



Conditioning for Success:

A Policy Framework to Transfer Schools Placed in the Recovery School District

In September 2010, the Recovery School District (RSD) made its initial recommendation to the State Board of Elementary and Secondary Education (BESE) concerning schools that have existed under the RSD's jurisdiction for a five year period. After holding extensive meetings with stakeholders and the general public, including a public forum in New Orleans, the RSD proposes the following policy to govern the transfer of schools placed under its jurisdiction following an initial five year operational period therein, known as a **transfer period**. The fundamental premise of this policy is that enhancing school autonomy and flexibility, complemented with high standards of accountability, is essential to continue substantial school improvement.

Transfer of Schools Recommended Policy Framework

Introduction

Beginning in September 2011, all schools shall be retained in the RSD following an initial five year transfer period unless, at the conclusion of a school's fifth year of operation in the RSD (or at the conclusion of any subsequent year), the school meets the eligibility criteria and all Required Parties agree to transfer the school, as outlined below. This includes transferring the school prior to the conclusion of subsequent five year periods in the RSD.

In the fifth year of each transfer period, each eligible school must decide whether to remain in the RSD or transfer to its **Previous Governing Authority (PGA)** or any **Alternative Governing Authority (AGA)** that may be authorized by law. RSD direct-run schools that remain AUS at the conclusion of their fifth year of operation or any subsequent year in the RSD are eligible to remain under the jurisdiction of the RSD as a direct-run school, be chartered by BESE as a Type 5 charter school, or be transferred to their PGA. Similarly, if a school upon the end of five years of being placed in the RSD is a charter at that time and is thereafter not renewed pursuant to law, then the PGA or other charter operators may apply for the school.

Eligibility Criteria

No school is eligible for consideration of return to a PGA until the conclusion of the 2011-12 school year.

Thereafter, a school is **Eligible** to exit the jurisdiction of the RSD under one of two conditions.

Condition #1 - Non-Failing School:

A non-failing school can exit the jurisdiction of the RSD if all of the following apply:

- It has been under the jurisdiction of the RSD for a minimum of five years;
- Beginning with the conclusion of the 2010-2011 school year, it meets the **Performance Requirement**. The Performance Requirement is satisfied when, after the publication of an established SPS for the school in its fifth year in the RSD, the school has established two consecutive years of a School Performance Score (SPS) that is at least 80 or if the Academically Unacceptable Status (AUS) bar is raised above 75 then at least 5 points above the AUS bar as established by BESE pursuant to the statewide school and district accountability system. (Therefore, the earliest transfer would occur by July 1, 2012, and schools would require a SPS of 80 and above for the 2010-11 and 2011-12 school years); and
- It chooses (see “Choice” below), with agreement of all Required Parties, to return to its PGA within the first 12 months of meeting the performance requirement and notifies BESE by December of that year.

Condition #2 – RSD Direct-Run Failing School:

A failing, direct-run school can exit the jurisdiction of the RSD if all of the following apply:

- It has been open and operational under the jurisdiction of the RSD for a minimum period of five years;
- It is deemed a failing school because it is labeled AUS pursuant to the statewide school and district accountability system for its fifth or any subsequent year of any transfer period in the RSD;
- It is not undergoing **Charter Conversion** or **Phase-Out** (see “Definitions”); and
- Its PGA submitted a proposal for school turnaround that has been approved by BESE.

Choice

In order to exit the jurisdiction of the RSD, non-failing schools must choose to do so. Their choice is recognized through the following:

- For a **Charter School** – The governing charter board, in accordance with its own bylaws, must notify BESE of its desire to exit the jurisdiction of the RSD and transfer to the PGA.
- For a **RSD Direct-Run School** – The RSD Superintendent, in consultation with the parents of students who attend and staff who work at the school, will make a recommendation to BESE concerning the school’s governance and possible exit from the jurisdiction of the RSD and transfer to the PGA; the school may transfer to the PGA as a direct-operated or charter school (see “Transfer Conditions”).
- All **Required Parties** consent to transfer the school – Required Parties include the charter school governing board for a Charter School or the RSD Superintendent for a Direct-Run School, BESE, and the PGA, as appropriate.

If a school elects to remain under the jurisdiction of the RSD, that decision shall be effective for the remainder of the five year period. In the fifth year of each subsequent period, a school must once again elect to either remain under the jurisdiction of the RSD or be transferred to its PGA by notifying BESE by December of that year.

Transfer Conditions

A school transfer to the PGA becomes effective July 1st following the school’s election to transfer if all of the following conditions are met:

- **Charter Schools** must have a negotiated charter agreement with the PGA, with a copy of the agreement received by BESE no later than April 1st prior to the transfer. This agreement:
 - Must be effective on the date of transfer (July 1);
 - Recognizes the charter school becomes a Type 3 or 4 charter upon exiting the RSD;
 - As a Type 3, the non-profit charter organization could apply to the PGA to operate the school. The charter contract would be between the non-profit and the PGA.
 - As a Type 4, the PGA could apply to BESE to operate the charter school, with approval from the charter operator. The charter contract would be between the PGA and BESE.
 - Is consistent with all federal and state laws governing charter school authorizing; and
 - Must contain academic performance standards and other requirements for extension and renewal which are equal to or greater than Type 5 performance standards as contained in BESE Bulletin 126.

- **Direct-Run Schools** may transfer to the PGA as a Type 3 or 4 charter or be directly operated by the PGA.
 - If transferring as a charter school, there must be a negotiated charter agreement in the same fashion as an exiting Type 5 charter school (see above) and approval obtained for a Type 3 or 4 application by either the PGA or BESE, depending on which Type is chosen.
 - If continued as a direct-run school, a Memorandum of Understanding (MOU) effective for no more than three years must be reached between the PGA and BESE. This MOU shall be of a general form applicable to all transferring direct-run schools and shall address, at a minimum:

For non-failing schools:

- i. Preservation of Existing School Autonomy. District policies must provide conditions for the school to retain its current level of autonomy, including over its educational program and curriculum, staffing, and budget decisions.
- ii. Continued Performance. If the school becomes an AUS school during the three year period of the MOU, the state shall require the immediate return of the school to the RSD.
- iii. School's Budget. The school shall have a school-level budget at least equal to the school-level budget within the RSD.
- iv. Recourse. Violation of the MOU may result in the school being returned to the RSD.

For failing schools:

- i. Execution of Turnaround Plan. The MOU or charter contract shall identify key benchmarks and milestones demonstrating the turnaround strategy is being executed and successfully improving student academic outcomes.

- Where more than 25 percent of a PGA's schools are in the RSD simultaneously, the State Superintendent of Education, with approval of BESE, may require additional conditions for a school to transfer including but not limited to enrollment, facilities, and coordination of efforts between the RSD and the PGA.

- All Required Parties must agree, by April 1st, to the conditions stipulating return.

If these conditions are not met by April 1st, the school shall remain under the jurisdiction of the RSD until the end of its current transfer period, at such time, it shall again be considered for transfer eligibility.

RSD Accountability

Just as districts are held to high standards for academic performance, so too should the RSD. If the RSD cannot sufficiently improve a direct-run school after five years, then the PGA or successful charter operators should be given the opportunity, if willing, to operate the school, implementing a school turnaround model.

Any RSD direct-run school that is labeled AUS in its fifth year of operation in the RSD, and is not undergoing Charter Conversion or Phase-Out, may be transferred as provided above. Similarly, if a school upon the end of five years of being placed in the RSD is a charter at that time and is thereafter not renewed pursuant to law, then the PGA or other charter operators may apply for the school. The process for applying shall include:

- Charter operators and the PGA are eligible to submit proposals;
- BESE shall have these proposals evaluated using an independent review process approved by BESE; and
- BESE shall decide, based on the independent review process, which entity is best suited to operate the school, if any.

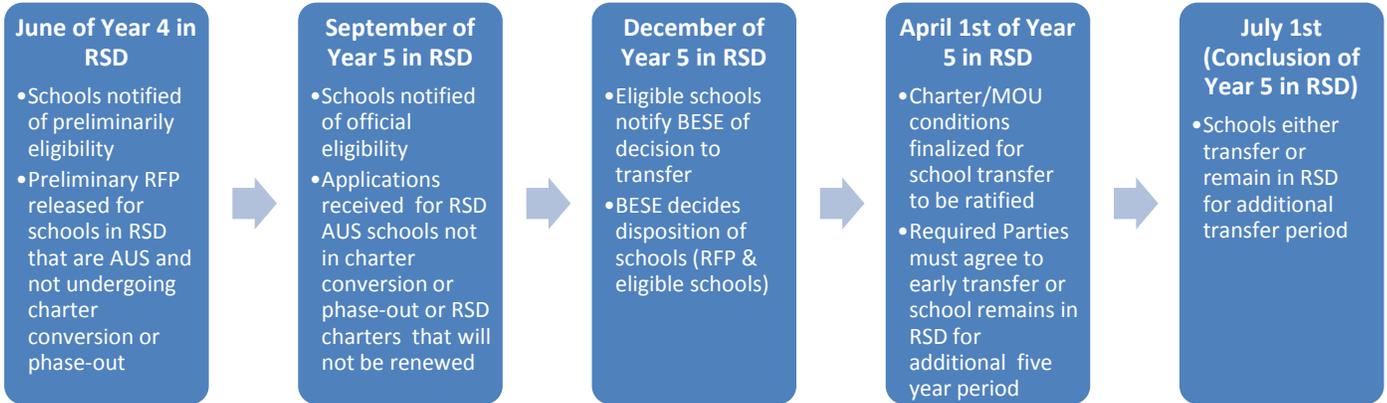
If BESE approves the PGA's proposal, the school would transfer pursuant to either a charter contract or MOU as described above.

If the PGA or a charter operator does not request the school or its plan is not approved, the school shall be retained in the RSD for an additional five year period; however, for each subsequent year the school remains AUS, charter operators and the PGA are eligible to submit proposals to operate the school. If the school remains in the RSD, the RSD must present a plan to BESE to improve the performance of the school, and that plan must be approved by BESE. If this plan is not approved, the school shall be closed according to a timeline approved by BESE.

Transfer of Schools Timeline

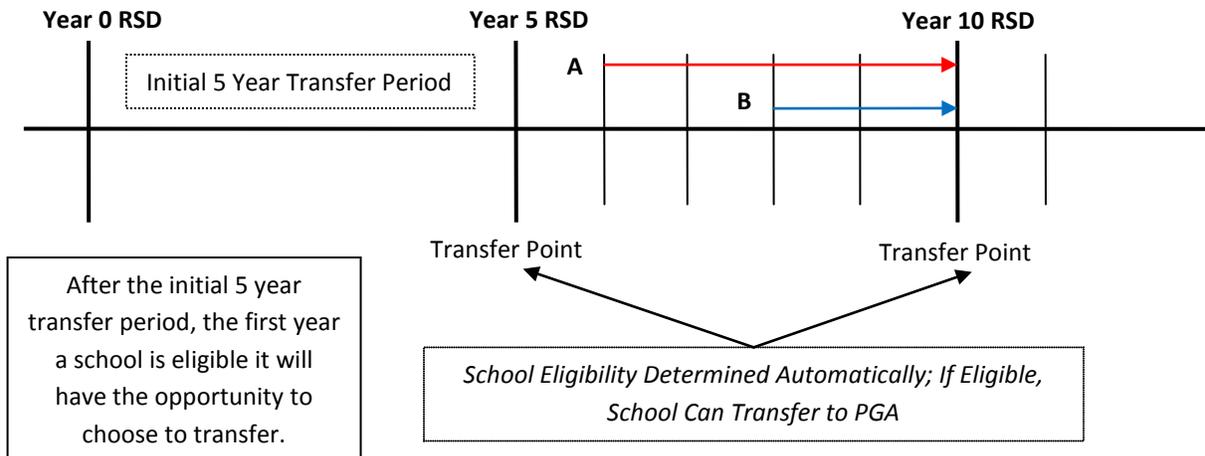
A summary of the transfer decision and eligibility process is described below. This cycle would apply to any school that:

- Enters its fifth year of operation in the RSD and is eligible; or
- Becomes eligible for the first time in a year other than the fifth year of the initial transfer period or any subsequent year; or
- Enters the fifth year of any subsequent transfer period for which the school remains in the RSD.



In a normal cycle, if a school chooses not to return to its PGA, then that school will be automatically retained in the RSD for an additional five year period. The timeline below illustrates how schools that first become eligible prior to the fifth and final year of a subsequent five year transfer period may have multiple opportunities to choose within a five year period.

For example, both School A and School B have become eligible prior to the end of their second five-year period in the RSD. After the initial transfer period, these schools were retained in the RSD either because (1) the schools did not meet eligibility or (2) were AUS and the PGA and/or charter operators did not submit an approved proposal to operate the schools. Since School A becomes eligible in Year 6 in the RSD, it must choose whether to transfer to the PGA. If it chooses to remain in the RSD, it must choose again in year 10, if eligible, giving it 4 years of continued operations versus the 2 years School B would have before having to choose again.



Future Legislative Changes

In the event that the Legislature authorizes the transfer of schools under the jurisdiction of the RSD to the jurisdiction of an AGA, either as a direct-run or charter school, this transfer policy will allow for the school to choose to be governed by such authority, and BESE shall notify each school and PGA of such option.

Definitions

- **Alternative Governing Authority (AGA)** – At a minimum, an AGA is an entity that is allowed by law to authorize charter schools in the state of Louisiana or any subdivision thereof. If so authorized by the Legislature, such entities would be eligible to participate in the school transfer, governance, and application process similar to a PGA described herein.
- **Charter Conversion** – A school for which BESE has approved a Type 5 charter that has been assigned to the school by the RSD and where the school is converting to the approved charter school according to a timeline approved by BESE.
- **Phase-Out** – A school that is being closed and its students transferred to other schools.
- **Previous Governing Authority (PGA)** – A PGA is, at a minimum, a governing entity that is eligible by law to authorize a Type 1, 3, or 4 Charter School; such entity cannot be deemed academically or financially in crisis pursuant to law.
- **Required Parties** – Those entities, as appropriate, that are required to give consent for the transfer of a school under the jurisdiction of the RSD; those parties include the governing board of a Charter School; the RSD Superintendent for a Direct-Run school; BESE; and the PGA or any allowable AGA.
- **Transfer Period** – Schools transferred to the jurisdiction of the RSD are required to remain under the jurisdiction of the RSD for a five year operational period before they may be eligible for return or transfer.