

The *Starting Fresh in Low-Performing Schools* series provides district leaders with a blueprint for making deep and lasting change – the kind that is likely to lead to improvements in our most struggling schools. Presented in five parts, the *Starting Fresh* series honestly addresses the challenges of restructuring low-performing schools. Through these books, districts learn both **why** and **how** to use the start fresh strategy successfully.

- 1 A New Option for School District Leaders under NCLB
- 2 Engaging Parents and the Community
- 3 Selecting the Right Providers
- 4 Establishing the Right Relationship Terms
- 5 Empowering Teachers



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National Association of  
Charter School Authorizers  
105 W. Adams Street, Suite 1430  
Chicago, IL 60603-6253  
312.376.2300

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Empowering Teachers

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## Empowering Teachers



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NATIONAL ASSOCIATION OF  
CHARTER SCHOOL AUTHORIZERS

The National Association of Charter School Authorizers (NACSA) is a professional resource for authorizers and other education officials interested in using choice, autonomy and accountability to improve student performance.

**NACSA's mission is to achieve the establishment and operation of quality charter schools through responsible oversight in the public interest.** We believe that quality authorizing plays a critical role in creating and sustaining quality charter schools. A quality charter school is characterized by high student achievement, financial stewardship, and responsible governance and management. Charter schools can improve public education by creating greater educational opportunities for students and educators and greater educational accountability for public schools.

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## Starting Fresh in Low-Performing Schools

Districts and states across the country have a growing sense of urgency about turning around chronically low-performing schools. Spurred by state accountability systems and the federal No Child Left Behind mandate to “restructure” such schools, education leaders are seeking out new ways to create success for children attending schools where too many have failed for far too long.

**In contrast** to more conventional “change” strategies, starting fresh gives the provider a great deal more control over school operations – such as staffing, management policies, instruction, curriculum, schedules, discipline and parent relations.

One new approach that districts and states are now beginning to employ is “starting fresh.” With this strategy, district leaders allow a “new school” to start within the walls of a pre-existing school building. They empower an education provider (See below: Who are Start Fresh “Providers?”) to start and run a school under a clearly defined, performance-based contract. Extensive research from a variety of organizational fields suggests that this kind of fresh start is often the best way to achieve the dramatic change the most challenged schools need.



starting  
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in low-performing schools



### Who are Start Fresh “Providers”?

Many different kinds of teams can serve as “providers” under the start fresh strategy. Some operate as nonprofit entities, while others are for-profit companies. Examples include:

- Self-formed teams of teachers in a local community
- Teams of parents, teachers and district administrators
- School management organizations, either new or experienced, local or national, that start and manage multiple schools
- Organizations providing education-related services (e.g., community-based organizations working in education or child development)
- Operators of stand-alone charter schools ready to replicate

The growing interest in the start fresh strategy has brought about a heightened sense of the challenges to starting fresh successfully. In response, the National Association of Charter School Authorizers (NACSA) has developed a series of publications to help district leaders implement a successful start fresh strategy. *Empowering Teachers* is the final book in the five-part *Starting Fresh* series.

Closing a low-performing school and re-opening it as something new is bound to have major implications for the adults who work in the school prior to and after the fresh start. In fact, how district leaders manage teacher-related issues has the potential to seal the fate of a start fresh strategy. This installment in the *Starting Fresh* series discusses how district leaders can use the start fresh strategy to proactively and purposefully empower teachers.



## Empowered Teachers: The Backbone of Successful Schools

Tales about how teachers make a difference are abundant. Talented and empowered teachers can improve student academic performance and can help their colleagues improve their own teaching abilities. Studies support these anecdotal observations that people have long held about excellent teachers. Consider just a few examples:<sup>1</sup>

- Research confirms that teachers who possess in-depth content knowledge are more likely to help their students succeed academically. A study of Texas schools in 2002 concluded that even when one accounts for family backgrounds that may influence student success, “Teacher quality is a very important determinant of achievement. Systematic teacher differences drive substantial differences in student achievement.”
- Teachers express high interest in becoming more involved in school-level decisions concerning curriculum and instruction. A recent nationally-representative survey of teachers from the non-partisan organization Public Agenda found that only 11 percent were not interested in becoming more empowered to help lead their schools on these matters.
- When leadership functions are formally distributed across a school, and teachers have opportunities to serve as leaders, they are likely to spend time “helping teachers improve their practice and monitoring teachers’ improvement efforts.”

In short, charismatic principals can provide overall leadership or vision, and parents can offer crucial support, but schools will struggle without capable, motivated, and empowered teachers.





## How Can “Restructuring” Under No Child Left Behind Enable a School to “Start Fresh?”

Under the federal No Child Left Behind Act, when schools fail to make Adequate Yearly Progress for five consecutive years, districts must act to “restructure” the school. Within that broad mandate, though, NCLB offers districts flexibility on how to restructure:

- Reopen the school as a charter school;
- Contract with an external provider to manage a school;
- Replace staff and leadership;
- Turn the school’s operation over to the state; or
- Engage in some other kind of restructuring.

While federal law has provided minimal guidance on exactly what it means to “restructure” a school, the term itself implies a dramatic change in business as usual, i.e., **starting fresh**. But whether restructuring really amounts to starting fresh depends upon how the district and school go about the change process.

The first and second option, chartering and contracting, provide the clearest avenues for allowing schools to start fresh. Chartering or contracting, however, that leads only to singular or minor changes in a school’s operations (e.g., a new curriculum only, a new leader only, or worse yet—just “charter” inserted into the name of the school), or change that ties a new school to district-wide policies and teacher work agreements would not be considered starting fresh as defined here. Instead, district leaders empower, by way of a charter or contract, the school to truly work from a clean slate on which to re-create all aspects of the school’s design and structure.

**We must find** effective strategies to extend labor-management collaboration to where it matters most: **at each and every one of the schools.**

What do empowered teachers look like? They possess several characteristics. Empowered teachers:

- Participate actively in school-level policy decisions;
- Have authority and flexibility to creatively meet their students’ needs;
- Possess easy access to resources and data that inform their practice;
- Can count on administrative support as they take intellectual risks in the classroom;
- Are valued for the unique abilities and styles that they bring to their school;
- Share credit with administrative leaders when their school excels;
- Hold themselves personally accountable for producing results;
- Receive rewards for truly outstanding performance; and
- Possess opportunities to grow professionally.

If empowered teachers are an essential ingredient for successful schools, starting fresh schools take that requirement to a new level altogether. Why? A truly fresh start means just that: wiping the slate clean and envisioning a school from the ground up, absent any constraints. Schools that start fresh put all questions of school organization and practice on the table:

- What is our overall mission, and which critical tasks must we perform well to make this a successful school?
- How should we schedule our day?
- What curricular materials should we use?
- Are there instructional models from other high-performing schools that we could emulate?
- Should team-teaching be part of our program?
- How do we reach our students who have the most difficult time academically? And then how do we assure that they continue to keep pace once they have caught up?





- What relationship should our teachers and our school have with parents and other community members?
- How will we measure and monitor our performance so we can make adjustments when needed?
- How do we craft a personalized school program that meets our students' needs and leverages our teachers' strengths, but also attends to the concerns of other stakeholders, such as taxpayers, community members, and policymakers who have their own expectations about what our school should be?
- What vision do we have for our school this year? During the next three years? The next five years? And beyond?

District leaders must recognize that answering these questions requires at least two things: listening to teachers and then empowering them to make the most of their talents and the district's resources. After all, teachers are most likely to know their students' individual strengths and weaknesses and, armed with data and best practices, are in the best position to help their students succeed.

But the reality is that even if district leadership deeply believe in and commit to empowering their teachers through a fresh start, efforts to do so can be hampered by traditional teacher contracts that undermine conditions for teacher empowerment. District leaders must understand the potential clashes between starting fresh and these contracts and develop strategies to overcome such challenges.

## How Does Starting Fresh Differ From Conventional School Improvement Strategies?

"Change" is not a new term to public education. In fact, schools have been trying for years, even decades, to make changes that will improve student performance. However, to date these changes typically have been conventional, involving small to moderate adjustments, often one at a time. Curriculum and instructional changes, or professional development and staffing reforms are common elements of a conventional change strategy.

**Starting fresh** involves bold change in all aspects of school operations and leadership. Starting fresh occurs when a district enters into a contract or charter with a provider that has authority over all critical aspects of a school's policies and practices. Two aspects of change distinguish starting fresh most clearly from conventional change strategies:

- **Across-the-board change.** Not only is the leader different; all or most of the staff are as well. The school is truly in a position to create a new culture and a new set of approaches to teaching and learning, and to ensure that every aspect of the school is coordinated and complements the overall focus and culture.
- **Authority to do things differently.** When a district starts fresh, it gives the provider a great deal more control over school operations – such as staffing, management policies, instruction, schedules, discipline and parent relations. This control allows the start fresh school to target every policy and practice to the learning needs of that individual school's students, even when their needs differ profoundly from other students in local district schools.



## Starting Fresh and Teacher Contracts

Central to any discussion of teachers and starting fresh is the powerful role that collective bargaining and teacher contracts have on school operations. Often lengthy and complicated, contracts and their associated memoranda of understanding govern nearly all aspects of a district's relationship to its teachers.

How local districts have negotiated or designed teacher contracts can greatly influence a district's ability to start fresh in a low-performing school. Developing effective contract language that meets students' needs and empowers teachers is a political, as much as a technical, exercise. The major upheaval that fresh starts prompt can unleash local forces (and even state or national ones) that reformers must then confront when their proposals chafe against existing contractual arrangements.

How specifically might traditional teacher contracts and union preferences clash with a district strategy of starting fresh? At least three issues are relevant.

### Teacher Hiring and Distribution

Leaders in the public and private sectors agree that organizations cannot succeed without talented workers. Contrary to the lore about government bureaucracies, research confirms that public sector agency leaders would often forego bigger budgets if they could obtain more flexibility to deploy staff to meet their most compelling needs. In a school context, fresh starts require districts to begin with a clean slate, which can include replacing a school's teachers and staff. That does not mean that all teachers at a start fresh school should necessarily lose their jobs; but some, and perhaps even most, likely will.

Typical contracts limit district leaders' ability to hire and allocate teachers to fresh start schools. Teacher seniority is a powerful force dominating teacher allocation. Contracts usually give teachers with more years of experience a leg up to obtain plumb assignments that open in the more popular district schools. The schools and students they leave behind are often the ones most in need of help and the most subject to harmful staffing shifts. The result is that more needy students and schools often have the least talented and most transient teachers, and contracts seeming-

**How local districts** have negotiated or designed teacher contracts can greatly influence a district's ability to start fresh in a low-performing school.

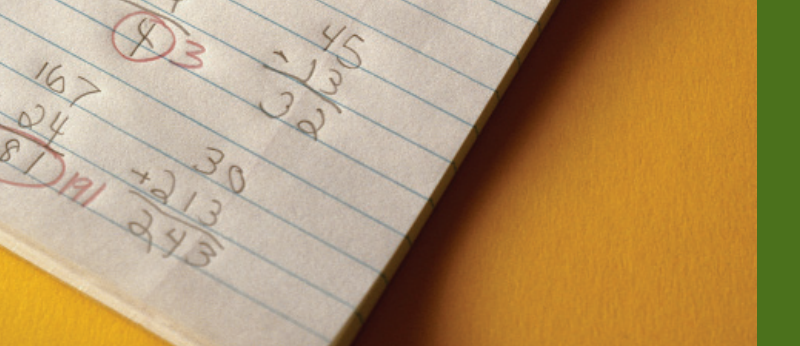
ly hamstringing district leaders who wish to reassign teachers to address these imbalances. Compounding this problem is that teacher contracts usually obligate districts to consider internal candidates before filling new positions, even if an outside candidate may be a better fit.

### Teacher Pay

People respond to incentives. Unfortunately, traditional teacher contracts often prevent district leaders from using financial incentives to encourage the best teachers to work in fresh start schools. The teacher salary schedule is a key reason why. Anyone who has ever seen a teacher contract will be familiar with these schedules of numbers that define teacher pay based on some measure of experience and level of the teacher's own education. A teacher with a Bachelor's degree and 3 years of experience makes one amount, while one with a Master's degree and 10 years in the classroom would make something else.

Salary schedules can hinder effective fresh starts. Rigid adherence to these schedules can prevent a district leader from hiring a talented teacher, with a proven record of success, at a higher salary than the schedule allows. The dominance of salary schedules has also limited more widespread adoption of merit pay plans that could reward teachers with extra bonuses





for taking difficult teaching assignments and improving student achievement in restructured schools. Finally, by and large, salary schedules treat all teachers the same and thus ignore the realities of the teacher labor market.<sup>2</sup> Because of salary schedules, district leaders must pay a teacher in a hard-to-staff field, such as math or science, the same as one who teaches English or social studies, where new recruits may be more plentiful.

### Teacher Time

It is tragic and immoral that in the United States of the 21st Century the nation's black and Hispanic students typically read at several grade levels behind their white counterparts. Parallel gaps exist between economically disadvantaged and more advantaged students. In short, most children in schools ripe for fresh starts are often several years behind students who attend more successful schools.

With such distances to make up, students in fresh start schools need effective learning time with their teachers. Logic would tell you that kids who are behind need more time on task. That means more before and after school time, and time in the summer perhaps, to receive extra attention that research says can help students learn more and close achievement gaps.<sup>3</sup> By strictly defining the school day across an entire district with a precise starting and closing time, teacher contracts can prevent fresh start schools from organizing themselves in ways that make better use of time. While contracts typically do outline opportunities for teachers who take on extra duties, such as running after school or weekend study groups, these arrangements are entirely voluntary. That would hinder a start fresh design that wanted to require staff to work these extra hours (with commensurate duty shifts or increases in pay, of course) that could benefit students who are the most behind.

### Talented and Empowered Teachers in Action

The Chicago Public Schools' (CPS) Renaissance 2010 reforms, which aim to turn around low-performing schools, affirm the value of teacher empowerment. In its policy document governing the 2010 initiative, the school board "recognizes the need to support CPS teachers and staff and provide them with new opportunities to innovate and improve academic achievement within CPS-led schools and without the extensive involvement of central office administration at the school level."

Empowered teachers not only offer input, but they see how that input helps shape their schools for the better. St. Paul Minnesota's Community of Peace Academy (CPA), a K-12 charter school, empowers teachers at all levels of the organization. Located in a city where young people often face pressures to join gangs, CPA's mission is to help students develop and practice the skills of non-violent living. The school's board of directors, which makes long-range plans and oversees the school budget and principal, is comprised of six classroom teachers and five parent or community members. As a staff, teachers receive assistance they need from outside experts to help them understand the signs of gang involvement and strategies to help steer young people away from these dangers. As individuals, teachers also recognize that when they observe a struggling student requiring extra attention, the school leadership will support their efforts. "I see change happen here when we need it," commented one teacher.<sup>4</sup>

Boston's Pilot Schools also take these lessons to heart. Launched in 1994, these schools represent a true partnership between district leaders, union officials, and classroom teachers that combines school-level autonomy with demanding accountability. In the schools presently in the city's pilot school network, teachers are empowered to support each other to innovate, take risks, and become leaders within their schools. Under a more flexible union arrangement, the Pilot Schools are producing results: student achievement is at or typically above district averages; graduation rates are high; and large numbers of graduates head for college each year.





## Strategies for Success

Sometimes start fresh reforms will only be realized through the force of a battering ram. At other times, advocates would be well advised to use a velvet hammer in launching a successful fresh start. Any strategy works best when it is calibrated to the local political context. The strategies presented in this section are no different.

### Teacher Contracts and Fresh Starts

In theory, starting fresh works best when the slate is literally wiped clean and district leaders can think creatively with teachers, community members, and even students about how to turn around troubled schools.

In practice, that is not always possible. State and federal laws still create accountability demands that public schools must meet. And further, fresh starts cannot always totally escape the reach of existing teacher contracts.

As part of Chicago's Renaissance 2010 initiative, for example, the district established a policy to create new schools that would operate based on a binding set of standards designed to improve student learning. Aiming to expand the city's experience with alternative, charter, and contract schools, the plan has a particular emphasis on turning around low-performing schools. Even in this context, the local teacher contract still asserts some influence on teacher assignment decisions. For example, in Performance Schools – a type of Renaissance School in which school teachers and staff are district employees – some procedures covering teacher recruitment, hiring, evaluation, and dismissal are governed by the school's own performance plan, but also by the Chicago Public Schools collective bargaining agreement.



The same condition applies to many charter schools across the United States. In several states, charter school teachers remain, or may remain, covered by collective bargaining agreements. In other states, teachers may opt to remain part of the local bargaining unit, or they may negotiate as a separate bargaining unit. Milwaukee has an arrangement, for example, where some charter schools, known as “instrumentality” charters, are staffed only with union members who are district employees, while “non-instrumentality” charters have teachers who are not district employees. The latter option creates more flexibility for the district to use chartering to start fresh.

One thing that made fresh starts possible in these two cities was the state and local political contexts in which they unfolded. In Chicago's case, intersecting interests between the mayor's office and the school board, combined with the force of a generally robust state reform agenda, enabled local officials to expand start fresh options even amidst local union opposition. To the north, Milwaukee is a city with a strong teacher union, but it is also a haven for school choice reforms stretching back to the 1980s. Even though most charters in Milwaukee are of the “instrumentality” type, the history of choice-based reform in the district no doubt helped to make possible the “non-instrumentality” option.

Both Milwaukee and Chicago illustrate that some fresh starts are not always entirely fresh, even though they can make major breaks with past practice. Thus, given the contractual constraints that may still persist, as a matter of state law or the reality of local politics, district leaders should consider developing long-term strategies to build support for the fresh start concept at the local and state levels. Successful fresh starts that gain attention and support can be powerful levers for further expanding the strategy.





## Get the Discourse Right

Starting fresh has a powerful intuitive appeal. Beginning anew is an opportunity that individuals frequently relish, be it after a lengthy vacation, amidst a career or life change, or when unanticipated and exciting new projects come their way. But without the proper framing, starting fresh can also evoke imagery that could undermine district leaders as they attempt to engage and empower their teachers, and address the constraints that teacher contracts can create.

A naïve listener or opponent of reform, for example, may interpret a start fresh proposal as a direct attack on a specific school's teachers. More broadly, fresh starts that require veering from a district's overall contract can appear as part of a larger strategy to divide a local teacher union. To these observers, starting fresh may seem like nothing more than a blame deflection game or a cloak for larger agendas. Should that view take hold among a community's teachers, it would have a devastating effect on a district's effort to start fresh.

**Leaders of a start fresh** strategy must work hard to get the discourse right and focus the dialogue where it rightly should be: on improving the performance of students who have been left behind for far too long.

Opponents may also argue that starting fresh will strip power from teachers, parents, or other community leaders who are already working hard to turn around struggling schools. By definition, starting fresh creates opportunities to break free from prior commitments, assumptions, and constraints. Beginning with a clean slate, which in theory may wipe away some or all of these other agendas, may lead some to question why other reform approaches that enjoy teacher support are being lost along the way. Finally, critics might also argue that starting fresh seems like an anti-



public school and anti-public school teacher measure in disguise. This line of argument can emerge when charter or contract schools are mischaracterized. As a debating point, critics often contrast “public schools” with “charter schools,” for example, without clarifying that charters themselves are public schools. Similarly, contract schools (those operated by a provider under a contract with the district) are also public, but simply run with the assistance of outside management organizations, which can be private companies. That ambiguity, which critics sometimes purposefully exploit, can sound threatening to public school teachers whose help can be so crucial for a successful fresh start.

Clearly, many possibilities exist for the district's intention and purpose for starting fresh to be misconstrued. A simple misunderstanding of facts can play into the larger agendas of groups who oppose the strategy, for example. Thus, leaders of a start fresh strategy must work hard to get the discourse right and focus the dialogue where it rightly should be: on improving the performance of students who have been left behind for far too long.



### Envision Teachers as Collaborative Partners

By inviting all teachers to participate in the start fresh process, district leaders make a strong statement about their own leadership. They demonstrate their willingness to learn from all teachers, not just administrative favorites or easily impressionable “new kids” on the block.

District leaders should act under a good faith assumption that all employees ultimately want the district’s children to succeed. That may be a hard step to take, especially if past battles have been fierce and perhaps even personal. But if taking that initiative isn’t what leadership is all about, it is hard to imagine what is. It is also hard to imagine a better way to empower all teachers as the starting fresh process begins.

In San Diego, teacher support was crucial for converting Gompers Middle School, slated by the district for restructuring under No Child Left Behind, to charter school status. When the need to restructure Gompers became

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apparent, Superintendent Alan Bersin initiated a school working group at Gompers (and seven other schools in similar situations) that involved the school principal, parents, community members, and teachers. At Gompers, a long process eventually led the group to endorse the move to charter status. But after Bersin’s departure, a change in local school board politics nearly cut short the school’s fresh start. One factor that helped win over a skeptical board, even amidst shifting district leadership, was the steady commitment of teachers, working side-by-side with parents, who logged many hours to muster local support for the effort. In all, over 700 parents and a majority of the school’s teachers signed a petition to



support the school’s fresh start. Gompers Charter Middle School completed its first academic year in 2006, and many signs suggest the school has already made important strides forward.<sup>5</sup>

In some places, reaching out is required as a matter of policy. Consider district leaders planning to start fresh by opening a new charter school. Laws in some states require at least some formal measure of local teacher support before a charter school can open. Even more important in the starting fresh context, most of these states require teachers in conversion schools—regular public schools that are becoming charter schools—to demonstrate explicit teacher support, through a majority vote, for the shift to charter status.

Certainly not all ideas generated by teacher input (or anyone else’s input, for that matter) are necessarily good or worth pursuing. The natural give and take of problem-solving while starting fresh will mean that many ideas are put on hold or never incorporated into a school’s program. But if teachers recognize that district leaders actively seek and often assimilate their input into school decisions—and that teachers are seen as school leaders themselves—then the immense challenges facing a school that starts fresh will begin to seem surmountable.



### Balance Experience with Freshness

The word “fresh” evokes many others, one of which is “new.” Fresh starts are new starts. New rules and strategies replace old ones. New ideas inspire new confidences that attenuate old fears or uncertainties. But does a fresh start necessarily require district leaders to seek new teachers to turn around a troubled school? That is a difficult question that does not have an obvious answer.

On one hand, teachers new to a school, and often new to the teaching profession, jump into their work with much enthusiasm and energy. They are frequently the first to volunteer for assignments that challenge conventional practice or draw on cutting-edge research. Career-changers new to teaching enter schools with perspectives of their previous professions and can provide new insights on how to help a school turn itself around.

On the other hand, as district leaders start fresh, they should recognize that when it comes to teachers, new is not always necessarily better. Research has shown that teachers with at least two years of experience perform better overall than those brand new to the profession.<sup>6</sup> Further, schools staffed primarily with relatively novice teachers also lack the kind of savvy wisdom about teaching, students, and human relationships that only come after several years in the classroom. It is no surprise that many of the most troubled schools are staffed primarily with new or inexperienced teachers who frequently leave the profession after only a few years.

Thinking that “fresh” necessarily implies “new” can end up disempowering teachers in at least two ways. First, it overlooks the tremendous skills, talents, and motivation that many veteran teachers bring to their work. These are people who may have taught in troubled schools and recognized a need for dramatic changes, but with other institutional constraints they

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have never been empowered to make key changes happen. They can represent classic cases of “good people caught in bad systems.” Ruling out their participation in a fresh start would disempower these potential change agents.

Second, placing the burden of a fresh start primarily on the backs of new, inexperienced teachers increases the likelihood of teacher burnout, mistakes, and, in the process, renders these teachers incapable of realizing their own full potential. That is bad for teachers, but more important, bad for students as well.

Thus, while relatively new teachers seem the more likely source of enthusiasm for starting fresh with charter or contract schools, district leaders should balance newness with experience and not overlook the still large numbers of seasoned veterans who support, and perhaps even crave, such a change.



## Read the District's Teacher Contract

Criticisms that teacher contracts are lengthy, complicated documents that can stifle fresh starts are often on point. But before either conceding that starting fresh cannot work due to inflexible teacher contracts or concluding that one can only start fresh by going to war with the local union, district leaders should take time to actually read the documents that they and others frequently criticize.

One recent study of contracts, from authors who do not commonly praise teacher unions, concluded that the problem is not entirely with unions or contracts themselves. Rather, “altering the impact of teacher contracts on district management may turn as much on the willingness of district leadership to exploit existing contract language as on changing the formal provisions in contracts.”<sup>7</sup> In other words, teacher contracts can contain more flexibility than district leaders may recognize.

Consider these examples from actual contracts that the authors examined on the important issue of teacher transfers. Note the flexibility that district leaders could potentially use to help them address some of the staffing issues associated with a fresh start:

- Springfield, Massachusetts: “In the determination of reassignments and transfers, the convenience and wishes of the individual teacher will be honored to the extent that these considerations do not conflict with the instructional requirements and best interests of the school system and the pupils.”
- Oklahoma City, Oklahoma: The contract states that “the granting of a transfer shall be based upon seniority when individual qualifications are equal” but immediately prior it says that “transfers shall be granted to best meet the educational program of the school and best meet the needs of the students of that school.”
- St. Louis, Missouri: “System-wide seniority will be given due consideration in making transfers,” but the contract seemingly also gives district leaders broad power by noting “The Superintendent of Schools may deny or institute any transfer for the good of the system.”



District leaders starting fresh may actually possess much formal power to creatively deploy a district's teachers. As one well-known urban superintendent, who often finds himself clashing with the local teacher union, admitted: “Districts tend to be far less aggressive in asserting management prerogatives than the language of their contracts arguably permits.”<sup>8</sup>

Politically, it may be challenging for leaders to wield this power, but when smartly combined with the other strategies of reaching out and framing the discourse, it may not be as difficult as one might imagine. Consider this: in the same nationally-representative survey of K-12 public school teachers from Public Agenda quoted earlier, teachers were told that “Sometimes, teachers with seniority have more say over where they teach and they end up working with kids who are easier to reach.” In reacting to that statement, 61 percent of teachers overall, 69 percent with less than five years experience, and 55 percent with over twenty years experience agreed with the statement that “This is wrong because it leaves inexperienced teachers with the hardest-to-reach students.”<sup>9</sup>

Thus, many teachers recognize that seniority should not dominate teacher assignment decisions. By leveraging those beliefs, and exercising their leadership prerogatives that contract language sometimes provides, district leaders can empower an effective mix of teachers to help a struggling school start fresh. An element of that strategy is to be sure that districts have competent legal counsel and other staff to help them articulate these points with union leaders, teachers, school board members, and the community. Those staff resources are crucial because the evidence does suggest that districts can increase their chances of success when they and their local union possess skilled and knowledgeable leaders.<sup>10</sup>

### Seek Leverage from Federal and State Policy

The rise of NCLB and the acceleration of the state standards movement has led some experts to conclude that local school districts and their leaders have lost their power or relevance. Interestingly, though, others see how reform laws may have precisely the opposite effect. These leaders have figured out how these laws empower them to force more radical changes in their district's persistently struggling schools.

NCLB can be a powerful instrument for district leaders as they establish license to push changes or lay the groundwork that can make more sweeping fresh starts possible. Especially where district leaders have found lukewarm or hostile union reactions to starting fresh, a more aggressive approach that uses NCLB as a lever can help leaders lay a foundation to make fresh starts possible. Boston's experience provides one recent example.

**NCLB can be** a powerful instrument for district leaders as they establish license to push changes or lay the groundwork that can make more sweeping fresh starts possible.

During contract negotiations leading up to an eventual agreement in March 2004, Boston superintendent Thomas Payzant pressed the local union for greater flexibility to assign teachers in schools not making adequate yearly progress. Greater flexibility in teacher assignment is a fundamental element of a fresh start, and Payzant was able to use the logic of NCLB's accountability demands—that students reach scheduled proficiency goals in reading and math each year—to help argue for new powers to assign teachers in a handful of low-performing district schools. Though not truly a fresh start as these schools did not close and reopen with slates wiped clean, the episode does illustrate how savvy district leaders can utilize NCLB to gain powers that are necessary for starting fresh to occur at all.<sup>11</sup>



District leaders can also engage teachers and build support for fresh starts by reminding them that state-takeover and more aggressive outside intervention from the state are NCLB-prescribed options for persistently struggling schools. It is hard to imagine a local community wishing those options upon itself. But their looming possibility can help district leaders persuade reluctant teachers that if the district and its teachers do not take radical measures to turn things around then they cannot rule out that sort of state-led intervention. Given the unknowns involved, that could ultimately eviscerate the power of local leaders and teachers themselves, at least in the short run.

### Consider Interest-Based Contract Negotiations with Union Members and Leaders

An interest-based approach to contract negotiation contrasts with the more traditional industrial-style bargaining that is more confrontational and symbolized by two sides sitting opposite one another at the bargaining table. Working with union members to identify common beliefs and district goals, which interest-based discussions encourage, can create contexts that facilitate collaboration and empower teachers to solve problems such as low student achievement. With common interests identified, an interest-based model of bargaining provides district leaders and union representatives with a set of agreed-upon common principles that can guide the details of contract negotiations and particular school-level reforms.



That shift in approach will not be easy, especially when starting fresh threatens the jobs and disrupts the routines of current teachers who may be less amenable to change. Union critics contend that students' needs will never trump union interests that sometimes seem more designed to benefit adults rather than children. But some union reformers have suggested otherwise. "We must find effective strategies to extend labor-management collaboration to where it matters most: at each and every one of the schools," says Adam Urbanski, a union leader from Rochester, New York and member of the Teacher Union Reform Network (TURN), who has seen positive results from interest-based negotiations. "And just because it cannot be done easily," he argues, "does not mean that it cannot be done."<sup>12</sup>

In Rochester, the preamble to the district's collective bargaining agreement for 2006-2009 frames the need to reform in terms that align with the starting fresh concept: "A commitment to change means a willingness to reconsider and alter, as necessary, traditional relationships, organizational structures, and allocations of personnel, resources, time and space to advance student achievement and enhance the life of the school as a center of learning and productivity." In discussing school reform, the contract further encourages groups of teachers and the district to "create more responsible school units," which could include "smaller schools and schools within schools."<sup>13</sup>

In structuring interest-based discussions, district leaders should also remember that one of the earliest proponents of the charter school concept was Albert Shanker, the legendary leader of the American Federation of Teachers. And even today, after much hand-wringing and continuing controversy, union leaders in New York City opened a union-run charter elementary school in the fall of 2005 and a high school in the fall of 2006. The success of that experiment is still to be determined, and many eyes are watching.



## Teacher Empowerment and the Big Picture

Starting fresh can be a powerful engine for improving struggling public schools, but district leaders should not underestimate the potential challenges it raises. Major organizational change is difficult in any context, in part because it requires labor and management to at least recognize and hopefully address mutual concerns. Engaging teachers and empowering them as critical agents of reform can go a long way toward producing a successful fresh start.

Engagement can also allay fears that starting fresh is simply a subtle strategy primarily designed to punish teachers, break unions, or pave the way for privatizing the public schools. An ideal strategy to defuse those arguments is to start fresh with teachers themselves helping to lead the way.

Make no mistake about it—starting fresh in a low-performing school will not be easy because its aim is to break radically from the past and establish new school practices and higher expectations for staff and students. Any disruptions to teacher contracts, especially ahead of scheduled contract renewals, will raise fears and challenges from many corners.

Starting fresh, empowering teachers, and maneuvering out of the constraints that district-wide contracts erect is difficult work, both technically and politically. So why bother with all this? The answer is relatively simple. Empowered teachers enjoy their work, thus gain deeper commitment and are more able to do their jobs well. And in the end, that benefits those who matter most: the disadvantaged youngsters who, for too long, have lacked the academic successes and rich learning environments that should be available to all students in America.



## ENDNOTES

- <sup>1</sup> The first example is from Kati Haycock, "The Elephant in the Living Room," in Diane Ravitch, ed., *Brookings Papers on Education Policy* (Washington, DC: Brookings Institution, 2004), p. 230. See also Andrew J. Wayne and Peter Youngs. 2003. "Teacher characteristics and student achievement gains: A review." *Review of Educational Research* 73(1): 89-122. The survey results are from Steve Farkas, Jean Johnson, and Ann Duffett, *Stand By Me: What Teachers Really Think about Unions, Merit Pay, and Other Professional Matters* (New York: Public Agenda, 2003), p. 52. The last example on the effects of teacher leadership comes from Eric Camburn, Brian Rowan, and James E. Taylor. 2003. "Distributed leadership in schools: The case of elementary schools adopting comprehensive school reform models." *Educational Evaluation and Policy Analysis* 25(4): 365.
- <sup>2</sup> Often contracts do distinguish between regular classroom teachers and those who are certified in special education or English as a second language (ESL). Special education and ESL teachers often have their own salary schedules.
- <sup>3</sup> Patricia A. Lauer, Motoko Akiba, Stephanie B. Wilkerson, Helen S. Apthorp, David Snow, and Mya L. Martin-Glenn. 2006. Out-of-school-time programs: A meta-analysis of effects for at-risk students. *Review of Educational Research* 76(2): 275-313.
- <sup>4</sup> The quote appears in the report "Innovations in Education: Successful Charter Schools" (U.S. Department of Education, 2004), and is available at: [www.uscharterschools.org/pub/uscs\\_docs/scs/toc.htm](http://www.uscharterschools.org/pub/uscs_docs/scs/toc.htm)
- <sup>5</sup> David Graham, "Gompers parents, teachers push for charter school," *San Diego Union-Tribune*, February 15, 2005; Helen Gao, "4 schools win charter status," *San Diego Union-Tribune*, March 2, 2005; Erik W. Robelen, "School reopened as a charter under NCLB winds up year 1," *Education Week*, June 14, 2006.
- <sup>6</sup> See Haycock, "The Elephant in the Living Room."
- <sup>7</sup> Frederick M. Hess and Andrew P. Kelly, "Scapegoat, Albatross, or What? The Status Quo in Teacher Collective Bargaining," in Jane Hannaway and Andrew J. Rotherham, eds., *Collective Bargaining in Education: Negotiating Change in Today's Schools* (Cambridge, MA: Harvard Education Press, 2006), p. 87.
- <sup>8</sup> Hess and Kelly, "Scapegoat, Albatross, or What?" p. 85. Emphasis in the quoted contract language has been added.
- <sup>9</sup> Farkas, Johnson, and Duffett, *Stand By Me* . . .
- <sup>10</sup> Jane Hannaway and Andrew J. Rotherham, eds., *Collective Bargaining in Education: Negotiating Change in Today's Schools* (Cambridge, MA: Harvard Education Press, 2006).
- <sup>11</sup> Bess Keller, "Boston teachers reach contract settlement," *Education Week*, March 31, 2004.
- <sup>12</sup> Adam Urbanski. 2003. "Improving student achievement through labor-management collaboration in urban school districts." *Educational Policy* 17(4): 517.
- <sup>13</sup> The Rochester collective bargaining agreement is on line at [www.rochesterteachers.com/](http://www.rochesterteachers.com/). The quoted passages appear on pages 1 and 13, respectively

## Further Reading

### SCHOOLS AND DISTRICTS DISCUSSED IN THIS RESOURCE

Boston Pilot Schools

[www.ccebos.org/pilotschools/schools.html](http://www.ccebos.org/pilotschools/schools.html)

Chicago Public Schools Renaissance 2010

[www.ren2010.cps.k12.il.us/](http://www.ren2010.cps.k12.il.us/)

Community of Peace Academy charter school (St. Paul, Minnesota)

[www.cpa.charter.k12.mn.us/CPAHome/cpa\\_web4/home.html](http://www.cpa.charter.k12.mn.us/CPAHome/cpa_web4/home.html)

Gompers Charter Middle School (San Diego, California)

[www.gomperscharter.org](http://www.gomperscharter.org)

Rochester (New York) City School District

[www.rcsdk12.org/](http://www.rcsdk12.org/)

Milwaukee Public Schools

[mpsportal.milwaukee.k12.wi.us](http://mpsportal.milwaukee.k12.wi.us)

United Federation of Teachers Elementary and Secondary Charter Schools (New York City)

[www.uft.org/chapter/charter/](http://www.uft.org/chapter/charter/)

### LITERATURE

*Education Trust. 2004. The Real Value of Teachers. Washington, DC: Education Trust.* One of the most compelling advocates for the nation's disadvantaged students, the Education Trust has collected and produced much research documenting the impact that talented teachers can have on lowering achievement gaps, and increasing academic success in some of the nation's most troubled schools. Available at [www2.edtrust.org/edtrust/](http://www2.edtrust.org/edtrust/).

*Elena Silva. 2007. Rethinking the Way Schools Use Time. Washington, DC: Education Sector.* This report examines research on how schools use time and considers the political challenges associated with reforms to better use time to meet students' needs. Available at: [www.educationsector.org](http://www.educationsector.org).

*Paul Hill, Lawrence C. Pierce, and James W. Guthrie. 1997. Reinventing Public Education: How Contracting Can Transform America's Schools. Chicago: University of Chicago Press.* This book carefully describes how starting fresh with contract schools provides great promise for turning around and improving the public schools. The authors address how to engage key stakeholders, empower teachers, and implement this reform.

Jane Hannaway and Andrew J. Rotherham, eds. 2006. *Collective Bargaining in Education: Negotiating Change in Today's Schools*. Cambridge, MA: Harvard Education Press. This volume represents the most current thinking on teacher unions and their impact on school reform. Contributors offer a range of perspectives on issues such as the impact of unions on student achievement, district policy, and the implementation of No Child Left Behind.

Alex Medler, Bryan Hassel, and Todd Ziebarth. 2003. *Collective Bargaining and Teachers Unions in a Charter District*. Denver, CO: Education Commission of the States. Three charter school experts summarize key issues that emerge when chartering intersects with local collective bargaining agreements. The report offers practical advice for how to manage fresh starts in these challenging contexts. Available at [www.ecs.org](http://www.ecs.org).

National Council on Teacher Quality. *Teacher Rules, Roles, and Rights*. This powerful on-line data base allows readers to search and compare collective bargaining provisions, teacher handbooks, and board policies in the 50 largest school districts in the United States. Available at [www.nctq.org/cb](http://www.nctq.org/cb).

David Osborne and Ted Gaebler. 1992. *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. New York: Plume. This book is one of the most enthusiastic statements of why and how public organizations, including schools, should empower their front-line workers to produce results.

James Q. Wilson. 1989. *Bureaucracy: What Government Agencies Do and Why They Do It*. New York: Basic Books. With lively examples, including many from education, this modern-day classic stresses that in order to make public organizations succeed, leaders must attend to the insights and talents of their workers who struggle to perform amidst organizational constraints and external demands.

The *Starting Fresh in Low-Performing Schools* series is edited by Rebecca Cass, Director, National Activities ([rebeccac@qualitycharters.org](mailto:rebeccac@qualitycharters.org)) in conjunction with Greg Richmond, President ([gregr@qualitycharters.org](mailto:gregr@qualitycharters.org)) and John Ayers, Vice President for Strategic Partnerships ([johna@cqualitycharters.org](mailto:johna@cqualitycharters.org); 312.376.2321). Your comments, questions and suggestions about this resource or the series are welcome.



## About the Author

**PAUL MANNA** is an assistant professor in the Department of Government and faculty affiliate with the Thomas Jefferson Program in Public Policy at the College of William and Mary. He has interests in American politics, public policy, federalism, and applied research methods. In education, he has written and published on No Child Left Behind, education governance, school choice, and teacher unions. His book, *School's In: Federalism and the National Education Agenda* (Georgetown University Press, 2006), analyzes the development of the federal role in K-12 education since the 1960s. Manna holds an M.A. and Ph.D. in political science from the University of Wisconsin and a B.A. from Northwestern University. Before becoming a professor, he taught social studies and coached high school debate in his home state of Michigan for three years.

