

New York State Education Department
Field Guidance Memorandum
Implementation of the Restart Model

Federal School Improvement Grants Under Section 1003(g) of the
Elementary and Secondary Education Act
#2011/2

Date: May, 2011

To: Superintendents of Schools
Charter School Administrators
Title I Coordinators

From: Ira Schwartz, Assistant Commissioner for Accountability

Subject: Implementation of the Restart Model

In April of 2011, the New York State Education Department (SED) released the School Improvement Grant (SIG) application, guidance and final requirements for the 2010-11 funding cycle. The requirements and the guidance are available at: <http://www.p12.nysed.gov/nclb/programs/titleia/sig1003g/>. This guidance on the Restart Model is being issued both to answer a request for more guidance from districts and to clarify and address issues that are being seen after an initial review of the Cohort 2 School Improvement Grant applications.

A restart model is one in which a Local Educational Agency (LEA) converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education partner organization (EPO) that has been selected through a rigorous review process. A restart model must enroll, within the grades it serves, any student from the school being closed who wishes to attend the new school. A CMO is an organization that pursuant to a contract with a charter school board operates or manages charter schools by centralizing or sharing certain functions and resources among schools. In New York, any charter issued through the new RFP process outlined in the Charter Schools Act, on or after September 1, 2010, may only contract with nonprofit organizations to operate or manage the school. In New York, an EPO is a nonprofit organization that serves as the superintendent for a school pursuant to a contract entered into with the LEA as specified in Education Law 211-e. In many other states, the term “education management organizations” or EMOs is used. See **Appendix A** for the entire text of Education Law 211-e.

The New York State Education Department will not approve applications for Restart from LEAs using the EPO model unless the following minimum criteria are met:

- The Restart EPO with which the LEA has contracted shall assume the powers and duties of the superintendent for purposes of implementing the educational program of the

Restart School, and the Principal will report to and be under the direct supervision of the EPO. This governance relationship between the LEA, EPO and the school board or Chancellor as outlined in Education Law 211-e must be adhered to completely. The role of the EPO is not merely supportive but instead to create and institute a comprehensive school intervention plan that will lead to dramatic increases in student achievement.

- The LEA must demonstrate how the school will now have the capacity to significantly improve academic outcomes as a result of the expertise of the chosen EPO and the program implemented. A restart model that merely represents the evolution of the school's existing educational program and does not embody fundamental changes in school practice and organization is unlikely to be judged to have demonstrated such capacity for significant improvement and will not be funded.
- The LEA has implemented a "rigorous review process" for selecting the pool of CMO/EPO applicants for implementation of the Restart model. This process must be described in detail.
- The LEA must ensure, through agreement with collective bargaining units and its contracting process with selected EPOs that Commissioner's Regulation 100.2(o), and Education Law 3012-c, are being implemented in Restart schools in the 2011-2012 school year.
- The LEA must require the EPO to :
 - Create a mandatory professional development plan for all staff consistent with New York's approved Race to the Top application that ensures the effective implementation of the New York State standards, including the Common Core;
 - Include in this professional development plan activities that promote data driven instruction and inquiry; and,
 - Delineate for school staff and administrators how the professional development plan will inform and affect rigorous principal and teacher evaluations, as it may require mandatory additional professional development days and/or modified schedules for increased collaboration and planning.

If an LEA wishes to convert a traditional public school to a public charter school to fulfill the restart model – or for the purposes of launching a new public charter school in their community; the following non-negotiables must be met:

1. The LEA must have a central office or administrator who is responsible for charter school authorization and oversight. This office or individual must have experience and understanding of school choice and autonomies. This infrastructure must be responsible for all aspects of charter authorizing from application to contracting, monitoring, renewal decisionmaking and school closure.
2. The LEA must use a charter school application process that is aligned with the new processes that the Board of Regents and the SUNY Board of Trustees use. The processes must also be in alignment with the practices of high functioning charter authorizers and the *Principles and Standards for Quality Authorizing* of the National Association of Charter School Authorizers.
3. The LEA must follow the New York Charter Schools Act, including all timelines and timeframes set out in the Act.
4. The Board of Regents holds the ultimate authority in accepting or rejecting any local conversion application. The Board of Regents will not award a public school charter to a

local conversion charter school if the application and proposed school governing board does not demonstrate the will, skill and capacity to launch and sustain a public charter school to the standards outlined in the Regents' new charter school application process (see "Starting a Charter School" on SED website).

An EPO/CMO must have **proven** ability to turn around low-achieving schools, raise student achievement, and manage a whole school reform process. The LEA must demonstrate, with externally validated data, that the selected EPO or CMO has a track record of success in schools comparable to the one being restarted. The EPO and CMO must, pursuant to its contract, direct, coordinate and oversee school improvement, human capital development, site-based governance, site-based budgeting and financial services, facilities, and instructional and non-instructional planning and implementation. At the school level, the EPO and CMO may also have responsibility to coordinate all other supporting partner organizations that provide services to a school.

To ensure that LEAs are planning thoughtfully for the implementation of Restart, SED is requiring that LEAs submit information on their Restart model implementation plans in two phases. In the first phase, LEAs are required to submit information in their SIG application (due May 9th) on the process for selecting the restart model for schools, as well as the process by which a pool of qualified EMO or CMO partners was created. In the second phase, Restart Addendum, LEAs are required to submit information on the EPO or CMO partners selected for each school, and describe the overall intervention plan to be implemented by those partners. This Addendum is due to SED by July 1st. A complete description of the requirements for each phase can be found below.

Phase 1: School Improvement Grant Application Requirements, due May 9th

In the Restart Model Implementation Plan that the LEA submits as part of the School Improvement Grant Application, the LEA must describe how:

- The LEA has implemented a "rigorous review process" for selecting the pool of CMO/EPO applicants for implementation of the Restart model.
- The Restart Model will address the major findings of the school's needs assessment.
- The LEA has fulfilled all New York State requirements for converting school into a charter school, if CMO is chosen (see non-negotiables above).
- The Restart school will enroll, within the grades it serves, any former student who wishes to attend the school.
- The LEA will notify parents and community of the Restart Plan, and provide information on school choice options available.
- The LEA will create a plan to transfer students who either a) cannot attend the new school because their grade is not served; or b) have parents who wish to opt-out of the new Restart school. The LEA must provide NYSED with a list of schools that will receive transfer students.
- The LEA will create an accountability contract with the CMO or EPO, with clearly defined goals for student achievement.

Phase 2: School Improvement Grant Application, Restart Addendum, due July 1st

The purpose of this addendum, **due on July 1st, 2011**, is to require LEAs with Restart model applications to provide SED with information on:

- The process the LEA used to select an EPO/CMO for each school from the pool of potential partners listed in the approved SIG application.
- The EPO/CMO selected for each restart model school, and how that EPO/CMO was matched to the needs of the school, as identified in the needs analysis required for the SIG application.
- The contract the district has entered into with the EPO/CMO, and information on how the contract is aligned with the requirements outlined in Education Law 211-e.
- The LEA must ensure, through agreement with collective bargaining units and its contracting process with selected CMOs or EPOs, that Commissioner’s Regulation 100.2(o) and Education Law 3012-c are being implemented in Restart schools in the 2011-2012 school year.
- The status of efforts to enroll students from the PLA school into either the new restart school or higher achieving schools in the district.
- Community hearings and communications with staff, parents, and community of the restart school to explain school restart and the matching of the CMO/EPO with the identified school.

LEAs should consider the following USDE guidelines as they plan to implement the Restart Model in any of their persistently lowest-achieving schools:

- As defined by USDE, an EMO is a provider of “whole school operations.” Therefore, and as further defined in New York State Education Law 211-c, LEAs contract with EPOs to implement a new comprehensive school program, and not to provide particular services upon request of the LEA or the school.
- An LEA need not know the particular EMO or CMO with which it would contract to restart a school, but it should at least have a pool of potential partners that have expressed an interest in and have exhibited an ability to restart the school in which the LEA proposes to implement the restart model¹.
- The “rigorous review process” permits an LEA to examine a prospective restart operator’s reform plans and strategies. It helps prevent an operator from assuming control of a school without having a meaningful plan for turning it around. The purpose of the rigorous review process is to provide an LEA with an opportunity to ensure that the operator will use this model to make meaningful changes in a school.
- A restart school must enroll, within the grades it serves, all former students who wish to attend the school.
- The LEA’s obligation to enroll any former student who wishes to attend the school includes the obligation to enroll a student who did not actually previously attend the school — for example, because the student was previously enrolled in grade 3 but the school serves only grades 4 through 6 — but who would now be able to enroll in the school were it not implementing the restart model.
- Under the restart model, a provider may require all former students who wish to attend the restart school to sign student or parent/student agreements covering student behavior, attendance, or other commitments related to academic performance.

¹ However, SED is requiring LEAs with Restart models to submit an addendum by July 1st that details the EMO or CMO selections for each school, and provide a copy of the contract between the EPO or CMO and the district.

- An LEA has flexibility to work with providers to develop the appropriate sequence and timetable for a restart partnership. Thus, for example, an LEA could allow a restart operator to take over one grade in the school at a time.
- The LEA must include in its contract or agreement terms and provisions to hold the EPO/CMO accountable for complying with the final requirements of the SIG program.
- The LEA must ensure that there is a direct relationship between the fee and the services that the CMO/EPO will provide using SIG funds and that those services are necessary to implement the SIG model in the school being restarted.

In addition to the federal requirements, New York State Education Law 211-c prescribes the requirements for LEAs that wish to implement the Restart Model and contract with an Educational Partner Organization. LEAs must conform to the requirements of this law when implementing the Restart model with an EPO.

The requirements of Education Law 211-c, in summary:

- The term "educational partnership organization" refers to a board of cooperative educational services, a public or independent, non-profit institution of higher education, a cultural institution, or a private, non-profit organization with a proven record of success in intervening in low-performing schools.
- LEAs with persistently lowest-achieving schools, with approval from the Commissioner, may contract with an Educational Partner Organization to intervene in a persistently lowest-achieving school or school under registration review, for a period of up to five years.
- Under the contract, the educational partnership organization assumes the powers and duties of the superintendent of schools for purposes of implementing the educational program of the school, including but not limited to making recommendations to the board of education regarding:
 - budgetary decisions,
 - staffing population decisions,
 - student discipline decisions,
 - decisions on curriculum and determining the daily schedule and school calendar
- Changes to the educational program of the school must be consistent with applicable current collective bargaining agreements.
- The contract must include :
 - district performance expectations and/or benchmarks for school operations and academic outcomes, and failure to meet such expectations or benchmarks may be grounds for termination of the contract prior to the expiration of its term.
 - the manner in which students will be assigned to the school,
 - the process for employees to transfer into the school,
 - the services that the district will provide to the school, and
 - the manner in which the school shall apply for and receive allocation and competitive grants
- The board of education shall retain the ultimate decision-making authority over:
 - hiring, evaluating, termination, disciplining, granting of tenure, assignment of employees serving in the school

- revisions or changes to the collective bargaining agreements
- The board of education can deny an EPO's recommendation(s) regarding the educational program of the school. If this happens, the board of education must state its reasons for the denial, and include an explanation of how the denial will promote improvement of student achievement in the school and why the denial is consistent with all accountability plans approved by the commissioner for the school and the school district.
- In particular, the board has the power to deny any recommendation which results in a violation of law or violation of the terms of an applicable collective bargaining agreement. However, if the board of education rejects a recommendation of the educational partnership organization to terminate a probationary employee assigned to the school or to deny tenure to an employee assigned to the school, it is the duty of the board of education to transfer the employee to another position in the school district within the employee's tenure area for which the employee is qualified, or to create such a position.

Next Steps

In order to aid LEAs in completing the SIG application and Restart Addendum, attached to this memo both the USDE guidance on Restart, found in Appendix B, as well as the SED Frequently Asked Questions about Restart document, found in Appendix C. SED's goal is to help LEAs think thoughtfully about the implementation of the Restart model, and ensure that the EPO or CMO selected for the Restart has the capacity and skills necessary to address the identified needs of the school.

Should you have any questions regarding this guidance, please contact Roberto Reyes at 518-473-0295.

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Appendix A

Education Law §211-e—Educational Partnership Organizations

(As added by Chapter 103 of the Laws of 2010, as proposed in Assembly Bill No. 11171 and Senate Bill No. S.7991, Effective May 28, 2010)

§ 211-e. Educational partnership organizations.

1. The board of education of a school district, and the chancellor of the city school district of the city of New York, subject to the approval of the commissioner, shall be authorized to contract, for a term of up to five years, with an educational partnership organization pursuant to this section to intervene in a school designated by the commissioner as a persistently lowest-achieving school, consistent with federal requirements, or a school under registration review.
2. Notwithstanding any other provision of law, rule or regulation to the contrary, and except as otherwise provided in this section, such contract shall contain provisions authorizing the educational partnership organization to assume the powers and duties of the superintendent of schools for purposes of implementing the educational program of the school, including but not limited to, making recommendations to the board of education on budgetary decisions, staffing population decisions, student discipline decisions, decisions on curriculum and determining the daily schedule and school calendar, all of which recommendations shall be consistent with applicable collective bargaining agreements. Such contract shall include district performance expectations and/or benchmarks for school operations and academic outcomes, and failure to meet such expectations or benchmarks may be grounds for termination of the contract prior to the expiration of its term. Such contract shall also address the manner in which students will be assigned to the school, the process for employees to transfer into the school, the services that the district will provide to the school, and the manner in which the school shall apply for and receive allocation and competitive grants.
3. The board of education shall retain the ultimate decision-making authority over the hiring, evaluating, termination, disciplining, granting of tenure, assignment of employees serving in the school as well as with respect to staff development for those empowered to make recommendations to the board of education with respect to the scope of, and process for making modifications and additions to the collective bargaining agreement.
4. Where a recommendation is made by the educational partnership organization to the board of education pursuant to subdivision two or three of this section, and such recommendation is denied, the board of education shall state its reasons for the denial, which shall include an explanation of how such denial will promote improvement of student achievement in the school and how such action is consistent with all accountability plans approved by the commissioner for the school and the school district. Nothing in this subdivision shall be construed to prevent a board of education from denying a recommendation of the educational partnership organization based upon the board of education's determination that carrying out such recommendation would result in a violation of law or violation of the terms of an applicable collective bargaining agreement. If the board of education rejects a recommendation of the educational partnership organization to terminate a probationary employee assigned to the school or to deny tenure to an employee assigned to the school, it shall be the duty of the board of education to transfer such employee to another position in the school district within such employee's tenure area for which the employee is qualified, or to create such a position.
5. For purposes of this section the following terms shall have the following meanings:

- (i) "educational partnership organization" means a board of cooperative educational services, a public or independent, non-profit institution of higher education, a cultural institution, or a private, non-profit organization with a proven record of success in intervening in low-performing schools, as determined by the commissioner, provided that such term shall not include a charter school;
- (ii) "board of education" means the trustees or board of education of a school district, or, in the case of a city school district of a city having a population of one million or more, the chancellor of such city district;
- (iii) "school district" means a common, union free, central, central high school or city school district, other than a special act school district as defined in section four thousand one of this chapter.
- (iv) "superintendent of schools" means the superintendent of schools of a school district, and, in the case of a city school district of a city having a population of one million or more, a community superintendent and the chancellor of such city district when acting in the role of a superintendent of schools.

Appendix B

USDE Guidance on Fiscal Year 2010 School Improvement Grants under Section 1003(g) of the Elementary and Secondary Education Act of 1965 (Revised February 23, 2011)

Please see <http://www2.ed.gov/programs/sif/sigguidance02232011.pdf> for the full guidance.

C-4. Prior to submitting its application for SIG funds, must an LEA know the particular EMO or CMO with which it would contract to restart a school?

No. Prior to submitting its application, an LEA need not know the particular EMO or CMO with which it would contract to restart a school, but it should at least have a pool of potential partners that have expressed an interest in and have exhibited an ability to restart the school in which the LEA proposes to implement the restart model. An LEA does not need to enter into a contract prior to receiving its SIG funds, but it must be able to provide enough information in its application for the SEA to be confident that, if awarded SIG funds, the LEA would in fact enter into a contract with a CMO or EMO to implement the restart model.

C-5. What is the purpose of the “rigorous review process” used for selecting a charter school operator, a CMO, or an EMO?

The “rigorous review process” permits an LEA to examine a prospective restart operator’s reform plans and strategies. It helps prevent an operator from assuming control of a school without having a meaningful plan for turning it around. The purpose of the rigorous review process is to provide an LEA with an opportunity to ensure that the operator will use this model to make meaningful changes in a school. Through the rigorous review process, an LEA might, for example, require a prospective operator to demonstrate that its strategies are research-based and that it has the capacity to implement the strategies it is proposing.

C-6. Which students must be permitted to enroll in a school implementing a restart model?

A restart school must enroll, within the grades it serves, all former students who wish to attend the school. The purpose of this requirement is to ensure that restarting the school benefits the population of students who would be served by the school in the absence of “restarting” the school. Accordingly, the obligation to enroll any former student who wishes to attend the school includes the obligation to enroll a student who did not actually previously attend the school — for example, because the student was previously enrolled in grade 3 but the school serves only grades 4 through 6 — but who would now be able to enroll in the school were it not implementing the restart model. If the restart school no longer serves a particular grade or grades that previously had been served by the school, the restart school is not obligated to enroll a student in the grade or grades that are no longer served.

C-6a. May an EMO or CMO with which an LEA contracts to implement a restart model require students or parents to agree to certain conditions in order to attend the school?

Yes, under the restart model, a provider may require all former students who wish to attend the restart school to sign student or parent/student agreements covering student behavior, attendance, or other commitments related to academic performance. In other words, a decision by a student or parent not to sign such an agreement amounts to an indication that the student does not wish to

attend the school implementing the restart model. A provider may not, however, require students to meet, for example, certain academic standards prior to enrolling in the school.

C-7. May a restart school serve fewer grades than were previously served by the school in which the model is being implemented?

Yes. An LEA has flexibility to work with providers to develop the appropriate sequence and timetable for a restart partnership. Thus, for example, an LEA could allow a restart operator to take over one grade in the school at a time.

If an LEA allows a restart operator to serve only some of the grades that were previously served by the school in which the model is being implemented, the LEA must ensure that the SIG funds it receives for the school are used only for the grades being served by the restart operator, unless the LEA is implementing one of the other SIG models with respect to the other grades served by the school. For example, if the school in question previously served grades K-6 and the LEA allows a restart operator to take over the school only with respect to grades K-3, the LEA could use SIG funds to serve the students in grades 4-6 if it implements a turnaround model or school closure, consistent with the final requirements, with respect to those grades.

C-8. May a school implementing a restart model implement any of the required or permissible activities of a turnaround model or a transformation model?

Yes. A school implementing a restart model may implement activities described in the final requirements with respect to other models. Indeed, a restart operator has considerable flexibility not only with respect to the school improvement activities it will undertake, but also with respect to the type of school program it will offer. The restart model is specifically intended to give operators flexibility and freedom to implement their own reform plans and strategies.

C-9. If an LEA implements a restart model, must its contract with the charter school operator, CMO, or EMO hold the charter school operator, CMO, or EMO accountable for meeting the final requirements?

Yes. If an LEA implements a restart model in a Tier I or Tier II school, the LEA must include in its contract or agreement terms and provisions to hold the charter school operator, CMO, or EMO accountable for complying with the final requirements. An LEA should bear this accountability requirement in mind at the time of contracting with the charter school operator, CMO, or EMO, and should consider how best to reflect it in the contract or agreement.

C-10. May an LEA use SIG funds to pay a fee to a CMO or EMO to operate a restart model?

Yes, but only to the extent the fee is reasonable and necessary to implement the restart model. An LEA, thus, has the responsibility, in entering into a contract with a CMO or EMO, to ensure that any fee that is part of the contract is reasonable and necessary. See Office of Management and Budget Circular A-87, Attachment A, C.1.a (to be allowable under a Federal grant, costs must be —necessary and reasonable for proper and efficient performance and administration of [the Federal grant]□). In making this determination, the LEA must ensure that there is a direct relationship between the fee and the services that the CMO or EMO will provide using SIG funds and that those services are necessary to implement the SIG model in the school being restarted. It may not be reasonable, for example, for a CMO or EMO to charge a flat percentage of the SIG funds available, irrespective of the services to be provided, particularly in light of the significant amount of SIG funds that would be available to a school for three years. For example,

if a CMO or EMO normally charges a fee of five percent of gross receipts to operate a school, it may not be reasonable to calculate that percentage on the additional \$6 million in SIG funds that could be available, absent a very strong demonstration that its costs for providing services increase commensurately with the large amount of SIG funds available. Moreover, the LEA must be able to demonstrate, as part of its commitment to obtain SIG funds, that it can sustain the services of the CMO or EMO and any attendant fee after the SIG funds are no longer available (Sections I.A.4(a)(vi) and II.A.2(a)(iv)) and include a budget for each school it intends to serve that identifies any fee (Section II.A.2(a)(vi)). In addition, an SEA has the responsibility, in reviewing and approving an LEA's application to implement the restart model in one or more of its Tier I or Tier II schools, to consider the LEA's capacity to implement the model, including the reasonableness of its SIG budget and its ability to sustain the model after SIG funds are no longer available, and may approve the LEA's application only if the SEA determines that the LEA can implement fully and effectively the model. See Sections I.A.4(b) and II.B.2(b)(ii) and (iv). (New for FY 2010 Guidance)

Appendix C

Frequently Asked Questions Regarding the Implementation of a Restart Model

General Questions regarding the Restart Model

Q1: How is funding for the Restart school determined?

A1: Funding for the Restart school is determined through a review of the Restart School Improvement Grant application submitted by the district. Several factors form the basis for the funding decision, including, but not limited to: the size of the restart school, the extent of the needs of the school, and the scope and depth of the school intervention strategies proposed by the EPO or CMO.

Q2: Is the Restart school a new school? What is its accountability status?

A2: If the restart model involves an EPO, the school district may petition the Board of Regents to register the school as a new public school. If the restart model involves the creation of a charter school, a new public school is created upon the issuance of a charter by the Board of Regents.

The United States Department of Education has provided districts with an accountability waiver for Restart schools. A Restart school, upon approval of their School Improvement Grant application by SED, becomes a school In Good Standing, regardless of its past accountability status. However, if the school fails to make Adequate Yearly Progress on state assessments for two consecutive years, the school's accountability status will become Improvement, Year 1.

Q3: Who must approve the Restart plan before it is submitted to SED? What is the role of parents and the community?

A3: The application for SIG funding is submitted by the superintendent on behalf of the school district. To meet the requirements of 100.2(p)(6)(iv)(c)(2)(i), the board of education, or in New York City, the chancellor, must formally adopt the plan prior to its implementation in the 2011-12 school year.

Districts are required to provide a description and proof of collaboration and consultation with parent and community groups within their School Improvement Grant application. Although these groups do not have to approve the application, they must be consulted. SED strongly encourages districts to include parents and community members in the decision-making process. In fact, SED requires districts to describe how the selected EPOs and CMOs will work together with parents and the community, within the Restart Model Addendum.

Q4: Which entity receives the SIG grant under the Restart model?

A4: The school district receives the SIG grant for implementation of the Restart model at an identified school using an EPO. In the case of a charter school, SED is seeking clarification

from USDE as to whether the funding would be received by the charter school, the school district, or both.

Questions Regarding Restart led by an Educational Partner Organization

Q1: Does the school remain a part of the district, or is it considered an independent school?

A1: A restart school operated by an Educational Partner Organization (EPO) remains part of the district. The key differences between EPO-operated restart schools and other schools within the district are that an EPO, through a contract with the district, will:

- serve as the Superintendent for the school,
- make recommendations to the board of education regarding changes to the school program and staff, and
- be held accountable for dramatic increases in student achievement.

The district will oversee the implementation of the contract, and provide the school with any services that have been agreed upon within the contract.

Q2: What effect does the implementation of an EPO-operated Restart Model have on existing collective bargaining agreements?

A2: Nothing within Education Law 211-e requires changes to existing collective bargaining agreements. The board of education retains the ultimate decision-making authority over:

- hiring, evaluating, termination, disciplining, granting of tenure, assignment of employees serving in the school
- revisions or changes to the collective bargaining agreements

An EPO may make recommendations to the school board regarding staff and school program changes, but the school board makes the final decision. With school board approval, the district may ask local unions to enter into a school-based agreement which permits changes to the collective bargaining agreement at that particular school, but not within the district as a whole. Some organizations, for example, may only be willing to become an EPO if both the school board and the applicable collective bargaining unit(s) agree to modifications to the provisions of the collective bargaining agreement in the Restart school.

Q3: Who decides what happens to the staff at a school implementing the Restart Model? What happens if the EPO choose not to retain the staff in the new Restart school?

A3: While the EPO can make recommendations to the board regarding staff for the restart school, the school board has ultimate decision-making authority over hiring and removal of staff. However, if the board of education rejects a recommendation of the EPO to terminate a probationary employee or to deny tenure to an employee, the board of education must transfer the employee to another position in the school district within the employee's tenure area for which the employee is qualified, or to create such a position.

Q4: Are students within a EPO-operated Restart school eligible for district services?

A4: Students who attend a Restart school continue to be eligible for district services that are required by federal and state laws. The district may provide the school with additional services if they are outlined in the contract between the district and the EPO.

Q5: Does the school return to the district's jurisdiction at the end of the grant period?

A5: The district is charged with monitoring the EPO and ensuring that the EPO is fulfilling the terms of their contract, and making dramatic gains in student achievement. The EPO's role as superintendent of the Restart school will come to an end at the end of the contract period, which can be anywhere from 2 to 5 years in length. However, the contract may be extended by mutual agreement.