

Have You Heard #40: Takeover! What's Behind the State Takeover of School Districts?

Jennifer Berkshire: Welcome to Have you Heard, I'm Jennifer Berkshire

Jack Schneider: and I'm Jack Schneider

Jennifer: In our last episode we looked at research that counts: what happens and what can get missed when we focus too narrowly on quantitative measures of success.

Jack: And somewhat surprisingly given the loaded nature of that topic, most of the grief that we took was over our musical choices, which some of our fans thought were a little dated, but you know, I thought were totally current.

Jennifer: Well, our topic today is very much related to the debate about what research counts. We are talking about state takeovers of school districts, and when you think about the debate over high profile takeovers in New Orleans or Newark, New Jersey, the question of whether they “work” is pretty exclusively focused on measures of student achievement and things like student test scores and graduation rates. Well, we are going to be hearing in a little while from Domingo Morel. He's the author of a new book called *Takeover: Race, Education and American Democracy*, about a consequence of school takeovers that's a little harder to measure: their political impact, particularly on black communities. But first, Jack has been waiting very patiently, jingling the keys to the time machine.

Jack: The DeLorean is fired up and ready to go.

Jennifer: I want you to tell us a little bit about the history of state takeovers. When do we start to see this? What kind of change does it represent in our thinking about schools and who has authority over them?

Jack: So prior to the late 1980's, there were some takeovers in states like Arkansas, Georgia, and Texas, all involving financially bankrupt or fiscally ailing districts. But there's a real shift in the late 1980's and it starts in New Jersey. The legislature passed a law in 1987, which took effect in 1988, and in 1989, New Jersey took over the Jersey City schools. And they did cite financial distress as a part of the reason for the takeover, but really it was about political intrusion into the school system, at least this was what was articulated: personnel decisions being made on the basis of patronage, nepotism, sloppy financial record keeping, violations of the public bidding laws. These are some of the things that were cited in the discussion of the state's takeover of Jersey City, which they originally had intended to last for what they said was at least five years but turned out to be more than 30.

Then you see a kind of shift over where the next stage of takeover was by mayors offices taking over school districts. So places like Boston in 1991, Chicago in 1995. Cities were implementing a kind of theory of change which was about organizational efficiency and sustained and aligned

leadership. And there was no end date for those takeovers. And so there was a kind of interesting a shift, which in fact made it about process. It was about who should govern rather than about the current state of the schools. And that then morphs again in the wake of No Child Left Behind and the shift in the theory of change is about outcomes and so it's less about process and it's more about outcomes.

And they are more around the kinds of outcomes that we hear so much about today: student standardized test scores, graduation rates, attendance. One of the things that I think is really interesting is that the Louisiana Recovery School District was created in 2003. That's two years before Hurricane Katrina. These ideas exist on the shelf waiting for a crisis or opportunity to implement them. With the Recovery School District in Louisiana, you saw a new kind of theory of change, which was about holding schools accountable for outcomes, about rethinking the nature of a control with regard to the relationship between the state and districts. And then when Katrina hit in 2005, they actually had the legislation in place that they needed in order to move 100 New Orleans schools over to the Recovery School District. What we've seen then in the last 10 years since the creation of the Louisiana Recovery School District is the building out of this kind of model.

Tennessee for instance, has the Tennessee Achievement School District; Michigan has the Education Achievement Authority. In other cases like in Massachusetts, there is a law that requires districts that are declared to be chronically underperforming to be taken under state receivership. And what you see here are these different theories of change coming together over time and becoming really bound up together. And it's about performance. But it's also about who should govern. And then finally it's loaded with much of what that original takeover of Jersey City was loaded with. And that is questions about a fiduciary responsibility. And I think that's one of the things that Domingo Morel and I would agree about, which is that these notions about who is capable of being responsible and how well local people are taking care of their schools, those have never gone away. It's just that that thread has been wound together with these other threads about measuring outcomes or about the process of governance.

Jennifer: Our guest Domingo Morel's interest in school takeovers took him to Newark, New Jersey where state control of the schools recently ended after more than 20 years. But the outcome that he was most concerned with wasn't student test scores, but the takeover's political impact.

Domingo Morel: To the point of these outcomes, the effects that these stakeholders have on traditional educational outcomes and whether they "worked" or not, that's kind of what led me to really try to study takeovers. As a political scientist, I'm obviously interested in politics and I was interested in this question about how takeovers affect communities politically, since school boards are such an important part of a community's political empowerment. All the research shows that before communities have a Black mayor, they first have Black members on the city council, and before they have Black members on the city council, they have members on the school board and the same thing applies to Latino populations. And so my question, what I was

really interested in is thinking about, is how do takeovers not only affect educational outcomes but the politics of a community.. And I started with this narrow question about the effects on school board representation, and I found that takeovers do have a different effect on communities, the difference is primarily between the African American and Latino communities. But that opened up doors to an examination that I had not been thinking about, which was what causes a takeover? What are the reasons why states take over a school district?

Jennifer: Remember back at the beginning of the episode when Jack climbed into the time machine and whisked us through the history of school district takeovers? Well Morel wanted to understand the complex interplay of state, federal and municipal power that determined which cities schools got taken over—and which got left alone.

Domingo: And so decentralization of power by conservatives at the state level meant that they began to get involved in issues that were historically relegated to local government, education being one of them. And so they start to intervene in local affairs in more significant ways. And by the 1980s through the early 1990's, you see this expansion of state takeovers of school districts and this is happening in response to what Black political leadership is doing in the cities. And it presented a problem for conservatives on two fronts. The first is that the emergence of African American political power posed a threat for Republicans. By the 1970's, conservatives had consolidated within the Republican Party, African Americans had consolidated within the Democratic Party. So politically in terms of partisanship, that posed a problem, but that wasn't the only issue. While African Americans are gaining political empowerment, they're also making demands that were problematic for the conservatives as well. And in terms of education, this was significant because these communities wanted more resources for their schools,

Jennifer: As Morel began to examine the communities where the schools had been taken over, hadn't comment, something leaped out at him. They were cities that had not only made demands for more resources through the courts, they been successful at getting those demands met.

Domingo: You had communities and low resource communities beginning to fight for greater resources at the state level, and the state of New Jersey was the first state to actually really make significant gains on in this area. In 1973, there was a case, *Robinson v Cahill*, which was based on a black student from Jersey City. Then eventually, by the mid 1980's there was a bigger case called *Abbott v Burke*, and this case really starts to make some significant changes in the terms of the ways that schools are funded, particularly in in low-resource places like Newark. And across the country similar things were happening.

Jennifer: In fact, between 1980 and 2000, what Morel refers to in his book as the incubation period for state takeovers, plaintiffs won cases for increased school funding in 18 states. In 14 of those states, legislatures passed school take over laws. The four states where takeover laws weren't enacted were Montana, Vermont, South Dakota and Wyoming.

Domingo: These four states were the only states where plaintiffs won victories in the courts but there were no takeover laws passed, and these happened to be the whitest states in the country essentially. And so if you don't have plaintiffs winning court cases during this period, 1980-2000, you essentially don't see laws being passed that that lead eventually to the takeover of a school district. And on top of that, if you don't have majority Black cities led by Black political officials, you also don't have takeovers happening during this period of time. There are a couple of school districts throughout the country that are majority White that experienced takeovers. But overwhelmingly the takeovers are in places where African Americans are the majority and where they have significant political empowerment. The African American community that is.

Jennifer: As Morel tracked these school takeovers up through the present day, he noticed another consistent theme. Whether it was Republicans or Democrats who were engineering the takeovers, the argument was that black leaders were essentially unable to run their own schools.

Domingo: So this is kind of consistent with the history of Black political empowerment, where you have people trying to suggest that essentially African American leaders, African American communities, can't be capable of governance. And so this is a major part of the battle over school boards because they provide the foundation, the entry point. You have this battle between communities fighting for their rights to be essentially considered citizens and those who, who are trying to challenge that. And so that's pretty consistent with our history of the nation.

Jennifer: And it wasn't just the justifications of incompetence or out-of-control patronage or corruption that Morel encountered. Again and again, the case for taking over schools in these communities was made in a way that implied that the cities and their leaders cared less about the kids there than the actors and the organizations behind the takeovers.

Domingo: In Newark, and I write about this particular aspect in in the book, part of the resistance against state intervention was based on challenging this notion that somehow the community is incapable of educating children. The logic behind a takeover in Newark and other places was that somehow, at some level, these communities failed to produce an adequate education for their children. And the reality is, based on my analysis in Newark and other places that these communities have been working really hard and have historically worked really hard to provide an adequate education for their children. And part of that struggle to provide a better education for their children is to secure more resources. Precisely at the time that they're winning cases to secure more resources is when the state comes in and takes over their schools.

And so that logic doesn't make a lot of sense if your argument is that you're not doing the right thing for your community, and then precisely at the time that you take a significant step towards getting what you need in order to provide an adequate education for the students, the state

takes over. This kind of a take provides a lens through which to examine this larger phenomenon which is consistent across are history here. Initially it starts off the argument that Black children are not entitled to an education, and we see that through much of our history. And then with *Brown vs Board*, that starts to change, at least at an institutional sense. But once that is somewhat settled, then the battle becomes about the steward of Black children's education, the caretakers, the parents, the local elected officials. The challenge against Black education shifts from the children not being entitled to an education to their caretaker and their stewards. You start to see these charges of corruption, charges of patronage, and charges of malfeasance on the part of the leaders of the community. And so it's consistent with the story that these communities are undeserving of an education essentially.

Jennifer: Take the example of New Orleans, if you believe the metrics that are supposed to matter. New Orleans is a takeover success story, but when morale look to the reforms through a political lens, he saw a much less positive picture. The replacement of African American teachers and other school employees by a less local workforce, for example, eroded community authority over the schools. And that wasn't the only political repercussions of the takeover.

Domingo: Historically, school boards have played an essential part of a community's local political empowerment. What happens after Katrina is that the state creates an alternative school board to oversee all of the charter schools and since you have 90 plus percent of the schools or charter schools, then that makes the locally elected school board essentially non essential, not necessary, and the community realizes that. Why participate in in a school board elections when that school board, that traditional school board doesn't have much authority at all? And so we started to see the decay. A community's schools have always been an essential part of a its political and economic base. When that starts to get separated, you lose jobs, you lose political power, you lose say over the type of curriculum and so forth that's happening in the schools, and then you justify all of that on the grounds that the schools have improved to some degree and even that is contested. It doesn't make a lot of sense.

Jennifer: Morel even came up with a term to describe the seemingly contradictory argument that improving the outcomes of students requires weakening the political influence of the communities they're from.

Domingo: When I first arrived in Newark in 2012 as part of my dissertation research, I had read everything—well mostly everything—that was written about takeovers by scholars, as well as what the state had produced: a 1700 page report talking about all of the challenges with the school district. I had read what the *Star Ledger* had to say, what the *New York Times* had to say, and all of the literature at some point kind of coalesced around this consensus that the community had failed to produce an adequate education for their children. And what I noticed based on my observations from the very first school board meeting that I attended, and every school board meeting after that, and the meetings that I had in people's homes and churches and coffee shops and so forth, was that this is a community that's very passionate about education and they're very passionate about making sure that their students, their kids, their

babies have an opportunity to be educated and become the types of citizens that we all want our kids to become

That observation kind of contradicted what the literature in my view was saying. And that's what led me to rethink what happened in Newark and elsewhere. The schools weren't taken over because the community didn't care about education, but precisely because they did care. And by caring, it may have set off a series of political struggles that had significant consequences for Newark. That reshaped my research direction and led me to really question the whole premise behind takeovers. I think I provide compelling evidence based on history, based my observations of these school districts, and based on a larger data set analysis, that is a lot more than just education going on here—that politics and economics are actually equally, if not more important.

Jennifer: That was Domingo Morel. He's an assistant professor of political science at Rutgers University and the author of *Takeover: Race, Education, and American Democracy*. Definitely check it out and we'll be right back with a few additional insights and some exciting news.

Musical interlude

Jennifer: One of my favorite episodes that we did last year was with another political scientist named Sally Nuamah, about how closing schools in Chicago has undermined democracy in the city. In the neighborhoods where schools closed, Sally found that voter turnout dropped and civic engagement has declined. And talking to Domingo Morel reminded me so much of that episode. I think what both of them have in common is that because they were so deeply immersed in something that was going on in the community, they saw something that other researchers missed. For Sally, it started when she went back to the neighborhood where she grew up and saw that people view the proposed closure of a school there as almost a life or death matter. And for Domingo, it was really pretty similar. He picked up on something happening in Newark that other researchers were seemed to be missing.

Jack: I think it's important to remember here that two things can be true at the same time, that outcome measures can be uninspiring at the school level or at a district level. And it can be the case that local people are being disempowered systematically, and that their governance is perhaps every bit as legitimate and responsible and reasonable as the governance in higher performing districts.

For the past couple of decades, we've seen a conflation of these two very separate issues. Sometimes it's the case that poor local governance does result in poor outcomes. But oftentimes it is the case that a poor outcomes are not a reflection of the failure of a community to govern its schools adequately, and it's really important to recognize the separateness of those issues. Because if they're bound together, we're going to miss the commitment of local people, the degree to which they're involved, and then the level of outrage that they're going to experience when they have their schools taken away from them.

Jennifer: But I think it's also sort of a ringing endorsement of broadening the field of who's researching this stuff. One of the points that, that Jesse Rothstein made in our last episode that really stayed with me was this whole idea of a human capital pipeline within education research that, that researchers are being trained to view the world in a particular way. What we learned from both Sally Nuamah and Domingo Morel is that these are examples of issues that communities are really passionate about that can get lost when you're so narrowly focused on metrics.

Jack: And particularly when laws are structured in the way that they are. If we go on autopilot and if we don't question a accounts of why schools or districts are being taken over, there will be a process that happens that seems reasonable, objective, measurable, that in fact may be that, but may also be something entirely different, maybe political, and in fact, in some ways racist.

Jennifer: So Jack, I've been watching you scribble away furiously on one of your many pieces of paper and all I can see are two words, grand bargain and a lot of underlines under it.

Jack: So often, particularly here in Massachusetts, we hear that in return for more state money, there is going to be more state oversight, that that's what communities are going to need to accept. And one of the things that strikes me about this is that there's an implication that state money doesn't belong to the communities where it's being spent, that the state money belongs to some other group, and it has me thinking about what I would call a "contribution claim" versus a "warrant claim." So the contribution claim would be that whoever actually contributed these tax dollars, these would be higher income earners, perhaps they have a greater in terms of how those dollars are spent. But then in a warrant claim you would say that schools are not so different from potholes in the sense that some schools are going to need more attention than others. We don't say, well, "Hey, I paid more in taxes. So I want all of that money spent on the roads in my area." You address the concerns where they are warranted.

And at the root of this is an even bigger question, and that's the question of who is included when we talk about "we." So when we talk about our money as a state and that's often the language that's used by state legislators and by taxpayers, organizations, by the business community, when we talk about who the we is, who is included there, and these questions of race and class and ethnicity are very much bound up with these questions of we. And so as we're thinking about these grand bargains, it's also really important to think about who has the power to bargain and who has the say in terms of making these determinations about accountability, spending oversight, and power.

Jennifer: Nicely put Jack. Well, speaking of financial resources, Have You Heard has some very exciting news. If you're a fan of this podcast, which I hope you are now, you have a way to show your love by supporting us on Patreon. If you go to patreon.com/haveyouheardpodcast, you'll find all sorts of nifty offerings available to subscribers, like a new feature I'm calling "In the Weeds with Jack Schneider."

Jack: And on that note, I'm Jack Schneider.

Jennifer: And I'm Jennifer Berkshire. And just a reminder that if you are enjoying the high quality content we've been serving up on a bi-weekly basis, leave us a review, preferably a five star review at itunes that'll help us reach even more listeners are quantifiable goal. This is Have you Heard.

This transcript has been lightly edited. If you appreciate our efforts to make the contents of this podcast accessible to people who don't listen to podcasts (why???), feel free to show your love by dropping by Patreon. Here's that link again! <https://www.patreon.com/HaveYouHeardPodcast>