

Policy Analysis regarding District and School Turnaround of Underperforming Schools

A crosswalk policy analysis of Michigan School Code (380.1280c), Massachusetts General Law (Chapter 69, Section 1J), and Tennessee Code (§ 49-1- 602, 613, 614)

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Advancing Innovation and Transformational Change

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Methodology and Data Sources

This report is based on detailed analysis of laws and regulations regarding district and school improvement in Massachusetts, Michigan and Tennessee. Additional contextual information is drawn from site visits conducted to the Massachusetts Department of Education in December 2014 and to the Tennessee Department of Education and the Achievement School District in January 2015.

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An Analysis of Michigan School Code and Tennessee General Code
Regarding District and School Turnaround

Introduction

This document provides a crosswalk policy analysis of how Michigan’s School Code (380.1280c) regarding district and school turnaround relates to **Tennessee’s School Code** (§ 49-1- 602, 613, 614) and **Massachusetts’ Act Relative to the Achievement Gap** (M.G.L. c. 69 § 1J). Specifically, the analysis explores how each state’s law addresses key issues regarding the identification, support, and monitoring of underperforming and chronically underperforming schools. The purpose of the analysis was to identify features of each law that may be similar or different and discuss the potential implications of these differences in law, as enacted and implemented in each state. This analysis is framed as a supportive critique of Michigan’s law intended to inform constructive and future-oriented policymaking by state leaders.

Areas of Analysis

- Identification of Schools
- Supervision and Responsibility
- Planning Requirements
- Planning Process
- Plan Approval
- Monitoring
- Collective Bargaining Issues
- Creation of Separate Office
- External Receiver
- Exiting Schools

Summary Observations from an analysis of Tennessee, Massachusetts, and Michigan law

Summary observations are framed as **characteristics of Michigan’s school code that differ from Massachusetts’ or Tennessee’s approach to district and school turnaround**, and that are worthy of additional analysis and revision.

1. **(Over) Use of Federal ARRA language:** Michigan’s school code refers to and relies upon federal ARRA guidelines and intervention models as the basis for its accountability system. Stipulating that 5% of schools will be identified as the lowest achieving and restricting redesign plans to the use of one of four federal intervention models dramatically limits Michigan’s ability to adapt and modify its approach to turnaround. In contrast:
 - a. Massachusetts’ law does not refer to federal law and is based upon an existing state accountability framework. In practice, most of Massachusetts’ priority Level 4 schools are using SIG funds.
 - b. Tennessee’s law briefly refers to the SIG federal intervention models as one option that districts may use to attend to priority schools, and the ASD is not restricted to the use of federal intervention models, although the ASD does access SIG funds to carry out its work in schools.
2. **Reduced district responsibility for underperforming schools:** There are a number of instances in which Michigan school code appears to intentionally minimize the role of the superintendent and the extent to which the district manages schools. As a result, districts (superintendents and school boards) may not feel as if they are responsible for the performance of schools in the lowest 5%.
 - a. In Michigan, the school board is responsible for developing, submitting, and monitoring school redesign plans and is required to consult the superintendent in developing the plan. State law stipulates that the SRO supervises priority schools and removes chronically

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- underperforming schools from the district, placing schools in the state school reform-redesign district
- b. In Massachusetts, the district superintendent is responsible for developing and monitoring school turnaround plans, and state law stipulates that the superintendent has the authority to change conditions and re-open collective bargaining talks. If and when a priority school fails to make progress as a priority school, the commissioner may designate a school as “Level 5” and assign an external receiver to operate the school (or district, as is the case with Lawrence public schools). The selection of charter management organizations (as external receivers) is managed by a unit in the state department of education and is closely connected to the state’s overall efforts to monitor and support priority and focus schools.
 - c. In Tennessee, the ASD is directly responsible for priority schools placed in the ASD and the district is directly responsible for schools not placed in the ASD.
3. **Ambiguous process for addressing collective bargaining:** Michigan’s school code calls for an “executed addendum to collective bargaining agreement” to be included in the redesign plan; however, there is nothing in law to directly support school boards in negotiating for needed changes and there is limited evidence that school boards have actively used this provision of the law. The law provides somewhat stronger, although still ambiguous, language granting a state school reform district (or SRD) additional authority regarding schools placed in the SRD.
- a. Massachusetts’ law details the specific actions that superintendents are authorized to take when a school is identified as underperforming (e.g., a priority, or Level 4 school). Additionally, Massachusetts’ law includes a detailed process for superintendents to use to re-open collective bargaining talks and for resolving disputes. In practice, superintendents are actively using this provision of the law to change conditions needed to support turnaround.
 - b. Tennessee’s law clearly states that the ASD, or the contracted operator of the schools, has full authority regarding leadership and teacher staffing.
 - c. Tennessee’s law provides for the creation of a district-level innovation zone, through which schools have “maximum autonomy over financial, programmatic, and staffing decisions”.
4. **The Importance of a Statewide Turnaround District with Capacity and Authority:** Massachusetts and Tennessee illustrate two potential approaches to directly intervening in chronically underperforming schools.
- a. Massachusetts developed internal capacity within the state department of education (through strategic hiring and in-house planning), within the context of a state-defined accountability framework, to provide varied levels of support and intervention to priority schools (Level 4 schools) and Level 5 schools. Managed by a reconfigured and centralized Office of District and School Turnaround (ODST), Massachusetts supports and monitors all priority schools (including schools receiving SIG funding) and created an in-house unit responsible for managing the work in Level 5 districts (Lawrence) and Level 5 schools, which involves the identification of external lead partners or charter-like organizations to lead the work in a small number of Level 5 schools (equivalent to the SRD work in Michigan).

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- b. Tennessee also developed internal capacity with the state department of education, through the funding and development of the ASD. Similar to Massachusetts, ASD leaders and state department of education leaders work closely together, to strategize and to identify schools to be assigned to the ASD, as well as to modify statewide approaches to priority schools, as evidenced by the inclusion of the iZones in the 2012 law. In contrast to Massachusetts, the ASD is operationally (and geographically) separate from the traditional department of education and is actively using the turnaround effort to infuse charter school and charter-like approaches into the traditional public school system.
- c. Michigan's law establishing the SRO and the SRD is functionally sound, in that it specifies that the SRO supervises priority schools and then acts as the superintendent for schools in the SRD. However, and in direct contrast to the evidence from Massachusetts and Tennessee, Michigan's department of education (and the SRO: (1) has yet to develop the internal capacity to monitor and provide aligned support to priority schools and (2) has not been able to build district capacity or support districts in altering policy conditions as needed to support school-level turnaround. Two challenges undercut the initial effectiveness of the SRO as an office in the Michigan Department of Education: (1) internally, the SRO was not properly staffed and was not effectively teamed with other offices in the department, which limited its ability to build capacity, leverage available resources and expertise, and effectively lead all district and school improvement efforts and (2) externally, the creation of the Educational Achievement Authority added to confusion regarding the role of the SRO and may have reduced the credibility and capacity of the SRO.

Additional Significant Points of Distinction between Michigan and Tennessee

Tennessee's law is very clear about what happens when a school is identified as a "priority" school and describes three possible courses of action: (1) school turnaround through a SIG intervention model or another district improvement process; (2) school turnaround through a district innovation zone; or (3) placement in the achievement school district (ASD).

Tennessee's law provides the Achievement School District (ASD) with specific and unambiguous authority to directly run or to contract with charter operators to run priority schools, and details key policy conditions necessary to ensure ASD's ability to function as a portfolio school district (e.g., staffing authority, access to district services, and use of district facilities).

In contrast, the pathway for Michigan's priority schools is ambiguous. By law, priority schools in Michigan are "supervised" by the School Reform Office (SRO); however, state law restricts the SRO's ability to guide or leverage the turnaround efforts used in individual schools, in that the SRO cannot disapprove turnaround plans that meet minimal requirements. Additionally, state law and Michigan Department of Education (MDE) practice minimizes the district's responsibility for actively changing conditions (e.g., policies or structures) necessary to successfully monitor and support school-based turnaround efforts. While Michigan's law does allow for the placement of schools in the SRO district which appears, based on a close reading of state law, to have been designed for the same purpose as Tennessee's ASD – no schools have been placed in the SRO district. Moreover, Michigan's state law is vague with respect to whether the SRO district actually has the same flexibility afforded to the ASD. The EAA's work (as a hybrid version of the SRO district focused on Detroit), is not formally connected to or aligned with MDE's overall approach to school turnaround.

Additional Significant Points of Distinction between Michigan and Massachusetts

Limited stakeholder involvement: Massachusetts' law requires that the superintendent (or the commissioner, in the case of Level 5 schools) convene and solicit input from a diverse, and legislatively prescribed, stakeholder group. In addition to the stakeholder group, Massachusetts' law provides multiple opportunities for stakeholders to provide modifications to the proposed turnaround plan and to appeal, if needed. In Michigan, the school board is required to obtain input from the union and from the superintendent (again, the role of the superintendent is quite different). However, the extent to which input is actually incorporated in redesign plans is unclear