



Massachusetts Department of Elementary and Secondary Education

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Mitchell D. Chester, Ed.D.
Commissioner

MEMORANDUM

TO: Members of the Board of Elementary and Secondary Education
FROM: Mitchell D. Chester, Ed.D., Commissioner
DATE: May 29, 2014
SUBJECT: John P. Holland Elementary School Level 5 Turnaround Plan Appeal

On Wednesday, May 14, 2014, the Boston Teachers Union (BTU) filed an appeal to the Level 5 School Turnaround Plan for the John P. Holland Elementary School (Holland). For the reasons detailed below, the modifications requested on the compensation system and the grievance procedure will not improve the Plan and I recommend that the Board of Elementary and Secondary Education (Board) decline to adopt them. I have developed a comprehensive, focused Turnaround Plan designed to promote the rapid academic achievement of students at the Holland School. Under the strong leadership of the school's Receiver, UP Education Network, the Turnaround Plan commits to deliver a robust academic and support program that will transform the educational experience for all of the school's students.

Background

G.L. c. 69, § 1J, as amended by St. 2010, c. 12, § 3, An Act Relative to the Achievement Gap, provides for sweeping changes to the operations and structure of a "chronically underperforming" or Level 5 school in the Commonwealth.¹ The law requires that I take decisive action by creating a Turnaround Plan for a Level 5 school, and provides the authority for necessary changes to be implemented at the school. Throughout the Achievement Gap Act, the Legislature repeatedly emphasized the necessity to act quickly in order to "maximize the rapid academic achievement of students" in the school. Timely action is essential to ensure that all students, including current students, are afforded the opportunity and advantage to improve academically. Further, the Legislature recognized that significant change would be essential in order to create schools where student achievement could be maximized, as the status quo in these lowest performing and least improving schools is perpetuating the achievement gap

¹ "Level 5" refers to the placement of the school in the state's Framework for School Accountability and Assistance.

that the Act was designed to address.

Prior to designation as a chronically underperforming school, a school must be designated underperforming (Level 4), implement a Level 4 Turnaround Plan, and fail to improve significantly. In 2010, 12 schools in Boston were designated underperforming, or Level 4. Of these schools, five schools² exited Level 4 status in 2013 into Levels 1, 2 and 3 after three years of implementing robust Turnaround Plans and receiving federal resources to support the Plans' implementation. These five schools saw significant increases in student performance and both the district and the schools established systems and practices that set them on a trajectory for continued growth in student learning. Four other Boston schools designated Level 4 in 2010 remain in Level 4 to continue to implement Turnaround Plans for another year and one school closed.

However, the Holland School's performance after three years as a Level 4 school revealed persistently low student achievement rates and failure to meet its measurable annual goals, despite having access to the same resources and autonomies as the other, more successful schools in the district. The Holland School has been providing an insufficient instructional program, the result of which is unacceptably low student academic performance. Therefore, I designated the Holland School as chronically underperforming or Level 5.

The breadth of academic achievement weakness at the Holland is substantial. Overall, only 15% of students at the Holland scored proficient or advanced on the English Language Arts (ELA) MCAS exam in 2013, and only 25% scored proficient or advanced in math. Approximately 40% of students scored in the "Warning" category in both subjects. The median student growth percentile in ELA was 37.5. The median student growth percentile in mathematics was 47.0. The low performance of Holland's subgroups is also significant, given that English language learners (ELLs) make up almost 42% of the school, and students with disabilities (SWDs) comprise almost 20%. On the ELA MCAS, only 15% of ELLs school-wide scored proficient or advanced; on the Math MCAS, 33% of ELLs scored proficient or advanced. Only 1% of Holland's SWDs scored in the proficient range (with zero scoring advanced) on the ELA MCAS, and only 2% scored either proficient or advanced on the Math.

Grade-level analysis revealed consistent levels of low performance in ELA across all grade levels (ranging from 4% proficiency to 25% proficiency) and consistent levels of low performance in mathematics across all grade levels (ranging from 12% proficiency to 34% proficiency). Student

²The five Boston schools that exited Level 4 status in 2013 include: Blackstone Elementary School, Harbor Middle School, John F. Kennedy Elementary School, Orchard Gardens K-8 School, and Trotter Elementary School.

achievement results have been consistently low in all grade levels in both ELA and mathematics between 2010 and 2013. The lowest scores for both tests were obtained by students in the 4th grade.

The school and district had significant authorities and opportunities to improve during the three years that Holland was designated as Level 4. Yet, after it was designated Level 4, Holland failed to implement the comprehensive, rapid changes needed to create substantial turnaround. The school was well resourced to do this work: in addition to its other district, state, and federal grant funds, a federal School Redesign Grant was awarded (\$2.8 million over three years) to the school to help implement its turnaround strategies. Despite having the tools needed to make significant system changes within the school (those that other Boston schools used to improve significantly and exit Level 4 status), by the end of the 2012-2013 school year, Holland was only able to meet 55% of the measurable annual goals (set by both ESE and the school itself) that were included in its Level 4 Turnaround Plan. This represented a 6% decline from the previous school year.

As a consequence, in October 2013, I designated Holland Elementary School a Level 5 school, and working with UP Education Network, the organization I designated as Receiver for Holland in January 2014, I developed a Turnaround Plan for the school that is designed to maximize and accelerate student achievement. As I developed the Preliminary Turnaround Plan, I together with UP, considered and incorporated recommendations from the Local Stakeholder Group (LSG). Following the release of the Preliminary Turnaround Plan, the Superintendent, Boston School Committee, and the Holland LSG had the opportunity to propose modifications to the Plan, but chose not to do so. The Final Turnaround Plan was issued on April 18, 2014.

The Holland Level 5 Turnaround Plan includes the decisive measures that are required to deliver an educational experience that prepares all Holland students to succeed. Our first job, as this school enters receivership, is to secure the basics of a sound academic program and a well-functioning school. We need to establish an effective instructional program and quickly move it to higher levels of functioning. Strong, focused implementation of the strategies contained in Holland's Turnaround Plan will provide the best opportunity to address the school's underperformance through innovation, a renewed sense of urgency, and drive for excellence to ensure *all* of Holland's students receive the high quality education they deserve.

Why implementation of the Holland Final Level 5 Turnaround Plan will lead to the rapid academic achievement of the school

UP Education Network will establish an exceptional elementary school for students, families, and

community members previously underserved by the Holland Elementary School in Dorchester through the implementation of the Turnaround Plan. UP Academy Holland (the name of the Holland Elementary School as of July 1, 2014) will provide its students with an academic environment that leads to rapid core-skill development and the internalization of important and positive lifelong values. The students, families, and staff members of the school will work together harmoniously to create a culture in which all constituents enthusiastically strive for excellence and achievement. Students will graduate from the school with the knowledge, skills, and strength of character needed to succeed on the path to college and to achieve their full potential. To accomplish this, the Turnaround Plan has five priority areas:

1. Transform the culture of the school into a culture of urgency, high expectations, accountability, excellence and achievement
2. Enhance the rigor of the curricula, improve effectiveness of instruction, and strengthen the utilization of assessment data
3. Expand the school day and school year, build in time, deploy resources, develop programs, and create identification and tracking systems to ensure that all students, especially students with disabilities and English language learners, receive the academic and other supports they require to learn and succeed
4. Recruit and hire extraordinary leaders, teachers, and support staff and build and utilize systems to evaluate, develop, promote, reward and retain this staff over the long term
5. Fully engage all of the school's families in the learning of their children

UP Academy Holland ensures a school environment that is defined by the following:

- Relentlessly high, consistent academic and behavioral expectations for all stakeholders, including our students, our families, and our staff
- Seamless and detailed operating procedures
- Rigorous, standards-based curriculum, instruction, and assessments
- A wide-reaching network of supports designed such that no child is left behind
- An obsession with regularly and effectively using data
- An atmosphere of enthusiasm and joy

UP Education Network is a nonprofit school management organization whose mission is to rapidly transform chronically underperforming district schools into extraordinary schools that sustain high achievement over time. UP Education Network currently operates four schools, serving approximately 1,500 students, in the communities of Boston and Lawrence. All of the schools in the network were formally chronically underperforming schools and have been restarted under the management of the organization.

During the 2012-13 academic year (the most recent year for which MCAS data are available), the organization managed two middle schools. That year, out of the 496 schools serving middle school students across the Commonwealth, the two network schools (UP Academy Boston and UP Academy Leonard in Lawrence) ranked #1 and #2, respectively, for median student growth in mathematics. At UP Academy Boston, math proficiency rates have risen more than 30 percentage points since being restarted under the organization's management (over two years). And at UP Academy Leonard, math proficiency rates rose nearly 40 percentage points in the first year following the school's restart. Each of those two schools has also seen substantial student improvement in English Language Arts since the time of their restart.

During the 2013-2014 academic year, UP Education Network restarted the Marshall Elementary School, a chronically underperforming Boston public school located in the Bowdoin-Geneva neighborhood of Dorchester, as UP Academy Dorchester. While state assessment data will not be available until later this year, the interim assessment results show substantial academic gains for the school's students in just one academic year. Further, the student mobility rates which had been very high historically at the Marshall have stabilized and student attrition rates at UP Academy Dorchester are among the lowest of any elementary school in the Boston Public School system.

UP Education Network's experience in rapidly improving several Boston and Lawrence schools as well as its early successes at UP Academy Dorchester position the organization well to serve as the Receiver for another elementary school in the Bowdoin-Geneva neighborhood, the Holland Elementary School.

BTU's appeal to the Holland Elementary School Turnaround Plan

Working with my staff and in consultation with UP Education Network, I have reviewed the modifications to the Turnaround Plan proposed by the BTU and have determined that they should not be adopted. My rationale for this determination follows:

1. The Turnaround Plan's compensation system promotes teacher performance

The compensation plan included in the Turnaround Plan will be implemented in two phases. This is due to the fact that the district and the Receiver were in agreement that the new compensation plan could not be programmed into the large and complex City of Boston Human Resources and Payroll System in a timely basis to pay teachers accurately beginning in August 2014. For its part, the Receiver felt strongly that it needed to focus its team on executing the new Turnaround Plan and preferred to

implement a new salary structure in the second year. The combination of these two forces compelled me to introduce the Career Ladder model in the second year.

Beginning July 1, 2014 teachers will be compensated using the current BTU salary schedule. Teachers will receive the negotiated 3% across the board salary increases and step and lane entitlements. In addition, returning teachers will continue to receive \$4,100 for the previously negotiated ELT stipend, and newly hired teachers will receive a \$2,000 stipend. In preparing the compensation model, we used the existing teacher census in the two Boston Level 5 schools to generate the information below:

- the average teacher would receive \$4,747 more than the current salary
- the average salary would increase from \$82,221 to \$86,968
- teacher salaries would range from \$61,482 to \$108,891
- individual teacher salary increases would range from \$2,375 to \$7,771

Other points to note:

- Inevitably, there will be pressure to contain salary costs in Boston's next teacher contract, given the challenges of matching revenues and expenditures experienced this year and presumably the following year, given that there will be an additional year of 3% salary increases.
- The Boston teacher salary and annual across the board increases in the current contract are significantly higher than the teacher salaries in the other Level 5 schools.
- Boston's average expenditure per in-district pupil was \$18,126 in 2013, the most recent year for which financial data is available.
- Boston's average expenditure per pupil which was 20% more than Holyoke at \$15,049, and 48% more than New Bedford at \$12,254.

The new compensation model will be implemented in July, 2015. Teachers hired in Year 1 will be transitioned to the career ladder based on their current step and will then be able to move up the ladder more than one level at a time if they receive exceptional evaluations. Teachers will no longer depend simply on seniority, educational credits and degrees to receive salary increases. All teachers will have access to peer collaboration, job-embedded professional development, and instructional supervision to help them improve their teaching practice. The implementation of the performance based compensation system at Holland Elementary School is an essential strategy for attracting and retaining strong teachers and for maximizing the rapid academic achievement for students. Below are some key elements of the compensation plan:

- **Emphasis on student outcomes:** The new system rewards what matters--student performance--and will attract effective teachers who are driven by outcomes

- Incentives at key career points: The system incentivizes teachers to stay in teaching at the time when many educators consider leaving the profession (after 3 years, by providing a \$5,000 bump between Developing Level II and Career I)
- Leadership opportunities: The system provides leadership opportunities through the Advanced and Masters positions and provides appropriate compensation in these roles

The BTU's main argument is that "no teacher can teach for long at the Holland School under the conditions of the Final Turnaround Plan." Yet, for some teachers, the current compensation model, which bases pay raises solely on time served in the district and credits earned, is increasingly cited as a disincentive for high performing teachers to stay in teaching, and threatens to undermine morale. Critics of the status quo salary schedule argue that, in fact, misaligned compensation systems are "thought to be especially acute in difficult-to-staff schools where the working conditions are more difficult, yet the compensation, due to the single salary schedule, is often similar to schools with better working conditions."³ Thus, using the district-wide salary schedule in Boston as the salary schedule at the Holland School ignores the working conditions and challenges of teaching at the school.

The professional compensation system to be implemented in Year 2 of the turnaround takes a different approach. The system is expressly modeled on the professional compensation system that is in place in the Lawrence Public Schools. As noted above, the Turnaround Plan includes a compensation system that differentiates among teachers and provides a career ladder where advancement is based on a holistic measure of teacher effectiveness.

This sophisticated differentiated compensation system holds promise for improving student outcomes and is supported by the research. For example, recent research by Thomas Dee and James Wyckoff on Washington, D.C.'s IMPACT program found that financial incentives linked to multiple measures of teacher performance (i.e., observational measures as well as student achievement data) improved the performance of high-performing teachers (effect size = 0.24).⁴ Dee and Wyckoff maintain that their results provide "reasonably credible evidence" on the effects of these performance based compensation systems such as the IMPACT system in DC and the structures described in the Holland's proposed compensation plan.⁵ Dee and Wyckoff conclude that "overall, the evidence presented in this study indicates high-powered incentives linked to multiple indicators of teacher performance can substantially improve the measured performance of the teaching workforce."⁶

³Thomas Dee and James Wyckoff, 2013. "*Incentives, Selection, and Teacher Performance: Evidence from IMPACT*. NBER Working Paper No. 19529).

⁴ Dee and Wyckoff, 2013.

⁵ Dee and Wyckoff, 2013, p.1.

⁶ Dee and Wyckoff, 2013, p.28.

As evidenced by some initial successes in the Lawrence schools which have similar working conditions (same length of work day and work year), similar teaching models, similar student populations and a similar compensation model, I am confident that the working conditions and the career ladder compensation plan included in the Holland's Final Turnaround Plan will actually attract high potential and highly effective teachers who want to work in a challenging environment with the type of professional support and dedication to serving students with the greatest needs. Data from Lawrence teachers and the Receiver are also supportive. Data from the TELL Mass Survey of Lawrence educators shows positive trends between the 2012 administration (prior to the district's implementation of its Turnaround Plan) and in 2014, a year and a half into the Plan's implementation. Lawrence educators' responses were higher than statewide averages and showed substantial increases in areas crucial to improving school culture and student achievement, including: having sufficient time for collaboration and instruction; being trusted to make sound professional decisions about instruction and to take on leadership roles; and experiencing increased levels of trust and mutual respect.⁷ Receiver Jeff Riley reports that there is a high rate of external teacher applicants to fill open positions in Lawrence elementary schools which have all adopted a longer work day or work year with comparatively lower stipends for the extra time:

- LPS Elementary schools report 1500 candidates for 40 positions
- UP Academy Leonard and UP Academy Oliver report 450 candidates for 23 positions
- Spark Academy reports 448 candidates for 12 positions

UP has reported that many teacher candidates are attracted to the Holland, in part, because of the investment in properly preparing teachers for the start of the school year, including professional development support, time with colleagues, time to learn about the students they will teach, general school environment, and the support teachers will receive to do their work. Similarly, teacher application levels are high as the Receiver fills positions in the school. UP reports that it has received 860 applicants for 60 total teaching positions at the Holland. Of note, UP has hired 75% of the school's staff members as of the end of May. As these numbers show, the school is not having any difficulties attracting teachers to fill openings.

The Boston Teachers Union has requested that the Turnaround Plan be modified so that teachers would be paid at the contractual hourly rate for all hours worked beyond the standard contractual work year. The BTU has calculated the amount of added hours to be 657.5 hours per teacher. At the BTU 2014-2015 contractual hourly rate of \$45.06 per hour, the annualized total additional cost would be

⁷ TELL Mass Survey Results 2014, <http://2012.tellmass.org/reports>.

\$29,627 for each teacher. Such increases are neither sustainable nor affordable given the City of Boston's finances and given the funding streams for the Level 5 schools. While Boston will meet its obligations under the statute in allocating funds in an equitable manner to the Holland, the budget for the school will be reduced for next year. The BTU proposal would add over \$2,000,000 to the anticipated cost of implementing the Turnaround Plan with the longer instructional day and the longer work year.

I recommend that the Board decline to adopt the modification requested by the BTU.

2. The alternative dispute resolution process in the Turnaround Plan is necessary to ensure that decisions related to working conditions are handled swiftly and consistently with the requirements of the Achievement Gap Act.

The BTU alleges that the alternative dispute resolution process that is included in the Turnaround Plan fails to meet the requirements of the law because "the Commissioner has presented no evidence whatsoever that dismantling the contractual grievance and arbitration procedure will help to maximize the rapid academic achievement of students at the school." BTU appeal at p. 4. The Board should decline the BTU's requested modification because the dispute resolution process included in the Plan will lead to the fair and prompt resolution of employee disputes.

Simply put, a Level 5 school requires a different process for resolving employee disputes than what is provided for in the district's collective bargaining agreement. This is the case for two reasons:

- the decision makers in a Level 5 school are different than the decisions makers in non-Level 5 schools; and
- there is additional urgency in a Level 5 school for working condition issues to be resolved quickly.

As to the first issue, the Turnaround Plan includes a dispute resolution process that allows decisions to be made by the appropriate parties. For example, the current grievance and arbitration process included in the BTU's collective bargaining agreement requires the Superintendent to hear and decide grievances at Step III. But, the Achievement Gap Act expressly provides that a Level 5 school Receiver has full operational and managerial control over the school. Likewise, the regulations provide that a Receiver for a Level 5 school has all of the powers that the Superintendent previously had over the school.⁸ Therefore, the process to resolve employee disputes at a Level 5 school should not involve the Superintendent, but should involve the Receiver. The dispute resolution process in the Turnaround Plan

⁸ 603 CMR 2.06 (5)(a) ("A receiver appointed by the commissioner for a school in Level 5 pursuant to M.G.L. c. 69, s. 1J(r), shall have all of the powers that the superintendent previously had over the school and all of the powers granted to a receiver for a Level 5 school by M.G.L. c. 69, s. 1J. The receiver shall report directly to the commissioner.")

does exactly that.⁹

With respect to the second issue, the dispute resolution process included in the Holland School Turnaround Plan is designed to provide prompt resolution of concerns. The time frames in the alternative dispute resolution process are accelerated so that disputes will be resolved quickly. In comparison, in the traditional grievance and arbitration process, it is not unusual for more than a year to elapse between the time an incident occurs, a grievance is filed and an arbitrator issues a decision. Resolving concerns quickly will lessen distractions and allow teachers to maintain their primary focus on the students and the classroom.

The alternative dispute resolution process included in the Turnaround Plan, however, does not sacrifice process for speed. It provides a full and fair opportunity for teachers to raise issues of concern. The process includes that a union representative may be part of the process at every stage. Turnaround Plan at p. 47. It also provides teachers with the opportunity to meet with the Principal or the Receiver to discuss concerns; and it requires the Principal and the Receiver to provide his or her decision in writing.

Finally, the BTU erroneously claims that the alternative dispute resolution process will be the exclusive mechanism for resolving all disputes. To the contrary, the Turnaround Plan explicitly provides that the dismissal of a teacher with professional teacher status will be governed by the process set out in G.L. c. 69, § 1J(o), not the alternative dispute resolution process. See Turnaround Plan, p. 46. Section 1J(o) provides that a teacher with professional teacher status may seek review of a dismissal decision through an expedited arbitration process.¹⁰

In these circumstances, the Board should decline the BTU's requested modification as the dispute resolution process included in the Plan will lead to the fair and expeditious resolution of disputes that arise at the Holland School.

⁹ See also the memorandum to the Board of Elementary and Secondary Education dated May 30, 2014 from the Department of Elementary and Secondary Educations Legal office.

¹⁰ The statute provides, in part: "A teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days written notice of the decision to terminate which shall include without limitation an explanation of the reason why the commissioner or superintendent is not retaining the teacher in the school; provided, further, that the teacher may seek review of a termination decision within 5 days after receiving notice of the teacher's termination by filing a petition for expedited arbitration with the commissioner"

Conclusion

I believe that the Holland Elementary School's Level 5 Turnaround Plan is sound, well reasoned and designed to maximize the rapid achievement of students at the school. The Receiver I have chosen to implement the plan has a well documented track record of success in underperforming schools and the plan for the Holland School builds directly on these successful practices. The Plan focuses on ensuring that each child experiences excellent teaching every day using a well rounded and engaging curriculum. It also ensures that students will have the supports they need to access the curriculum so they can achieve to their highest potential. This is challenging work for students and educators alike; but we believe that, by implementing this plan, the students at the Holland School will have the significantly better educational experience and outcomes they deserve.