

THE ALLIANCE
TO RECLAIM OUR SCHOOLS

OUT OF CONTROL

*The Systematic Disenfranchisement of African American
and Latino Communities Through School Takeovers*

AUGUST 2015

reclaimourschools.org

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THE ALLIANCE TO RECLAIM OUR SCHOOLS

The Alliance to Reclaim Our Schools is a national alliance of parent, youth and community organizations and labor groups fighting for educational justice and equity in access to school resources and opportunities. National organizations that are members of the Alliance include: The American Federation of Teachers, the Alliance for Educational Justice, the Annenberg Institute for School Reform at Brown University, the Center for Popular Democracy, Gamaliel, the Journey for Justice Alliance, the National Education Association, the Opportunity to Learn Campaign, and the Service Employees International Union.

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Introduction

This month marks the 50th Anniversary of the Voting Rights Act, considered one of the most effective pieces of federal legislation ever enacted.

The Voting Rights Act prohibits states from imposing any procedures that deny or discourage access to the polls, particularly for African American voters. The Voting Rights Act opened the door to civic engagement for hundreds of thousands of Americans.

Though the rights conferred by the Act remain in place, the U.S. Supreme Court weakened the law in 2013,ⁱ and many communities are seeing a resurgence in efforts to discourage minority access to the ballot box. Civil rights organizations are fighting these new efforts in the courts and on the streets.

But there is a different attack on minority enfranchisement not addressed in the Voting Rights Act. Instead of barriers to the ballot box, local elected governance is being dissolved altogether.

This fall, tens of thousands of students are returning to schools that have been placed under state authority. Elected school boards have been dissolved or stripped of their power and voters have been denied the right to local governance of their public schools.

These state takeovers are happening almost exclusively in African American and Latino schools and districts—in many of the same communities that have experienced decades of underinvestment in their public schools and consistent attacks on their property, agency and self-determination. In the past decade, these takeovers have not

only removed schools from local authorities, they are increasingly being used to facilitate the permanent transfer of the schools from public to private management.

As a national coalition of parents, students, educators and community members, the Alliance to Reclaim Our Schools (AROS) is strongly opposed to the dismantling of locally elected school boards and the trend towards school privatization in primarily African American and Latino communities.

School takeovers and privatization alone have not consistently improved student outcomes. But they have been linked with high drop-out and school push-out rates, increased segregation, political disempowerment and increased financial stress and insolvency in public school districts.

The Alliance to Reclaim Our Schools urges local and state officials to stop the takeovers. Return our schools to local control and instead of disinvesting in public education, invest in our communities and our schools. Work with parents, teachers and students to build sustainable, community-powered schools with the resources and supports to help all children succeed. Instead of dismantling our schools, give us the schools that all our children deserve.

This report uses profiles from some of the most prevalent state takeovers of schools and school districts to describe how the takeovers are stripping political power and control from Black and Brown communities, and being used by private interests to usurp property and assets from them.

PUBLIC SCHOOLS AND PUBLIC CONTROL

As the commitment to free and accessible public schools spread across the United States in the sixteenth and seventeenth centuries, it came with the implied—and sometimes explicit—right of self-governance. Indeed, over 95% of school districts today are run by locally elected boards of education. These local boards give authority over the complex roles of public schools to those closest to the schools themselves.

Local governance of schools serves as a critical opportunity for citizens to engage in the democratic process. Whether for individuals seeking to play a larger role as an elected official, or as a place where parents, students or educators can listen in on, or directly participate in debates over educational policy. The process helps ensure that policies and programs directly address agreed-upon local needs. Open and accessible governance of local schools is taken for granted, and honored across the country. Schools serve as polling places during elections, offer their facilities for community meetings or athletic events, and sometimes offer classes or other services to neighborhood adults as well as children.

Local governance may sometimes be marred by disagreement or even corruption, just as other levels of government are. But when school districts fail to offer an adequate and equitable quality of education to the children in their charge, local control itself is rarely the true culprit.

DECADES OF DISINVESTMENT

Despite the Supreme Court's decision in *Brown v Board of Education* in 1954, despite the Civil Rights Act of 1964, the Elementary and Secondary Education Act and the Voting Rights Act (both passed in 1965), public schools have never fully served low-income students of color. Our antiquated school funding system that relies on local property taxes to support public schools, embeds inequities based on race and class. When the rise of manufacturing in northern cities attracted large numbers of African American families looking for jobs, they were met with housing discrimination and redlining that led to segregated neighborhoods and segregated schools.

When manufacturing left these same cities, they were thrown into decline. The loss of jobs, and later, resistance to integration led to massive White flight, further concentrating poverty in urban centers and communities of color. Over the past twenty years, systemic inequality and economic and social apartheid have intensified the challenges facing public schools serving majorities of African American and Latino students.

Instead of addressing these challenges with investments in schools, neighborhoods and good jobs, the last two decades have seen the rise of an education philosophy that argues that poverty doesn't matter. School failure is blamed on families, students, teachers, district administrations and local control itself.

Why? Perhaps for some proponents, the “poverty doesn't matter” philosophy is self-serving. Some supporters of the “poverty doesn't matter” approach, organizations like the powerful Heritage Foundation and the American Enterprise Institute for example, are well known for fighting against minimum wage increases and better access to health care—programs proven to strengthen low income communities. These same groups, who call public education the civil rights struggle of our time, also support new voter suppression laws. Others, like the increasing number of investment bankers and hedge-fund managers that are taking up the education reform battle-cry, seem as intent on personal gain as they are on student outcomes. There is money to be made by squeezing public school districts dry and transferring control of public schools to private hands. The mechanism most widely used to accomplish this end is chartering.

THE RISE OF MARKET-BASED INTERVENTION AND REFORM

While many supporters of charters see the schools as offering increased community control and student-centered learning, the charter movement has been inundated with well-funded policy and advocacy interests that believe a deregulated marketplace is what's needed to lift student achievement.

The market-based movement, which gained cohesion in the early 1990s, started by promoting school vouchers as a way to move public dollars to private schools.

The well-financed voucher movement found a foothold in Milwaukee, where nearly 60% of students are now using public funding to attend private, mostly religious schools. But the voucher movement met significant opposition from organized communities and organized teachers. The emergence of charter schools provided a new opportunity for market reformers.

Instead of charters serving as small-scale educational laboratories, these interests have pushed through federal, state and local laws that promote aggressive expansion of chartering, and privilege corporate management companies that can operate large numbers of schools. These advocates ultimately favor dismantling public school districts altogether.ⁱⁱ Their roadmap calls for targeting already struggling schools and districts and aggressively rolling out alternative systems of privately-managed charter schools. Although their external communications are rife with the promise that competition between traditional public, and charter schools will force improvements across the board, internally they acknowledge (and celebrate) that the parallel system of schools they are creating will eventually undermine the financial stability—and very existence—of the public district.ⁱⁱⁱ With few exceptions, they have targeted Black and Brown school districts for their style of reform. Indeed, according to an annual report put out by the National Association of Public Charter Schools, of the top 50 school districts in terms of “market share” (the percentage of public school students attending charter schools), all but 8 are majority African American or Latino districts.

Many of the advocates of corporate reform, including local business alliances, philanthropists and prominent political leaders initially promoted mayoral control of schools as a way to better influence education policy, particularly in communities where elected school boards were resistant to out-sized business influence in policy-making. Chicago, New York City and Washington, D.C. mayors all took the reins promising to “fix” public schools, and began to aggressively move towards market-style reforms (see the profile on Chicago’s legacy of disenfranchisement and community disinvestment in the Appendices of this report).

But at the local level, this aggressive agenda has encountered significant public opposition. While many parents have embraced individual charter schools as an option for their children, the specter of big-money politics and corporate interests playing an increasing role in local school policy, and the expansion of charters, with its negative impacts on traditional public schools (and the children who attend them) has inflamed the passions of parents, educators and students. The Philadelphia Coalition Advocating for Public Schools (PCAPS) has demonstrated vociferously and developed its own roadmap for community-controlled reform. In New York State, advocates for public education are confronting billionaire hedge fund managers over their profiteering from corporate education reform and their deep-pocketed influence over the governor’s education agenda. In Chicago, New Orleans and other districts, parents and students have sat in, walked out, marched, filed suit against and otherwise risen up in protest against the market-based agenda.

Advocates of market-based reform have sought ways to neutralize this opposition. And over the last decade, one such strategy has been through the utilization of state laws allowing school districts or individual schools to simply be removed from local control.

OUT OF CONTROL: SCHOOL AND DISTRICT TAKEOVERS

With financial crises in cities—particularly northern rust-belt cities—mounting, as jobs and wealth diminished, legislatures began to enact laws allowing states to remove a school district from local control, primarily in cases of severe financial crisis. The first such law was passed in 1987 in New Jersey. Twenty-eight other states have followed suit.

In 1989, the Jersey City schools were taken over—the first in the nation. Other New Jersey districts soon followed. The seizure of the Newark public schools offers a portrait of how state control has been used to facilitate aggressive privatization...with little to show for it in terms of student outcomes.

The Newark public schools were stripped of local control in 1995. Decimated by the loss of its manufacturing base, with school buildings more than 80 years old and

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corruption rife within the central office, Newark students were languishing. Newark public schools served about 41,000 students, 95% of them Black and Latino.

The first phase of state control coincided with a series of court-ordered mandates that brought much-needed funding and research-based reforms to the state's poorest districts, including Newark. The initiatives included universal pre-K and expanded social services for students. Under these increased investments, many Newark schools made significant progress in both test scores and graduation rates.

But corporate reform found its way in to Newark in 2010, under the leadership of then-Mayor Cory Booker, and the state's new Governor, Chris Christie. Booker, Christie, and eventually 26-year-old California billionaire Mark Zuckerberg (who had never set foot in Newark) decided to make Newark a national model for education reform. One goal was to dramatically increase the number of charter schools in the city. Booker flew around the country pitching his plan to millionaires and philanthropists and financiers. But he didn't spend much time gathering the opinions of local residents. He didn't have to, because the elected school board in Newark had already been reduced to an advisory body. The Governor was in charge.

Over the next five years, Booker, Christie and Christie's appointed superintendent for Newark, former Teach For America corps member Cami Anderson, plowed forward with their top-down transformation plan, dubbed "One Newark." Money was pumped in to external consultants and management companies, but Christie refused to fund the schools to the levels ordered by the courts the decade before. Public schools were closed. Counsellors, clerical workers, janitors and teachers were laid off. Charter operators were handed the keys to public school buildings, sometimes while a traditional public school was still operating inside. When Governor Christie received over \$125 million in federal dollars for school construction and renovation, all of it went to charter schools.

Increasingly strident parent, student and educator demands to be heard by the Superintendent went unanswered. Influential activists and community groups

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Roberto Cabañas, lead organizer for New Jersey Communities United

that represent students, parents, teachers, clergy, labor, and concerned citizens formed the Alliance for Newark Public Schools that would eventually create a community schools plan called the "Newark Promise" to serve as the alternative to "One Newark." The advisory school board unanimously rejected Anderson's budgets and urged that she be replaced. Anderson responded to the outcry by refusing to attend board meetings at all. Student walk-outs and a schools boycott were organized by the Newark Students Union, NJ Communities United and PULSE, a community and parent-based organizing group. PULSE also filed a Title VI discrimination complaint with the Department of Justice, which is currently under investigation. Under deafening calls for her to step down, Cami Anderson resigned in 2015. But Governor Christie was undaunted, appointing his former state superintendent Chris Cerf—himself a well-connected corporate reformer—to replace her.

All this turmoil, and the constant churn of schools in Newark hasn't improved student outcomes. But it has benefited some: there are now 22 operating charter schools in Newark, as compared to 8 in 2000. And the buying, selling and leasing of charter facilities has been profitable for investors.

Public distrust and anger over outside meddling in their schools is widespread:

"Under state control, Newarkers are experiencing the worst of so-called 'education reform.' One Newark has intentionally shifted students from their neighborhood schools into charters, while also creating under-enrolled public school facilities, making them ripe for closure and charter expansion. It has

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placed special needs students and bilingual education students in classrooms that are not equipped to deal with their needs and the needs of their families. Essentially, state-control of Newark Public Schools has stripped the community of our voice and our self-determination. Newarkers have been told that we do not know what's best for our own children. This type of colonialism is not 'reform' — it's anti-democratic. And the people of Newark are keenly aware of this.”

— Roberto Cabañas, lead organizer for New Jersey Communities United

It's possible that the protests are starting to be heard in Newark. And the lack of improvement in the city's schools has the potential to become a liability for Christie's presidential aspirations. In June, Governor Christie announced the beginning of conversations with Newark's new mayor Ras Baraka, about returning the city's schools to local control.^{iv}

Newark is just one example of a state takeover that has not resulted in student gains. The Philadelphia and Detroit school districts have also been removed from local control, subject to large waves of school closures, increasing financial instability and aggressive privatization with little student improvement to show for it. The initial state takeover of the Detroit Public Schools resulted in the district budget plunging from a \$93 million surplus in 1999 to a \$200 million deficit 4 years later.

In 2004 the citizens of Detroit voted overwhelmingly to return to a locally elected board (the respite was brief: the state again seized the Detroit Public Schools in 2009).^v

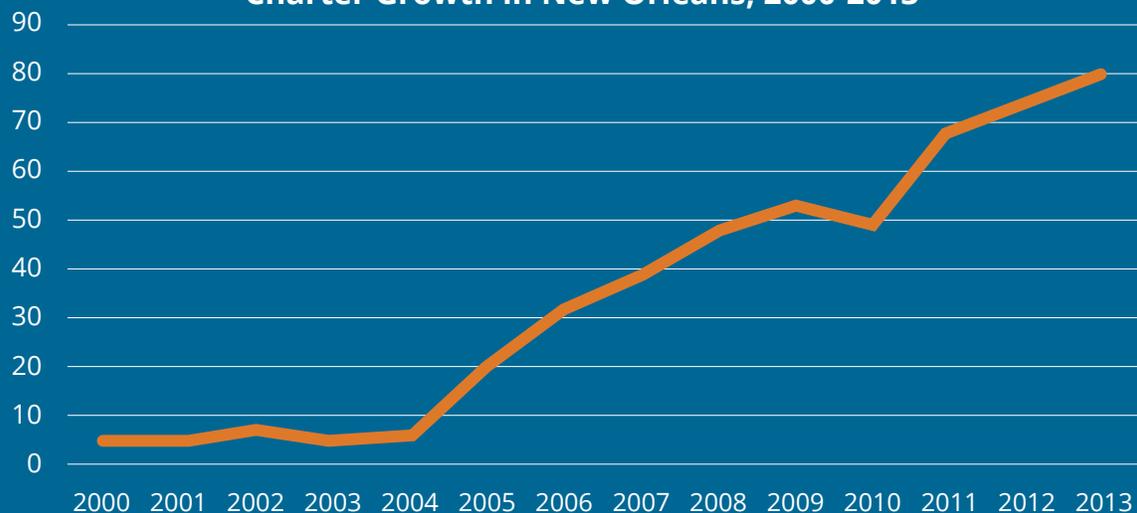
Despite the lack of a positive track record, the takeovers continue. Earlier this year the Arkansas State Board of Education voted to seize control of the Little Rock Public Schools. Shortly thereafter, public opposition in Little Rock defeated a proposed state law that would have allowed seized schools to be converted to charters.

In addition to wholesale district takeovers, many states are allowing individual schools to be lifted away from their home districts and placed under state control—again removing the ability of local communities to govern their own schools. And once again, the schools captured under these initiatives are virtually entirely populated by children of color.

State-Run Districts

When Hurricane Katrina slammed in to New Orleans at the end of August, 2005, the state already had a “Recovery School District” (RSD) which was empowered by the Louisiana legislature in 2003 to take control of schools anywhere in the state that had failed to meet designated achievement targets. When Katrina hit, only 5 schools had been moved into the Recovery District, all of them in New Orleans. Each of the schools was transferred to private management after takeover.

Charter Growth in New Orleans, 2000-2013



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Though about 60% of New Orleans residents were African American in 2005, the school system was 93% Black. Most White residents sent their children to private and parochial schools. The New Orleans schools were struggling mightily, and assessment scores were among the lowest in the state. The Orleans Parish School Board was known more for corruption scandals than for promoting educational achievement for the city's desperately needy children.

The storm, and subsequent flooding and evacuation of New Orleans opened the door to the most remarkable assault on local control of schools that the nation has witnessed: an assault that many are convinced would not have happened in a majority-White city or school system.

Called a "clean slate," and a "green field opportunity"^{vii} by privatization advocates outside of New Orleans, and a "defining moment in history" by the Education Industry Association, pro-market forces moved with lightning speed to use the mass evacuation of New Orleans to disassemble the district. Within two weeks of the storm, charter advocates had met with then-Secretary of Education Margaret Spellings, who announced the first of two \$20 million grants to New Orleans, to be used solely for the purpose of opening charter schools. No federal money was offered to reopen and repair the city's traditional public schools.

Within 6 weeks of the storm, Louisiana Governor Kathleen Babineaux Blanco issued an executive order waiving key portions of the state's charter school law to make conversions of existing public schools to charters and the licensing of new charters easier. One of the provisions that she waived was the requirement that the conversion of a traditional public school be conditioned on the approval of a school's faculty and parents.^{vi}

A month later, the Louisiana legislature in Baton Rouge passed Act 35, which raised the cut-score under which schools would be eligible for capture by the RSD. The Act had the effect of making all but 4 New Orleans schools eligible for takeover. With the swipe of a pen, 107 New Orleans schools were removed from the authority of

State-Run School Districts: 2014-2015

schools operated by state districts: **101**

that have been converted to charters: **97**

Total # students enrolled: **47,596**

African American or Latino: **97%**

the Orleans Parish School Board and placed into the state-run RSD. In the 10 years since the storm, the state has closed or transferred all of those schools to private operators, becoming the first all-charter district in the country.

Twenty-three states have enacted policies—many of them predating Louisiana's—allowing the state takeover of individual schools in cases of financial and/or academic crisis. But Hurricane Katrina changed everything, not just in New Orleans but nationally. From the perspective of corporate interests in education, for the first time, they had the chance to take chartering from the resale level to wholesale, without having to face public opposition.

Before the storm, the New Orleans schools admittedly struggled to serve the city's disadvantaged children. But this year marks the 10th anniversary of Katrina, and the state-run Recovery School District has not had much better luck. In the 2013-2014 school year, over half (54%) of the charter schools under RSD control are either failing or "in transition" (meaning they have been taken over yet again, by a new charter management group and are not given a state ranking). Another 35% of the RSD charters are ranked "C." And, notes a recent editorial in the New Orleans Tribune, after raising the threshold for schools to qualify for state takeover in 2005, the state has now lowered that score again. "If the RSD were judged by the same standards used to take control of schools in New Orleans 10 years ago," wrote the Tribune editors, "the RSD would be left with only 4 schools."^{viii} Meanwhile, parents in New Orleans complain of a balkanized education landscape, with long commutes, constant churn, and little transparency or public access to decision-makers.

Replication of the “New Orleans Model” — Achievement Districts

Despite the failure to produce the promised renaissance in New Orleans, the “New Orleans Model” of state takeover and charter conversation has been marketed nationally as a new direction for troubled school districts. At the urging of the charter industry and its supporters, state legislatures across the country are now enacting or considering state-run school districts modeled after Louisiana’s RSD. These laws allow state governors or state education departments to selectively remove individual “failing” schools from their home district, and put them under state governance in what are euphemistically called “achievement districts” or “opportunity districts.” In most cases, the seized schools are immediately, or soon converted to charters.

There are roughly 47,500 total students enrolled in the three currently operating state-run districts. 97% of those students are African American or Latino. Of the schools captured in the three districts, 97 have been converted to charter schools, and 4 continue to be state-run.

The promotion of these achievement districts as the answer to poor student performance is being led by the charter industry—groups like North Carolina-based Public Impact, the Thomas B. Fordham Institute, the National Alliance of Public Charter Schools and the American Legislative Exchange Council. This year, state laws creating similar achievement districts were passed in Georgia, Nevada and Wisconsin. Proposals are on the table in Missouri, North Carolina, Pennsylvania, South Carolina, Texas and Utah. Profiles of existing and enacted state-run district initiatives are included in the appendices of this report.

IMPACT AND IMPLICATIONS

Taken alone, the academic results and financial cost of state takeovers and achievement districts ought to give pause to legislators considering them. But beyond the measurable impacts, the optics are disturbing: hundreds of schools and districts with majorities of African American and Latino voters are being denied the right to control their own schools. And many of those bearing the brunt of state takeovers, residents of Michigan,

“Charter schools deflect responsibility and accountability by fragmenting the system, shattering it into too many pieces for the public to keep track of.”

Elaine Simon, co-director of the Urban Studies Program at the University of Pennsylvania

Source: <http://bit.ly/1JuCe8S>

Wisconsin, Missouri, North Carolina and other states, are also facing a revival of voter suppression policies. Many communities are starting to see a connection.

These districts and schools have not seen a renaissance in academic achievement, an end to corruption or mismanagement, or financial stability. But they have seen other impacts:

Fragmentation of political power. State control removes the power to govern schools from a locally elected school board with the authority to set program and funding for public schools. Charterized systems are worse—each school or network of schools has its own (private, non-profit) governance structure, policies and procedures. The city of New Orleans, for example, now has 44 separate governing authorities over its schools. Detroit has at least 45.

Loss of community-based institutions. By closing public schools, removing them from local control or turning them in to privately-governed charter schools, the connections between public schools and neighborhoods have been dismantled. In many cities, children no longer have guaranteed access to a school in their neighborhood. Some neighborhoods—dubbed “school deserts” by Chicago organizer Jitu Brown—have no public schools at all. Particularly in Black and Brown communities that have already been decimated by disinvestment, schools are often the last remaining neighborhood-based institution. Without them, parents struggle to transport their children to assigned schools throughout the city, community access to school libraries and playgrounds has been cut off, and even long-relied-upon polling places have been forced to move.

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Increased segregation. State-run districts, by definition comprised of “failing” schools, isolate and stigmatize students and parents. Charter schools have been shown to exacerbate already-high levels of segregation in public schools.^{ix} Decades of research confirm that students do better, and learn more when they are in environments rich with diversity. Instead of reinforcing our already troubled apartheid education system, we should be investing in the hard work of integrating it. Neither state takeovers nor chartering move us in that direction.

Financial instability. The creation of parallel school systems in many U.S. cities is undermining the financial health and stability of public schools, and resulting in devastating cut-backs in services, staffing and academic and extra-curricular offerings. In Philadelphia, for example, Moody’s Investor Services has concluded that the city’s rapidly expanding charter sector has financially

undermined the city’s traditional public schools, leading to direct harms to the students who attend them.^x In high-profile tragedies in 2013 and 2014, for example, two Philadelphia public school students died after falling ill in schools where no nurse was available to diagnose or treat them because of district budget cuts.^{xi} Similarly, state “achievement districts” have—or promise to—further chip away at the financial viability of public school districts by extracting students and funding.

The academic performance of schools under either state or charter control has not offered a convincing demonstration that removing schools from local governance improves educational outcomes. And we know that the impacts of takeovers go beyond academic results. The targeting of these takeovers on communities of color erodes an already thin veneer of trust between these communities and those who hold power. It’s time to rethink.

Conclusion

Americans of color have fought for access to an equitable public education for 150 years. The U.S. Supreme Court decision in *Brown v. Board of Education* in 1954 outlawed “separate but equal” education.

By the 1960s, it was clear that states were dragging their feet on educational equity and continuing to throw up barriers to democratic participation for African Americans and Latinos. The passage of the Elementary and Secondary Education Act, the Civil Rights Act and the Voting Rights Act raised the promise of equity and equal access for people of color to the democratic process.

But here we are. Over the past twenty years, the civil rights of the 1960s have slowly been eroded through the passage of voter suppression laws, continued disparities in school funding, the criminalization of poverty and the ever-widening inequality that has concentrated wealth in the hands of a few. Communities of color have been the targets of too many of these assaults. Subjecting Black and Brown communities to experiments in State and private management of schools is just one more.

People are fighting back. The Alliance to Reclaim Our Schools brings together parents, students, educators and community members to promote justice in public education.

The takeovers of our schools must stop. Neither states nor charter operators have demonstrated that they know better than local communities. With a fair share of resources, both for our communities and our schools, we know what it takes to create the schools that all our children deserve.

AROS believes that every child deserves a high quality public education in their own neighborhood and that strong schools help to create strong communities. We believe sustainable, fully-resourced, community-driven schools are both proven, and untried. They are proven because we have seen the quality and impact of fully-funded, publicly owned and operated public schools in White and affluent communities across the country.

They are untried, because our neighborhoods have yet to be given the resources and the chance to establish them.

AROS has a model for sustainable community schools that includes proven elements:

- Curriculum that is engaging, culturally relevant and challenging, with a broad selection of classes and after-school programs in the arts, languages, and ethnic studies, as well as AP and honors courses, services for English Language Learners, special education, GED preparation and job training;
- An emphasis on high quality teaching, not high stakes testing;
- Wrap-around supports such as health care, eye care and social and emotional services available before, during and after school and provided year-round to the full community;
- Positive discipline practices such as restorative justice and social and emotional learning supports, and
- Transformational parent and community engagement in planning and decision-making. This process recognizes the link between the success of the school and the development of the community as a whole.

Instead of taking schools away from parents and communities, we demand that they be returned to them, and provided the full resources necessary to establish sustainable community schools. Instead of limiting participation in our democracy, we demand that the ability of citizens to use their civic engagement capacity to impact their schools and communities be expanded. If healthy living and learning communities with strong outcomes are the goal, publicly owned and locally controlled, fully funded sustainable community schools will out-pace state takeover districts, hands-down.

Appendix I

This list capsulizes the nature of state takeovers in districts highlighted in this report and in other significant-sized cities. There are dozens of other districts across the country that have similarly been removed from local control by state authorities. No comprehensive list exists of districts or schools under state control. But of those we have found that are ongoing (i.e. have not been returned to local control), none are in majority-White school districts.

School District	Year of Takeover	Description of Governance Change	School District Demographics*
STATE TAKEOVER OF DISTRICTS			
Jersey City, NJ	1989	Governor appoints superintendent and school board. Board is advisory only	71% Black and Latino
Paterson, NJ	1991	Governor appoints superintendent and school board. Board is advisory only	90% Black and Latino
Newark, NJ	1995	Governor appoints superintendent and school board. Board is advisory only.	91% Black and Latino
Little Rock, AR	2015	State Board of Education dissolves the locally elected school board and appoints a superintendent.	76% Black and Latino
STATE-RUN DISTRICTS			
Louisiana: Recovery School District	2003	<p>In 2003, the legislature established the RSD and set a cut-score for student achievement, under which schools could be removed from local control and placed in the state-run RSD. 5 schools, all in New Orleans, were moved into the RSD and converted to charters.</p> <p>In 2005 the legislature raised the cut-score, thereby capturing 107 New Orleans public schools, leaving only 4 under the control of the Orleans Parish School Board.</p> <p>Today, the RSD oversees 57 schools, all of them charters.</p>	93% Black and Latino (New Orleans)
Tennessee: Achievement School District	2010, expanded in 2012	<p>The ASD has the authority to take over schools among the lowest-performing 5% of schools in the state. The superintendent of the ASD is appointed by the Tennessee Department of Education.</p> <p>In 2014-2015 the ASD operated 29 schools, all but 2 of those in Memphis.</p>	<p>Memphis: 91% Black and Latino</p> <p>Nashville: 46% Black and Latino</p> <p>The two Nashville schools that have been taken into the ASD are 91% and 76% Black and Latino</p>

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School District	Year of Takeover	Description of Governance Change	School District Demographics*
Michigan: Education Achievement Authority	2013	The Michigan Education Achievement Authority operates 15 schools in Detroit. 9 are elementary/middle schools and 6 are high schools. 3 of the schools were turned over to charter management, the other 12 are direct-run.	96% Black and Latino (Detroit)
Wisconsin	2015	The “Opportunity Schools Partnership Program” allows the Milwaukee County Executive to appoint a Commissioner to run selected low-performing schools in Milwaukee. The Commissioner may manage, or contract out schools to charter or private school operators. Up to 3 schools may be selected for the Partnerships district in the first year (2015-16) and up to 5 schools per year after that.	81% Black and Latino (Milwaukee)
Georgia	2015	<p>The “Opportunity School District” legislation passed the Georgia State Legislature in 2015. However, because local control is guaranteed in the state Constitution, the measure must go before voters as a constitutional amendment. That ballot referendum is scheduled for November, 2016.</p> <p>The OSD will be run by a Superintendent appointed by, and reporting directly to the Governor. Schools may be direct-managed, converted to charters or closed. In some cases, the OSD Superintendent could oversee a management agreement with a local school board.</p>	No schools have yet been selected for removal to the OSD. Of 139 schools identified as eligible, most are inner-city schools, with 88% of students being African American, and 90% low-income. 26 of the schools are in the Atlanta Public Schools system.

* Demographic information is taken from the U.S. Department of Education’s Civil Rights Data set for school districts around the country. It is available at <http://ocrdata.ed.gov/flex/Reports.aspx?type=district>. Figures used are from 2011, the most recent data available, unless otherwise indicated.

Appendix II

Profiles of Takeovers

Although this report focuses primarily on state takeovers, the example of the Chicago Public Schools, under mayoral control since 1995, underscores many of the same issues. We include it here for that reason.

Chicago, Illinois

- **Year of Mayoral Control of the Chicago Public Schools: 1995**
- **Current governance: Chicago is the only school district in Illinois where the Board of Education is appointed by the Mayor and not elected by the people**
- **Number of school closings and turnarounds since 2001, (mostly in African American neighborhoods): 150**

On February 24th, 2015, nearly 90 percent of Chicagoans in 37 Wards voted in favor of establishing an elected School Board in a referendum led by a labor and community coalition known as the Grassroots Education Movement. Recent polls have also indicated that Chicagoans object to the expansion of charter schools when it leads to school closings and budget cuts for neighborhood schools. Mayoral control in its current form began in 1995 when then-Mayor Daley assumed the reins of the district with the support of the state legislature. Since that time over 150 schools have been closed. In 2013, Rahm Emanuel closed 50 schools, the most in a year in a single district in the nation's history. As a result, there has been a huge disenfranchisement of parents.

Not only does Chicago disenfranchise its predominantly Black and Latino parent base by denying people the right to elect the school board, the Mayor and his appointed Board have further restricted voting rights through school closings and charter expansion. All traditional neighborhood schools elect parents and community representatives to serve on Local School Councils, which

represent the greatest number of Black and Latino elected officials in the nation. But every time schools are closed or converted into charters, they lose these representatives.

Chicago Public Schools (CPS) have been underfunded for generations as the state has chronically short-changed its own funding formula and depends on a mix of flat taxes and property taxes to fund schools. As a result White wealthy districts like Winnetka, where wealthy Republican Governor Bruce Rauner owns a mansion and where Mayor Rahm Emanuel grew up, spend nearly twice as much per student as Chicago but face half the challenges of Chicago's high poverty Black and Latino communities.

Integration would be one method of addressing these growing inequities. In the 1970s and 1980s, the height of school integration, inequities between Black and White educational outcomes were the lowest ever. Now, as schools have again become hyper-segregated, poor Black students bear the brunt of under-resourced schools. Integration worked because resources were more plentiful and expectations were higher, even though Black students also experienced personal and institutional racism. White and Black students both benefited from learning in an integrated setting, and for many, the impact of attending integrated schools lasted a lifetime.

In CPS, segregation has increased in the last several decades, and the associated policies of disinvestment and destabilization are as acute as ever. African-American students are now more segregated by both race and class than they were twenty years ago. In 1989, 32% of African-American students in CPS attended schools where the student population was at least 90% African American, and at least 90% of students qualified for Free or Reduced Lunch. In 2012 a majority of African-American students, 54%, attended such schools.

While we know that in Chicago, school and residential segregation go hand in hand, over the past several decades

residential segregation of African Americans has declined in Chicago while school segregation has increased.

African-American teachers are also highly segregated across the system, and they are more segregated today than they were a decade ago. Over the past decade, the number of schools with integrated staff has decreased. Three times as many schools have 10% or less Black teachers; five times as many have no Black teachers at all. Over the same time, the percent of African American teachers in CPS dropped from 40% to 25%, primarily due to the closure of neighborhood schools that were replaced by charters and turnarounds with predominantly White teaching staffs.

STATE TAKEOVERS

School District of Philadelphia, Pennsylvania

- **Year of state takeover of the School District of Philadelphia: 2001**
- **Current governance: Governor and Mayor jointly appoint a 5-member School Reform Commission which runs the district, and serves as a charter school authorizer.**
- **Charters Opened Under Takeover: 58**
- **Demographics: the School District of Philadelphia is 74% African American and Latino**

In 2001, oversight of the School District of Philadelphia schools shifted to the state because of the district's severe financial crisis. The city's elected school board was dissolved and a School Reform Commission (SRC) was established. The Commission has five members, three appointed by the Governor and two by the Philadelphia Mayor. The Commission appoints a superintendent.

Philadelphia's public schools have been underfunded for decades. Despite high rates of poverty and a large immigrant population, per pupil spending in the district is lower than the state average, and much lower than in neighborhood affluent communities.

When Governor Tom Corbett took office in 2010, the financial crisis worsened. Corbett slashed over a billion dollars from statewide education funding, and Philadelphia felt the brunt of the impact. The district was forced to lay off 3,700 employees, including 1,600 teachers, and close eight schools. The State move ahead to hire an outside, multi-national corporation, the Boston Consulting Group (BCG), to come up with a plan for the future of the Philadelphia schools. BCG's plan recommended sweeping school closures, expansion of the city's charter sector, and privatizing the district's workforce.

The BCG proposal met heated opposition in Philadelphia. A new coalition, Philadelphia Citizens Advocating for Public Schools (PCAPS) brought together students, educators, parents and community-based groups and quickly created a community platform for the district, calling for more investment in the public schools.

In late 2013 and early 2014, two Philadelphia public schools students died after falling ill at schools without full-time school nurses to diagnose or treat them. The story made national news and put a spotlight on the real-world consequences of the State's funding decisions.

In 2014, after thirteen years under state control, the schools were still in precarious financial position. Moody's Investor Services blamed the district's financial instability on the growing charter sector.^{xiii} But rather than rein in charter growth, the SRC attempted to cancel the teachers' union contract and transfer \$54 million in health care costs to District teachers. A state court ruled that the Commission had overstepped its authority.^{xiv}

It seems clear many in Philadelphia are not happy with the SRC. In May 2015, voters approved a non-binding ballot question calling for abolishing the Commission and returning to local control.^{xv}

Philadelphia, like other school districts that are under state control, is a majority-minority city, with nearly two of three residents being people of color.^{xvi} There are now 84 charter schools in the city, enrolling more than 62,000 students—31% of the district's public school enrollment. Several new charters are slated to open next year.

Little Rock, Arkansas

- **Year of State Takeover: 2015**
- **State Board of Education has appointed a new Superintendent to run the city's schools. The district's 7-member, majority Black school board was dissolved.**
- **District is 76% African American and Latino**

In January of this year the Little Rock, Arkansas public schools were seized by the State Board of Education, bringing back memories of Little Rock's iconic history of racial strife in public education.

In 1957 Arkansas Governor Orval Faubus used the state national guard to prevent nine Black children from attending Central High School. The crisis that ensued shocked the country and became a milestone in the long struggle for racial justice in the United States. Iconic photographs show the nine children being verbally assaulted by an angry mob. In the years since, the Little Rock schools have integrated and then resegregated, as the district has become predominantly African American. Today, District schools are 76% Black and Hispanic and highly segregated.

In 2006 the Little Rock voters, for the first time, elected a majority African-American school board. Since that time, White and Black members of the board have sometimes differed over policy and have had bitter conflicts over the direction of the schools and the competing priorities of the city's Chamber of Commerce and local parents, teachers and community-based groups.

Attempts to disenfranchise low-income and minority voters have accelerated over the last few years. In 2013, the Arkansas State Legislature passed a voter ID law, and opted to participate in Crosscheck, a voter roll purge program. A state court found that the voter ID law violated the state's constitution, but declined to block it. The program was eventually struck down by the State Supreme Court.

In the 2014 school elections voters chose two board members—one black and one white—who strengthened

the board's progressive majority that had pledged to provide more resources to the city's highest needs schools, and oppose efforts to close schools in African American neighborhoods.

Just 3 months later, however, the State Board of Education voted 5-4 to take over the Little Rock School District. Announcing that the takeover was necessary to improve the quality of education, the Board identified just 6 out of 48 schools in the district that qualified for immediate intervention under the state's accountability system. Nonetheless, all 48 schools were seized and their elected school board dissolved.

Shortly after the takeover, Representative Bruce Cozart introduced a proposal in the state legislature to allow any state-controlled school or school district to be converted to a charter. The proposed legislation had been drafted by representatives of the Walton family — the heirs to the Arkansas-based WalMart empire. The Little Rock community rose up in opposition to the privatization proposal and forced Representative Cozart to withdraw his bill for this year, although more pro-charter legislation is anticipated when the legislature next convenes.

EXISTING STATE-RUN DISTRICTS

Michigan's Education Achievement Authority

- **Year created: 2011**
- **District/s Targeted: Detroit**
- **Schools Taken: 15. All but 3 converted to charters**

When it was initially placed under state control in 1999, the Detroit Public Schools were actually on the upswing. One of the hardest-hit urban communities in the United States, devastated by the loss of its industrial base and the resulting massive White and middle-class flight, the city's public schools were somehow doing well. Enrollment was increasing, there was a positive fund balance, and academically, the Detroit Public Schools (DPS) were closing the achievement gap. The downward spiral began after the Governor dissolved the school board and

OUT OF CONTROL

appointed a CEO. Within four years, the district's fund balance went from a surplus of \$93 million to a deficit of \$200 million. Over 5,000 students left the district in the first year of state takeover—the first enrollment decline in a decade.

Four years later, the citizens of Detroit voted overwhelmingly to return to a locally elected Board. The legislature delayed the seating of that board until January 2006. But self-rule was short-lived. In 2009 the Governor put the district under state control again with the appointment of an Emergency Financial Manager (EFM). Over the ensuing years, the Detroit Public Schools has been run into ruin, with over 200 schools closed, and many of the district's buildings turned over to charter operators.

Without improvement, in 2011 the state legislature established the Michigan Education Achievement Authority (EAA) based on the Louisiana model, and removed 15 Detroit public schools from the state-run district (in other words, the state-run schools were removed and placed in a state-run district). Twelve of those were transferred to charter operators.

The EAA got off to a disastrous start, and has not recovered. The EAA adopted a blended learning model in its schools, and contracted with a corporate vendor to provide computers and software to all students. But both the software and hardware arrived incomplete, and after a year, the state admitted that it had been a miserable failure. Teacher turnover inside the EAA was high, as were vacancies. Many classrooms were without full-time teachers for months and newly hired Teach For America recruits walked off the job mid-year. By November of the first year of operation, over half the teachers in EAA schools had three or less years of experience. District finances were a

mess as well, leading the Governor to appoint an emergency manager to the EAA. There have been charges of financial impropriety. Student achievement has actually declined. Yet, the legislature is now entertaining a proposal to expand the district next year, although the state admits to having a hard time finding charter management organizations willing to take on the remaining schools.

Tennessee's Achievement School District

- **Year created: 2010**
- **District/s Targeted: Memphis, Nashville**
- **Schools Taken: 29. All but one have been converted to charters**

Tennessee created the Achievement School District (ASD) in 2010 after it won a grant from the federal Race to the Top program to facilitate the turn around the state's lowest performing schools. To date, all but 2 of the ASD schools are in Memphis. Over 90% of the students in the Memphis schools are African American.

Five schools in Memphis and 1 in Nashville—were put into the ASD in 2012. Chris Barbic, the founder and CEO of Yes Prep charter schools, was chosen by the Tennessee Department of Education to serve as the first ASD superintendent. Three of the six removed schools were assigned to charter companies, while the ASD opted to operate 3 of them directly. By 2015, all three of the schools that had been assigned to charter operators had fewer students scoring proficient or advanced in math than in the previous year. The 3 direct-run schools had done marginally better. Reading score at all six schools were down. And a local district-run program to turn around low-performing schools under the local board of education was showing stronger results.

Community opposition was high. Chris Caldwell, a member of the Shelby County School Board noted that the state had “underestimated” the community's loyalty to the local district. “The way that (ASD) was implemented, it gave the families a feeling that they were being punished or isolated from the rest of the school system because of the performance of the school,” Caldwell said.

[The EAA is...] “an unfettered, corporate-driven education scheme that focuses less on educational outcomes and more on profits.”

MI State Senator Bert Johnson, in a letter to US Secretary of Education Arne Duncan, May 6, 2013.

The Systematic Disenfranchisement of African American and Latino Communities through School Takeovers

Still, the ASD continued to pull local schools in Memphis and Nashville into the state district.

There are now 29 schools that are part of the ASD (27 of which are in Memphis); all but one have been converted from traditional public schools to charter schools.

In July 2015, ASD and State officials proudly released new achievement scores for the ASD, which they said demonstrated that after a rocky start, the ASD was posting “dramatic” gains. But just two days later, a closer analysis called the district’s progress “uneven at best.”

In mid-July 2015, Barbic announced his resignation. He admitted that achieving the results he had hoped for was more difficult than he expected. Since the creation of the ASD, at least four charter operators have left Memphis, including Barbic’s own Yes Prep Schools. The reasons for the departures were identified as low enrollment and poor community support.

NEW STATE-RUN DISTRICTS

At least 3 achievement district laws were passed in 2015. These include:

Wisconsin’s “Opportunity Schools Partnership Program”

- **Year created: 2015**
- **District/s Targeted: The law only applies to Milwaukee**

Milwaukee is home to over 60% of Wisconsin’s African American population and the only school district in the state with a majority of African American students. Milwaukee Public Schools has been dismantled by over two decades of assault, including the creation of the country’s first public voucher program and the early embrace of charter schools. Twenty Milwaukee public schools were closed between 2005 and 2010 alone. As enrollment and seats in the Milwaukee public schools diminish, the district is increasingly unable to sustain itself, with service cuts and layoffs constantly looming.

In addition to his continued attacks on the Milwaukee Public Schools and the state’s teachers, Wisconsin Governor Scott Walker has enacted a radical right-wing voter

suppression agenda that rivals any in the nation since the days of the poll tax. A new voter ID law is estimated to threaten the voting rights of 300,000 legal, eligible Wisconsin residents, disproportionately low-income and people of color.

This year the legislature passed a bill, sponsored by two White suburban lawmakers, which allows an appointed commissioner to seize individual Milwaukee public schools and convert them to charters or private voucher schools. The legislation offers no proposals for how the schools should be improved but mandates that all employees in the schools that are taken over be fired. Milwaukee education activists are fighting back, building School Defense Committees at every Milwaukee public school, declaring that “not one more school” will be taken away from local control. An announcement of the first school or schools selected by the commissioner is expected this fall.

Georgia’s “Opportunity School District”

- **Year created: 2015. But the program requires an amendment to the Georgia State Constitution so will go before the voters in November 2016 for final approval.**
- **District/s Targeted: the program is statewide, but an analysis of the schools that could be removed under the program found that 88% of the potentially impacted students are African American, and 90% of them low-income. Twenty-six of the potentially targeted schools are part of the Atlanta Public Schools.**

In February 2015 Georgia Governor Nathan Deal proposed the creation of an Opportunity School District (OSD) which would be led by a superintendent who reports directly to the governor.

One hurdle for the OSD is the Georgia State Constitution. In a 2011 effort to allow a state commission to authorize charter schools, the Georgia Supreme Court decided that the proposal violated the Constitution, which, according to the Court, limits “governmental

authority over the public education of Georgia's children to that level of government closest and most responsive to the taxpayers and parents of the children being educated.^{xvii} Undeterred, proponents moved ahead and passed the OSD bill as a resolution calling for an amendment to the Constitution. The creation of the OSD is now in the hands of voters, who will be asked to amend the Constitution in a ballot initiative in November, 2016.

Georgia's law, if passed, dictates that seized schools could be directly managed by the OSD, jointly managed by the OSD and local school board, converted to a charter school, or closed. As many as 20 Georgia public schools per year, up to a maximum of 100, could be transferred into the OSD. Schools would remain in the OSD for at least five consecutive years, and no more than 10 years.

An analysis of the 140 schools estimated to be eligible for OSD seizure found that most are inner-city schools with 88% of students being African-American and over 90% considered low-income.^{xviii} At least 26 schools currently part of the Atlanta Public Schools could be seized.

Nevada's "Achievement School District"

- **Year Created: 2015**
- **District/s Targeted: Statewide**

In June 2015, Nevada Governor Brian Sandoval signed legislation that authorizes the state Department of Education to take over underperforming schools and put them into a new state-run Achievement School District (ASD).

Unlike in Georgia, Tennessee or Michigan, all schools seized under the Nevada law will be converted to charters. The executive director of the Nevada ASD, who will have the power to select schools, governing boards and management companies for the new charter schools, will be appointed by the state Superintendent of Education. Schools that are seized and privatized under the law will be allowed to remain in their current public school facilities with the local district continuing to pay capital expenses for the buildings.

Additional proposals for state-run school districts are pending in Missouri, North Carolina, Pennsylvania, South Carolina, Texas and Utah.

Notes

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- viii “For the Record: You Ain’t Done a Thing: A Tribune Editorial,” *New Orleans Tribune*. <http://www.theneworleanstribune.com/main/for-the-record-you-aint-done-a-thing-a-tribune-editorial/>
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- xii “Another Philadelphia student dies at a public school with no nurse,” MSNBC, May 22, 2014. <http://www.msnbc.com/msnbc/another-student-dies-school-no-nurse>
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- xiv “Court: SRC can’t cancel teachers contract.” *Philadelphia Inquirer*, January 22, 2015. http://www.philly.com/philly/blogs/school_files/District-cant-impose-contract-court-rules.html
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