GOVERNANCE CHALLENGES TO INNOVATORS WITHIN THE SYSTEM

Michelle Davis

Rethinking Education Governance in the Twenty-First Century Conference
Thomas B. Fordham Institute
Center for American Progress
December 1, 2011

Abstract: This paper collects voices from the field—both from the K-12 district level and from the state perspective—about how various forms of governance go from theory to reality and the effect these structures have on innovation. It articulates frustrations that school-system superintendents and state education chiefs have with more traditional forms of governance, including the negative influence of politics; the lack of cohesion among pre-K, K-12, and higher-education systems; and the drawbacks of customary per-pupil funding arrangements. The paper highlights benefits of unconventional governance systems already in place and takes a close look at some areas where new structures of oversight are starting to evolve. Finally, the paper gives voice to disappointments with some aspects of unconventional governance structures which aim to improve K-12 systems, but work differently in practical effect than intended.

GOVERNANCE CHALLENGES TO INNOVATORS WITHIN THE SYSTEM
Michelle Davis

Introduction

The superintendent of the Prince George's County, MD school district saw his proposal to invest scarce funding toward innovative programs blocked, when interest groups lobbied the elected school board to instead shore up more traditional programs and keep redundant jobs in place.

In Oregon, a superintendent in the Springfield Public Schools had to cut technical programs for her high school students, but couldn't get access for students to similar courses offered at a local community college because there was no coordination between K-12 and higher education in the state.

And in Idaho, the cash-strapped state government found itself paying schools twice for students who took online courses, due to its traditional method of basing per-pupil funding on seat time.

At many school districts across the county, education leaders are often frustrated by challenges they have no power to control or systems that prompt district responses which don't always take into account what's best for students.

Though the governance of school districts has often been viewed as a static factor to be worked around or challenged from within, recent vigorous debate and experimentation around alternative arrangements for the architecture of K-12 education has thrown the door wide open to those who can find the political will to challenge and update everything from how schools are funded to who is ultimately accountable for both large-scale successes and failures in student progress.

"There are so many barriers that are just perceived," says Deborah Gist, Rhode Island's Commissioner of Education. "Barriers that people believe are real are so frequently the manifestation of people's interpretations of law and regulation and are things that can be changed."

As scholars studying these shifts delve into the mechanics of these changes and their effects, it's important to talk directly to those in the field about how structural changes are impacting students in the classroom. State education leaders, school superintendents, principals, and teachers on the ground and in schools can give us a realistic picture of what it's like to work within more traditional K-12 governance frameworks as well as the reality of how new governance structures play out.

Some of changes surrounding K-12 governance structures started years ago and are providing clues to states and districts currently considering alterations in their own K-12 governance arrangements. The details of newer system overhauls are still being hashed out, but have the potential to set precedents for the future. Oregon's efforts to establish a birth-through-twenty education system, a bid by the mayor of Indianapolis to take over several struggling schools from

the state, and an effort in Washington State to allow the governor more direct control of education policy, are all being watched to see if they'll ultimately provide a template for other states and districts.

"Many of these have been a long time coming," says Kathy Christie, chief of staff at the Education Commission of the States, a nonpartisan research organization based in Denver. "Governors, mayors and legislatures have definitely been trying to take a stronger hand in education."

Change Coming to Oregon

Oregon Superintendent Nancy Golden says she's been frustrated for years by the lack of preparation she sees in some young children arriving in Kindergarten. In Oregon, there's no agreement about what preschoolers should be taught, so some Kindergarteners are ready to learn, while others start off with a deficit that is hard to shake. But K-12 districts have no say in establishing how preschoolers should be equipped for Kindergarten, Golden says.

Golden has also struggled with the issue of technical programs. Budget cuts forced many districts across the state, including Springfield, to cut out such programs. While most local community colleges offer similar classes, a lack of coordination prevented high school students from accessing them. In addition, Golden says her district was more focused on getting students to graduate—the incentive prioritized for K-12 schools by the state—rather than on preparing them for college or careers. So Golden says she often saw school guidance counselors using their efforts toward that end rather than making sure students were ready for the next step in life.

"Until now, there's been no coordination" along the continuum of the educational process, Golden says. "Already I see the conversations changing."

That's because Oregon is now in the process of revamping its approach to education, creating a birth-through-twenty system that emphasizes continuity among all the branches of the education tree. Oregon Governor John Kitzhaber has already abolished the role of an elected state superintendent of public instruction in favor of an appointed version under his purview and is focused on boosting the number of Oregon adults who earn degrees and credentials beyond high school.

To get there, the system will provide incentives to K-12 districts to push them toward this goal, including grants for innovative practices and increased flexibility for districts showing high performance. Districts that continue to stagnate will see mandatory requirements regarding how they education students. The intent is a "tight-loose" arrangement in which the goals are firm, but the way districts get there allows for wiggle room.

"What I really like about this is that it's based on a handshake between the state and us, that if we do well, there will be a commitment from them to find new ways to leverage resources, fewer

barriers, and less paperwork and reporting," says Golden, who is advising Kitzhaber on education issues.

One factor prompting the urgency behind some governors and mayors seeking greater influence over their K-12 systems is the current prevalence of data to assess how districts are doing. In particular, the fact that data now has to be disaggregated has changed the way both the public and political leaders view education, says Aimee Guidera, the executive director of the Washington-based Data Quality Campaign.

"Aggregation hides a whole lot of stuff under the rug," Guidera says. "All of a sudden we can no longer ignore the fact that we're failing a huge number of kids. It's in our face all of the time."

Thirty-six states now have all of the ten essential elements of a K-12 state data system that the Data Quality Campaign has identified as critical, including the ability to collect data on individual students as they progress through the K-12 system; demographic and enrollment information; data on student growth from year to year; and student-level graduation and drop-out statistics. Many other states are close behind, Guidera says.

Having this data and presenting it in a clear and organized fashion makes it evident to both state and local education leaders and the public when school systems are struggling or when they've repeatedly failed to improve as a whole or for a particular group of students. That data is being used as leverage to prompt some changes in governmental structures related to K-12 education, Guidera says.

In addition to new access to data, there's a confluence of factors helping to boost some of these changes from theory to reality. Sometimes it's a crisis or extreme circumstance that prompts action, as in the case of New Orleans, whose K-12 schools were effectively wiped out in 2005 by Hurricane Katrina.

Before the hurricane, the majority of students in the city attended Orleans Parish schools, overseen by the Orleans Parish School Board. The district was plagued by dismal test scores, theft, waste, and incompetence in many areas. The state had formed a Recovery School District and had taken over a few struggling schools and a small number of charter schools also existed in New Orleans, but neither option played a significant part in the city's educational offerings.

The public-school landscape in New Orleans today looks nothing like it did before the hurricane. Today, for example, the district features schools overseen by three different entities: the state-run Recovery School District which directly operates sixteen schools; the Louisiana Board of Elementary and Secondary Education, which has authorized more than fifty charter schools; and the Orleans Parish School Board which runs six schools and has authorized eleven charter schools. In addition, New Orleans now features city-wide choice for students. Any public school in the city is open to any student living in the city limits.

The fact that the majority of schools in New Orleans are now public charter schools is also a huge shift, says Laura Mogg, research manager at the Scott S. Cowen Institute for Public Education Initiatives based at Tulane University in New Orleans. Nearly 71 percent of public school students in New Orleans attended a charter school during the 2010-11 school year.

"Katrina allowed the change in governance to happen on a massive scale," Mogg says. "Otherwise, it would have been impossible."

In New Orleans, school performance is on its way up. Since 2007, the percentage of students performing at grade level on the state's high-stakes tests has increased by nearly 20 percentage points, compared to a state average growth of 6 percentage points according to the Cowen Institute.

Of course, not everyone has declared success. Concerns remain about a variety of issues, including whether some of the schools will ever be freed from state oversight and return to local control. In addition, when it comes to governance, as there are at least three different entities overseeing various pieces of the New Orleans school offerings, a significant amount of overlap and replication is created, says Debra L. Vaughan, the Cowen Institute's assistant director over research.

"The verdict on whether this is the right thing forever is still out," she says.

Many educators are also concerned that the governance changes don't always have the intended impact, says Cheryllyn Branche, the principal of Benjamin Banneker Elementary School, which is directly operated by the Recovery School District, and who was also the principal of the school before Hurricane Katrina.

While she does have a bit more flexibility in terms of choosing curriculum and educational materials for her students post-Katrina, she says she often doesn't get the money to support those choices. In addition, while she believes in the concept of school choice, she says it hasn't played out the way it was meant to. Branche believes many schools cherry-pick the best students, by saying they don't have room for lower-performing or special-education students. "We have thousands of parents saying their children are not getting to go where they want," she says.

In addition, schools directly run by the recovery district must provide transportation for students, even from far-flung areas of the city. Of 511 students at her school, only about ten live in the neighborhood surrounding Banneker Elementary, Branche says. "It's a burden on recovery schools," she says. "We have to use a large chunk of money that would have gone to the classroom" for transportation.

And though test scores have been rising in other schools in New Orleans, her test scores have only gone up about five percentage points compared to pre-hurricane scores, Branche says. When she looked closely at some of the factors involved, she realized that Banneker had a huge

attrition rate. Data showed that each year the school was losing 30 percent of its student body and gaining a new 30 percent.

"It's very, very tough here," she says. "I'm not saying the present structure is not a workable one, but you have to look at how things are functioning over time."

Economy Plays a Role

In some ways, the economic crisis of today and the lack of funds for education has also created an opportunity for modifications in the structure of K-12 and a path to building public support for drastic alterations to the education governance setting.

Tight fiscal times can be seen as an "opportunity by some to make major changes," says Christie. "It just makes it more politically palatable to the public."

States like Idaho, for example, have used the fiscal crisis as a way to force change. In the last two years the state has funneled more than $200 million away from K-12 education.

Idaho Superintendent of Education Tom Luna introduced three highly controversial education reform measures passed by legislators in 2011 and signed into law. The new laws did everything from eliminate teacher tenure to institute a pay-for-performance plan. In addition, lawmakers passed Luna's proposal to require students to take at least two online courses during their school careers, while at the same time instituting a significant change in the funding formula for Idaho schools.

That change divvies up the per-student state funding each district receives to reflect how much of a student's education is provided directly by the district. Under the plan, if one of a student's six classes is taught by an online provider, two-thirds of funding for that class will go to the online provider for instruction and the district will keep one third for providing space and support. Luna argued that in the past, the state was paying twice for online courses—to the district and then to a state-supported online provider.

"We're entering the third year of having to make significant cuts to our education system and we were cannibalizing the system for no other reason than to preserve the system," Luna says. "We were not going to watch it be dismantled piece by piece. We chose instead to change the system."

For some districts, like the tiny Notus School District #135, the consequences of the funding change may have an unintended deleterious impact.

The city of Notus, Idaho sits amid acres of rich farmland and its tiny main street features a gas station and a farm supply store. It doesn't see enough cars in a day to warrant a traffic light.

But the 330 students who attend schools there still want access to the same level of education as their peers in the state capitol of Boise, thirty-five miles southwest. They want to take classes

like Spanish and digital photography and have access to college-level courses like algebra and English that earn them dual credits.

So during the 2008-2009 school year, former superintendent Benjamin Merrill (who once served as the superintendent, the high school principal and the football coach all at the same time), decided to tap online classes to bring those resources to his tiny district, where many students didn't have computers at home, let alone broadband access. He created "Pirate Academy," a roster of online courses that students at Notus High School took as part of their regular school day, using a computer lab stocked with eighteen personal computers.

Merrill tapped into high-quality online courses created and offered by the state-sponsored Idaho Digital Learning Academy. The cost for each course was $50 per student. At the same time, Merrill was able to take advantage of Idaho's broadband program which put high-speed fiber optic Internet access in every school district with a high school.

"I could teach thousands of online courses for the cost of one teacher," Merrill says. "I leveraged the technology within our building to offer courses that were offered at the biggest schools in Idaho. We were matching their curriculum."

The program was successful. Students at Notus High School who took the IDLA courses had a 95 percent pass rate. But Merrill ran up against a problem. The school district received most of its funding from the state of Idaho, based on average daily attendance of students for face-to-face instruction from the time of 8:00AM to 3:00PM.

However, with Pirate Academy, Merrill was tapping online courses for part of the school day, but still received the full amount of state funding. Some state officials began to grumble, accusing Merrill of "double dipping," as the district still received the same amount of per-pupil funding and the state was also underwriting the cost of the IDLA courses to keep their price low.

To head off the criticism and keep the program in place, Merrill began an annual trek to the state legislature and every year found himself "begging for forgiveness" to allow the program to continue. Merrill argued that a clause in the Idaho constitution required communities to provide an equal education for students in Idaho, regardless of location. With so few students, "we were inherently not providing an equal education because we couldn't provide courses offered in big schools," he says.

For the first few years, the legislature accepted Merrill's argument. But in his last year as superintendent in Notus, which was the 2010-2011 school year, the budget crisis had settled deeply in Idaho and state lawmakers and the Idaho Department of Education, led by Luna, were looking for ways to make significant cuts. The state slashed funding for the Idaho Digital Academy and essentially said it would have to start charging a market rate for its products in order to continue operating.

All this was taking place against the backdrop of Luna's massive education reform proposal, which included the change in the state per-pupil funding formula. The change, Merrill says, will siphon off some of district's $1,000 per student state funding for pupils. Since nearly every student in the high school takes an online course, some more than one, Merrill says the result will be the loss off thousands of dollars in the tiny district. IDLA was also forced to raise its per-student, per-course price from $50 to $75.

Now, says Merrill, "it is almost counter-productive to have kids in online courses in Idaho," he says. Though Merrill had procured grants to help defray some of the added expenses, it was only enough to keep Pirate Academy going for one more year. Merrill says if he was still superintendent, finances would likely force him to shut the program down after the 2011-12 school year. "After that it would have been almost impossible."

The irony, says Merrill, is that at the same time this was evolving, Luna was lobbying to require students to earn two online learning credits—not just the online "experiences" other states have mandated—to graduate from high school. In November, Idaho became the first in the nation to adopt this requirement.

Influence and Political Capital Count

While budget cuts and fiscal crises may provide a rational for revamping the structure of the K-12 system rather than continuing to reduce funding to an existing system, state and city leaders are also looking at revamping school governance structures as a way to improve state and local economies and lure new jobs and industries.

Gov. Christine Gregoire in Washington, for example, has directly tied the issue of education to her bid to lure aerospace company Boeing to the state to build its new 737 MAX jet airliner there, bringing along an estimated 80,000 new jobs. She has proposed investing $450,000 to provide twelve high schools with aerospace curriculum support and adding courses at ten high schools for problem-solving using science, technology, engineering and math skills. Gregoire is also attempting to consolidate the state's eight education agencies covering preschool to higher education into one state Department of Education, whose cabinet-level leader education secretary would report to her. The existing, elected superintendent of public instruction would report to the education secretary.

Mayors are also looking at economics and the connections between a city's future prosperity and its schools. "Mayors…much more so than traditional school board members, often see the interconnectedness between the city's overall economic health and schools," says Francis X. Shen, a visiting assistant professor at Tulane Law School, who has studied the issue of mayoral control closely.

U.S. Secretary of Education Arne Duncan has pushed for more mayors to take control of struggling urban school districts, saying in 2009: "At the end of my tenure, if only seven mayors are in control, I think I will have failed."

The jury remains out on whether mayoral control of districts, as a structural system, is successful. Numerous studies have found mixed review of city districts in which mayors have fiscal control of schools and a high level of power to appoint those with direct oversight of schools and have fiscal control. A 2010 study by the Institute on Education Law and Policy at Rutgers University found that cities with a high level of mayoral control show an increased public commitment to education and increased funding for schools, but no conclusive evidence that governance changes necessarily increase student achievement.

In addition, the public is not always clamoring for such structural changes, despite often being dissatisfied with school performance, says Shen. "There's a lot of resistance to these governance changes," he says. "Public opinion is split."

However, some arrangements have been successful. In 1991, the Massachusetts legislature gave the mayor of Boston the power to appoint all seven members of the Boston School Committee, which hires the superintendent of schools, who serves as a member of the mayor's cabinet. Though the Boston school district had once been plagued by low test scores and a high dropout rate, following the adoption of mayoral oversight, the district slowly saw significant improvements. And by 2006, Boston Public Schools was awarded the Broad Prize for Urban Education for everything from increasing overall student achievement, to reducing the achievement gap between white and Hispanic students, showing a boost in math and reading among African American students, and increasing the number of minority students taking Advanced Placement tests.

Boston Public Schools Superintendent Carol R. Johnson says the current structure, particularly with an appointed school board, is working.

"Elected boards have to run every other year and sometimes that can lead to some fragmentation of purpose as people operate with agendas," she says. Taking away that elected board allows the mayor-appointed panel to "be more aligned and develop a set of strategies around the work."

It's clear, however, that the political clout of long-time Boston Mayor Thomas M. Menino has made a difference in pushing the school district's agenda forward in terms of influencing state lawmakers to pass innovative education legislation and provide the district with the ability to use creativity and flexibility within its schools. In 2010, lawmakers approved a sweeping education bill that enabled the city to transform low-performing schools into district charter schools without union approval. Menino lobbied hard for the legislation.

Menino's credibility and longevity in his position (he has been elected five times as mayor) has clearly "laid some great groundwork for being able to move forward and turn around

underperforming schools, create charters within the district and get some flexibility," Johnson says. "He's been able to use his influence and political capital."

That influence often comes in the form of providing cover for tough school district decisions, Johnson says. Since Menino and the district are so closely linked, he often fields the fallout from controversial measures and has the ability to deflect it, she says.

"You really do need some political support and political coverage to make tough decisions, like closing underperforming schools, moving school leaders or staff who have not proven to be successful," Johnson says. "It's not always favored by the community or the collective bargaining groups."

Governance structures too often allow politics to play an overwhelming role in education, sometimes blocking innovation, some educators say. In the 127,000-student Prince George's County, MD schools, Superintendent William R. Hite, Jr. says the school board evolved from an elected board, to a governor-appointed board, back to an elected board. Currently the board is made up of nine, single-member districts. The arrangement sometimes thwarts his attempts to be inventive, he says. "The process by which you have to seek approval on things related to policy and budgets can become a roadblock to innovation," he says. The board members are "being lobbied by constituents and then we spend a lot more time…talking about things I consider noise, as opposed to addressing the real work."

At budget time recently, lack of funds forced the district to propose positions and programs for cuts. Though Hite made his recommendations, lobbying efforts by individuals and groups continued many of the programs he sought to cut or pare back. "The money to continue those programs would have been better spent on investments in innovative approaches," he says.

In Rhode Island, Gist says one reason she wanted the post as education commissioner was because "there are structures in place in our state that give us greater ability to do things that in other places would take much more effort."

In particular she cited the fact that the Rhode Island Board of Regents, which oversees the state's elementary and secondary education system, has the power to set regulations which hold the force of law. Gist says that has simplified the system of pushing forward education reforms without having to navigate the politics of passing legislation. She noted that in November of 2011, the Board of Regents approved a new teacher evaluation system which determined that any teacher deemed ineffective on evaluations for five years in a row will automatically lose their teacher certification.

Gist says the new system, which takes effect in January 2012, is linked to student achievement and effective teacher performance and that it was less bureaucratic than the state's previous system. Several other states have also pushed for reform of their teacher evaluation systems, but had to do it as part of large legislative packages that often got mired in political battles. Rhode

Island didn't have to do that, Gist says. "Our Board of Regents passed a regulation on teacher evaluation… and we were done."

"Tremendous Potential"

Two factors that are often the impetus for increased mayoral control over urban school districts are a persistent lack of improvement in student achievement or financial inefficiency or waste without results (or both), Shen says. That was certainly the case in Washington, D.C. where the district had a history of below-average scores on standardized tests and one of the highest per-pupil spending rates in the country.

Washington, D.C. had had a form of mayoral control over the schools since 2000, when the mayor gained the power to appoint four of the nine members of the board of education. Over the years following, student achievement barely improved. In 2007, the city council voted to give then-Mayor Adrian Fenty the power to create a cabinet-level agency reporting to the mayor to oversee the schools and to replace the superintendent of schools with a chancellor reporting directly to the mayor. For the chancellor's position Fenty tapped Michelle Rhee, who had never overseen a school district, but had experience as an education reformer.

Rhee says mayoral control was a huge factor in instituting many changes in the district including new evaluations and revised retention and layoff policies.

The success of mayoral control, however, can often be linked directly to the talents of the person in the leadership position, and that's a risk, says Rhee, now the founder of the advocacy organization StudentsFirst. Rhee credits her ability to make changes in Washington, in part, to Fenty's leadership and the positive working relationship that developed between them. But she cautioned that not every scenario that includes mayoral control will have the same outcome.

"Mayoral control of the schools…has tremendous potential," Rhee says. "But it does not mean that innovation and aggressive reform are guaranteed to happen. If you have a bad mayor, you're not going to have a great system."

Even though many initiatives that alter the governmental structure for K-12 are often driven by charismatic, politically savvy leaders, or pushed to the surface by a particular circumstance or environment, those conditions aren't sustainable forever. Politicians leave office, replaced by new leaders who may or may not share the same ideas on education and economies and workforce issues ebb and flow.

The challenge is to put sustainable policies and structures into place so the personalities involved in establishing new governmental structures aren't needed to maintain them in the future.

Back in Oregon, that's just what Gov. Kitzhaber and his advisers are trying to do.

While many of the details of his plan to realign state education along a birth through 20 continuum are still being worked out by the newly created, 15-member Education Investment Board chaired by the governor and formed to oversee the reforms, some details have come to light.

The underlying goal of the plan's strategies will work toward Kitzhaber's ambitious goal of "40-40-20": By 2025, 40 percent of adults in the state will have earned a bachelor's degree or above; 40 percent will have an associate's degree or similar credential; and 20 percent will have a high school diploma or its equivalent.

The plan requires a new data system to help track student achievement and a significant professional development initiative for teachers, says Duncan Wyse, president of the Oregon Business Council who is also helping to advise Kitzhaber on education. "We know there's a high correlation between education and earnings and we want to create a robust, vibrant and innovation-based economy," Wyse says. "Our goal is to raise incomes."

Under Kitzhaber's reforms, K-12 funding will change drastically. Currently funding in the state is based mainly on seat time for students, but under Kitzhaber's plan the focus will be on learning. Each district will work out an achievement compact with the state, showing how they plan to reach their markers toward the 40-40-20 goal.

Each district will receive a base grant for operational funding. But they'll also be able to earn additional funds through outcome grants. For example, districts might receive extra money for each student who meets high school exit standards, whenever they meet them—at age fifteen or age eighteen.

Sandy Husk, the superintendent of the 40,000-student Salem-Keizer Public Schools, says she likes the idea of focusing on a student's progress rather than on mandates as to how and when they get there. She noted an "enormous amount of frustration" with requirements of the federal No Child Left Behind Act which define success mostly based on the standardized testing snapshots of students and not on individual students' growth.

Husk supports the concept of financial incentives for moving students along the pathway toward college and career readiness. For example, she says, the idea of providing extra funds for each student a district moves from English Language Learning classes to the general educational program could be significant. Currently, there's only extra funding for those students when they're designated as English Language Learners and little incentive to insure those kids become proficient in English and move out of the program, she says. "It would be motivating to give financial credit for ELL students when they exit the program," Husk says.

In addition, under the new reforms Oregon districts could also receive funds from the state to take successful programs statewide or to provide training to other districts. One of the biggest financial concerns about the plan, however, is how to handle districts that continue to struggle. It

seems counterproductive to provide those districts with less money, but it remains to be seen how the financial aspect of the "tight-loose" approach will work with districts and schools that continue to underperform. Ask anyone working on the plan and they'll say the intent is not to have the reforms become a punitive measure, particularly financially, for failing schools, but the details remain unclear.

"I'd be glossing over the concerns if I said everybody was comfortable with that," Husk says.

Many educators in Oregon remain hopeful about these governance changes, but others— including those in states like Idaho, Washington and Indiana where sweeping reforms are still being hashed out—are wary of the effect that reforms will have in the real world at the school level.

"There are many decisions to be made," says Jeff Rose the superintendent of the 38,000-student Beaverton, OR school district. "The actual impact is yet to be known."

Case Study: Indianapolis

At Emmerich Manual High School in the Indianapolis school district, teachers and students have spent years watching reform efforts come and go.

There was the failed plan launched in 2005 and funded the Bill & Melinda Gates Foundation to split the Indiana school into three smaller schools on the same campus. The school adopted "Project Lead the Way" – an effort to focus on science, technology, engineering and math. More recently, the long-time principal was replaced with a new leader. And school hours were altered to start the day later, allowing students to get more sleep in the morning.

Though some in the district argue that the reforms have helped Manual's students make gains, the urban, inner-city school still had a 44 percent graduation rate by 2008-09 – the latest year for which data is available—and is considered one of the worst schools in the district. So in 2011, Manual High School, along with three other schools in the Indianapolis district, were taken over by the state.

The move was prompted by the state's Public Law 221. Passed by lawmakers in 1999, before the 2001 federal No Child Left Behind Act, the law was Indiana's effort to incorporate more accountability into the public schools system. The law gives the state of Indiana the option to take over schools that fail to hit specific progress targets after six years. The 2011 takeovers, which also included one school outside the Indianapolis district, marked the first time state leaders had actually used the provision, as schools finally began hitting and exceeding that six year mark.

"In this situation we felt like the best thing we could do was act with a sense of urgency and really try to put every bit of resources the state has into revitalizing these schools," says Tony Bennett, the Indiana superintendent of public instruction. "These schools have failed to serve children and we need to take whatever action is needed."

The state department of education is trying to determine the best way to make a change in these schools, which have persistently resisted efforts to boost academic achievement, and state officials remain acutely aware that studies of similar takeovers in others states don't necessarily show success. At the same time, the mayor of Indianapolis, Gregory A. Ballard, insists he's the right person to oversee this takeover—not the state.

Against this backdrop, the Indianapolis Public Schools system is making significant changes, many of them prompted or accelerated by the state takeover. Though the Indianapolis school district no longer has responsibility for the four schools involved in the takeover, the proceedings continue to have consequences that reverberate within its boundaries. The takeover may ultimately effect Indianapolis schools in two separate ways—directly through reform interventions laid out for the schools under state oversight, but also indirectly by putting pressure

on local officials and school leaders to be more assertive with reforms and the pace at which they're instituted.

"We're going to take this crisis as an opportunity to transform and reinvent the district," said Eugene G. White, the district's superintendent. "We're not going to be passive. We're going to be aggressive and proactive. At the end of this process, we hope to take a crisis and turn it into a transformational opportunity to really compete in an education marketplace."

Many Educational Options

Indianapolis already has a complex educational landscape. In 1970, then-mayor, now senator, Richard Lugar helped enact a "Unigov" concept which began the process of merging city and county functions. Because the governmental boundary of the city expanded county-wide under Unigov, Indianapolis now features eleven different school districts.

The 33,000-student Indianapolis school district is the largest district in the city and more than three quarters of its student body qualifies for free or reduced-price lunch. It's also racially diverse: Fifty-five percent of students are black, 23 percent are white, 16 percent are Hispanic, and 5 percent are multiracial, according to the district.

The city also plays host to charter schools which are directly under the purview of the mayor's office, a feature unique to Indianapolis. No other mayor in the county has the authority to grant and oversee school charters. In 2001, lawmakers passed legislation allowing the Indianapolis mayor's office to charter its own schools and oversee them. Currently, the Indianapolis mayor's office oversees 23 charter schools, setting educational standards and hiring and monitoring the charter school operators. In the first four years of his term, Ballard's office received 50 applications for charter schools and approved four, and he recently announced plans to double the number of such schools in the city over the next five years.

Only traditional public schools, however, are subject to Indiana's Public Law 221. The law places every school each year into five categories that range from exemplary progress to academic probation, based on state testing. Schools on academic probation for six years face the possibility of a state takeover. Last year, five schools in the state were chosen for state takeover. Four were in the Indianapolis Public School System—Manual, Arlington and Howe high schools, and Emma Donnan Middle School—and one was in the Gary Community Schools system.

"We believed we needed to do this to allow schools to start fresh," Bennett says.

Under the takeover model, the Indiana Department of Education chose two takeover operators to run the four Indianapolis schools. The companies, Charter Schools USA and EdPower, already operate charter schools overseen by the mayor's office in Indianapolis.

Bennett says he is keenly aware that state takeovers in other places—like Pennsylvania and New Jersey—haven't been declared successes and his goal is to avoid some of the pitfalls experienced elsewhere. For example, Bennett considers the 2011-12 school year an "observation" year to allow the "turnaround school operators" as they're called, to spend the year looking at how the schools function and devising a plan to reform them. That plan won't be implemented until the following school year. The observation year was critical to deliberate planning for the schools' futures and an effort not to rush forward with changes, he says.

In addition, Bennett notes that the state did not set up a new layer of bureaucracy to oversee the turnaround operators—another complication to state takeovers experienced in other states. The operators will be accountable to the state superintendent of public instruction and the state board of education. The state Department of Education also spelled out in contracts with the turnaround operators what each is accountable for and goals that must be met to retain their contracts.

For example, at various times in the process, the operators will be required to develop evaluation systems and strategies to ensure that teachers are highly effective, create a school turnaround plan, including concrete performance goals, which must be approved by the Indiana Department of Education. If goals aren't met, the contracts can be canceled.

Turnaround operators will have the freedom to replace each school's entire staff of teachers and administrators, to revamp the curriculum and make decisions about testing and extra-curricular activities – all changes that were often difficult or impossible to do when the school was part of the Indianapolis district system, bound by union requirements, and where decisions for individual schools were often made at the district level or on a district-wide basis.

At the moment, the state board of education is overseeing this transition phase. However, the Indianapolis mayor has signaled his intent to petition the state for oversight of the schools. In 2011 Ballard convinced lawmakers to approve a provision allowing him to make his case for oversight to the state Board of Education and Bennett has signaled he wouldn't object to the idea. If Ballard comes to the state board with a well-defined plan for oversight, Bennett says he is open to the suggestion. "I think local control is the best control," he says.

Ballard argues that his office already has experience overseeing the charter schools in his district, though he pledges that these four Indianapolis public schools taken over won't morph into charter schools and will ultimately transition back to local control. Ballard says the fact that his office has already worked directly with the charter operators is critical. "They know we're results based," he says. "We're the only ones in the state who have closed a school" for poor performance.

Some are suspicious about the mayor's true intent and point out that Ballard has provided few details about his plan for oversight or any indication of how the schools might one day be returned to the Indianapolis public school system. In addition, points out Ann Wilkins, president

of the Indianapolis Education Association, the turnaround operators have no experience running public schools with the types of challenges the four targeted schools face.

"When you look at big, urban districts, the (charter school operators) think they can use the same methods as in smaller schools," she says. "The kids have to be the priority, not a money-making factor and not a test score factor."

But David Dresslar, the executive director of the Center of Excellence in Leadership of Learning based at the University of Indianapolis, says the idea of moving oversight of the takeover schools to the mayor's office brings a more direct accountability to the reform process. School board members, Dresslar argues, can be fairly anonymous in a large school district: parents and community members often don't know their names or even vote in school board elections. "The idea of a mayor, who everyone knows and is familiar with, taking over, brings an increased level of accountability simply because there is an increased level of knowledge as to who they are and what they're doing," he says.

But Joshua S. Smith, the director of the Center for Urban and Multicultural Education at Indiana University says he remains concerned that the mayor's office "doesn't have the staff capability needed to weigh in, this hands-on in education." A mayoral takeover doesn't come with added resources and adds a new layer of bureaucracy to the oversight, he argues. The mayor's current plan is short on details, and of course there's no guarantee Ballard will win re-election. "I question whether the goal is to ever return local control (with these schools) or to set up a new, semi-permanent structure," Smith says.

Competing for Students

Whichever entity—state Department of Education or the mayor's office—winds up with ultimate oversight of the four Indianapolis schools, it's clear that the entire procedure will have significant and lasting effects on the Indianapolis Public School System as a whole.

In discussions with Bennett in 2011, district superintendent White stunned the community by admitting that at least 60 percent of teachers at the schools in question were ineffective. White said administrators in the district had not provided proper oversight of these teachers and that union rules prevented large scale dismissals of these teachers.

Though the new turnaround operators have no ability to fire Indianapolis Public School teachers from the system, they can dismiss them from the schools under state takeover.

A teacher who wants to stay at Manual High School, for example, would have to go to work for Charter Schools USA, the company running the school, and leave the Indianapolis school district system.

Those teachers who leave the four schools under state takeover must be reassigned within the school district or effectively laid off. White says he has already put all teachers and

administrators—not only at the four takeover schools, but at every district secondary school—on notice that they will be evaluated during the first semester of the 2011-12 school year, to determine who will be kept on staff. "We're going to keep the best teachers and get rid of the ones that do not pass," he says.

By losing the four schools, the Indianapolis district loses 3,800 students, which means there will be a need for a "reduction in force," White says. But even before that loss, the district was still operating, staffing-wise, the same way it had when it served 10,000 students and a realignment of resources in the district is sorely needed, he says.

White became more empowered to take such steps after April 2011 when Indiana Gov. Mitch Daniels signed into a law a provision that restricts teachers' collective bargaining ability. The law, White said, frees him to make significant changes in staffing, without worrying about seniority. "It's a whole new ball game," he says. "We think we're going to be the better for it."

The state takeover also prompted White to accelerate a strategic plan to redo the district organization itself. White said he's currently putting a strategy in place to create three categories of schools, which will have three levels of district support. Successful schools will get more independence to make their own decisions on everything from budget matters to personnel and purchasing on a building-wide basis. Schools not making progress will be on probation and will get intensive support from the district in terms of professional development or interventions. Those in a middle category will get additional training and aid to hopefully move to the more autonomous level, he said.

Though the state takeover took some of the district's most notorious schools out of the district's purview, the process continues to have a lasting impact. "We couldn't convey the sense of urgency to people like this action did," White says. "We've been trying to get people to see that it's later than they think, and now they know the time to act is yesterday."

But White, who admits to a fractious relationship with both Bennett and Ballard, said he remains concerned about the lack of details on plans for the state takeover schools and the lack of experience those two offices have in dealing with low-income, urban schools. He says he has no opinion about whether the mayor's office or the state Department of Education is better suited to oversee the turnaround process.

Hanno Becker, a new chemistry teacher at Emma Donnan Middle School, thinks the state takeover could ultimately benefit the entire district: district leaders can weed out low performing staff members and keep the best teachers and principals, putting them in positions where they can have the most impact.

But he acknowledges that the district now will find itself in the most intense competition phase yet when it comes to keeping high quality teachers.

"The best teachers in the district are going to also be lured away by these takeover organizations as well as other school districts around," Becker says. That's in addition to the existing charter schools and those planned for the future.

White says he's intent on repositioning the district to compete at a high level in the new Indianapolis educational scene for both students and staff. "We're going to compete for those students and aggressively get them to attend our secondary schools," he said.

It remains to be seen whether a new structure for oversight of these four struggling schools can make a change when so many other measures have not. However, many of those other measures centered around policy, working within a more traditional K-12 governance structure. Supporters of the new reforms hope shifting governance responsibilities and arrangements will finally make the difference. But the marketplace of education in Indianapolis is shifting quickly and in ways that are new and unique. Education leaders around the country will surely be watching to see whether this will be a model that can be duplicated to help other failing schools find the recipe for improvement.