



## **An Analysis of the Recommendation Concerning the Transfer of RSD Schools to Local Control**

### **Introduction**

Five years ago, the state took control of the majority of public schools in New Orleans and placed them in the Recovery School District (RSD). Today, many of these schools have improved and are on an upward trajectory. Under the law that allowed for the takeover, schools had to remain the RSD for five years (not including the partial year of the takeover).

On September 14, 2010, State Superintendent Paul Pastorek and RSD Superintendent Paul Vallas presented their recommendation for a process to transfer RSD schools back to local control. In keeping with state law, this recommendation was presented to the state Board of Elementary and Secondary Education (BESE) no later than nine months prior to the end of the five-year period that schools are required to be controlled by the RSD. BESE will hold a public hearing on this recommendation in New Orleans on October 14, 2010, and will hold a final vote on whether to return schools to local control or retain them in the RSD before the end of the year, most likely at the regularly scheduled BESE meeting in December.

The recommendation presented by the superintendents is a multi-faceted document with many different conditions that would govern the decision about whether to return or retain individual schools. Whatever BESE's final decision is, it will have significant implications for public schools in New Orleans for years to come. Given the detailed nature of the recommendation and the importance of BESE's decision, we believe that it is crucial that all aspects be examined carefully so that revisions can be made where appropriate. This position paper reflects our thoughts about the aspects of the recommendation that we believe need further consideration and possible revision. The first section of the paper presents a short summary of the recommendation made by the superintendents in September. The second section analyzes key aspects of the recommendation and includes the Cowen Institute's recommendations related to each key aspect.

### **Summary of the Superintendents' Recommendation**

The central concept of the state's plan is that schools that meet certain performance standards will be eligible to vote to return to the local school district if they choose.





In order to be eligible, schools must have a School Performance Score (SPS) above the academically unsuccessful bar (which will be 75 in 2011) and must have an SPS growth of at least five points (or the state average, whichever is greater) for the two previous years. For a charter school meeting these requirements, the board may vote to petition BESE to return to local control if they choose. For a district-run school, the staff and parents of the school may vote to petition BESE to return to local control. BESE would have to give final approval to all transfers.

The recommendation sets many requirements that local districts must meet before schools may be returned, including several conditions that are specific to the Orleans Parish School Board (OPSB). These conditions are designed to ensure that returning schools “are afforded conditions and expectations that provide support and oversight similar to their experiences in the RSD, which led to their improved performance” (p. 6).

The recommendation document contains three sections. The first explains the proposed requirements related to the transfer of schools back to local control. The second section, Attachment A, provides performance data and a recommended action for individual schools. The third section, Attachment B, consists of an list of properties that are currently controlled by the RSD and recommendations about retaining them or returning them to the OPSB. The entire recommendation may be viewed on the Louisiana Department of Education’s website.<sup>1</sup>

### **Analysis of Key Aspects of the Recommendation**

Below we examine several of the most important aspects of the recommendation. At the end of each of section, we have included a recommendation that we believe BESE should consider before voting to retain these schools in the RSD or allow them to request to transfer back to local control.

#### **The recommendation contains no comprehensive plan to improve persistently low-performing schools currently in the RSD.**

Some schools in the RSD continue to have very low SPS scores. Specifically, the five district-run high schools that are not currently slated for closure all have SPS scores below 35, and most have not consistently shown significant improvement, as the table below shows.

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<sup>1</sup> The text of the recommendation may be found at <http://www.louisianaschools.net/lde/uploads/17151.pdf>. Attachment A may be found at <http://www.louisianaschools.net/lde/uploads/17152.pdf>. Attachment B may be found at <http://www.louisianaschools.net/lde/uploads/17153.pdf>.



School	2007-2008 SPS	2008-2009 SPS	2009-2010 SPS (preliminary)
Carver High	n/a	29.5	31.9
Clark High	21.9	22.1	22.8
Cohen High	n/a	20	28.2
McDonogh High	21.2	23.2	32.2
Reed High	31.7	33.6	34.9

The recommendation for each of these schools is “Continue in RSD – change in status.” No further information about the plan to improve these schools is included in the recommendation.

Staff from the RSD and the Louisiana Department of Education (LDE) have stated that the long-term plan to improve these schools is to turn them into charter schools. While this may improve student performance years down the road, it leaves two issues unresolved: it provides no short-term solution for failing high schools, and it provides no information about the proactive steps RSD officials are taking to ensure that high-quality charter operators apply to take over these schools.

First, the RSD should present its short-term plan to improve these schools as part of the recommendation to BESE. The RSD has a good history of improving its K-8 schools and many RSD charter high schools. In proposing to retain the failing high schools in the RSD, the superintendents are implicitly stating that they believe that retention is the best alternative, yet they offer no insight into their plans to improve them. Turning around high schools is one of the most difficult challenges in education. It cannot be done in a single year. However, students are attending these schools today and are not being given the opportunities they deserve. The RSD should be able to outline its plan to ensure that these schools are improving – now – in some aspect. For the 2010-2011 school year, the RSD is implementing a new program called RSD Pathways. The recommendation to retain low-performing schools in the RSD should contain information about this initiative and other reforms that the RSD is planning and explain how district officials will ensure that they will be implemented at the school level.

Second, the RSD should indicate what steps it is taking to increase the likelihood that quality charter operators apply to take over these schools. Judging from the very low number of RSD high schools that have been converted to charter schools, the RSD has not had many applications for these schools from quality operators to date. However, it should be noted that the RSD was awarded a federal \$30 million



grant in August along with two partner organizations to expand charter models already implemented in New Orleans. Explaining how this grant applies to RSD-run high schools would be one way of addressing this issue.

In deciding the criteria to return schools to local control or to retain them in the RSD, BESE ought to consider the best interests of the students and their families. This is why the recommendation includes very specific requirements that the local district must meet in order for the return policy to take effect. Similarly, the RSD should have to meet some requirements to keep still-failing schools.

***Cowen Institute Recommendation: BESE should request that the RSD include a strategic plan for its lowest-performing schools as part of the state's recommendation. This plan should include actions (including deliverables) that the district will take in the short-run and the long-run to ensure that students are being well served.***

**The superintendents' recommendation includes a new concept in school governance – allowing schools to choose their district. The proposed implementation of this concept will potentially lead to confusion around the governance of schools.**

The recommendation to BESE introduces a new feature to school governance in Louisiana – allowing schools to choose their district. Under the recommendation, once a school meets certain performance standards, the board of directors (in the case of a charter school) or the parents and staff (in the case of a district-run school) can vote to return to the OPSB.<sup>2</sup> BESE would have to approve each school's request. Absent direct action by the charter board or parents and staff, a school will remain in the RSD indefinitely regardless of performance.

As the policy of choice is presented in the state's recommendation, there are potential pitfalls with the process of allowing schools to choose their districts. The recommendation calls for a Memorandum of Understanding (MOU) to be developed between (1) the charter school and the new governing entity, in the case of a charter school opting to leave the RSD, or (2) the RSD and the new governing entity, in the case of a traditional school opting to leave the RSD. In both cases, this policy would result in an arrangement where two entities have some control over a single school.

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<sup>2</sup> The recommendation also includes the option of a school choosing to transfer to “a new governance entity.” It is unclear whether this is in reference to possible governance changes in New Orleans or whether the RSD is contemplating the creation of additional governance entities anywhere the RSD operates.



In the case of a charter school, the school would have a charter issued by BESE but would technically be a part of the OPSB. Today, RSD charter school leaders and board members cite the lack of clarity with respect to the roles and responsibilities of the RSD and BESE as a problem in operating their schools. Substituting OPSB for RSD in this structure can only make matters more confusing. In some areas, it is easy to begin thinking of potential problems: How will these schools receive their state Minimum Foundation Program funds? How will they receive their federal Title funds? Will they continue to be their own local education agency? Will control of their buildings be returned to OPSB? If not, who is responsible for capital repairs to facilities? What happens if BESE and OPSB have a dispute about how to interpret the MOU; who has ultimate authority over the school?

With district-run schools, many of these same questions linger: If a school transfers to the OPSB, what role does the RSD have in governing the school? Are they involved in the school's finances or facilities? If not, what purpose does the MOU serve?

Perhaps more importantly, though, there are the many questions that do not immediately come to mind. It is difficult, if not impossible, to identify ahead of time all of the areas of potential conflict when structural changes of this magnitude are implemented. Today we are dealing with numerous unintended consequences created by the state takeover of most but not all of the schools in New Orleans. The past five years in New Orleans have been marked by friction between the RSD and OPSB as they and dozens of other operators struggle to operate in the same space. Introducing a new form of governance in which two authorizers or two districts have claim to a single school will make the operation of schools more complicated and bifurcate accountability.

In the end, requiring an MOU once a school chooses to leave the RSD is inconsistent with the reasoning behind allowing a school to make that choice. The plan to allow schools to choose their district assumes that schools are able to decide what is in their best interest. If that is the case, then they should not be hindered by having to navigate a system in which two entities have authority over them.

***Cowen Institute Recommendation: Schools that choose to leave the RSD and return to local control (or to a “new governance entity” as mentioned in the state’s recommendation) should be transferred outright to the new district/authorizer rather than creating an MOU. In the case of a charter school, a new charter should be negotiated and executed between the school and its new authorizer, and the old charter agreement with BESE should be voluntarily surrendered. In the case of a district-run school, the school should assume the status of a traditional school in the local district as of a certain date, most likely the start of the coming fiscal year. The RSD should retain no authority over or***



*claim to schools whose transfer to another entity is approved by BESE.*

**The superintendents' recommendation places too many conditions on OPSB to be eligible to have schools returned.**

The recommendation establishes several extensive conditions that all local districts must meet in order to be eligible to have schools returned. The recommendation also includes an additional set of conditions that the OPSB, specifically, must meet. In some cases, these conditions represent unwarranted limits on the autonomy of a local school district. In particular, the conditions below should be removed.

OPSB must “adopt BESE standards for charter renewal.” – The RSD should not require this change from OPSB but not from any other authorizer in Louisiana for two reasons. First, OPSB has begun working with the National Association of Charter School Authorizers, the same nationally-recognized group that BESE works with, on its renewal process. Second, charter schools currently in the RSD may choose to stay in that district if they believe that the renewal process adopted by OPSB is flawed or unfair.

OPSB must “reach an agreement with RSD on responsibility for funding alternative education by September 2011.” – OPSB should not be required to agree to pay the RSD for any service as a pre-condition to having schools returned. A strong desire to be able to have schools returned may make it difficult for the OPSB to negotiate a fair price for this service. Further, in FY 2011, OPSB will pay RSD \$502,000 to purchase alternative educational services, indicating that the districts have already reached an agreement on this issue.

It is important to remember that the recommendation made to BESE is to allow schools to choose whether to return to their local school district or to remain in the RSD. Schools that feel that the policies and operating environment of their local district would be detrimental to the success of the school may choose to stay in the RSD. Given that schools have this choice, the wide-reaching conditions placed on OPSB are unnecessary.

***Cowen Institute Recommendation: These conditions for returning the schools to the OPSB should be removed. As a local school district, the OPSB is the entity charged with operating schools in New Orleans under the state constitution. The recommendation about returning schools should include only requirements that are absolutely necessary to help ensure a smooth transition back to local control.***



**The recommendation is vague about the long-term role of the RSD in New Orleans.**

The character of the recommendations raises the question about the underlying assumptions upon which they are based. When the RSD was created, the vision was that schools would eventually return to local control. Many residents of New Orleans have stated publicly that they do not believe that the RSD should be a permanent part of the public school system in New Orleans. However, one of the overarching philosophies of the recommendation as presented to BESE is that a school should be “empowered to decide whether it wants to be transferred and under what additional stipulations transfer will occur” (p. 4). This raises the question as to whether all schools will ever be returned to local control.

The recommendation states that it is a proposal for a “clear and unambiguous process that governs the transfer for all schools in the RSD in the state after an initial five year placement period” (p. 3). The implication is that the recommendation is proposed as permanent policy rather than recommendations limited to the specific schools that were taken over following the November 2005 special legislative session. Although BESE is allowed to retain schools in the RSD for only five years at a time under state law, if this recommendation is seen as ongoing policy rather than a recommendation that is specific to the schools in involved, the board could easily vote simply to ratify the existing policy five years from now. This would have the effect of allowing schools to remain in the RSD for many years to come.

When considered as permanent policy, the approach proposed by the recommendation does not seem logical if the underlying assumption is that many or all schools will be returned to local control outright five years from now. If the assumption is that all schools will eventually be under the same governance entity, then there is little reason to retain schools in the RSD for two or three years after they meet a pre-determined performance standard. In this case, it would be better to return schools to local control once they meet a pre-determined performance standard; this approach would result in a gradual return of schools, which would allow the OPSB to build capacity over time.

On the other hand, if the assumption underlying the recommendation is that schools may permanently decide to stay in the RSD, then that should be made clear. Under state law (R.S. 17:10.5), the RSD may continue to take over individual failing schools indefinitely; that is, there is no sunset date in the law for the RSD. Thus, the district will continue to exist at the state level for years to come. This makes it *possible* for the RSD to be the long-term district for some schools in New Orleans. If that is the vision of the recommendation, it should be stated.



***Cowen Institute Recommendation: BESE should make explicit its position on whether the RSD is envisioned as a district that could serve as a permanent home to schools. Such an approach may have an influence on the broader conversation about governance that is currently taking place in New Orleans.***

## **Conclusion**

In making a decision about the transfer of schools back to local control and the conditions that will govern that transfer, BESE should endeavor to create an environment that will promote the continued improvement and success of schools in New Orleans. We believe that the recommendations presented in this paper, if adopted, will make for a better process of transferring schools and contribute to the long-term goal of making sure that every student in New Orleans attends a first-class school.