts (Table 3). However, the use of private entities to operate takeover schools varies widely, both in the number of privately-operated schools and as a percentage of all takeover schools. Some states and cities oversee a large number of low performing schools operated by charters or education management organizations. The state divisions in Louisiana and

Table 3: Use of Charter Schools Varies Across States and Cities

State / local government	Number of charter schools	Percent of takeover schools operated as charters
Indiana	5	100
Louisiana	52	78 ^a
Tennessee	11	65
Washington, DC	122	52
Philadelphia, PA	86	29
Massachusetts	7	25
New Jersey ^b	33	20
Chicago, IL	96	17
Baltimore, MD	31	17
New York City	183	11
Michigan	12	10
Prince George's County, MD	8	4
Ohio ^c	0	0

^a As of July 1, 2014, all schools in Louisiana's Recovery School District will be operated as charters.

^b New Jersey schools include the totals from three separate districts with state takeover: Jersey City, Newark, and Paterson.

^c Ohio schools are from two districts with separate Academic Distress Commissions: Lorain City and Youngstown City.

Source: JLARC staff analysis of information from other states and localities.

Tennessee have identified charter schools as their preferred method for operating low performing schools.

Role of Local School District and Local Stakeholders Varies Depending on the Takeover Structure Used

With each takeover structure used, the local education authority or local community groups remain involved. In state divisions, local community stakeholders are involved in the selection of a charter operator and offer input on which operator is the best match for schools in the community. In states with receivers, such as Massachusetts, a group of stakeholders is convened to offer suggestions on the district's improvement plan. In city takeovers, as in Washington, D.C., the local school board retains an advisory role to the superintendent and mayor. In states that use restructured local school boards, such as Ohio, the local school board is retained but with diminished responsibilities. Involvement of the local school board and local community may facilitate the eventual return of a school or district to its local education authority.

School takeovers generally receive a negative community reaction. This reaction may be exacerbated by unclear information, parents' uncertainty about how takeover will impact their children, and teachers' uncertainty about their employment status. When state school divisions are used for takeover, some individual schools are removed from local control while others remain. Staff with Louisiana's state division described the separation as jarring to the community and to local stakeholders, because the state division and its employees are not perceived to be part of the community.

In Tennessee, to overcome the initial negative community reactions and to introduce directly operated and charter schools to stakeholders, the Achievement School District uses a planning year and a community advisory commission with community and neighborhood representatives. According to staff of the school district, by addressing the concerns of those who might be skeptical of a transition to a state division, including teachers and parents, the state has been able to avoid some of the community opposition seen in other states.

THERE IS LIMITED EVIDENCE THAT SCHOOL TAKEOVERS IMPROVE SCHOOL PERFORMANCE

There is limited evidence that the takeover of low performing schools around the country has been widely successful in substantially improving performance. While certain schools have experienced increases in student achievement, including many in Louisiana, others have seen little to no improvement or have been closed due to lack of progress. Some states and cities are in the early stages of school takeovers and the long-term impact on student

achievement remains to be determined. In cities that began taking over low performing schools more than a decade ago, the impact of takeover on school performance appears modest or remains unclear.

School Takeovers Using State Divisions Show Moderate Success in One State and Are Too Recent to Assess in Other States

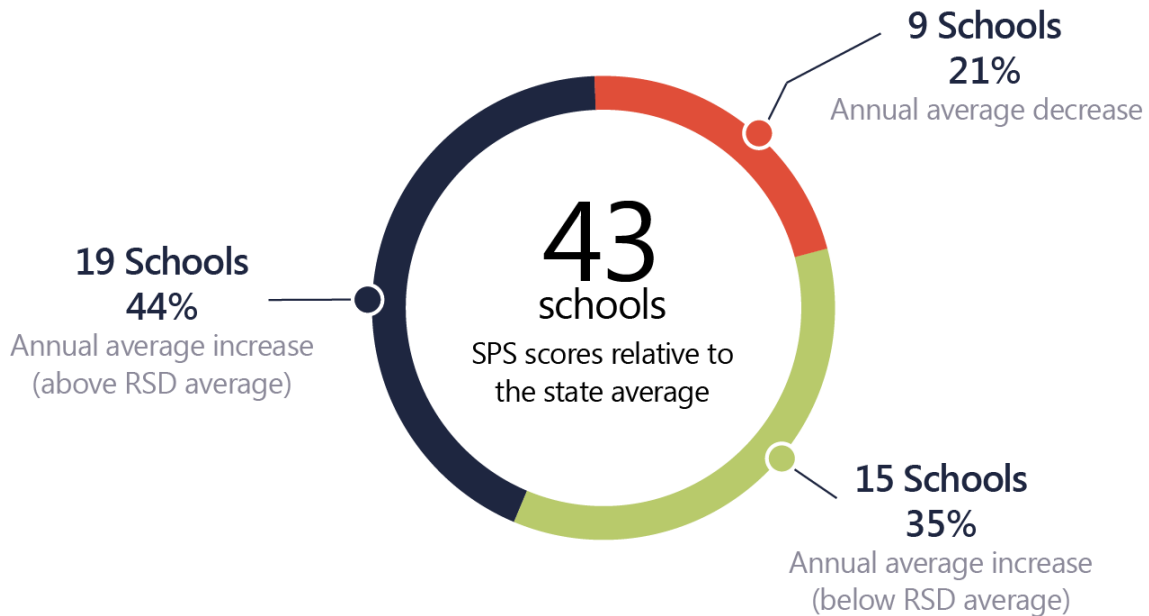
School takeovers in some of the other states with state divisions are too recent to assess. Takeovers with a longer history have had a modest impact on low performing schools. Even in these situations, the impact of takeovers can be difficult to assess due to changes in how school performance is measured and changes to individual schools through restructurings or closings.

Louisiana's School Performance Scores

Louisiana uses school performance scores, which are based on test scores, attendance rates, and—for high schools—graduation rates. The score for each school corresponds with a letter grade from A through F.

In Louisiana, which began taking over low performing schools in 2004, takeovers have had a moderately positive impact on urban high poverty schools. Of 43 Louisiana schools in the state's Recovery School District, about 44 percent (19 schools) increased their school performance scores faster than the average for all schools in the Recovery District between 2008 and 2013 (Figure 7). These schools had annual average increases that were greater than the average for all schools in the Recovery District. Each year, on average, 21 percent (nine schools) declined relative to the state average.

Figure 7: Forty-Four Percent of Takeover Schools in Louisiana Have Improved Relative to the Average Improvement for Takeover Schools



Source: JLARC staff analysis of 2008-2013 data from the Louisiana Department of Education.

However, most schools in Louisiana's Recovery School District remain lower performing and some have shown minimal or no improvement. Nearly half of Recovery District schools are still graded as D or F (see Appendix F for more detail). Between 2008 and 2013, only 11 of the 43 schools exceeded the state average school performance score for at least one year, while the other three-quarters of schools remained below the state average. Some Louisiana schools under state control have been restructured to improve performance or closed for poor performance. Between 2008 and 2013, five charter schools were closed because of low performance, and two additional operators voluntarily turned in their charters because of low performance.

Tennessee has experienced some early increases in student achievement in one and a half school years. Michigan's state division has also seen some early gains in reading and English, as the percentage of fifth-, sixth-, and eighth-grade students proficient in these subjects increased between 14 and 18 points after one year. According to staff of Michigan's state division, more than half of all students showed 1.5 years of growth in reading and math proficiency. However, 90 percent of students were not proficient in math when the schools entered the Education Authority, and math proficiency increased by just 1.5 percentage points after one year.

Some City Takeovers Have Had a Modestly Positive Impact, But the Impact in Other Cities Is Unclear

Some school takeovers initiated by cities, often through mayoral control of the local school board, appear to have had a small but positive impact on school performance. Wong and Shen (2007) examined student achievement data between 1999 and 2003 from more than 100 urban school districts in 40 states, and found that giving a city mayor authority to appoint a majority of the local school board was associated with small increases in test scores in elementary and high schools. The researchers concluded that, given the difficulty of substantially improving performance within a short period, small gains could be an important development. Small increases may set a school on an upward trajectory even if they don't bring the school to the state average.

Rand Corporation (2007) found similar outcomes of the takeover of more than 80 Philadelphia schools in 2002. The city's nine-member local school board was restructured to consist of three members appointed by the governor and two appointed by the city mayor. Of the lowest performing elementary and middle schools, 45 were placed under private management and 37 received varying levels of assistance as traditional public schools. Over the next four years, gains in fifth- and eighth-grade reading and math proficiency ranged from 11 to 23 percentage points, but these gains were no

greater than gains made in similarly low performing schools outside Philadelphia that were not taken over. Researchers found no statistically significant difference in the gains made by privately operated schools and district-wide gains in Philadelphia.

State takeover in Chicago began in 1988. A 1999 review of Chicago schools found that after an initial decline following takeover, schools seemed to be making progress, though overall student achievement was still very low. Chicago's 2013 district report card shows that schools are still struggling: 72.3 percent are in Federal School Improvement Status, and over 80 percent of fourth- and eighth-grade students living in poverty are not meeting the state standards for reading and math.

The impact of school takeovers in other cities, including many older takeover initiatives, is less clear because of three factors:

- There is little research in peer-reviewed journals on the outcomes of school takeovers.
- Older takeover efforts are difficult to evaluate because data on student achievement over an extended period is often not readily available.
- Some schools have been closed and reopened under different management or with a different curriculum or grade configuration, making it difficult to track changes in student achievement over time.

STATE DIVISIONS FACE FINANCIAL AND LOGISTICAL CHALLENGES BUT OFTEN USE CHARTER SCHOOLS TO REDUCE THEM

There are cost and logistical challenges inherent in establishing new state divisions for low performing schools. They require staff with expertise in K-12 education, funding from existing or new revenue sources to support the new entity, and extensive planning in advance of school takeover. Experiences in two other states with state divisions suggest that using charter operators can reduce the financial burden and logistical challenges. However, the use of charter schools introduces other challenges for state divisions.

State Divisions Require New Funding and Extensive Planning to Address Logistical Challenges

State divisions for low performing schools require new funding to support a new state agency and education staff. The fiscal impact of new expenditures could be on the state if it provides this additional funding. Alternatively, the fiscal impact could be on a local school division if a portion of the per-student funding for a low performing school is reallocated to the state division.

In Tennessee, funding for the Achievement School District comes primarily from federal grant funds. The district has an annual operating budget of \$8 million and 40 staff to oversee 17 schools, including 12 directly operated schools and five charter schools. The district has used federal Race to the Top grant funds during its first two years of operation. However, those grant funds are ending and the district is currently considering alternative funding sources.

In Louisiana, funding for the state division comes from existing state education funds that were previously allocated to the local schools but are now allocated to the state division. The state's Recovery School District has an annual operating budget of \$9 million, about \$5.2 million of which is for school oversight. The district has about 45 staff overseeing schools and operating a truancy center and family resource centers for students and families. Funding for school oversight comes primarily from a two percent administrative fee paid by charter schools and assessed on the state per student funding they receive, which was previously allocated to a local school. The development of truancy and family resource centers has required new funding from state and local grants.

State divisions for low performing schools also face significant logistical challenges that require extensive planning. A state division must identify the factors that have contributed to low performance in the schools it is taking over, and then implement improvement strategies to address these factors. The division is responsible for all expenditure and personnel decisions, including the instructional staff and curricula. Because the transfer of local schools to a state division is often highly controversial, state divisions must conduct extensive outreach with students, families, and community groups regarding the changes it is implementing in each school. These logistical challenges can be particularly difficult for a state division with schools located in multiple geographic regions of the state. In Tennessee and Michigan, which each created state entities to oversee low performing schools within the last three years, staff said a full year of planning was required to hire state staff, develop policies and procedures, determine how schools would be operated, and conduct outreach with students, families, and community groups.

Charter Schools Can Reduce State Operating Costs and Minimize Logistical Difficulties, But Charters May Fail

The state divisions in Louisiana and Tennessee experience higher operating costs and logistical difficulties when directly operating low performing schools. According to staff with these divisions, using charter operators costs less and avoids many of these difficul-

ties. For these reasons, both have identified charter schools as their preferred approach to operating schools, although each division currently retains some directly operated schools. According to staff in these divisions, as high quality charter operators become available, directly operated schools will be converted to charters and newly transferred schools will be matched with charter operators. Staff in these divisions also note that not all charter operators are able to increase student achievement in low performing schools. Some schools may need to be placed with a different charter operator or directly operated.

Direct Operation of Schools in Louisiana and Tennessee Involves Higher Costs and Logistical Difficulties. Directly operating urban high poverty schools through a state division requires more funding for division-level functions than using charter entities or other private operators. According to staff of the Achievement School District in Tennessee, approximately \$6 million of their \$8 million in total annual operating costs is attributable to operations and oversight of directly operated schools. Staff of the Recovery School District in Louisiana also cited higher costs associated with directly operating schools, though the precise amount of annual operating costs attributable to oversight of their directly operated schools is difficult to determine.

Four factors contribute to the higher costs associated with directly operating low performing schools through a state division. First, the state division must perform the division-level functions previously carried out by the local school district. This requires staffing in the areas of curriculum, instruction, reading and math assistance, human resources, finance, and oversight. In contrast, charter organizations are responsible for these functions, allowing the state division to maintain a smaller central office focused on oversight and accountability—educational functions more familiar to states.

Second, operating urban high poverty schools generally requires higher per student expenditures because of the additional support services that must be provided for students. For example, Louisiana's Recovery School District is developing a truancy center to provide support and court liaison staff for at-risk students. Development of the center is funded with a \$5 million grant. School divisions made up entirely of high poverty schools can have higher average per student expenditures because there are no low poverty schools to offset the costs of high poverty schools. Charter operators, however, often receive financial support from philanthropic sources, better enabling them to offer support services such as health or dental care, mentoring, and postsecondary education and career counseling. Charter operators also may have a more diverse portfolio of schools to offset the costs of urban high poverty schools.

Third, divisions with directly operated schools do not have the option of charging schools administrative fees to reduce the cost. Those with charter schools have the potential to charge charter operators and education management organizations an administrative fee for services provided by the state division. Louisiana's Recovery District charges its charter operators a fee equal to 1.75 percent of total per student funding provided to the school, which generates approximately \$4.4 million in annual funding for the district. Tennessee's Achievement School District is considering a similar fee to provide additional funding for its division operating costs.

Fourth, in Louisiana and Tennessee, direct operation of schools places teachers in the state pension system. According to staff in Louisiana, this has increased the operating costs of the state's Recovery District by four to five percent.

In addition to higher costs, direct operation of schools through a state division can involve logistical difficulties. Staff in both the Louisiana and Tennessee takeover divisions highlighted the challenges of operating schools spread over a large geographic area. Without a local office that allows state staff to maintain a presence in local schools, it may be difficult to understand the needs of individual schools and maintain close contact with students, teachers, parents, and community groups. Staff of Louisiana's state division emphasized the difficulty of making personnel decisions for local schools from a distant location, particularly if the state has never taken that role before.

Using Charters to Operate Schools Following Takeover Does Not Ensure Success and Requires a Careful Evaluation Process.

While using charters to operate urban high poverty schools can have fiscal and logistical advantages for states with state divisions, the use of charters does not guarantee success. Like traditional public schools, charter schools have had mixed results in urban high poverty schools. Charter schools may be subject to the same problems that can affect traditional public schools, including ineffective staff, high staff turnover, weak curriculum, and inconsistent use of recommended instructional practices.

Low performing charter schools may require a state or city to revoke the charter and find a different operator or directly operate the school. This process can cause disruptions in a school that can impact students' ability to make academic progress. Staff of the Louisiana and Tennessee divisions emphasized the importance of a careful evaluation process to identify high quality charter operators for schools in their state divisions. In selecting high-quality operators, they look for those with a proven record of success in low performing, high poverty schools. In evaluating charter organ-

izations, both states review performance data, state accountability data, and national reviews of charter organizations. If the charter organization is new, Louisiana looks for some record of success among charter staff. To the extent possible, growth of the state school division is paced to match the availability of high quality operators, to avoid taking control of a school without a charter operator in place to run it.

Both Louisiana and Tennessee work to match charter operators to individual schools. Louisiana uses advisory councils of parents, students, community and business leaders, and other stakeholders to select charter operators and give the local community input into the selection process. Tennessee uses advisory commissions with community and neighborhood representatives to provide the community with information about the Achievement School District and to make charter recommendations and matches.

State Takeover of Schools Should Be Repealed

In Summary

The majority of schools subject to school improvement efforts—both the prior efforts in Virginia and the takeover efforts in Louisiana—showed some degree of improvement. These similar outcomes suggest that state takeover does not necessarily increase the likelihood that improvement efforts will be more successful than other methods that also address the critical factors necessary for school improvement. State takeover is the most disruptive and costly approach to addressing low performing schools. Virginia’s Opportunity Educational Institution (OEI) will require removing schools from the supervision of local school boards, which are elected in most school divisions. OEI also requires creating a new state agency with new state education staff, which will require additional new funding. Given the difficulty of improving low performing schools and the length of time often needed to make substantial improvements, funding for OEI will likely be needed for a prolonged period. The OEI lacks three elements common to takeover entities in other states and recommended by education experts. The General Assembly’s recognition of the serious need to improve low performing schools through OEI was well founded and constructive, including the need for a stronger state role. Because there are other strategies that state can use to improve low performing schools, though, JLARC staff recommends repealing the OEI and eliminating funding for its board and staff.

The study mandate directs JLARC staff to study options, including takeover, for restructuring the lowest performing schools or districts. Virginia’s Opportunity Educational Institution (OEI) was recently created as such an option to take over the state’s lowest performing schools. The mandate directs staff to estimate the state resources and expertise needed to implement restructuring models, and to develop appropriate criteria for state intervention decisions.

STATE TAKEOVER MAY NOT LEAD TO HIGHER STUDENT ACHIEVEMENT AND IMPOSES ADDITIONAL COSTS

Experiences of school takeover in other states and cities suggest that state takeover is not the best option for Virginia to address the problem of low school performance. The evidence indicates that state takeover in Virginia would not necessarily be more effective than current efforts in Virginia’s low performing schools. Further, school takeover in Virginia would impose additional costs on the state.

Other States' Takeover Results Are Not Substantially Different From Virginia's Less Aggressive Efforts Thus Far

Differences in performance measures, rigor of curriculum, standardized tests, and accountability standards can limit the value of comparisons across states. However, the results of school takeovers in other states and cities are not substantially different from improvement efforts used in Virginia to date. The majority (41 of 47, or 87 percent) of Virginia's low performing schools subject to targeted improvement efforts subsequently experienced varying levels of increases in student achievement. These results are not markedly different from the results of state takeovers in Louisiana. The majority (34 of 43, or 79 percent) of schools in Louisiana's Recovery School District have increased their school performance scores relative the average performance score for all schools in the state. To date, none of the low performing schools taken over by Louisiana have been returned to their local school districts. In both Virginia and Louisiana, few low performing schools have reached state averages in student achievement following improvement efforts.

There is little evidence that the impact of school takeovers in cities around the U.S. is substantially different from the impact of Virginia's current school improvement efforts. While cities have had some success improving urban high poverty schools, these improvements do not appear to have raised achievement levels to state averages and generally have not led to the return of schools to their local school boards. Cities such as Chicago and Baltimore remain in control of their city schools roughly two decades after taking control.

State Takeover of Low Performing Schools Will Require New Funding

Because the state takeover of low performing schools requires a new state agency with new state education staff, takeover in Virginia will require at least some new state funding. The precise amount of new state funding needed for OEI depends on several unknown factors, including

- whether the low performing schools are operated directly or as charter schools, and
- the extent to which existing state, local, and federal per student funds can be used for OEI operating costs.

In other states, state divisions for low performing schools have required varying amounts of new funding. Tennessee's Achievement School District has relied primarily on federal grant funds to support its operations. Louisiana's Recovery School District relies primarily on existing state education funds to support its annual operating costs. The Louisiana system has used state and local

grant funds to support the development of truancy and family resource centers. Both state divisions have 40 or more total staff.

If the funding and staffing levels required in Louisiana and Tennessee were applied to Virginia, a state division such as OEI could require an annual operating budget of at least \$1 million if all four schools rated “accreditation denied” for two consecutive years were transferred to the institution (as is required under the 2013 Appropriation Act). The institution’s annual operating budget would likely be higher if all 25 eligible schools were transferred to the OEI, as is possible under the Code of Virginia.

In the long term, it may be feasible to fund the OEI from existing per student expenditures for schools transferred to state supervision. However, this would require reallocating existing per student funds from local school divisions to the state, and could reduce the amount of funding available to the divisions for division-wide functions such as curriculum, transportation, and building maintenance. In the short term, there is likely a need for new state funding to support planning efforts prior to the transfer of schools. Staff of Tennessee’s Achievement School District recommended a full year for planning to develop policies for taking over, operating, and returning low performing schools, as well as for conducting outreach to stakeholders impacted by a takeover.

OEI will require new state staff. In addition to a superintendent or executive director, staff would be needed with expertise in the areas of

- curriculum and instruction,
- finance,
- human resources,
- public affairs and community outreach, and
- student achievement and improvement efforts in schools.

If the OEI contracted with private entities to operate its schools, staff would be needed to evaluate charter applicants, develop charter agreements, and monitor charter school performance to ensure compliance with the agreement and state accreditation standards. If schools were operated directly, staff would be needed to perform functions similar to a local school division, such as curriculum and instruction, human resources, and transportation. Contracting with the local school division to perform these functions may alleviate the need for many of these positions, but OEI would still require staff to develop and monitor the contractual arrangements.

Costs of State Takeover Will Likely Be Long Term

Funding for OEI would probably be needed for a prolonged period because low performing schools would likely remain under state supervision for a period of several years, if not longer. In Virginia and in other states, substantial and sustained improvement in the lowest performing high poverty schools has only occurred on a limited basis. Many attempts to improve low performing schools initially fail, and when successful, improvement often occurs only after several years of sustained efforts and additional resources. Other states and cities that have taken control of low performing schools have often kept control for an extended period. For example, schools taken over more than 15 years ago in New Jersey, Chicago, and Baltimore have yet to be returned to their local school boards.

Several years of sustained improvement efforts may be needed to return Virginia's lowest performing schools to full accreditation. Of the four schools that would be transferred to the OEI for the 2014-15 school year under the 2013 Appropriation Act, none has been fully accredited more than twice in the past 10 years or since the 2008-09 school year. In 2013, these schools had average SOL pass rates of 46 percent in English and 55 percent in math.

VIRGINIA'S OEI PROCESS LACKS ESSENTIAL ELEMENTS

Based on the experiences of other state and city takeover initiatives and interviews with education experts, three elements should be present in any process established to take over low performing schools (Table 4). These three elements do not guarantee that state takeover will be successful in improving low performing schools. However, they can help minimize the costs to the state of taking

Table 4: Other State Takeover Efforts Have Three Essential Elements

Element	Rationale
1. Clear and adaptable criteria for transfer to state control	Allows the state sufficient flexibility to address each school or division on a case-by-case basis
2. Integration with state department of education and other key entities	Takes advantage of institutional knowledge regarding (i) the primary reasons for low school performance and (ii) the impact of prior improvement efforts
3. Local school division and board involvement	Supports the principle that state and local school divisions have shared stake in providing high quality K-12 education Prepares the local school division and board for resuming full control of local schools

Source: JLARC staff analysis.

over low performing schools, increase the likelihood that state intervention will improve school performance, and limit the use of takeovers to schools and divisions where it is most needed to increase achievement levels. As currently structured, the OEI has none of these elements. If the state proceeds with implementation of OEI, then the statute should be amended to include these elements.

OEI Lacks Clear and Adaptable Transfer Criteria

Other states use multiple criteria to determine when state takeover of low performing schools is appropriate, but most of these criteria are not required under the current OEI statute. The transfer of schools rated “accreditation denied” is mandated by the statute, but the Code of Virginia does not specify criteria for takeover of those schools rated “accredited with warning” for three consecutive years. The decision to take over a school should involve weighing three primary criteria (Table 5). These criteria are commonly used by other states and cities, recommended by education researchers and VDOE staff, and cited in the research literature. Without thorough and uniform consideration of these criteria, a state takeover may do more harm than good, through inaccurate assessment of a school’s performance level, ill-timed intervention, and disruption of ongoing improvement efforts.

In addition to compliance with state accreditation standards, achievement measures—SOL test scores, pass rates and graduation rates—should be considered so that the state can accurately identify the lowest performing schools as well as those that are improving without state takeover. Notably, over the last three

Table 5: Three Primary Criteria Should Be Considered Before State Takeover of Low Performing Schools Is Used

Criteria	Examples
1. Prior record of student achievement	State accreditation ratings SOL test scores and pass rates Graduation rates Impact of changes in SOL requirements
2. Recent improvements in student achievement at the school	Recent trend of increases in SOL test scores & pass rates
3. School, division, and school board's capacity and willingness to undertake necessary improvement efforts	Recent or ongoing improvement initiatives Division staff to support improvement Board support for improvement

Source: JLARC staff analysis.

years, one school eligible for transfer to the OEI increased both English and math SOL test scores by 10 or more points relative to state average scores.

The capacity and willingness of a school, school division, and school board to undertake needed improvement efforts also provides insight into whether state takeover is necessary. Improvement initiatives already underway may have the potential to increase student achievement, and the division could be given time to fully implement the initiative. For example, the transition to year-round schedules for A.P. Hill Elementary and Peabody Middle in Petersburg may improve the schools' performance if implemented properly and combined with other practices that support student achievement.

OEI Is Not Sufficiently Integrated with VDOE Resources and Expertise

The OEI provides for limited involvement of key state education staff in decisions regarding the transfer of low performing schools to state supervision. The involvement of state education staff is critical to ensuring that state takeover of low performing schools is used only when necessary and that appropriate improvement strategies are identified. Takeover criteria (Table 5) require subjective judgment, and properly considering them requires knowledge and expertise in the areas of school improvement and education policy as well as an understanding of the reasons for low school performance and prior improvement efforts undertaken by local school divisions. State education staff, such as the state Superintendent of Public Instruction and VDOE staff, are most likely to have this knowledge and understanding and therefore should be involved in the takeover decisions.

Under the current OEI statute, state education officials and staff have minimal involvement with the OEI board. The state Superintendent of Public Instruction and the chair of the state Board of Education have no membership on the board. The Code of Virginia does require the OEI board to include non-legislative citizen members with significant educational experience, including experience with the turnaround of failing schools and as a teacher, principal, or superintendent. Statute also directs the state Superintendent of Public Instruction to appoint two VDOE staff to assist the OEI board, including the director of VDOE's Office of School Improvement. However, given the composition of the OEI board, key decisions regarding the takeover and improvement of low performing schools could be made without formal input from the state education staff who could offer practical knowledge of why particular schools perform poorly and how their performance can be improved.

Giving state education staff the opportunity to provide formal input into the decision-making process regarding school takeovers would seem critical to the success of state divisions for low performing schools. Nearly all other state and city takeover initiatives reviewed by JLARC staff involve their state board or department of education in the takeover, improvement, and return of schools to their local divisions. Staff of the state takeover divisions in Louisiana and Tennessee emphasized that giving their division superintendents the authority to consider the unique circumstances of each low performing school is critical to taking over schools only when necessary. In both states, the superintendents of the state takeover divisions are appointed by the state superintendent or commissioner of education.

OEI Does Not Sufficiently Involve Local Education Officials

As currently structured, OEI provides for minimal involvement of local school and school division staff and local school board members. According to education experts, involving local school staff is critical to ensuring that a school that is taken over can eventually be returned to local supervision after student achievement has increased. This involvement throughout the improvement process can help build the capacity of the local school division and board to sustain higher achievement levels through more effective personnel and spending decisions. Without local involvement throughout the process, student achievement may subsequently decline and lead again to state takeover of the school.

Under the Code of Virginia, the chair of the local school board for a school transferred to the OEI only has ex officio, nonvoting membership on the OEI board. While this allows the local school board to provide input into the improvement efforts by OEI at their school, the OEI board is not required to consider this input and the local school board chair has no voting power over critical decisions, such as whether to convert the school to a charter school. This structure also limits the responsibility of the local school division and school board in assisting with improvement efforts. As a result, local school division staff and school board members may have little incentive to participate in state-directed improvement efforts.

OEI STATUTE SHOULD BE REPEALED EVEN IF FOUND CONSTITUTIONAL

State takeover is the most disruptive and costly mechanism available to states to address low performing schools. Transferring a low performing school to state control removes the school from supervision by the local school board, the members of which are generally elected by popular vote in Virginia. State takeover also requires establishing a state agency with new state education staff.

Even if implemented, state takeover is not necessarily more likely to improve low performing schools than other less disruptive mechanisms. The impact of school improvement efforts through takeover in Louisiana is not substantially different from Virginia's prior improvement efforts. For most states and cities using school takeovers, limited evidence is available to assess the impact of these efforts on school performance.

State funding for the newly required state division must be provided either from existing state education funds previously allocated to the local school division or from another revenue source. Given the extended period often needed to substantially improve performance in urban high poverty schools, and the takeover experiences in other states, funding for a state division will likely be needed for the long term. Furthermore, Virginia's OEI as currently constructed lacks elements common to takeover entities in other states and recommended by education experts.

The General Assembly's recognition of the serious need to improve low performing schools through OEI was well founded and constructive. Through the creation of OEI, the legislature underscored the importance of addressing the longstanding challenge of Virginia's chronically low performing schools. OEI also embodied the critical concept that, in certain cases, the state does need to assert more authority and play a more prominent role.

However, absent additional and compelling evidence that state takeover will necessarily result in higher academic achievement in low performing schools, there is insufficient basis to move forward with implementation of OEI. There are additional steps short of state takeover that Virginia should consider. Several of these steps are discussed in the final chapter of this report.

Therefore, the General Assembly may wish to consider repealing the statute establishing the OEI and eliminating funding for its board and staff.

Recommendation (1). The General Assembly may wish to consider repealing Chapter 4.1 of Title 22 (§§ 22.1-27.1 through 22.1-27.6) of the Code of Virginia and eliminating funding for the Opportunity Educational Institution board and staff.

State Can Facilitate Improvement Without Taking Over Schools

In Summary

No easy or obvious solutions exist to fully address the problem of low performing schools in high poverty urban areas, but the state has several good options to consider. Stronger, mandatory MOUs between the state Board of Education and those divisions with persistently low performing schools would enable the state to make overriding decisions related to certain budgetary, personnel, and instructional decisions impacting school performance. Such MOUs would avoid the disruption, costs, and complexity associated with state takeover. They will also, though, require changes to the Code and Constitution of Virginia to clearly establish the state's authority. There are a number of state-level options for supporting schools in their efforts to attract and retain effective, committed teachers in urban high poverty schools. Further, the state could better facilitate the use of non-traditional school models, some of which have been shown to improve student achievement: year-round schools, school models such as Achievable Dream that provide additional support services for students, and high quality charter schools.

The mandate for this directs JLARC staff to study options for restructuring the lowest performing schools or districts. Options include takeover as well as other less drastic improvement efforts. The state can improve low performing schools through more measured efforts, including concurrently increasing accountability for results and providing resources and flexibility for certain low performing schools or divisions. While this report focuses primarily on high poverty schools in urban communities, some of these efforts may also help improve low performing schools in suburban and rural communities.

CRITICAL PRACTICES SUPPORTING IMPROVEMENT CAN BE USED IRRESPECTIVE OF STATE TAKEOVER

There is no single approach that has always produced sustained, substantial improvement in urban high poverty schools. However, high poverty schools can increase student achievement through three critical practices: (i) attracting and retaining effective teachers and principals, (ii) using recommended instructional practices, and (iii) providing student support services (see Chapter 3). A small number of urban high poverty schools have been able to increase student achievement, but only when these three practices are all implemented.

Teachers must have the skills and commitment to apply recommended instructional practices and to work with students to meet

their academic needs. To support them, teachers need an effective principal who actively promotes the use of recommended instructional practices and expects students to meet high standards for academic achievement. Students need support services to ensure they are prepared to learn each day in school, regardless of circumstances at home. All of this requires a combination of practices, each difficult to implement individually—let alone simultaneously.

These essential practices can be applied under a variety of local and state organizational structures and school models. Experience in Virginia has shown these practices can be implemented by local school divisions alone, as seen at the higher performing high poverty schools examined by JLARC staff. These practices can also be implemented with assistance and increased oversight by the Virginia Department of Education (VDOE), as seen at the schools that experienced more substantial and sustained increases in student achievement following improvement efforts. Other states and cities have used takeovers to implement these practices. Experience has also shown that no single organizational structure or school model guarantees improvement. Where these practices were implemented and school performance was improved, it often occurred only after a challenging, lengthy improvement effort.

STATE SHOULD INCREASE LOCAL ACCOUNTABILITY THROUGH STRONGER MEMORANDA OF UNDERSTANDING

The state has a constitutional obligation to ensure that a high quality system of public education is provided for all children in Virginia, and the state should therefore expect accountability and better results from low performing schools and divisions. According to interviews conducted by JLARC staff, there is a growing consensus among education practitioners and researchers, both within Virginia and nationwide, that the ability to exercise greater state control over low performing schools is critical to ensuring a high quality education system. The option of greater control gives the state a viable course of action in the event that a local school division repeatedly fails to improve a school because it lacks either the capacity or willingness to undertake necessary improvement efforts. The prospect of greater state control over low performing schools may also induce local school divisions to intensify their improvement efforts.

Stronger, Mandatory Memoranda of Understanding Would Give the State More Control Over Low Performing Schools

There are alternatives to state takeover that would give the state greater control of low performing schools while avoiding the disruption, cost, and logistical challenges associated with a state division such as Virginia's OEI. Stronger memoranda of understanding (MOUs) between local school divisions and the state Board of

Education could give the state more control over local budgetary, personnel, and instructional decisions that affect school performance. A low performing school rated “accreditation denied” and meeting certain additional criteria could be required by statute to sign an MOU giving the state authority to review these local decisions, and either approve them or impose state decisions to improve school performance. Because the local school board and division would retain significant responsibility and authority for operating schools, this approach would avoid the disruption and cost of full state takeover.

As noted in Chapter 2, most of the Virginia schools previously subject to MOUs did improve their test scores. This improvement occurred using less stringent MOUs. It is likely that more stringent MOUs directing better academic decisions would help to further improve test scores. Because more stringent MOUs have not been used, though, it is difficult to predict by exactly how much they might improve scores. This difficulty is partly due to the likelihood that the MOUs would have varying levels of effectiveness depending on the unique challenges confronting each school or division.

Stronger MOUs Would Give the State Final Authority Over Key Budgetary, Personnel, and Instructional Decisions. MOUs have been used previously in Virginia to address low school performance, but could, when appropriate, be written to provide more state direction. A recent MOU with the Franklin City school division (2014), which was entered into after state education officials determined that residents of Franklin City supported school improvement efforts, gives greater authority to the state superintendent than past MOUs have. This new MOU

- requires the school board to provide the state superintendent with the names and credentials of the three finalists for the division’s superintendent position;
- requires the division superintendent to consult with the state superintendent on recommendations regarding instructional programs and personnel, and requires the Franklin City school board to provide written justification regarding any board decision that is contrary to these recommendations;
- requires the division superintendent to provide VDOE documentation on planned uses and actual expenditures of *state* funds, and gives VDOE review and approval over planned uses and actual expenditures of *federal* funds; and
- permits the designee of the state superintendent to meet with the Franklin City school board in an ex-officio, non-voting, capacity if all schools in the division are not fully accredited by the beginning of the 2015-2016 school year.

In the future, MOUs between the state Board of Education and a local school board could be strengthened even further, to give the state superintendent authority to approve or disapprove any budgetary, personnel, and instructional decisions affecting academic functions. MOUs could be written to allow the state superintendent to make overriding and binding recommendations to local school divisions regarding

- instructional expenditures made from federal or state funds;
- instructional personnel, including teachers, principals, division-level staff, and the division superintendent;
- curricula and instructional programs; and
- school improvement efforts.

Under such an MOU, the local school board could retain responsibility and authority over decisions affecting non-academic functions such as transportation, building construction and maintenance, and food preparation. The local board could also have advisory responsibilities for budgetary, personnel, and instructional decisions affecting academic functions. The MOU could be developed by the state Board of Education with assistance from the state superintendent and VDOE staff, who could draw on their knowledge of the factors contributing to low performance in a school and prior attempts to improve its performance.

Clear and adaptable criteria would be needed for determining when such an MOU is needed to facilitate a school's improvement, and when a local school division can regain full authority over all expenditure and personnel decisions. Criteria to be considered in this decision would include (i) a school's prior performance record, (ii) whether or not the school has made recent improvements in student achievement, and (iii) whether or not the school and local board have the capacity to undertake the necessary improvement efforts (see Table 5, page 47). The decision to release a local school division from such an MOU could be based on an assessment of the local board's and division's ability to sustain student achievement levels once the school returns to a rating of "fully accredited." Because circumstances vary from one school to another, the state Board of Education and state superintendent would need reasonable latitude to make decisions on a case-by-case basis.

Stronger MOUs Would Avoid Three Primary Drawbacks of State Takeover. Using more stringent MOUs to control decisions affecting academic functions in low performing schools would avoid the disruption, cost, and complexity associated with state takeover. First, state takeover would involve a transfer of authority from duly elected officials—the local school board, as chosen by local citizens—to an un-elected state entity. This problem could be avoided

through the use of an MOU, as the local school board would retain control over non-academic decisions and would have advisory responsibilities regarding academic decisions. Second, state takeover would impose costs associated with creating the new state agency to oversee and operate low performing schools. Unless a state division took over an entire local school division, these functions would duplicate functions of the local division. The additional costs associated with a state division would require new state funding in the short term and potentially in the long term as well. Many of these costs could be avoided through the use of an MOU. Third, takeover through state divisions involves logistical challenges related to the state operating local schools that can be largely avoided through MOUs.

Recommendation (2). The Board of Education should enter into mandatory memoranda of understanding (MOU) with individual school divisions that meet specific criteria for low performance. The MOU should give the Superintendent of Public Instruction binding authority over budgetary, personnel, and instructional decisions affecting academic functions in such schools. Additional criteria for low performance should include (i) a school's prior performance record, (ii) whether or not the school has made recent improvements in student achievement, and (iii) whether or not the local school board, division, and school have the capacity to undertake necessary improvement efforts.

Authority for Stronger, Mandatory MOUs Should Be Established in Statute and the Constitution

The legal authority to use MOUs that exercise greater state control over key budgetary, personnel, and instructional decisions by local school boards—beyond the state influence exercised in previous MOUs between the state Board of Education and local school divisions—should be established in the Code and Constitution of Virginia. The Code of Virginia permits “corrective actions,” and the Virginia Administrative Code establishes MOUs pursuant to this provision. These MOUs document the additional responsibilities a local school division must take to improve a low performing school, and the additional support VDOE will provide to assist a local division in these efforts. To date, these MOUs have been voluntary agreements between local school boards and the state that have not enabled the state to unilaterally make key budgetary, personnel, and instructional decisions.

More stringent MOUs that allow the state to impose certain budgetary, personnel, and instructional decisions on local school divisions appear likely to be challenged in court by local school boards as unconstitutional. According to the Office of the Attorney Gen-

eral, such MOUs would represent a “fundamental shift” from a voluntary agreement to an order that “empower[s] the state to unilaterally impose terms and conditions of its choosing on local school boards.” The Office of the Attorney General concluded that it anticipates a constitutional challenge to stronger, mandatory MOUs, similar to the challenges raised over OEI.

While the current statute could be interpreted to give the state the authority to enter into stronger MOUs, the best course is to amend the Code to establish this authority and amend the Constitution as necessary, given the lack of clarity in the Code and the strong possibility of a constitutional challenge. There may also be value in the state superintendent seeking a formal opinion from the Office of the Attorney General after a circuit court ruling is issued on the current legal challenge to OEI. Seeking such an opinion could help resolve the legal and constitutional uncertainty around their use.

The General Assembly may wish to consider amending the Code of Virginia and the Constitution of Virginia as necessary to establish state authority to compel school divisions that meet specific criteria for low performance to enter into mandatory MOUs through which the state can make overriding and binding budgetary, personnel, and instructional decisions as needed to improve performance.

Recommendation (3). The General Assembly may wish to consider amending the Code of Virginia to give the Board of Education express legal authority to enter into mandatory memoranda of understanding (MOU) with individual school districts when necessary. The language of the MOUs should be formulated to give the state authority to make overriding budgetary, personnel, and instructional decisions in local school divisions that meet specific criteria for low performance. The General Assembly may also wish to consider amending the Constitution of Virginia to provide such authority, subject to the approval of a majority of qualified voters in Virginia.

Depending on the number of schools or divisions subject to MOUs, VDOE may need additional staff with expertise in school improvement. Staff would need to work collaboratively with local division and school staff to identify the staffing, resource, and school improvement decisions to be articulated in each MOU.

STATE CAN PROVIDE ADDITIONAL RESOURCES AND FLEXIBILITY

In addition to exercising greater control over low performing schools, the state can better facilitate access to effective teachers

and principals and support services for students. This can occur through providing additional resources and providing school divisions with flexibility to use non-traditional models when appropriate. Some of these types of support are currently being addressed, and existing efforts can be expanded or targeted more specifically to urban high poverty schools.

Teachers Can Be Trained Specifically to Be Effective in Urban High Poverty Schools

Education experts have known for decades the importance of having effective, committed teachers in urban high poverty schools. Even low performing schools have some teachers with the ability and commitment to work in a challenging urban high poverty environment over the long term. The difficulty is attracting and retaining a sufficient number of these teachers. The shortage of effective, committed teachers appears most acute in math and science at the middle and high school levels. Both national education experts and VDOE staff emphasized that addressing the need for teachers in high poverty schools requires developing a dedicated “pipeline” of teachers and principals.

Factors such as the level of support or training for teachers and influence over a school’s operation appear to be the critical factors affecting the willingness of teachers to teach in high poverty schools. Additional financial compensation or incentives may in certain cases encourage more people to teach in urban high poverty communities. Research suggests, however, that there are other reasons why teachers choose to take these very challenging positions, and why they choose to leave them. The American Federation of Teachers indicates the top three reasons teachers leave high poverty, urban schools are (i) poor support from school and division administration, (ii) an inability to influence key school and classroom decisions, and (iii) classroom intrusions and disruptions, in particular student behavioral issues.

Teach for America May Offer Short-Term Solution. One program that could help address the need for effective, committed teachers in urban high poverty schools is Teach for America (TFA). TFA recruits recent college graduates to teach for two years in high poverty schools nationwide. TFA teachers complete a five-week summer training course before their first year of teaching and receive additional support and training from national and regional TFA staff during their two-year commitment. The cost to a local school division for using TFA ranges up to \$5,000 per teacher.

Given the relatively limited training TFA teachers receive compared to more traditional teacher certification paths, they may need additional training and support on instructional and class-

room management practices during their two years. This could include ongoing support from more experienced “mentor” teachers, assistance from school principals, and professional development sessions from the school division. TFA teachers only stay for two years, which means that the program will do little to reduce high rates of turnover among teachers in urban high poverty schools. However, TFA teachers bring recent academic experience along with new ideas and new energy to the classroom. The research literature finds a moderate increase in achievement associated with the TFA program.

The state is already taking steps to facilitate the use of TFA by local school divisions. In 2013, the General Assembly passed legislation requiring the state Board of Education to issue two-year provisional licenses to Teach for America teachers that meet certain qualifications. Proposed legislation includes \$500,000 in grant funds to reimburse school divisions up to \$5,000 for each TFA teacher placed. The General Assembly could provide these reimbursements to give TFA teachers ongoing training and support during their two-year commitment.

Recommendation (4). The General Assembly may wish to consider providing grant funds to school divisions that place Teach for America (TFA) teachers. Grants could be up to \$5,000 per TFA teacher placed.

Urban Teacher Residency Programs May Offer a Targeted Long-Term Solution. Urban teacher residency programs have the potential to create a dedicated, ongoing pipeline of new teachers with the skills to support student achievement over the long term. Nationwide, there are 17 teacher residency programs providing teachers for schools in cities such as Chicago, Washington, D.C., and New York. The research literature examining the impact of teacher residency programs on student achievement is limited, but so far individual teacher residency programs report positive results. For example, on average, teacher residents in Memphis score higher than the district average on Tennessee’s value-added assessment system.

Virginia currently has one teacher residency program, which is a partnership between the Richmond City school division and the Virginia Commonwealth University School of Education. The program is funded through a \$5.8 million grant from the federal Teacher Quality Enhancement Partnership program. For the first three cohorts of teachers recruited, a total of 31 teacher residents were placed in schools, including seven of the eight middle schools and all five high schools in Richmond City. An additional 31 residents have been recruited for the 2014-2015 academic year.

Urban Teacher Residency Programs

Urban teacher residency programs provide an alternative pathway to teaching certification that involves a year-long “residency” teaching alongside an experienced mentor teacher. Residents are required to complete coursework that satisfies state certification requirements and leads to a master’s degree.

Residency programs are developed by university teaching schools that offer master’s degrees in collaboration with local school districts.

The state could support the development of similar teacher residency programs in other urban school divisions where teacher shortages may contribute to low school performance and where a nearby college or university offers a master's degree in teaching. For example, similar residency programs could be developed for the Petersburg and Norfolk school divisions. Funds would be needed for planning new programs and for placement and support of teacher residents. State funding could be provided to a school division and nearby college or university to offset these costs. Approximately \$480,000 in planning funds was needed to develop the Richmond teacher residency program, with funds used primarily to compensate university faculty for their participation in the planning process. The cost to Virginia Commonwealth University of placing and supporting each teacher resident over their four-year commitment has been approximately \$40,000 per teacher.

Recommendation (5). The General Assembly may wish to consider providing grants to higher education institutions and local school divisions to partner on developing teacher residency programs near Petersburg and Norfolk.

Because teacher residency programs are relatively new, there is limited research on how they impact student achievement. According to VCU staff, the Richmond teacher residency program would need to continue for three years in order for its impact on student achievement to be accurately measured. If the state provides funds to support teacher residency programs, the state should monitor their impact on student achievement in urban high poverty schools. As a condition of receiving state funds, teacher residency programs should be required to report annually on this impact.

Recommendation (6). The General Assembly may wish to consider requiring teacher residency programs receiving state funds to report annually to the House Appropriations and Senate Finance committees on the impact of their programs on student achievement in K-12 public schools.

Particularly for divisions subject to more stringent MOUs, VDOE staff and perhaps other state agency staff and education experts would need to work closely with each division to identify a range of approaches that may result in more teachers who can be effective in an urban high poverty environment. In addition to Teach For America and teacher residency programs, financial incentives to attract and retain effective teachers could be considered. Incentives such as bonus payments, higher salaries, or student loan re-

imbursements may improve an urban school division's ability to recruit and retain effective teachers in its classrooms.

Glazerman et. al. (2013) examined the impact of a \$20,000 bonus paid over two years to high performing teachers who accepted positions in hard-to-staff schools. The researchers found that the bonus was effective in attracting high performing teachers to these schools, and that the program positively impacted math and reading test scores in elementary classrooms. However, teachers receiving the bonus were no more likely to stay in these positions after the bonus was paid than teachers who did not participate.

Non-traditional School Models Can Improve Instructional Practices and Provide Support Services

There is evidence that when implemented properly, alternative schooling models can improve student achievement in high poverty urban areas. Certain non-traditional models can improve low performing schools by using different instructional practices or providing additional support services for students. These models can be implemented without state takeover. As with traditional public schools, the success of these models depends heavily on the practices associated with student achievement.

JLARC Study: Year-Round Schools

According to JLARC's *Review of Year-Round Schools* (2012), average English SOL test scores for African American students at 74 percent of year-round schools increased faster than average scores at traditional calendar schools.

The report found no significant relationship between simply expanding instructional time and student achievement, suggesting that quality of instruction is more important than quantity of instructional time.

Year-Round Schools Can Increase Achievement for Certain Students if Recommended Instructional Practices Are Used. Implementing year-round school calendars can improve achievement if combined with recommended instructional practices and timely remediation for struggling students. In response to a 2012 JLARC study (sidebar), the General Assembly made planning grants and operating funding available to certain schools considering or operating on a year-round calendar. Peabody Middle and A.P. Hill Elementary in Petersburg recently received approval from the state Board of Education to implement a year-round schedule. Both schools are rated "accreditation denied" for the 2013-2014 school year and, under the Appropriation Act as amended by the General Assembly in 2014, Peabody Middle is required to be transferred to the OEI. (Because the Appropriation Act requires transfer to OEI only for schools rated "accreditation denied" for two consecutive years, A.P. Hill Elementary—which has been rated "accreditation denied" for just one year—is not subject to mandatory transfer.)

Additional Support Services Can Better Meet the Needs of Students Living in Poverty. A substantial body of research suggests that support services for students can improve student achievement in urban high poverty schools. A second non-traditional schooling model provides extensive support services to meet the physical, social, and emotional needs of students living in poverty. For children in poverty, these needs may not be consistently met at home. Teachers and principals at urban high poverty schools visited by

Achievable Dream model

For this study, JLARC staff visited the two Achievable Dream schools in Newport News.

Achievable Dream schools place heavy emphasis on meeting the social and emotional needs of students through character education, mentoring, and outreach by school staff.

JLARC staff cited the challenge of meeting these needs as a significant barrier to improving achievement.

The Achievable Dream schools in the Newport News school division represent an approach to providing support services to students living in poverty. Achievable Dream schools place heavy emphasis on meeting the social and emotional needs of students through character education, mentoring, and outreach by school staff. The following attributes of Achievable Dream schools make this possible:

- partnerships with business, nonprofit, and local government entities in the community to provide services such as health and dental care, weekend food packs, and mentoring;
- charitable contributions from local businesses and nonprofit organizations;
- additional school staff responsible for mentoring students and working with them and their families to address issues that can hinder academic achievement; and
- a small student population that allows school staff to maintain one-on-one relationships with the students.

In addition to providing support services, the Achievable Dream schools extend the regular school day by 90 minutes and use Saturday sessions for remediation and SAT test preparation.

Replicating the Achievable Dream model in other high poverty schools may be feasible on a limited scale in large urban school divisions. Developing similar schools would require three key components. First, Achievable Dream schools have higher annual operating costs and require additional funding. Per student expenditures are approximately 20 percent more than the average for the Newport News school division. This would mean an additional \$1.1 million in annual expenditures for an elementary, middle, or high school with 500 students. According to school staff, the higher expenditures result primarily from expanded learning time and student uniforms.

Second, the Achievable Dream model requires a smaller number of students at each secondary school. The Achievable Dream combined middle and high school has a total of 480 students: about 270 middle and 210 high school students. This is much lower than the statewide average of about 950 students for secondary schools. According to Achievable Dream staff, reducing the size of the student population allows the one-on-one guidance and support many students need during adolescence. A division that develops secondary schools on the Achievable Dream model may need funds to

Charter Schools

Charter schools are publicly funded schools that operate with more autonomy than traditional public schools but are subject to greater accountability.

Charter schools are subject to charter agreements that describe the nature of school's relationship to the authorizer and minimum levels of performance the charter must meet.

build or renovate school buildings more suited to smaller student populations.

Third, the Achievable Dream model requires the development of extensive partnerships with local organizations that are willing to make financial and in-kind donations. The model may be more feasible in large cities like Richmond and Norfolk and less feasible in a smaller city like Petersburg. Developing partnerships and obtaining needed resources from the private sector may be more feasible if the school is operated by a nonprofit entity under contract with the local school division, as is the case with the Achievable Dream schools.

One potential alternative to the Achievable Dream model is Communities in Schools, a national organization that coordinates with local businesses, social service agencies, and volunteer organizations to provide support services for students in high poverty schools. Communities in Schools, which is active in school districts nationwide, is currently operating in schools in the Richmond City and Chesterfield school divisions and is developing affiliates in the Hampton Roads, Southwest Virginia, and Northern Virginia regions. An analysis of the impact of Communities in Schools on student achievement found the program had positive impacts on graduation and dropout rates in high schools, sixth grade standardized reading scores, and grade point average for ninth grade students.

High Quality Charter Schools Can Improve Student Achievement in Urban High Poverty Schools. The third non-traditional model with potential to improve low performing schools is a charter school or similar school operated by a private entity. Research literature on charter schools suggests that such an approach can increase student performance in urban high poverty schools. In a review of prior research studies, Betts and Tang (2011) found that in urban districts charter schools are more likely to outperform traditional public schools. Gleason et. al. (2010) examined 36 charter middle schools in 15 states and found that charter schools serving higher percentages of students in poverty had more positive and statistically significant impacts on math test scores. Rand Corporation (2009) found that students in charter high schools were more likely to graduate and attend college. These findings are consistent with recent experience in Louisiana, where the 52 charter schools in the state's Recovery School District have increased their school performance scores an average of eight percent each year since 2008.

In converting a low performing school to a charter or similar school, there is no guarantee that the private operator will improve the school's performance. While research studies have found that *on average* charter schools can improve achievement for certain

groups of students, some charter operators—just as with some traditional public schools—do not improve student achievement. Selecting a high quality operator that can implement the key practices that promote student achievement is therefore critical. The importance of selecting high quality charter operators is emphasized by education researchers and confirmed by staff of state school divisions in Louisiana and Tennessee.

Charter operators should be subject to a rigorous evaluation process that, at a minimum, examines their prior performance in urban high poverty environments—ideally in schools with a history of low student achievement. There may be value in relying on a third-party entity, such as the National Association of Charter School Authorizers, to assist with or administer this evaluation process.

In addition, charter schools should be subject to rigorous oversight by the local school district to ensure they

- comply with state Standards of Quality (SOQ) requirements, such as minimum test scores and pass rates for full accreditation,
- accept all eligible students living within the school’s geographic district, and
- do not inappropriately use suspensions and expulsions to remove lower performing students from the school.

JLARC Recommendations: Low Performing Schools in Urban High Poverty Communities

1. The General Assembly may wish to consider repealing Chapter 4.1 of Title 22 (§§ 22.1-27.1 through 22.1-27.6) of the Code of Virginia and eliminating funding for the Opportunity Educational Institution board and staff (page 50).
2. The Board of Education should enter into mandatory memoranda of understanding (MOU) with individual school divisions that meet specific criteria for low performance. The MOU should give the Superintendent of Public Instruction binding authority over budgetary, personnel, and instructional decisions affecting academic functions in such schools. Additional criteria for low performance should include (i) a school's prior performance record, (ii) whether or not the school has made recent improvements in student achievement, and (iii) whether or not the local school board, division, and school have the capacity to undertake necessary improvement efforts (page 55).
3. The General Assembly may wish to consider amending the Code of Virginia to give the Board of Education express legal authority to enter into mandatory memoranda of understanding (MOU) with individual school districts when necessary. The language of the MOUs should be formulated to give the state authority to make overriding budgetary, personnel, and instructional decisions in local school divisions that meet specific criteria for low performance. The General Assembly may also wish to consider amending the Constitution of Virginia to provide such authority, subject to the approval of a majority of qualified voters in Virginia (page 56).
4. The General Assembly may wish to consider providing grant funds to school divisions that place Teach for America (TFA) teachers. Grants could be up to \$5,000 per TFA teacher placed (page 58).
5. The General Assembly may wish to consider providing grants to higher education institutions and local school divisions to partner on developing teacher residency programs near Petersburg and Norfolk (page 59).
6. The General Assembly may wish to consider requiring teacher residency programs receiving state funds to report annually to the House Appropriations and Senate Finance committees on the impact of their programs on student achievement in K-12 public schools (page 59).

Study Mandate

Item 31, 2013 Appropriation Act

G. 1. JLARC is hereby directed to study options for the restructuring of lowest performing schools or districts. The study shall consider (i) options used in other states and cities and the outcomes of efforts such as mergers, takeovers, charter schools, and other turnaround efforts, including an assessment of Virginia's efforts to date; (ii) other current successful approaches for high poverty urban schools within Virginia and whether they could be replicated in other areas; (iii) an estimate of the resources and expertise that would be required at the state level to effectively implement and oversee any such models; (iv) appropriate criteria for intervention decisions; and (v) analysis of the primary reasons for low school or district performance.

2. JLARC shall complete its study and submit a final report by June 30, 2014.

3. The Department of Education and local school divisions shall cooperate as requested by JLARC. All agencies of the Commonwealth shall provide assistance for this study, upon request.

Research Activities and Methods

JLARC staff used a number of research activities and methods to study options for restructuring and improving urban high poverty schools in Virginia. The primary research activities and methods for this study included

- analysis of school-level Standards of Learning (SOL) test result data provided by the Virginia Department of Education (VDOE),
- analysis of school-level data on student demographics and school accreditation status,
- site visits to nine urban high poverty schools in Virginia to interview teachers and principals,
- structured interviews with VDOE staff and experts in the field of improving low performing schools,
- a review of documents provided by VDOE and local school divisions,
- reviews of school takeovers in other states and cities through structured interviews and reviews of publicly available information, and
- a review of the literature on high poverty schools and school improvement strategies.

ANALYSIS OF SCHOOL-LEVEL SOL TEST RESULT DATA

JLARC staff received school-level reading, writing, and mathematics SOL average score results from VDOE for all schools in Virginia, for the school years 2000-01 to 2012-13. The data set contained school-level average SOL scaled scores for all Virginia schools in the period. (The method for calculating average English and math scores of elementary, middle, and high schools is described in Appendix E of the 2012 JLARC report *Review of Year-Round Schools*.)

JLARC staff also received from VDOE demographic information from each school for FYs 2009 through 2013. In particular, percentages of students at each school falling into the following categories were reported:

- economically disadvantaged,
- limited English proficient (LEP) status,
- student with disabilities,
- gender (male/female), and
- race/ethnicity (black, Hispanic, Asian, white, and other).

(Further description of these variables is provided in Appendix E of the 2012 JLARC report *Review of Year-Round Schools*.)

Because the education level of the parents of students at the school could not be directly observed, the best proxy variable available for FY 2013 was from the 2010 Census: the proportion of adults age 25 and older in the locality who had received a college degree or higher.

Analysis of Test Score Data

There were two approaches used to analyze the SOL English and math test averages: (i) a within-year regression analysis (especially in FY 2013, the most recent year for which data were available); and (ii) a longitudinal analysis of selected schools, ranging from FY 2003 to FY 2013, depending on when a school improvement intervention took place. (More information on school improvement interventions and the longitudinal analysis is in Appendix E.)

Within-year Regression Analysis. Regression models were used to predict average English and math SOL test scores, for each school in FY 2013. The regression models in FY 2013 were based on all schools that were categorized by VDOE as “elementary,” “middle,” or “high,” and did not have missing data contributing to the average English or math test score calculated for each school. The regression models were based on 1,045 elementary schools, 285 middle schools, and 299 high schools. R-squares ranged from .40 to .77.

The estimated parameters from these models were then applied to predict the average test scores that would be expected from the demographic predictors. The actual average test scores were then compared to the predicted test scores.

The regression models used in this study are based on the regression and correlation analyses done for previous JLARC studies (namely, *Review of Year-round Schools*, *Strategies to Promote Third Grade Reading Performance in Virginia* and *Review of Factors and Best Practices Associated with School Performance in Virginia*). A key finding in these studies was that certain demographic differences in the student populations needed to be taken into account when comparing average test scores from one school to another. Consequently, all regression models used in this study to predict expected test scores control for certain demographic differences. For example, the regression models predicting the school-

level average FY 2013 English and math SOL scores for all elementary schools look like:

Eng_SCORE_PREDICTION = 449.9761

- 0.6150 (% economically disadvantaged students)
- 0.2394 (% on limited English proficient status)
- 0.1694 (% black students)
- + 0.1070 (% adults with at least college degree)
- + 0.3184 (% female students)
- 0.3946 (% severely disabled students)

MATH_SCORE_PREDICTION = 443.4754

- 0.5756 (% economically disadvantaged students)
- 0.0844 (% on limited English proficient status)
- 0.1061 (% black students)
- 0.0069 (% adults with at least college degree)
- + 0.4180 (% female students)
- 0.2384 (% severely disabled students)

All percentage variables were on a scale of 0 to 100. So, for example, if a school had 50 percent of its students classified as “economically disadvantaged,” its predicted average English test score would be 0.6150×50 , or 30.75, points lower (holding everything else constant to the schoolwide average).

The variable “% adults with at least college degree” makes a substantial contribution in predicting average English test scores—for every percentage point it adds about .11 points to the predicted English scores, and it ranges from about nine to 72 percentage points. At first examination, its negative coefficient for predicting the average math score appears counterintuitive. But the coefficient is so small that in most cases it made close to zero difference in predicting a school’s average math score.

There was a choice between including the percentage of LEP students and the percentage of Hispanic students in the regression models. The two variables were highly correlated, and having both in the regression models at the same time produced counterintuitive results. Because a regression model with percentage of LEP students accounted for a slightly higher amount of variability in SOL scores (that is, a slightly higher R-square) compared to one with percentage of Hispanic students, and because LEP was used as an independent variable in the school-level regression models of the previous *Third Grade Reading Proficiency* study, percentage of LEP students was chosen as the independent variable.

Similar regression models were constructed to predict the average SOL scores for middle schools and high schools.

Longitudinal Analysis. A key question that the longitudinal analysis addresses is: In the years following a school improvement in-

tervention, is a low performing school closing the gap in SOL test scores compared to other schools across the state, or is the gap widening?

An individual school's average test scores may be getting higher and higher over the years. But at the same time most schools (as measured by the schoolwide mean) across the state may have increasing average test scores at an even higher rate of growth. Therefore, the more meaningful comparison is to examine the *difference* between a particular school's score and the schoolwide mean, and to see over the years how the differences changed—whether the differences narrowed or widened over the years.

To summarize the change in differences (defined as the particular school's average from the schoolwide mean), a trend line was drawn, from the baseline year to FY 2013. The “baseline year” is the year *before* a school intervention took place. (Specific interventions and the years in which they were initiated are shown in Table E-2 of Appendix E.)

The trend line is the line that minimizes the sum of squared errors of differences. “Minimizing the sum of squared errors” is a commonly-used criterion for selecting a line with the least distance between it and the actual individual years' differences.

If the trend line had a positive slope, that indicated that students at a given school tended to improve SOL test scores on average at a faster rate compared to their counterparts in schools statewide. At the same time, schools with a trend line with a negative slope on average tended to have differences growing over time—other schools statewide on average tended to have faster improvement in SOL scores than that particular school.

In other words, a trend line with a positive slope indicates that the achievement gap between a given low performing school and schools in general statewide has been closing, but a negative slope indicates that the achievement gap has widened over the years.

SITE VISITS AND STRUCTURED INTERVIEWS

JLARC staff conducted site visits and structured interviews with staff from VDOE, urban high poverty schools in Virginia, and school improvement experts and practitioners. Site visits with Virginia schools were used to gain insight into the factors affecting student achievement in high poverty schools. Interviews with VDOE staff were used to learn about Virginia's school improvement efforts and VDOE's role in these efforts. Interviews with school improvement experts were used to learn about school im-

provement efforts that have proven to be the most successful, and those that have not.

Site Visits to Urban High Poverty Schools in Virginia

JLARC staff conducted site visits at nine urban high poverty schools with varying levels of student achievement to gain insight into the factors that affect student achievement in these schools. JLARC staff visited schools in Chesterfield and Henrico counties, and the cities of Newport News, Petersburg, Norfolk, and Richmond. These schools included six elementary schools, one middle school, one high school, and one combined middle/high school. Five of the schools were higher performing (including four elementary and one combined middle/high school), and four were lower performing (including two elementary, one middle, and one high school).

To select schools for site visits, JLARC staff focused on schools with high percentages of students living in poverty and of limited English proficiency. Within this subset of K-12 schools in Virginia, JLARC staff selected both higher and lower performing schools based on four primary factors:

- a school's accreditation ratings over the last five years;
- whether a school's English and math SOL test scores over the last three years were higher or lower than scores predicted by the within-year regression analysis described above;
- a school's English and math SOL test scores relative to state averages; and
- whether the school had been designated a "priority" school under Virginia's waiver to the federal No Child Left Behind Act.

JLARC staff conducted two interviews at each school—one interview with the principal, and a separate group interview with three to six teachers representing a range of grades and teaching experience. JLARC staff used structured questions to address several aspects of the school, including:

- use of recommended instructional practices;
- recruitment and retention of effective, committed teachers;
- usefulness of professional development provided for teachers;
- the role of the principal, and the teachers' assessments of the principal's effectiveness in supporting student achievement;
- level of parental involvement at the school;
- challenges related to poverty the school faces; and
- staff's assessment of reasons for the school's current level of performance.

JLARC staff also conducted a structured interview with the superintendent and other division staff from the Norfolk City school division, which has seven schools that meet statutory criteria for transfer to the Opportunity Educational Institution (OEI).

Structured Interviews with VDOE and Other State Staff

JLARC staff conducted structured interviews with VDOE staff, including several with staff from the Office of School Improvement. These interviews addressed:

- the non-school and school-related factors that influence student achievement in urban high poverty schools, including the primary barriers to improving achievement in these schools;
- prior efforts to improve low performing schools in Virginia, and the assistance provided by VDOE staff to these schools; and
- options to improve low performing schools and teacher effectiveness.

JLARC staff met with VDOE data staff to discuss the best sources of school-specific data available for use during the study.

JLARC staff also interviewed the executive director of the OEI to better understand (i) the planning needed to prepare for the transfer of low performing schools to a state division, (ii) OEI's ongoing efforts to prepare for the supervision of four schools for 2014-2015 school year, and (iii) options for operating and improving the performance of schools under OEI.

Structured Interviews with School Improvement Experts and Practitioners

JLARC staff conducted structured interviews with school improvement experts and practitioners, including staff from the School Turnaround Specialist Program at the University of Virginia, the Commonwealth Educational Policy Institute at Virginia Commonwealth University (VCU), and the national Center on Innovation and Improvement, as well as an independent education researcher and consultant. These interviews generally addressed:

- the primary factors contributing to low student achievement in high poverty schools in Virginia and other states;
- reasons that some high poverty schools are able to maintain higher levels of student achievement;
- options and approaches for improving low performing schools; and
- appropriate criteria for state takeover or intervention.

JLARC staff also interviewed staff with the Richmond Teacher Residency program at VCU's Center for Teacher Leadership, as well as staff and members of the Virginia School Boards Association. These interviews were used to examine potential options for improving student achievement in urban high poverty schools.

DOCUMENT REVIEWS

JLARC staff reviewed three main types of documentation to obtain information on school improvement efforts undertaken by Virginia's low performing schools: (i) applications from school divisions for federal School Improvement Grant funds, (ii) applications to the state Board of Education for a rating of "conditionally accredited—reconstituted" following a school's reconstitution as an alternative to a memorandum of understanding with the Board, and (iii) reports prepared by education consultants assisting low performing schools. Documents were reviewed for 12 low performing schools, including six elementary, three middle, and three high schools. These 12 schools are in the following school divisions:

- Alexandria City
- Grayson County
- Hopewell City
- Norfolk City
- Petersburg City
- Richmond City
- Roanoke City

Seven of the schools reviewed are currently eligible under the Code of Virginia for transfer to the OEI, including five subject to mandatory transfer and two subject to optional transfer.

Applications for school improvement grants and ratings of "conditionally accredited—reconstituted" were reviewed to identify schools' planned or ongoing improvement efforts, including changes to a school's organizational structure, staff, and instructional practices. School improvement grant applications also provided information on efforts that schools cited as more or less successful, and barriers to improving school performance.

JLARC staff also reviewed monthly reports prepared by education consultants assisting low performing schools. These reports described improvement efforts undertaken by schools, provided commentary on the success of these efforts, and identified the primary barriers to a school's performance, such as high staff turnover or the inconsistent use of recommended instructional practices.

REVIEW OF SCHOOL TAKEOVERS IN OTHER STATES AND CITIES

JLARC staff conducted structured interviews with staff from the Recovery School District in Louisiana, the Achievement School District in Tennessee, and the Education Achievement Authority in Michigan, as well as state department of education staff in Ohio. Louisiana, Tennessee, and Michigan were chosen because each currently has a state division for low performing schools like Virginia's OEI. Ohio was chosen because that state uses restructured school boards with state and local appointees in low performing schools.

JLARC staff analyzed school performance data for schools in Louisiana's Recovery School District from 2008 through 2013. Staff conducted this analysis because Louisiana is one of three other states that—like Virginia—have used statewide divisions to take over low performing schools, and because Louisiana's takeover efforts began more than a decade ago and provide a rare record of school-level student achievement over time. Although data on schools in Louisiana exists prior to 2008, this year was chosen as a start date because it was after the series of restructuring and school changes that resulted from Hurricane Katrina in August 2005.

JLARC staff also reviewed other states and cities that have implemented school takeovers in recent years and those that have been involved in state takeovers for longer periods. This review included statutes and laws regarding takeover; state or school district websites with information on organizational restructuring and improvement efforts; coverage of takeovers in periodicals and academic articles; and other written analyses of the performance in statewide districts and city takeovers. In cities, takeover was focused on low performing districts while statewide takeover focused on low performing individual schools. The following states and cities were part of the JLARC staff review:

- Baltimore
- Chicago, IL
- Indiana
- Louisiana
- Massachusetts
- Michigan
- New Jersey
- New York City, NY
- Ohio
- Philadelphia, PA
- Prince George's County, MD
- Tennessee
- Washington, D.C.

REVIEW OF RESEARCH LITERATURE

Throughout the course of the study, JLARC staff conducted an extensive review of literature on a range of study topics, including

- the family, school, and community factors that influence a child's academic achievement;
- best educational practices, particularly for high poverty schools;
- the use of school takeovers in other states and cities, including its implementation and impact on student achievement; and
- school improvement strategies, including options to improve a school's ability to attract and retain effective staff, the use of charter schools, and other non-traditional schooling models.

JLARC staff also consulted previous JLARC reports on K-12 academic achievement to identify best educational practices. In addition, staff used recommendations from school improvement professionals and practitioners as well as internet searches to identify literature and materials relevant to the study. (See Appendix G for a bibliography of primary studies and articles used in developing this report.)

Appendix **C**

Schools Eligible for Transfer to Opportunity Educational Institution

Under the Code of Virginia, 25 schools could be transferred to the Opportunity Educational Institution (OEI) for the 2014-15 school year. Statute requires that schools rated “accreditation denied” be transferred. Schools rated “accredited with warning” for three consecutive years may be transferred upon a majority vote of the OEI board. The 2013 Appropriation Act requires that schools rated “accreditation denied” for two consecutive years be transferred to the OEI. The Appropriation Act does not address the transfer to the OEI of schools rated “accredited with warning.”

Table C-1: 25 Schools Could Be Transferred to the OEI for the 2014-2015 School Year

School	School Division	Most Recent Year of Full Accreditation	Number of Students
MANDATORY TRANSFER TO OEI			
Jefferson-Houston Elementary	Alexandria City	2009	357
William H. Ruffner Middle	Norfolk City	2009	794
Peabody Middle	Petersburg City	2001	590
Lafayette-Winona Middle	Norfolk City	2006	624
A.P. Hill Elementary ^a	Petersburg City	2010	509
Lindenwood Elementary ^a	Norfolk City	2008	425
OPTIONAL TRANSFER TO OEI			
Dinwiddie County Middle	Dinwiddie County	2011	1,040
Jane H. Bryan Elementary	Hampton City	2011	401
L. Douglas Wilder Middle	Henrico County	2011	910
Sandusky Middle	Lynchburg City	2011	594
Newsome Park Elementary	Newport News City	2011	546
Sedgefield Elementary	Newport News City	2011	601
Willis A. Jenkins Elementary	Newport News City	2011	430
Campostella Elementary	Norfolk City	2011	667
Lake Taylor Middle	Norfolk City	2011	939
Tidewater Park Elementary	Norfolk City	2011	362
Booker T. Washington High	Norfolk City	2011	1,214
Vernon Johns Junior High	Petersburg City	2011	600
I.C. Norcom High	Portsmouth City	2011	1,157
Armstrong High	Richmond City	2011	967
John Marshall High	Richmond City	2011	777
George Wythe High	Richmond City	2011	874
Thomas C. Boushall Middle	Richmond City	2011	550
Fred D. Thompson Middle	Richmond City	2011	504
Bayside Middle	Virginia Beach City	2011	1,055

^a School has been rated “accreditation denied” for only one year and therefore is subject to mandatory transfer to OEI under the Code of Virginia but not the 2013 Appropriation Act.

Source: JLARC staff analysis of information from Virginia Department of Education.

Virginia School Divisions With Highest Poverty Rates

Table D-1 shows the 25 percent highest poverty school divisions in Virginia. Of the 33 districts represented, 14 are cities and 19 are counties. However, students in poverty are highly concentrated in a small number of large urban areas. Five cities—Newport News, Norfolk, Portsmouth, Richmond, and Roanoke—account for 56 percent of students in poverty in this top quartile.

Table D-1: 25 Percent Highest Poverty School Divisions

School Division	Percentage of Students in Poverty	Total Number of Students in Poverty
Sussex County	80.8	932
Brunswick County	77.9	1,534
Richmond City	76.9	18,176
Danville City	75.7	4,789
Martinsville City	74.8	1,695
Petersburg City	74.8	3,282
Northampton County	74.6	1,269
Hopewell City	74.5	3,146
Franklin City	73.8	934
Roanoke City	71.1	9,538
Buckingham County	70.8	1,497
Essex County	69.6	1,120
Prince Edward County	69.5	1,630
Westmoreland County	69.2	1,181
Accomack County	69.1	3,549
Harrisonburg City	68.5	3,572
Lunenburg County	68.4	1,069
Lancaster County	67.7	929
Greensville County	67.4	1,740
Galax City	66.9	887
Norfolk City	66.1	22,176
Nottoway County	65.6	1,441
Buchanan County	64.8	2,150
Henry County	64.8	4,834
Lee County	64.3	2,081
Bristol City	63.7	1,523
Highland County	63.1	128
Portsmouth City	62.1	9,419
Lynchburg City	62.0	5,333
Grayson County	60.9	1,129
Halifax County	60.7	3,626
Newport News City	60.4	17,820
Mecklenburg County	60.3	2,865

Note: Poverty is measured as the percentage of students qualifying for free or reduced price lunch through the National School Lunch Program (based on October 2012 count of free and reduced price eligible students).

Source: JLARC staff analysis of information from Virginia Department of Education.

Appendix E

Virginia Schools Undergoing Improvement Efforts

This appendix provides data on the Virginia schools undergoing improvement efforts that were reviewed by JLARC staff. Virginia schools have been awarded a total of \$82.2 million in federal School Improvement Grants (SIG) since 2010. Twenty-four schools with persistently low student achievement were awarded \$52.3 million (Table E-1). These schools were among the lowest five percent of all schools in Virginia based on student achievement in English and math SOL test scores. An additional 61 schools in the lowest 20 percent in these subjects have been awarded a total of \$29.8 million.

Table E-1: 24 Low Performing Schools Have Been Awarded \$52.3 Million in Federal School Improvement Grants Since 2010

School	Division	Total SIG Funds Awarded (\$ millions)
T.C. Williams High	Alexandria City	6.0
Lake Taylor Middle	Norfolk City	4.7
Ruffner Middle	Norfolk City	4.3
Northampton High	Northampton County	3.4
Langston Focus	Danville City	2.9
Armstrong High	Richmond City	2.8
Central High	King and Queen County	2.6
William Fleming High	Roanoke City	2.3
Colonial Beach High	Colonial Beach, Town of	1.9
James S. Russell Middle	Brunswick County	1.9
Lindenwood Elementary	Norfolk City	1.9
Thomas C. Boushall Middle	Richmond City	1.9
Tidewater Park Elementary	Norfolk City	1.9
Westside Elementary	Roanoke City	1.9
Peabody Middle	Petersburg City	1.7
Fred D. Thompson Middle	Richmond City	1.6
Hopewell High	Hopewell City	1.6
Fries Middle	Grayson County	1.5
Lincoln Terrace Elementary	Roanoke City	1.5
Prince Edward County High	Prince Edward County	1.5
Sussex Central Middle	Sussex County	1.3
Ellen W. Chambliss Elementary	Sussex County	1.2
Virginia Randolph Community High School	Henrico County	-- ¹
New Bridge School	Henrico County	-- ¹
Total		\$52.3

¹ Schools received \$50,000 to close.

Source: Virginia Department of Education.

Table E-2 presents one measure JLARC staff used to assess school improvement efforts. The table compares each school's average annual gain or loss in English and math SOL scores relative to the state average scores. These numbers are the slopes of the trend lines (described in Appendix B in the section on longitudinal analysis). Each trend line is from the year *before* the school's improvement efforts were initiated (i.e., baseline) to the most current year for which data is available (2012-13). Consequently, the trend lines range from three to 11 years.

The 47 schools were placed into four improvement categories: (A) the schools that substantially gained on average annually on both English and math scores, faster than the average school in Virginia; (B) schools with positive gains in both English and math, although one or both gains are small (under one point annually, on average); (C) schools with a widening gap from schools statewide on average (a trend line with a negative slope) on either the English or math SOL tests; or (D) schools with widening gaps on average across the years on both English and math SOL tests.

“Substantial gain” is defined as an average annual increase of one point or more. (It is a trend line with a slope of 1 or greater.) In other words, the 16 schools in improvement category A were closing the achievement gap on both English and math SOL tests by an average of one point a year or more. In contrast, 31 schools could not close the gap in English or math SOL test scores (or both) by one point each year, although school improvement efforts were initiated during that time. In fact, in 21 of the 47 schools where school improvement efforts were initiated, the achievement gap actually widened over the years in English or math SOL tests (or both).

Table E-2: School Improvement Efforts and Annual Change in School-Level Average SOL Test Scores Relative to Statewide Mean

School	Division	Improvement Effort		Average Annual Gain/(Loss) in SOL Scores Compared to Statewide Mean		Category ⁷
		Type ¹	Year begun	English	Math	
Elementary schools						
A.P. Hill Elementary	Petersburg	SIG (state-approved LTP selected); MOU with division and school with VBOE	2003-04	-0.67	-0.70	D
Baywood Elementary	Grayson	Reconstitution (state model: increased governance)	2006-07	2.85	2.28	A
Brighton Elementary	Portsmouth	Reconstitution (state model: increased governance)	2007-08	-1.03	1.85	C
Ellen W. Chambliss Elementary	Sussex	Reconstitution (restructured grade configuration); SIG (state-approved LTP selected); division and school MOU with VBOE	2003-04 ²	8.64	1.16	A
J.E.B. Stuart Elementary	Petersburg	SIG (state-approved LTP selected); division and school MOU with VBOE	2003-04	3.40	5.09	A
Jefferson-Houston Elementary	Alexandria	Reconstitution (restructured grade configuration); SIG (division-selected LTP); school MOU with VBOE	2006-07	-2.84	-1.83	D
Kiptopeke Elementary	Northampton	SIG (state-approved LTP selected)	2010-11	5.56	7.58	A
Lincoln Terrace Elementary	Roanoke City	SIG (division-selected LTP)	2011-12	8.18	4.98	A
Lindenwood Elementary	Norfolk	Reconstitution; SIG (state-approved LTP selected); school MOU with VBOE	2009-10	0.15	0.24	B
Tidewater Park Elementary	Norfolk	SIG (state-approved LTP selected)	2011-12	3.94	19.77	A
Westside Elementary	Roanoke City	SIG (division-selected LTP)	2010-11	6.51	11.17	A
Middle/combined schools						
Addison Aerospace Magnet	Roanoke City	Reconstitution (state model: increased governance)	2006-07	2.52	1.08	A
Caroline Middle	Caroline	Reconstitution (state model: increased governance)	2006-07	0.34	6.58	B
Charles City County Middle	Charles City	Reconstitution (state model: increased governance)	2006-07	0.43	8.50	B
Cradock Middle	Portsmouth	Reconstitution (state model: increased governance)	2006-07	2.12	4.13	A
Dinwiddie Co. Middle	Dinwiddie	Reconstitution (state model: increased governance)	2006-07	0.21	0.35	B
Essex Intermediate	Essex	Reconstitution (state model for improvement); SIG (no LTP selected)	2006-07	0.79	-2.23	C
Fred D. Thompson Middle	Richmond	SIG (state-approved LTP selected)	2010-11	-3.46	8.52	C
Fries School	Grayson	SIG (division-selected LTP)	2010-11 ³	-0.44	-19.3	D
Huntington Middle	Newport News	Reconstitution (state model: increased governance)	2006-07	-0.76	-3.48	D
James S. Russell Middle	Brunswick	SIG (state-approved LTP selected)	2010-11	3.11	-8.10	C
JM Langston Focus School	Danville	SIG (state approved LTP selected); alternative accreditation plan	2010-11 ⁴	3.13	11.68	A
L. Douglas Wilder Middle	Henrico	Reconstitution (state model: increased governance)	2006-07	-3.24	-2.38	D
Lafayette-Winona Middle	Norfolk	Reconstitution; MOU with VBOE	2008-09	-2.16	3.35	C
Lake Taylor Middle	Norfolk	Reconstitution; SIG (state-approved LTP selected)	2006-07	-2.06	-0.44	D

Luther P. Jackson Middle	Surry	Reconstitution (curricular change)	2006-07	0.20	6.81	B
Maury River Middle	Rockbridge	Reconstitution (state model: increased governance)	2006-07	1.15	-0.59	C
Northside Middle	Norfolk	Reconstitution (state model: increased governance)	2008-09	2.24	1.17	B
Peabody Middle	Petersburg	Reconstitution (restructured grade configuration); SIG (state-approved LTP selected); division and school MOU with VBOE	2003-04 ³	6.09	9.53	A
Prince Edward Middle	Prince Edward	Reconstitution (state model: increased governance)	2006-07	1.04	-0.57	C
Pulaski Middle	Pulaski	Reconstitution (state model: increased governance)	2006-07	0.86	-4.68	C
Richlands Middle	Tazewell	Reconstitution (state model: increased governance)	2006-07	-1.14	0.57	C
Stonewall Jackson Middle	Roanoke City	Reconstitution (state model: increased governance)	2006-07	2.69	3.82	A
Sussex Central Middle	Sussex	SIG (state-approved LTP); division and school MOU with VBOE; restructured grade configuration	2003-04 ³	0.45	8.42	B
Tazewell Middle	Tazewell	Reconstitution (state model: increased governance)	2006-07	-0.42	1.00	C
Thomas C. Boushall Middle	Richmond	Reconstitution; SIG (state-approved LTP selected)	2006-07	2.32	-0.21	C
Vernon Johns Junior High	Petersburg	Reconstitution (restructured grade configuration); SIG (state-approved LTP selected); division and school MOU with VBOE	2003-04 ⁵	1.15 -0.15	1.91	B
Westwood Middle	Danville	Reconstitution (state model: increased governance)	2007-08	0.86	7.32	B
William H. Ruffner Middle	Norfolk	Reconstitution; SIG (state-approved LTP selected); MOU with VBOE	2010-11 ⁶	-1.25	15.4	C

High schools

Armstrong High	Richmond	SIG (state-approved LTP selected)	2010-11	5.74	5.65	A
Central High	King & Queen	SIG (division-selected LTP)	2010-11	-1.18	-1.78	D
Colonial Beach High	Colonial Beach	SIG (division-selected LTP)	2010-11	-1.81	7.71	C
Hopewell High	Hopewell	SIG (division-selected LTP)	2011-12	11.58	6.76	A
Northampton High	Northampton	SIG (state-approved LTP selected)	2011-12	8.12	-1.15	C
Prince Edward High	Prince Edward	SIG (state-approved LTP selected)	2010-11	3.11	8.04	A
T.C. Williams High	Alexandria	SIG (division-selected LTP)	2010-11	0.72	6.72	B
William Fleming High	Roanoke City	SIG (division-selected LTP)	2011-12	8.56	10.43	A

¹ MOU = memorandum of understanding; SIG = school improvement grant; LTP=lead turnaround partner.

² Third grade reading and math scores only were available for all years.

³ Seventh grade reading and math scores only were available for all years.

⁴ JM Langston Focus School is a combined school that has students in grade 6 through 12. Therefore, it has both middle school and high school test results. Annual changes relative to the statewide mean in middle school and high school scores were averaged.

⁵ Eighth grade reading, writing, and math scores only were available for all years. Annual changes relative to the statewide mean in reading and writing test scores were averaged.

⁶ Eighth grade but not seventh grade math scores were available for all years.

⁷ Improvement category:

- A = both English and math scores improved substantially (at least by one point more than the statewide mean, on average per year)
- B = scores in one area improved substantially, but not in the other, yet change remained positive; or neither score improved substantially, but change remained positive
- C = negative change in one area, but not in the other
- D = negative change in both English and math scores

Source: JLARC staff analysis of information from the Virginia Department of Education.

Appendix F

School Takeover in Other States and Cities

School takeover entities in other states generally are one of four types: (i) a state division; (ii) a receiver, which can be an individual or an organization; (iii) a restructured local board with state and local representatives; or (iv) a local government (Table F-1). These four types of entities are implemented in unique ways by states and cities.

Table F-1: Other States and Cities Use Four Primary Types of School Takeover Entities

State / city	Type of takeover entity	Description
Louisiana	State division	State Recovery School District is part of state department of education; district superintendent is appointed by governor and approved by state board of education
Tennessee	State division	State Achievement School District is overseen by a superintendent appointed by state education commissioner
Michigan	State division	Members of 15-person board are appointed by governor, Detroit Public Schools, and Eastern Michigan University
Indiana	Receiver	State board of education appoints receiver
Massachusetts	Receiver	State education commissioner appoints receiver for district; receiver has all the powers of superintendent and local school board
New Jersey	State board	Education commissioner has oversight of failing districts; within districts, school board is appointed by state board of education and chief state school officer
Ohio	Restructured local board	State superintendent appoints three board members, and local school board appoints two; local school board remains in place with limited authority
Baltimore, MD	Restructured local board	School board members are jointly appointed by mayor and governor
Philadelphia, PA	Restructured local board	District is governed by a five-member board; governor appoints three members and mayor appoints two
Prince George's County, MD	Restructured local board	County executive appoints superintendent, board chair, and vice-chair
Chicago, IL	Local government	Local school board members are appointed by mayor
New York, NY	Local government	Each of five borough presidents appoints one member to 13-person school board; mayor appoints remaining 8 members, including chancellor of public instruction
Washington, D.C.	–	D.C. board of education advises superintendent on policies, state standards, objectives, and regulations proposed by mayor or superintendent of education

Source: JLARC staff analysis of information from other states.

In addition to analyzing the number of school performance score points gained or lost in Louisiana schools that had been taken over by the state (see Chapter 4), JLARC staff also analyzed the average annual percentage change in school performance scores relative to the state average for the 59 schools in the Louisiana Recovery School District receiving A through F letter grades in 2013. These 59 schools experienced an average annual increase in school performance scores of 10 percent between 2008 and 2013 (Table F-2). In each year over this period, an average of 21 percent of schools experienced a decline in their school performance score. Seven schools also declined in letter grades or school performance scores during this period.

Table F-2: Most Louisiana Schools Continue to Improve Student Achievement While in the Recovery School District

2013 Letter Grade	Number of Schools ^a	Average Number of Years in District ^b	Average Annual Percent Increase in School Performance Score ^c
A	0	–	–
B	9	5.0	13.0
C	22	4.2	8.0
D	15	3.9	7.9
F	13	2.3	11.5
Total	59	3.9	10.1

^a Does not include eight schools with a grade of T (indicating that school is in transition to Recovery School District).

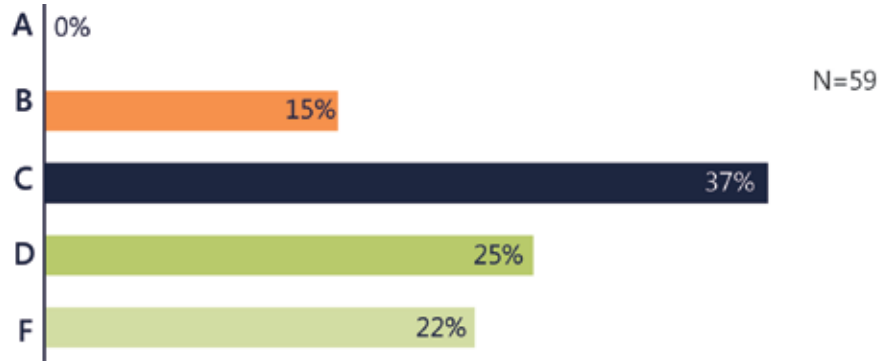
^b Number of years in district is calculated from 2008, after which data was consistently available.

^c School Performance Scores are from 2008–2013. Data prior to 2008 was not consistently available.

Source: JLARC staff analysis of School Performance Score data from the Louisiana Department of Education.

The A through F letter grades in Louisiana are assigned to schools based on their school performance score. In 2013, nearly half of schools in the Recovery School District received a grade of D or F, with the remaining schools receiving grades of B or C (Figure F-1). Between 2012 and 2013, Louisiana changed the method for calculating the school performance score and subsequently changed the A through F grading scale. The new scale, which is calculated out of 150 points, now awards points for schools that show growth in student achievement, even if those students do not reach proficiency. Under the previous scale, which had a maximum point value of 200 and did not award points for such growth, three-fourths of schools in the state division would have received grades of D or F.

Figure F-1: Nearly Half of Schools in Louisiana’s Recovery School District Received a Grade of D or F in 2013



Note: Schools led by private operators that took over existing failing schools and maintained all previous grade levels receive a designation of T (in transition to Recovery School District) for two years. Eight schools were given the T designation in 2013 and are not included in calculations.

Source: JLARC staff analysis of information from the Louisiana Department of Education.

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Appendix H

Agency Responses

As part of an extensive validation process, state agencies and other entities involved in a JLARC assessment are given the opportunity to comment on an exposure draft of the report. JLARC staff provided an exposure draft of this report to the following agencies and entities:

- Office of the Secretary of Education,
- Virginia Department of Education, and
- Office of the Attorney General.

JLARC staff also provided the executive director of the Opportunity Educational Institution the opportunity to review an exposure draft of this report.

Technical corrections resulting from their comments have been incorporated in this version of the report. This appendix includes response letters from the Department of Education and the Office of the Attorney General.



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May 30, 2014

Mr. Hal E. Greer, Director
Joint Legislative Audit and Review Commission
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201 North Ninth Street
Richmond, Virginia 23219

Dear Mr. Greer:

Thank you for giving us the opportunity to review and comment on the draft report on *Low Performing Schools in Urban High Poverty Communities*. We appreciate the thorough research and the thoughtful conclusions about how Virginia should address the complex issues related to low performing schools. It is an excellent report, containing valuable information, insights, and recommendations. The report is very helpful to us as we continue our work helping struggling schools to improve academic achievement.

We have provided a few minor technical comments under separate cover that we trust will be useful as you finalize this report.

Sincerely,

A handwritten signature in black ink, appearing to read "SRS", with a long horizontal line extending to the right.

Steven R. Staples

SRS/ADW



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May 30, 2014

Mr. Hal E. Greer, Director
Joint Legislative Audit and Review Committee
209 North 9th Street, General Assembly Building, Suite 1100
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Dear Mr. Greer,

Thank you for allowing this office to review chapter six of the exposure draft of your report, *Low Performing Schools in Urban High Poverty Communities*. A major premise set forth in chapter six, entitled, *State Can Facilitate Improvement Without Taking Over Schools*, is that a school division Memorandum of Understanding between the state (i.e., the Department of Education or the Board of Education) and a local school board could be used to authorize state control over a local school board's budgetary, personnel, and instructional decisions for the purpose of improving low performing schools, and that state law can and should be changed to accomplish this goal.

Currently, a school division Memorandum of Understanding (MOU) is a negotiated, consented to, and ultimately a voluntary agreement undertaken between a local school board and the state. A school division MOU will document both the additional support that DOE will provide the low performing school division and the additional responsibilities that the low performing local school division will undertake for the overall purpose of school improvement.

The additional DOE support under such an MOU could take the form of providing educational consultants, subject matter instructional coaching, or additional grant funding. In exchange for the additional support, low performing school divisions undertaking such an MOU could agree to increased reporting to the DOE, or consulting with the DOE prior to making significant instructional decisions. Notwithstanding the terms or structure of an MOU, because any such an MOU is voluntary there is no dilution or loss of local control or school board authority because no authority or control can be granted to the state without the consent of the local school board.

My staff's recent discussions with the JLARC legislative analyst that drafted the exposure report clarified that the intent behind the proposed "stronger MOU" includes the drafting of legislation that would require local school boards with low performing schools to execute an MOU proposed by the state. This requirement would turn a voluntary agreement into

an order and represents a fundamental shift in how school division MOUs are currently being implemented. Rather than using an MOU as an instrument that documents the mutually agreed upon duties and responsibilities of the state and the local school board that will support division wide school improvement, Recommendations (2), (3), and (4) of the draft report, taken together, suggest the use of MOUs to empower the state to unilaterally impose terms and conditions of its choosing on local school boards.

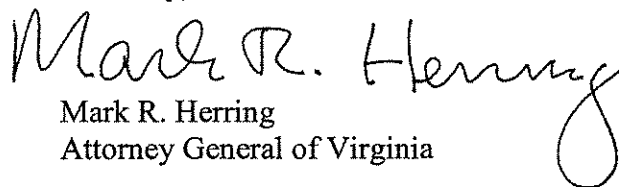
Existing law authorizes the state to require that a local school board implement an approved corrective action plan if the State concludes, after a division wide academic review, that the division's low performing schools is related to the local board's failure to implement the Standards of Quality. Such a corrective action plan must be approved by the state and must set forth specific actions that will be taken by a local board along with a timetable by which all of its schools will achieve full accreditation status. Furthermore, existing law authorizes the state to petition the local circuit court to enforce a corrective action plan if the local Board fails to implement it. Thus, the existing the academic review/corrective action plan process does give the state the authority to require that schools take action to improve low performing schools.

However, in imposing terms and conditions on local school boards, through either "stronger MOUs" or the existing academic review process, the state's actions should be carefully crafted so as not to conflict with Article VIII, §7, of the Constitution of Virginia, which provides, in pertinent part, that "[t]he supervision of schools in each school division shall be vested in a school board." Whether the state can divest a local school board of its authority is the central issue a lawsuit challenging the constitutionality of the 2013 legislation that created the Opportunity Educational Institution (OEI). This lawsuit is currently being heard in Circuit Court in the City of Norfolk. (i.e., *School Board of the City of Norfolk, et al. v. Opportunity Educational Institution, et al.* Civil Case No. CL13-6955).

As you know, former Attorney General Kenneth T. Cuccinelli, II, declined to defend the OEI and its Board after determining that the 2013 legislation creating it was unconstitutional. This office anticipates that a similar constitutional challenge would be raised over the use of "stronger MOUs" as proposed in Recommendations (2), (3), and (4) in the absence of some new precedent emerging from the *School Board of the City of Norfolk* matter.

Thank you again for allowing this office to review and comment on your exposure draft. If you would like to discuss our comments in more detail please feel free to contact Cynthia Bailey, Deputy of the Health, Education, and Social Services Division, Ron Forehand, Chief, Education Section, or Wendell Roberts, Assistant Attorney General.

Sincerely,


Mark R. Herring
Attorney General of Virginia

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