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# The success of the Education Achievement Authority: How the state set itself up for failure

Carolyn Kohls  
*Eastern Michigan University*

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# The success of the Education Achievement Authority: How the state set itself up for failure

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**First Advisor**

Joe Ramsey

**Second Advisor**

Martha Kinney-Sedgwick

**Third Advisor**

Linda Lewis-White

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THE SUCCESS OF THE EDUCATION ACHIEVEMENT AUTHORITY:  
HOW THE STATE SET ITSELF UP FOR FAILURE

By

Carolyn Kohls

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## **Michigan's Education Achievement Authority**

There has been a great deal of controversy surrounding the Education Achievement Authority (EAA), a state controlled school district consisting of 15 Detroit Public Schools (DPS), since its start in 2012. The EAA was a state takeover meant to remain in place for 15 years, but in mid-2016 the Michigan legislature announced the pending termination of the EAA, sustaining state control over the schools for less than five years. There is a plethora of reasons for this untimely demise. Overall though, regardless of if the EAA had continued, the number one question for teachers, students, community members, and the state is was the EAA a success? Did the EAA accomplish the goal of improving student achievement? The answer to this can be found in examining not only the standardized test scores of the district, but also of the management of the EAA, curriculum model, and of other state-run districts that have acted a template for the creation of the EAA.

### **Intended Mission**

The EAA was a state takeover of 15 schools from the Detroit Public School District deemed to be failing by state standards, or what are now called Priority schools. Three of these schools became the responsibility of a charter school association, and the remaining 12 were then under direct control of the state (Smith, 2014, p. 11). It was the goal of the EAA to absorb an additional 30 schools from DPS in the beginning of its second year (Smith, 2014, p. 13). What separated the learning of the schools within the EAA and those in DPS is that the EAA imposed a Student-Centered Learning (SCL) approach with a heavy emphasis on technology.

## **The Role of Race to the Top**

Race to the Top (RTTT), instituted by the Obama administration in 2009, is a federal fund for the lowest performing schools in the country. This federal educational reform effort served as a replacement for the No Child Left Behind Act (NCLB) from the Bush administration. The RTTT Executive Summary released by the United States Department of Education in 2009 states the basic function of the RTTT as the following:

Race to the Top will reward States that have demonstrated success in raising student achievement and have the best plans to accelerate their reforms in the future. These States will offer models for others to follow and will spread the best reform ideas across their States, and across the country. (p. 2)

A state must fill out an application for the program, outlining the detailed plan for education reform. The RTTT Executive Summary of 2009 outlined two application phases to occur in 2010. It is here that the origins of the EAA can be found.

While the EAA was officially created by Governor Rick Snyder and his administration, the seed for it was planted by Governor Jennifer Granholm. In 2010, Governor Granholm completed the RTTT application for the state. Within the application Governor Granholm outlined a statewide district (Smith, 2014, p. 8). Michigan failed to win a RTTT grant in either of the first two application phases. The state had already begun fostering a plan to take control over the lowest performing schools in the state though. Amid the application process for the RTTT fund, Governor Granholm signed an education reform bill which would allow the creation of a state-run school district (Smith, 2014, p. 8). In concurrence with this, she also placed an Emergency Manager (EM), Robert Bobb, in charge of DPS, a position which would later be appointed by Governor Rick Snyder.

When Governor Snyder was elected in 2011, Governor Granholm left him with an easy way in to take over a local district. The only thing missing for the plan was funds.

### **Immediate Financial Ruin**

The RTTT grant was sought after to provide the financial means for Michigan to take over the lowest performing schools in the state. When the state was denied this grant, it sought out DPS's Title I funding, as most of the students within the EAA district were disadvantaged and qualified for this federal grant. DPS enforced their legal right to withhold this money from the EAA though, causing the EAA to lose one-quarter of its budget before even opening its doors. To make up for this, the EAA looked to private donors (Smith, 2014, p. 13). Using private donors can have its drawbacks though. In providing the necessary financial needs to the district, a private donor can have a great influence on the management and goals of the district. One particular private donor that would tilt the scale of the EAA into Governor Snyder's hands was the Michigan Educational Excellence Fund (MEEF). The MEEF contributed \$9.5 million to the EAA, the largest contribution made by any private donor. It is critical to note that the honorary chair of MEEF is Governor Snyder. With the MEEF donating a large part of what would be the EAA's funds, and Snyder's substantial ties to the organization, it gives more control of the EAA to Snyder. Even with these private donations however, the EAA failed to make up for the hole in funding.

While the board struggled to fund the schools, they were placing hundreds of thousands of dollars within their own pockets. Many of the state appointed board members were making six-figure salaries, including the Chancellor, John Covington, making \$325,000 and the Emergency Manager making \$225,000. Covington resigned as

chancellor in 2014 after allegations of excessive personal funding with EAA money surfaced. This and other suspicious funding also gained attention from the Federal Bureau of Investigation, which is now investigating various upper administration of EAA schools, including Covington, for possible kickbacks from vendors. These levels of corruption have led to multiple resignations of high ranking administrators in the EAA, including Covington, and a principal in the EAA, Kenyetta Wilbourn. Turnover in such high positions in a newly founded and experimental district can only breed further mismanagement.

### **EAA Management**

From the beginning stages of the EAA the management has been flawed. In Governor Snyder's quest to create the EAA, he found the easiest and quickest way was to have an Interlocal Agreement with DPS and Eastern Michigan University (EMU); a joint power agreement. The other choices to create the EAA involved more time and paperwork. Ordering a turnaround within DPS through use of a state-appointed emergency manager would have involved a court battle (Smith, 2014, p. 9). It had been ruled that an emergency manager only had authority over finances, not education, negating the Snyder's intentions. Another option which would require new legislation, and therefore a longer period of time, was to use the 2010 reform bill signed by Governor Granholm that authorized state takeovers (Smith, 2014, p. 9). This option would also hinder Snyder's ability to appoint administration members, as the takeover would be set up as a state agency, not a new state school district. A third option would have been passing a new bill to allow the creation of a state school district (Smith, 2014, p. 9). This would have taken a great deal of time as well, as there were many other bills for the legislations consideration at the time. Interlocal

agreements, however, take less time and require less work. Snyder was familiar with agreements such as this, having created many while serving on the board of the Michigan Economic Development Corporation (Smith, 2014, p. 9). In this way, an interlocal agreement was easily seen by Snyder as the fastest route towards a state-run district.

It is this aspect of the EAA that differs drastically from other state takeovers that will be further discussed below, in that the others do not have an Interlocal Agreement in place with the local area. This Interlocal Agreement involved DPS giving permission to the state to intercede in the running of the district, and used EMU as a source of credibility. Each of these entities are meant to have roughly equal control over the district, but this was merely a façade elicited to please the people.

The governing body of the EAA is composed of 11 members. Governor Snyder appoints seven of these members, including the chair, while DPS and EMU appoint two each (Smith, 2014, p. 11). Included with the governing body is an executive committee with seven members, five of which are appointed by Governor Snyder (Smith, 2014, p. 11). The management layout of the EAA from the beginning gives the power to the state, most notably the governor. It can be viewed that DPS and EMU have partial control, roughly one third of the governing body and one third of the executive committee, but there are two things that must be considered in this evaluation. DPS was still under the control of an EM appointed by Governor Snyder. Also, the Board of Regents at EMU, those heading the Interlocal Agreement by EMU, has eight members, five of which were directly appointed by Governor Snyder (Smith, 2014, p. 11). The Interlocal Agreement gives the impression of a joint agreement, but in reality, it is only a means for the state to avoid legalities that would hinder the process of putting DPS under direct control of the state.

The management of the EAA had ulterior motives from the beginning. Governor Snyder's goal was to have the district be strictly controlled by the state, a goal which was achieved. The state wanted to begin the EAA as quickly as possible setting it up for financial failure. The eyes of the management were not on the success of the students, but of benefit for themselves.

### **A Student-Centered Learning Model**

Along with administrative mismanagement, there was curriculum mismanagement. John Covington was the original chancellor of the EAA. His idea for a Student-Centered Learning (SCL) model is what shaped the EAA curriculum. This was only an idea however, and had never been carried out in a school. Covington's SCL is a competency-based approach to education (Smith, 2014, p. 18). It involves grouping students based on "readiness, not by grade," having students create individualized learning goals, allowing students to work at their own pace, requiring students to "provide evidence of mastery," and is intended to provide continuous feedback to students, teachers, administrators, and parents (Smith, 2014, p. 18). Outwardly, this model for learning projects an innovative way for students to learn. Upon closer inspection, the principles of SCL are cause for concern.

Grouping students by readiness, not by grade makes sense at first consideration. Having students surrounded by those at the same learning level can promote a sense of community within the classroom. It would allow the students to be better suited to help one another. In further consideration, the social aspect of this setup can have negative effects on students. The SCL in the EAA would not allow student to be separated by more than two years of age (Smith, 2014, p. 18). While this is a fine measure to have in place, two years is still a large gap between children in concern with social development.

In regards to students working at their own pace, and providing evidence of mastery, while it may sound appealing, it has problematic features. The term “their own pace” does not have a definition within Covington’s SCL model. Students will access learning modules on computers, rather than be taught directly by a teacher which in itself is troublesome. The learning modules adapt to the student’s comprehension of material, and will not move on until a student scores at least 80% on the modules assessment (Smith, 2014, p. 18). This may result in a vast academic gap to form within a single class, as some students master skills at a faster pace than others. In a traditional classroom, a teacher can adjust her teaching to suit the needs of all students by pacing the content in a manageable form. Within an SCL classroom however, a teacher must deal with aiding in the learning of multiple levels of content as gaps in student progression form.

It cannot be stressed enough that the SCL model had never been carried out in a single classroom before. The state was preparing to thrust 15 schools into an unfamiliar learning environment, for which teachers were ill-prepared and unqualified. The EAA was quickly becoming an experiment for the state without actual knowledge on whether the SCL model would be successful.

### **Cutting Costs by Cutting Teachers**

A critical component for struggling students is the need for stability. Having the same teacher over a long period proves helpful for a student’s academic achievement. High turnover rate of teachers can hurt student performance. The EAA’s management chose to fire every single faculty member of the 15 schools. These members were required to reapply for their jobs with only 20% being rehired (Smith, 2014, p. 19). The EAA used Teach for American (TFA) to fill much of the newly opened positions, a strategy used by

many states, including the ones that will be discussed below, as a means of saving money. This money saving strategy results in hurting student achievement however, as TFA teachers are poorly trained and not qualified to be teachers. The 20% of teachers rehired had another struggle to face though.

Collective bargaining rights are extremely important in union work forces, including for teachers. These rights allow workers to negotiate with employers to determine the conditions of employment. Collective bargaining is a means of protecting teachers from inadequate workplace conditions, and protecting salary. The EAA determined that because the teachers were technically transferring from DPS to the EAA schools, that their collective bargaining right was nullified (Smith, 2014, p. 20). The teachers soon filed suit, claiming the opposite of the EAA. The teachers stated that because the EAA was absorbing DPS schools, that the teachers should retain collective bargaining rights. Through the manipulation of the law, a common occurrence in these state takeovers, the Michigan legislature put this issue to rest. In 2012, right-to-work legislation was pushed through the Michigan legislature, which passed (Smith, 2014, p. 20). The right-to-work legislation applied to all collective bargaining agreements entered after its effective date (Smith, 2014, p. 20). The teachers transferring from DPS to the EAA did not have enough time to renew or amend their existing agreements, leading to the loss of their collective bargaining rights upon working for the EAA, losing protection.

### **Test Scores**

The reliability of the test score data obtained from the 2013 MEAP cohort data has been contested. Students in the EAA district took the MEAP in October 2012 and October 2013. Prior to the results of this data, the EAA claimed that the students were making

significant gains in academic performance in comparison with the students in the Detroit Public Schools (Sen, 2016, p. 9). These claims, not based on official academic scores, stated that 68% of students in the EAA achieved a year or more's growth in math (Sen, 2016, p. 9). Shortly after the release of the MEAP data however, advocates for the EAA claimed that the data was unreliable, given that the students took the test in 2012 only two months after the schools opened. They have further argued that the students within the EAA were previously low-performing students. Proponents for the EAA are scrambling to make any excuse for the low test scores because the data is not supportive of the intended success of the EAA, and would hinder the further operation of the district.

In 2014, Dr. Thomas Pedroni released a report analyzing the MEAP cohort data from 2013, a year after the EAA schools started. His analysis reveals undeniable facts that the EAA was not improving student achievement, but rather it was lowering it. In the EAA district, Pedroni (2014) matched 1,377 students to their math MEAP performance from 2012 to 2013. He matched 1,400 students to their reading MEAP performance from 2012 to 2013. Pedroni (2014) states that these students represent 86.8% and 87.7% respectively to the students within the EAA district. One third of students, both in math and reading, had actual declines in their proficiency, demonstrating the lack of success the EAA had on improving students' academic proficiency. Furthering this is the fact that of 56 students who were proficient in the prior year only 10 stayed at proficient or improved. 80% of the students that were progressing in their academic performance began to decline after one year in the EAA district according to the analysis done by Pedroni (2014). Pedroni's investigation of the EAA's test data does not stand alone. Sen (2016) also reports the significant declines in student achievement. Sen (2016) furthers this providing evidence

that proficiency on the ACT for EAA students has declined in all four test areas between 2014 and 2015.

These comprehensive surveys of test score data is a clear representation of the failure of the EAA to meet the expectations of the state, with even the chancellor of the EAA, Veronica Conforme admitting so (Sen, 2016, p. 9). The release of the data has also led to the President of Michigan's State Board of Education supporting the dismantlement of the EAA (Sen, 2016, p. 9). While supporters of the EAA may continue to purport success, when some of the highest-ranking officials for education in the government, including within the EAA, are passing negative judgement on this floundering state takeover it is time to step back and truly evaluate the scene at hand.

### **Criticism from the Public**

Within the first year of the EAA, public outcry against the state-run district has been overwhelming. Educators, students, parents, and whole communities have expressed extreme distaste over Governor Snyder's educational experiment.

Perhaps the most daunting criticisms have come from inside the schools. Former teachers, principals, and students of the EAA have voiced their concerns about the district, including its curriculum style, overall management, and suspicious intentions. One former teacher in an EAA middle school, Delbert Glaze, explains his worry with the SCL model, and over-use of technology. Glaze has stated that the technology in the classroom often did not function (Cwiek, 2014). Covington's SCL model is through use of computers. The entirety of a student's course work, except for special projects, is to be done on a computer. If this technology continually fails in class, then the EAA will continually fail to provide an education to students. Glaze continues his complaints explaining that when he attempted

to teach without use of computers, the EAA administrators were quick to have a critical intervention and prevent further instruction that differed from the SCL model's technology based approach (Cwiek, 2014). Students learn in a variety of ways. A teacher's ability to address all learners, visual, auditory, kinesthetic, will always prove to be of great benefit for the academic achievement of a student. Technology can be a great aid in the classroom, but not all students learn best on a computer. By restricting instruction, the EAA is not meeting the needs of all students.

Criticisms from those inside the schools did not end with the SCL model though; they expanded to the management and questionable intentions. Glaze recalls a time when a visitor was being shown around his school. The visitor asked a student if she liked the technology being used in the classroom, to which she replied she did not and felt like she was not learning anything (Cwiek, 2014). Following this instance, EAA administrators instructed Glaze to "keep the girl away" from any future visitors (Cwiek, 2014). Visitors were a common occurrence in the EAA schools, usually consisting of politicians and potential funders. As was previously stated, the EAA lacked funding from the beginning and had to make up for this through use of private donations. In its attempts to depict the high quality of education it claimed to provide, the EAA was misleading its donors. Rather than having the students' needs in mind, the EAA was focused on money for the sake of keeping the district open.

Students in the EAA schools and their parents had worries as well. One parent, Dorcus Anderson, had four children attending the EAA schools. She was disappointed in the lack of follow-thru with its promises. The EAA's SCL model puts the focus on students including providing more individual instruction. Anderson accounts in her observations of

the school that her children received less individual attention that they previously did in DPS (Cwiek, 2014). She goes on to explain that there was a lack of teacher to parent contact (Cwiek, 2014). The SCL model puts an emphasis on communication between students, teachers and parents to increase academic achievement. This emphasis is not being carried out in the schools.

A great deal of criticism about the EAA also came from EMU students and faculty. EMU was part of the Interlocal Agreement with the state and DPS in order to create the EAA. It was the EMU Board of Regents that made this decision without consideration for the rest of the university. Students and faculty made claims that the Board of Regents were trying to further Governor Snyder's own political agenda, rather than help students in DPS. This claim is not made blindly, as five of the eight members of the Board of Regents at EMU were directly appointed by Governor Snyder. Students and faculty had other concerns as well. The local communities, including Washtenaw County, began to protest EMU student teachers. EMU is widely known for its College of Education and graduation of exceptional teachers, but its new affiliation with the EAA cast a bad light on the university. The local community viewed the EAA as a plague on education, seeking to benefit the state but not the students, and therefore EMU was seen as supporting this. Mass protests from students, faculty, and community members ensued at future meetings of the Board of Regents. In disregard to the desperate plea of the people for EMU to cut ties with the EAA, the Board of Regents voted in December 2015 to renew its contract with the EAA. It was not until February of 2016 when the Board of Regents voted to end its contract with the EAA, only after Michigan lawmakers announced their planned termination of the EAA.

## **It's Over**

The EAA's pending termination by state legislature is an enormous sign of its failure to improve the student achievement in the bottom 5% of the lowest performing schools in Michigan. The test scores go on to further this, and illustrate the negative affect that the EAA had on the students. The district was mismanaged from the beginning, with motives to benefit the state, not the students. What makes it worse is that the EAA based its design on other state takeovers for which data proves are failing to improve student achievement. The local community suffered greatly, and EMU has tarnished its reputation due to a board of regents dedicated to the governor, not the university. The EAA will continue for one year pending its termination, but it will likely take many more years for the students' academic recovery.

### **The Louisiana Recovery School District**

The New Orleans' Recovery School District (RSD) existed two years prior to Hurricane Katrina in 2005, and the devastating aftermath of the storm was a catalyst for the state to implement a total and complete takeover of the New Orleans Public Schools (NOPS). The RSD would later serve as the framework for the EAA. The RSD has been one of the first major and lasting state takeovers of a district, and at first glance it seems logical that Michigan would turn to this as an example to base the EAA on. The governance reforms and competency-based blended learning have been mirrored in the instatement of new administration and student-centered learning within the EAA. Upon closer inspection, however, it becomes glaringly apparent that the RSD has been a misguided experiment to bolster the agenda of charter schools and the state. The extremely poor test score data now being reported from the district, as well as widespread criticism of the RSD demonstrate

that the EAA set itself up for defeat by basing its foundation on a continually unsuccessful state takeover.

### **Leading the Way to State Takeover**

Hurricane Katrina dismantled an already crumbling school district. In 2004, under Louisiana's accountability standards, two-thirds of the NOPS were deemed "academically unacceptable" (Home, 2011, p. 15). After the 2003-2004 school year, new data was released stating that 55 of the 78 lowest performing schools in the state were in New Orleans (DeRugy & Newmark, 2006, p. 14). Low scores, high dropout rates, as well as rampant mismanagement and misappropriation of funds plagued the district. The path towards creating the RSD was blocked by protests from the local school board, the Orleans Parish School Board (OPSB), as well as by the state's constitution, in which it was against the law for the state to seize control over public schools. A constitutional amendment was then voted on and approved which granted the state the power to take over schools that ranked as academically unacceptable for four years in a row (Newark & DeRugy, 2006, p. 15). This figure was one that blatantly applied to schools in the city of New Orleans. Initially this provision only allowed the seizing of five New Orleans schools. After the wreckage of Hurricane Katrina though, the state took hold of 63 NOPS. Soon, the state was in control of 102 New Orleans schools that were eligible for takeover (Sen, 2016, p. 7). The state declared the framework for the RSD be that the schools have more autonomy and independence. The results of this was the conversion to charter schools.

This type of government interference and manipulation was echoed in the early stages of the formation of the EAA. As previously discussed, prior to the state takeover of 15 DPS schools, Governor Granholm had placed DPS under control of the state by way of

Emergency Manager, Robert Bobb. As was seen in Louisiana lawmakers' response to protests from the local officials in New Orleans, the state of Michigan opted to exploit the system by way of passing Public Act 4 which greatly expanded the powers of emergency managers (Smith, 2014, p. 10). Rather than viewing Louisiana's lawmakers changing the law to suit their favor as an abuse of power, Michigan saw this as a gleaming example in how to render further control of the DPS.

### **The Move to Charters**

Charter schools have been a contentious subject in and of themselves within the world of education. Charter schools are often seen as a loop hole within public education. The school receives funds in the same way as a traditional public school, but is allowed to operate on much more flexible rules. The greater autonomy granted to charter schools enables them to determine their own student population, staff, budgets, class and school size, curriculum choices, and length of the school day and year (Blazer, 2010, p. 1). It is precisely this autonomy for which the RSD launched its conversion to charter schools.

The autonomy granted to charter schools enables the schools to be pick and choose the students enrolled. Rather than a student being automatically assigned to a public school based on geographic area, students must apply to a charter school and can be denied admission. The reconfiguration of NOPS to charters provided a way for the RSD to be selective in organizing student populations to give the appearance of high test scores, and therefore success. There were two primary populations of students being excluded from these schools: special needs and behaviorally challenged. By denying these children education in the charter schools, the RSD can attempt to simulate high test scores while

disregarding these student populations. This freedom for charter schools was not the only one exercised by the RSD though.

Charters enabled the disintegration of teacher unions within the RSD, and the district used this as an opportunity to cut costs where it mattered most. When the state took over most NOPS, 7,000 employees, mostly teachers, were terminated (Sen, 2016, p. 7). When most teachers would search for protection from their union, the teachers reapplying for positions within the RSD were left without one to turn to, as was the case with teachers transferring from DPS to the EAA. The teachers fired from NOPS faced a rigorous task in terms of the reapplication process. The state instituted a basic skills test for all teacher applicants. The teachers reapplying for their own positions were hyper critical of this test, asserting that the RSD was the only district in the state requiring this (Robelen, 2006, p. 1). Part of this reapplication process also involved multiple strenuous interviews. These interviews were in part conducted by the new principals of the schools, most whom were brand new to the district and brought in an inherent bias. Some of the new teacher applicants were from the districts and schools which these new principals previously worked in. Without great surprise, these principals were more likely to hire previous employees of their own rather than previous employees of the NOPS (Robelen, 2006, p. 23).

By the conclusion of the 2008-2007 school year, roughly 60% of the students in the RSD were attending charter schools (Maxwell, 2008, p. 12). At that time, this was the highest percentage in a district in the state. Within the RSD today, every single school has been converted into a charter school. It is an interesting observation when compared with initial statements from the committee that first recommended the state takeover, headed by

Tulane University President Scott Cowen. It is to be noted that Cowen is originally from New Jersey, one of the first states in the country to implement multiple state takeovers that have overwhelmingly failed. This committee asserted that an “all-charter model” is not the right solution to the struggling district, and will not be the “ultimate destination” (Vail, 2006, p. 37). The original purpose of instituting a charter school model was time, or the lack thereof.

Hurricane Katrina hit the city of New Orleans on August 29, 2005, mere days before the intended school start date for the NOPS. It is with a seemingly righteous purpose that the state wanted to so quickly engulf almost the entire district within the RSD: the children. 65,000 students were left stranded without a functional school after Hurricane Katrina (DeRugy & Newmark, 2006, p. 13). While it was clear at the time that the most efficient way to meet the educational needs of the students was to invite a charter school operator in the district, the idea that this was not to be permanent was a fallacy. This is furthered by Ray Nagin’s, the mayor of New Orleans during the natural disaster and rebuilding of the NOPS, demands that Governor Kathleen Blanco “give [him] the charter schools [he’s] been asking for” (DeRugy & Newmark, 2006, p. 18). In a way that is echoed in many acts by Michigan Governors Granholm and Snyder, Governor Blanco used her executive powers to easily make way for charter schools in New Orleans (DeRugy & Newmark, 2006, p. 18).

Charter schools possess organizational flexibility which makes them easier to implement in comparison to traditional public schools (Boast et al., 2012, 28). Charter schools are also implemented by a larger charter school operator that has the financial means to quickly set up new schools. A great deal of these financial means come from a

charter school's willingness to cut costs by way of cutting educational quality. Nearly all charter schools will use alternative teacher certification organizations such as Teach for America (TFA). In a similar way to charter schools, controversy surrounds the TFA, as it allows non-educators to simply receive less than two months' worth of training to become a teacher. Due to this, TFA teachers require less pay. In the rehiring process for the RSD, as was the case for the EAA, the TFA was used to replace many of the original teachers (Home, 2011, p. 17).

### **One Primary Difference**

Charter schools is where there is a big difference between the RSD and EAA, however. Of the 15 DPS schools that were part of the EAA, only three were converted to charter schools in comparison with all 102 RSD schools converted. It is worthy to note that these 102 schools in the RSD have managed to remain in place for over ten years, while the EAA has been dismantled in less than five. This perceived success of the RSD in comparison with the EAA though, is directly linked to the implementation of charter schools, and is not necessarily speaking well of the RSD. As discussed earlier, the RSD was given five years to achieve recovery, meaning that the schools were to meet or exceed minimum standards (Home, 2011, p. 18). At the five-year mark, however, the Board of Elementary and Secondary Education (BESE) in Louisiana approved the continuation of the RSD rather than returning the schools to local control (Home, 2011, p. 19). This decision was enforced largely due to the influence of the State Superintendent of Education, Paul Pastorek. Superintendent Pastorek recommended the RSD continue to control the schools for two more years. After that point, Pastorek stated that if the schools had achieved recovery they could return to local control, "if they [choose] to do so" (Home,

2011, p. 19). At that point in time however, all the RSD schools had converted to charter schools. The leaders in these charter schools were not originally part of the local district. If these high-ranking administrators were to revert to local control, they themselves would lose control over the schools and therefore their jobs. With this reasoning, it seems easy to discern why only one out of 102 charter schools has voted to return to local control (Sen, 2016, p. 7).

### **The Data**

While there are many resources that perpetuate the success of the RSD based on test scores, a great deal of this data is from between 2003 and 2009. During this time the RSD was seemingly on the way to achieving recovery, illustrating small gains in academic improvement. Between 2003 and 2009 the percentage of fourth grade students scoring basic and above in reading increased by roughly 20%, going from 40% to 60% (Home, 2011, p. 23). The percentage of fourth grade students scoring basic and above in math increased by roughly 20%, going from 30% to 50% (Home, 2011, p. 23). The percentage of eighth grade students scoring basic and above in reading increased by roughly 20%, going from 25% to 45% (Home, 2011, p. 23). The percentage of eighth grade students scoring basic and above in math increased by roughly 20% as well, going from 20% to 40% (Home, 2011, p. 23). There are many factors to be considered when examining this small timeline of data though.

One factor is that Louisiana has always had some of the lowest testing standards in the country, and after Hurricane Katrina, the standards for passing were further altered (Sen, 2016, p. 8). Previously schools in the district needed to have 43.7% of students be at the basic level in order to receive a passing grade by which all schools in the state are

evaluated (Sen, 2016, p. 8). After Hurricane Katrina, schools in the RSD only need to have 33.3% of students be at the basic level to receive a passing grade (Sen, 2016, p. 8). Even with test scores rising slightly, as discussed above, by 2014 of the 136 charter schools operating in Louisiana, the RSD making up 102 of them, 41% received a grade of D or F (Sen, 2016, p. 8). In evaluating the RSD schools alone, 9% of them received an A (Sen, 2016, p. 8). It is to be stated again that the charter schools in the RSD have continued to exclude special needs and behaviorally challenged students in an attempt to raise test scores. The state is going to any means necessary in an attempt to assert success that is not evident.

### **Controlled Failure**

The EAA used an unstable framework to implement a state takeover of 15 of the lowest performing schools in the state of Michigan. Yet it is in the EAA's use of the RSD only as a framework that possibly led to the dismantle of the district rather than its continuation down a path wrought with lowering student achievement. The RSD schools all converted to charter schools, and it is due to this that only one of the 102 schools in the RSD want to revert to local control. The students enrolled in the other 101 schools are now fixed in a position where what matters most to the schools are perceived achievement and cutting costs at the expense of the students. Governor Snyder took aim at seizing control over local districts in Michigan, using the RSD basis for doing so: the lowest performing schools need to be reformed and only the state has the power to improve them. The EAA only took control of 15 schools, lacking a disaster such as Hurricane Katrina which left tens of thousands of students without schools to go to. Of these 15 schools, only three were converted to charter schools. In the predicted event that the EAA would fail to raise student

achievement, the twelve schools directly run by the state are now on track to be returned to local control. The three charter schools will likely stay under management of the charter operator, but will once again be held under DPS. Had Governor Snyder pushed harder for the conversion to charter schools, as was done in the RSD, it is likely that far more than three would have been converted. In that event, it is possible the Michigan legislature would make similar moves as the RSD, extending the rights of the charter schools to make their own decisions in terms of reverting back to local control, with none likely choosing to do so. In the turmoil that has been the EAA, there are little things that the community can celebrate. One of the few is Governor Snyder's own desire to control the EAA, rather than handing off the schools to charter operators.

#### **The Tennessee Achievement School District**

The Tennessee Achievement School District (ASD) was created in much the same fashion as the EAA, as it was also modeled largely based on the RSD. In 2012, the same year the EAA opened its doors, the state of Tennessee approved state takeover of schools performing in the bottom 5% as measured across the state (Sen, 2016, p. 7). Opening its doors with only six schools under its control, the ASD now consists of 29 schools in Tennessee, 27 in Memphis and two in Nashville. While the ASD did not serve as a direct template for the EAA, it serves as another example of the failure of state takeovers to prove any significant improvement in student achievement. The overarching goal of the ASD has been to move the low performing schools into the top 25% of all schools within five years (Sen, 2016, p. 7). As has become a haunting theme with state run school districts though, the ASD was plagued from the beginning with mismanagement from the top to the bottom, and misappropriation of funds leading not to achievement, but further under-performance.

## **The Over-Arching RTTT**

The ASD was born out of Tennessee's application to the RTTT fund, in a similar way to the start of the EAA. Tennessee was one of the first states to win a RTTT grant however, unlike Michigan which was denied a grant twice. Tennessee would be awarded \$500 million over four years, the majority of which would go to previously existing districts, but \$22 million was set to be used for the ASD (Smith, 2013, p. 6).

The RTTT has continually served as the spark to start state led education reform. The RTTT, while Michigan was denied funds, prompted Granholm to open the gates for the potential of a state-run district. It was also in response to the RTTT that the Louisiana RSD was first formed. It seems that in its goal to provide stimulus for failing schools, the federal program is undermining its own process as states use it as a threshold to overreach their power into local government.

## **Conflicts of Interest**

Tennessee received a RTTT grant based on the application sent in by Democratic governor Phil Bredesen. This was granted in 2010 however, and that election year a new, Republican governor was elected, Bill Haslam. Haslam embraced the educational reform left in place by Bredesen, but his choices for top education officials gave the perception of self-interest, rather than looking out for the well-being of students.

One of Haslam's first appointments in office was of Kevin Huffman as the state's new school superintendent. Huffman was previously a top executive for TFA (Smith, 2013, p. 6). It has been discussed above that TFA is a way for districts to cut costs at the great expense of the students. TFA teachers may require less pay, but they also require less

educational training. In having a new school superintendent with strong ties to TFA, Haslam was sending out a message asserting his loyalty to the budget, not the students.

Another appointment made by Governor Haslam was the appointment of Chris Barbic as the ASD's superintendent. Barbic's resume included founding and leading a charter model turnaround at ten schools in Houston, Texas (Smith, 2013, p. 6). While Haslam is looking to take over the lowest performing schools in the state in an aim to raise student achievement and then return the schools to local control, a choice such as Barbic can allude to another agenda. Once a school is under state control, the state can reform the school in any manner they see fit, including converting it to a charter school which most often is a permanent change. As Barbic had led educational reforms using charter models, it is easy to predict where his ideas for the ASD lay.

### **Autonomy**

Autonomy was a word used heavily in discussion of the RSD above. Providing schools with more autonomy was a large proponent of the RSD's goals, which led to the conversion of the entire district to charters. Autonomy was also a word of focus in the creation of the ASD (Glazer et al., 2015, p. 4).

In its immediate conception, Barbic saw two paths for the ASD schools: direct state control or charters. The ASD originally took on six schools, three of which were relinquished to three different charter school operators (Smith, 2013, p. 11). What chartering meant to these three schools was managing their own budget and management (Smith, 2013, 13).

As with the EAA and the RSD, one big aspect of autonomy for the ASD was the ability to fire all employees from the schools. Continuing with the EAA and RSD trend, the fired teachers had to reapply for their jobs. Of the teachers that reapplied only 14% were rehired (Sen, 2016, p. 10). What is insulting to this slim majority rehired, is that 30% of teachers in the ASD's first year had never taught before (Sen, 2016, p. 10). Continuing in the demise of quality educators in the ASD is that by the end of the first year, 46% of ASD teachers left (Sen, 2016, p. 10). Even after four years of operation, the ASD has a teacher turnover rate of 30% (Sen, 2016, p. 10). It is not difficult for a person outside of the education field to understand why teacher instability such as this negatively affects student achievement. As a teacher begins to know her students, she better understands the different learning styles in the classroom and how to adjust her teaching accordingly. With high teacher turnover, it is less likely that each student's needs will be met.

### **Back to the Data**

Test score data from the schools in the ASD simply do not support that the district has made any significant gains in student achievement. Interestingly, in the same fashion as advocates for the EAA, supporters of the ASD refute these scores as misleading, claiming that "the longer schools are in the ASD, the better their performance" (Sen, 2016, p. 8). By way of this, these ASD supporters are claiming that data can be unreliable because some ASD schools have only been under state control for one year. It is to be stated again that these fallacies cannot compete with the facts.

Of the original six takeover schools, every single one has had reading scores decline (Sen, 2016, p. 8). Math scores from 2015, while demonstrating slight improvement in the

strictly state controlled schools, have declined in all the ASD charter schools (Sen, 2016, p. 8). In this focused analysis of the ASD, Sen (2016) explains that:

Only six out of 17 takeover schools have moved out of the bottom performance decile by the end of the 2013-2014 school year. 2015 was the first year that statewide test scores in the takeover schools had improved after two years of either zero gains or actual decline. Reading scores in takeover schools have been consistently lower than pre-takeover levels all three years of the ASD, down over four percentage points in 2015.

Further refuting the idea that the ASD is enhancing student achievement is the fact that low-performing schools kept in local control “saw significant positive effects on their test scores, compared to only minor or negative results amongst the schools that were placed in the ASD” (Sen, 2016, p. 9). This can be simplified in stating that schools left in local control outperformed those in the ASD, a pattern supported by MEAP cohort data from the EAA in comparison with DPS. Instead of reviewing local education efforts and reform, both state government officials in Tennessee and Michigan completely scrapped the current system and rewrote the entire curriculum. In this way, the states laid ignorant to the fact that the local districts know how their students learn, and therefore sacrificing the quality of education provided.

### **Exiting the ASD**

Originally, the ASD was intended to be a five-year reform effort, after which the schools in the state’s control would be put back into the hands of local education officials. In a similar style as the Louisiana and Michigan lawmakers manipulating the law to suit

their favor, Governor Haslam signed a new legislation in 2012 revising the exit process from the ASD. As discussed earlier, in 2010 the Louisiana State Superintendent of Education, Paul Pastorek, used his influence to extend the timeline of the RSD and to make it so if a school had been chartered, it could make its own decision on whether to return to local control. Governor Haslam's newly revised exit process stated that any charters in the ASD would have to remain in the district for its contracted ten-year charter term under the ASD as its chartering authority (Smith, 2013, p. 12). Currently, 24 out of the 29 schools in the ASD have been converted to charter schools (Sen, 2016, p. 7). The ASD announced in 2015 that it planned to take over four more schools in Memphis and convert them to charter schools, a plan fiercely opposed by the community.

### **An Audit Reveals the Mishandling of Funds**

In an audit released in 2014, it was revealed that the ASD was not properly managing the financial oversight over its charter operators (Sen, 2016, p. 14). There were invoices upwards of \$500,000 made by the districts charter schools, with nearly \$66,000 being unsubstantiated costs (Sen, 2016, p. 14).

In August, 2016, the Comptroller of the Treasury of the State of Tennessee released a Performance Audit Report on the ASD for the 2015-2016 school year. The audit disclosed a lack of adequate control over human resources and payroll (Pignolet, 2016). This type of corruption is seen within the EAA as well, with high ranking administrators using funds meant for the school for their own personal gains.

There are nine expenditure transactions totaling to \$83,363, and seven travel claims totaling \$2,460 that did not go through the proper order for approval (Pignolet, 2016). Other

excessive spending includes a “\$698 expense for a single day of transportation services to drive the deputy superintendent from Nashville to Memphis and a \$2,500 holiday party” (Pignolet, 2016). The leadership bodies of the ASD were using money meant to help the most desperate schools in the state for their own vanity.

### **Pending Closure**

The ASD is on track to be closed after its short-lived life, much like the EAA. Senate leaders from both sides in Tennessee have filed state legislation to close the ASD (Gonzales, 2016). Beginning with mismanagement and leading to misappropriation of funds, the ASD was leading itself to its own demise. It intended to raise student achievement in the bottom 5% of schools in the state, but chose to model itself after a state takeover that has shown no true success, the RSD. Modeling after a failure can only lead to failure, as was also seen with the EAA.

### **The New Jersey State District**

The three most notable state takeovers currently are Michigan’s EAA, Louisiana’s RSD, and Tennessee’s ASD. These are likely the ones referenced most often primarily due to their perceived success, in that each one came to fruition and did not cease in progress during the creation phase. There is one state, however, that began takeovers long before even the RSD. New Jersey’s path to state takeovers began in the 1970s, in an initiative known as the New Jersey Education Reform Project. Through New Jersey’s fiscal, administrative, and curriculum mismanagement the state set a city on a continually disappointing track, only to be saved by the local community.

## **Litigation**

The original reason for New Jersey's heavy involvement with local school districts was money. As the state was providing the money for schools, it felt that it had a right to "assure accountability for its dollars" (Fuhrman, 1974, p. 1). New Jersey wanted to assert itself into all aspects of education decisions in local districts, including curriculum and staff (Fuhrman, 1974, p. 1). This assertion was furthered by a multitude of court decisions that would ultimately result in the state takeover of a New Jersey school district.

It has been discussed in multiple instances above that in the EAA, RSD, and ASD lawmakers continually exploited their powers to steer the law in a way that benefited themselves. This abuse of laws governing education is first seen predominantly in New Jersey, dating to a 1973 Supreme Court decision in the case of *Robinson v. Cahill*.

In *Robinson v. Cahill* the issue at stake was school funding, the initial topic that began New Jersey's takeovers. The Institute on Education Law and Policy (2016) describes that the case was filed due to discrepancies in per-pupil spending among the state's school districts. The Institute on Education Law and Policy (2016) goes on to explain that the Supreme Court ruled "the state's system of financing elementary and secondary schools failed to meet the state constitutions' requirement of a 'thorough and efficient' system of education." This decision resulted in the state providing more fiscal support to meet the thorough and efficient benchmark as stated in the New Jersey constitution. At this point, the state was granted the ability to ensure accountability of the districts, and local fiscal control became severely constricted in the birth of the New Jersey Education Reform Project.

In a string of court cases to follow *Robinson v. Cahill*, including the multiple *Abbott v. Burke* cases, there is a constant and continual order from local districts that the state provide more financial support. The *Abbott v. Burke* cases were regarding the state not providing parity funding for the special needs districts, what we refer to today as Title I schools, thus not meeting the constitutional requirement of a thorough and efficient system of education. In response, the legislation continually changed the fiscal management of schools to meet the demands of local districts. The irony is palpable here, in that the local districts cries to the state led to the loss of local autonomy.

### **The First State Interventions**

New Jersey takeovers of public schools began in 1989 when the state seized control over Jersey City schools, and continued with the takeover of Paterson schools in 1991 (Hall, 1998, p. 4). Perhaps the most researched and controversial state takeover was the 1995 court ordered takeover of Newark Public Schools (NPS), to be called the State District (SD), a decision strongly opposed by the local district. This decision stemmed from the 1993 state investigation into NPS which found “major deficiencies in administration, educational programs, and finance” (Hall, 1998, p. 1). The investigation revealed that out of the 82 public schools in the district, only eight had 50% of students reading at grade level (Hall, 1998, p. 2).

As with the EAA, RSD, and ASD, the state was meant to relinquish control back to local authorities if the schools had made adequate progress in academic achievement. These achievement requirements included “80% of fourth-graders [scoring] above the minimum levels of proficiency in reading, 75% in math and 80% in writing” (Hall, 1998, p. 3). Unlike the EAA, RSD, and ASD however, it was also required that the NPS met the

state standards for “financial controls, cash investments and financial reporting” (Hall, 1998, p. 3). It was the state’s intention using these accountability measures to not only raise student achievement, but to also ensure the end of rampant corruption within the district. Corruption would inevitably curse the New Jersey takeover administration as well though, as was the case with the EAA.

New Jersey’s plan for NPS was called “The Strategic Plan” consisting of 11 objectives. The objectives outlined increased accountability of teachers, students, administrators, parents and the community (Hall, 1998, p. 4). The primary objective for the state takeover was to improve student performance though, as was with the EAA, RSD, and ASD. This Strategic Plan was followed by a multitude of other reform efforts in the SD, leading to an unreliable and misconstrued curriculum. As the SD continually altered its education reform plans, the tangled curriculum was causing only harm to student performance. The need for consistent academia for students is concurrent with the need for consistent teachers.

In another similarity with more recent state takeovers, most employees in NPS were fired and forced to reapply for their positions. Of the 250 principals and vice principals, only 18% were rehired (Hall, 1998, p. 5). In a push towards autonomy, the principals were given hiring rights over teachers for the schools. As was discussed earlier though, an innate bias exists in these principals in that they were more likely to hire staff from their original districts rather than from NPS. The SD also chose to hire private teachers from different organizations including Sylvan Learning Center, rather than invest in the district’s previous teachers (Bennett, 2016, p. 39). It is in this way that the district would be able to cut costs. It is a horrifying theme throughout state run school districts that one of the first options

chosen for saving money is to replace the educators with less qualified and often less experienced personnel.

All state-run districts have a timeline for operation, and for the SD it was five years. At the five-year mark, the decision to relinquish control back to the local district would be determined by the achievement and management goals originally discussed. It was stated that if the district met these goals, then it would be returned to local control. 21 years later, NPS is still under the control of the state.

### **Battle for Local Control**

At its inception, the SD in Newark, New Jersey was fought against by the local district. The schools appealed the Supreme Court decision authorizing the SD, but court sided with the state and on July 12, 1995 the state seized control of the district (Bennet, 2016, p. 38).

While the SD promised to extinguish the supposed corruption within NPS, its choices for administrators created speculation. Beverly Hall was the original state-appointed superintendent of the SD. Her actions included calling for 634 layoffs, and ordering whole school reform without providing advice or options (Bennett, 2016, p. 39). In the winter of 1999, Hall abandoned the SD to lead Atlanta schools. Her term there did not last long however, as she was soon indicted for forging student test scores in Atlanta to cover up poor student performance (Bennett, 2016, p. 39). While Hall's corruptive actions did not occur within the SD, it is appalling that an immoral person such as her was appointed to such a high position within the district. Corruption began following the administration of the SD.

In 2000, one of the first of many financial scandals in the SD was revealed. There was a \$58 million budget discrepancy in the district's \$5000 million operating budget (Bennett, 2016, p. 40). It is exactly this type of financial mismanagement for which the state deemed a takeover of the district necessary in the first place. This brought harsh criticism from the local community, pointing to this as "an example of the state's misguidance of the district" (Bennett, 2016, p. 40).

In 2007, 12 years after the SD was formed, the local powers regained some management control (Bennett, 2016, p. 40). The Newark Public School Advisory Board gained back limited control over certain facility and management operations, but the state still held primary power over finances, staff and curriculum (Bennett, 2016, p. 40). In a way, this can be seen reflected in the EAA. The Interlocal Agreement between the state, DPS, and EMU provided the public with a false sense of power. To the public, the return of small powers to the local board in Newark can be seen as a large first step to regaining complete local control of the district, when in reality the state still possessed a majority of the power. It was not until 2011 that this local advisory board saw through this charade.

The SD was preparing to enter its 16<sup>th</sup> year in 2011, at which point the local advisory board began putting forth more effort to regain complete control over the district. This idea was greatly opposed by the state, which deemed the local board as unfit to take on the task (Bennett, 2016, p. 40).

Standing as another road block for regaining local control are charter schools. Currently, 20 out of the 65 schools in the SD are charter schools (Bennett, 2016, p. 42). As seen in other state takeovers, charter schools in the SD do not have to return to local control if they choose not to.

## **The Results**

As NPS prepare to enter back into local control, a critical evaluation of the success of the state's efforts must be conducted. The public had been hyper critical of the lack of student achievement in the district, stating that test scores ten years after the state takeover began had shown insignificant improvement (Bennett, 2016, p. 40). Now, in 2016, student test score data does not support any success of the SD in raising student achievement.

The goal set in place in 1995 was for 80% of fourth-graders to be above the minimum levels of proficiency in reading, 75% in math and 80% in writing" (Hall, 1998, p. 3). 20 years later, according to the report from the Newark Education Success Board (2016), student proficiency rates the New Jersey standardized test are low with only 22% of NPS students meeting the standards in English, and 17.5% of NPS students meeting the standards in Math. The SD has clearly not met its goal, and has had 15 more years than originally intended to do so. Proponents of the SD however, like to tout the graduation rates increasing from 56% in 2011 to 70% in 2014 (Bennett, 2016, p. 43). It is necessary however, to take into great consideration the fact that this fact is marked between the years 2011 and 2014, over ten years after the student achievement goals were to be met. While this is certainly a great gain for the students and the schools, it is not supportive that the SD was successful.

## **Concerning the EAA**

While the New Jersey SD was not used as a direct model for the EAA, its results should have been considered before Governor Granholm passed legislation allowing a state takeover of a district. It serves as an example of why state takeovers should not be used as

an educational reform effort. New Jersey made a false promise to the NPS that control would likely be granted back to the district after five years. It has taken over 20 years for a reinstatement of full local control, which will begin in the 2017-2018 school year. In these 20 years, there has been little to no improvement in academic achievement. Not only this, but bringing in administration unfamiliar with the district's and the community's needs can cause the reform plans to focus in on the wrong areas for improvement. This resulted in the turnover of high ranking officials, and the constant change in curriculum. It is a difficult to comprehend why so many states are following the state takeover reform effort when clearly, even with ample time, the state fails to reach its goal and has only hindered the educational progress of its students.

### **Bittersweet Conclusions**

It is never in the mind of an educator to seek out the failure of a school. It is never in the mind of an educator to truly want a school to fail. Examining the data of the Louisiana RSD, the Tennessee ASD, and the New Jersey SD in themselves and in conjunction with the EAA is vastly disheartening. Knowing that state lawmakers at the highest levels were willing participants in these disgraceful attempts to improve schools, communities and children's lives is further demoralizing.

State takeovers are not a panacea for plagued school districts. Rather, states need to provide the local communities with the funds and resources to improve the lives of the students, the teachers, and the communities. It seems that in this age of immediate gratification, the community and government have lost patience with the education system. A reform movement will not show results after a few years. It is immature of law makers to view a year-long reform with little progress as a failure and therefore declare the need

for state intervention. There is no single, all-encompassing solution to the problem of low-performing schools; it is a multitude of initiatives set forth by the people. It is not a time to think of “I” but a time to think of “us”.

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