Creating a Governing Framework for Public Education in New Orleans:

Executive Summary

A Series of Reports by the Scott S. Cowen Institute
For Public Education at Tulane University

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Creating a Governing Framework for Public Education in New Orleans

The Scott S. Cowen Institute for Public Education Initiatives at Tulane University presents the first three reports in a series of papers on public school governance called *Creating a Governing Framework for Public Education in New Orleans.* The overall goal of this study is to lay out options for the roles and responsibilities for all governing entities in the city's public education landscape in order to support a system of high-performing public schools. With a mayoral race, a legislative session, and federal Race to the Top applications coming in the near future, this information is critical and timely – not only for New Orleans but to public school districts across the country. Under state law, the Recovery School District must make a recommendation in 2010 as to whether some or all of the schools it took over in November 2005 (after Hurricane Katrina) should return to local control. The citizens of New Orleans must now begin to consider the long-term structure that ensures that every child has access to a high-performing public school. The purpose of this series is to inform that dialogue.

These initial three reports focus on district leadership, the relationship between the central office and schools, and charter school authorizers and operators. The reports provide important background information to policymakers and the community on the possible options for governance structures. These reports were written by Michael Schwam-Baird, Assistant Director for Research, and Laura Mogg, Research Analyst.   A fourth report will be released in the coming weeks, in partnership with the Bureau of Governmental Research (BGR), and will outline specific models for a governing framework for public schools in New Orleans.

The Scott S. Cowen Institute for Public Education Initiatives at Tulane University

The Cowen Institute is an action-oriented think tank that informs and advances solutions – through policies, programs, and partnerships – to eliminate the challenges impeding the success of K-12 education in New Orleans and beyond. It also serves as a clearinghouse for K-12 public schools in New Orleans to directly access the myriad of experts and resources available at Tulane University. Our work is in the following key areas:

Applied Research

Public Policy

University-Based Initiatives

College Readiness Program

Additional information, including these reports and other research projects published by the Cowen Institute, can be found at http://education.tulane.edu.

Applied Research at the Cowen Institute

The Cowen Institute's Applied Research staff serve as an objective voice to education leaders, policymakers, the media, and the public about what is taking place in public education in New Orleans – particularly in the areas of accountability, operations (mainly finance and facilities), and governance – by disseminating relevant data and research. We draft briefings and conduct forums, meetings, and seminars that inform educators, administrators, media, and the general community on issues impacting public education in New Orleans.

EXECUTIVE SUMMARY

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INTRODUCTION

Background

In New Orleans, school governance has changed drastically since Hurricane Katrina devastated the city in 2005. Before the hurricane, New Orleans public schools were some of the worst performing in the state and in the country. They were run and governed entirely by the Orleans Parish School Board (OPSB).

Following the hurricane, the Louisiana Legislature changed the law empowering the state to take over low-performing schools by redefining a failing school in New Orleans as one that fell below the Louisiana average on state standardized tests. This allowed the state-run Recovery School District (RSD) to take control of the vast majority of public schools in New Orleans. The OPSB retained control of the few schools that performed above the Louisiana average.

Both the OPSB and the RSD have made extensive use of chartering as a way to reopen schools in New Orleans after the storm. Charter schools, which are run by private non-profits but hold a contract with a public entity to run a public school, now comprise the majority of public schools and educate the majority of public school students in New Orleans. Charter schools are authorized by the public entity which holds their charter but have significant autonomy in the areas of budgeting, staffing, curriculum, and operations.

The OPSB and RSD are currently operating traditional public schools as well as overseeing a proliferation of charter schools. As a result of these changes, school governance in New Orleans is more complicated than in most school districts. Counting the school districts and the charter school operators, more than thirty entities now manage public schools in New Orleans. Under state law, the RSD must make a recommendation in 2011 as to whether some or all of the schools it took over should return to local control. Given the problems of the public school system before Katrina, the citizens of New Orleans must now begin to consider what sort of education governance will best support high-quality public education.

What is Governance?

Governance defines the authority, roles, and responsibilities of people and organizations in a system. In education, this includes not only who controls the system at the top, like a school board, but also the roles and responsibilities of each level of authority including the school board, superintendent, the central office, and the school. In a system that includes charter schools, education governance also encompasses the roles of charter managers and charter authorizers. Educational governance also spells out the processes by which resources are distributed and by which certain major decisions are made. In sum, governance establishes who the players are and the basic rules of the game.

Our Project

Paul Hill, one of the nation's leading education governance researcher, has the following to say about school governance in the United States:

> Clearly, it is an accidental system. Nobody of sound mind would have deliberately created the collection of laws, regulations, court orders, intergovernmental relationships, and contracts that goes by the name "education governance." Nobody ever thought through its costs, benefits, and unintended consequences. If someone had, this ungainly system would have been scrapped long ago. Finally, nobody claims that our governance system is optimized to support teaching and learning.[1]

Public school governance in New Orleans is complex and in flux. Few cities have the opportunity to think through their system of educational governance in the way that the city of New Orleans has had and will continue to have over the next few years. For these reasons, Tulane University's Cowen Institute has undertaken this project to examine potential options for a framework of education governance in New Orleans. With a mayoral race, a legislative session, and a decision about returning schools to local control all coming up, this information is both critical and timely.

In a series of papers, we analyze both the history of educational governance in New Orleans and the experiences of other school districts with a variety of governing frameworks. Our first three papers focus on the following levels of authority and relationships in the educational system:

- School District Political Leadership
- The Central Office and the School
- Charter School Authorizers and Charter School Operators

In a final report, written in partnership with the Bureau for Governmental Research (BGR), the Cowen Institute and BGR will set out a number of potential models for educational governance in New Orleans and discuss the advantages and disadvantages of each one. This report will be released in the coming months.

We hope, through these papers, to inform and inspire a thoughtful conversation about school governance in New Orleans. Few cities have been as thoroughly devastated as New Orleans was in 2005. At the same time, few cities have had such a major opportunity to rethink how public schools are operated, organized, and held accountable for student learning. As Paul Hill said, education governance around the country is "an accidental system." New Orleans has the chance to turn its accidental system into a deliberate one that systematically supports excellent schools.

I Introduction

SCHOOL DISTRICT POLITICAL LEADERSHIP: EXECUTIVE SUMMARY

INTRODUCTION

Prior to Hurricane Katrina, nearly all of the public schools in New Orleans were controlled by the Orleans Parish School Board (OPSB), a locally elected board. In the aftermath of Hurricane Katrina's devastation, the state of Louisiana assumed control of the vast majority of schools previously operated by the OPSB. Now, the political leadership of public schools is currently divided between the Orleans Parish School Board (OPSB), a state-run Recovery School District (RSD), and a number of charter school operators.

The current division of leadership and control could be restructured as early as 2011, when state legislation requires the state to decide whether or not to return RSD schools back to the OPSB. The future of school governance in New Orleans remains uncertain. Other school systems have instituted radical changes in district political leadership, and have seen positive results, while others have retained an elected school board and were also able to implement effective reforms. Their experiences, as well as the available research, can provide potential models for New Orleans' future district leadership.

LOCAL SCHOOL BOARDS

Currently, there is little empirical research that ties the structure or practices of school boards directly to student achievement outcomes.

- In general, scholarship on school boards describes what makes a board work well internally, not what types of board structures or practices lead to higher student achievement.
- The limited research on elected boards finds that electing board members by district is more likely to result in greater racial and class diversity. However, board members elected by district are less likely to think of themselves as trustees acting in the interest of all schools.

- No empirical evidence exists to show whether an at-large or a district representative model is associated with a better school system and higher-achieving students.

Districts governed by elected school boards can and do implement successful reform without ever altering their governance structure. However, these reforms have been contingent on a positive working relationship with the superintendent and a unified majority of the board supporting the superintendent over a number of years.

MAYORAL AND STATE CONTROL OF SCHOOLS

Mayoral Control

Mayoral involvement in public education has become a more frequent and higher profile occurrence over the last two decades and is notable for its lack of established patterns. The role of the mayor can range from forming expert panels to make recommendations to appointing some or all of the members of the school board and the superintendent.

Arguments in favor of mayoral control include:
- Improved administrative and fiscal practices can result from city management;
- A single elected official is easier to hold accountable for performance;
- Mayors can better harness and coordinate other resources for schools, such as social services.

Arguments opposing mayoral control include:
- With a mayor in charge, or a mayor-appointed school board, community voices may be marginalized and democratic control diminished;
- Mayors deal with many issues and education may not be a priority;
- Mayoral control is often tied to the political personality of a particular mayor.

State Control

State control, like mayoral control, can take many different forms:
- States can take control of entire districts, or just certain functions of districts;
- States can, as in New Orleans, assume control over particular schools;
- Governors can also assert control by appointing all or some members of a local school board or by appointing an executive to oversee schools.

Arguments for and against state control of local schools echo the arguments about mayoral control:

Arguments in favor of state control include:
- Administrative and financial practices may improve, and state and local resources can be combined;
- State control may remove schools from some local political concerns.

Arguments against state control include:
- State officials may not be prepared to actually operate schools;
- State takeovers often lack specificity about their justification and about when and how schools will be returned to local control;
- State control may interject state political concerns into local schools.

Research on School District Takeovers

- In a study on mayoral takeovers, researchers found significant academic improvement, an increased focus on performance-based accountability and goals, and more efficient administrative and financial management linked to mayor-appointed school boards.
- In one study on school districts that had been taken over by state governments, researchers found mixed results in academic achievement and management outcomes.
- In a 2000 compilation of case studies on state intervention in local school districts, financial and management stability was achieved within two years in the majority of cases. However, states had less success in improving student performance.

However, it is important to keep in mind that, given the variety of ways in which takeovers can happen, and the political and social context of each city, identifying the mechanism that ultimately leads to better school management or better school performance is very difficult.

LESSONS FOR NEW ORLEANS

Elected Local School Boards

- The OPSB has the power to change the number of its members and how they are elected (i.e. at-large or by single-member district) within certain bounds.
- Whether or not the board should be altered in more radical ways, or abolished entirely, must be decided by the state legislature and possibly by voters if a state constitutional change is needed.

- While other cities have been able to implement successful reforms while under the leadership of an elected local school board, in most cases it requires the board's sustained support of the superintendent, something the pre-Katrina OPSB was unable to do.

State and Mayoral Control

States

- New Orleans has already undergone a partial state takeover by the RSD. The state took over individual schools in New Orleans but not the district central office.
- While a certain amount of stability and improvement has been seen in RSD schools under state management, there is no plan in place for how these schools will be governed in the future.
- The Louisiana Legislature would have to change the temporary nature of the RSD or create a new entity if it were to remain involved in New Orleans public education governance on a permanent basis.

Mayors

- Mayoral control in New Orleans would mean administering and overseeing a school district in which the majority of students attend charter schools. A mayor who invested significant political capital in taking over schools in New Orleans would have limited power to control those schools.
- However, a mayor could help create a supportive central office for autonomous schools and be a powerful convener in a system that currently has no unified governance.
- The effectiveness of mayoral control, of course, would depend heavily on the effectiveness and political capital of future mayors.
- Likewise, city government in New Orleans has many administrative problems, combined with the management of a difficult recovery, which may make it difficult for any mayor to focus on education.

II   School District Political Leadership
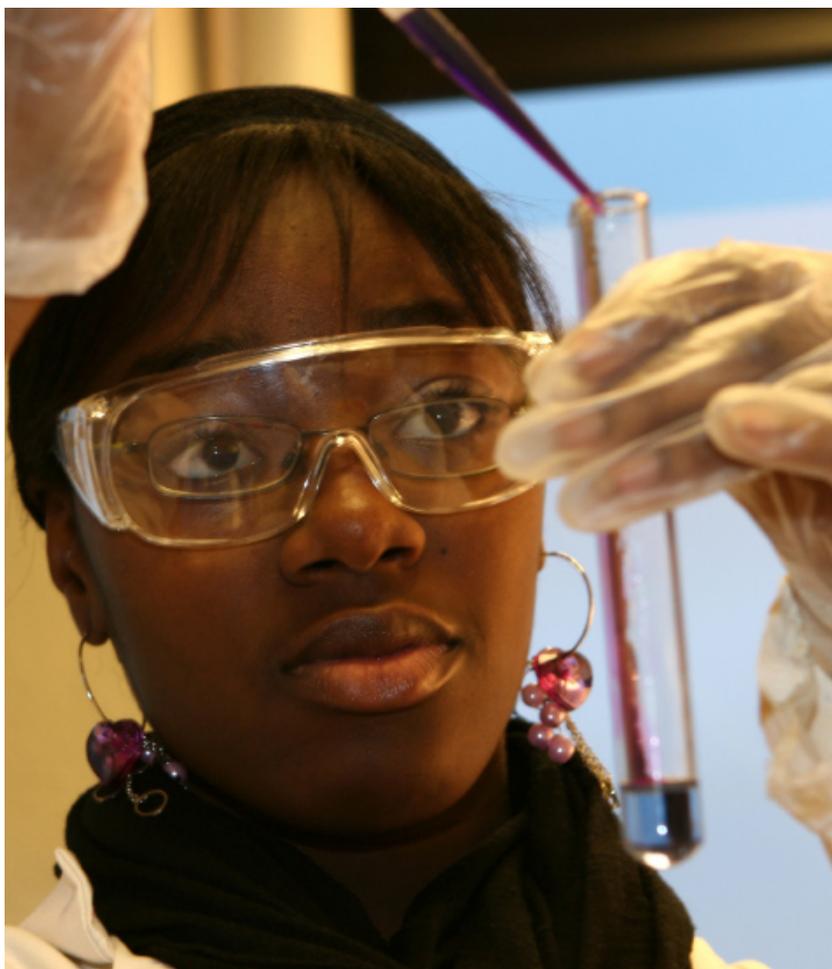
THE CENTRAL OFFICE AND THE SCHOOL: EXECUTIVE SUMMARY

INTRODUCTION

For most of the 20th century, school systems in the United States have operated as highly centralized organizations that concentrated most authority and decision-making in a district-level administrative office. While this arrangement does work for some districts, it is often the failures of centralization that are the focus of attention and research and are the rationale behind the push for taking authority out of the central office.

Evidence indicates that decision-making in the New Orleans Public Schools (NOPS) was highly centralized until the post-Katrina transformation of the system. NOPS had many of the problems that critics of centralization ascribe to traditional school districts: excessive central office staff, financial and managerial problems, and limited accountability for serving students.

Since Hurricane Katrina, many schools have become charter schools, granting them significant control over many of the functions that used to be managed by the central office. Decision-making authority for the four remaining NOPS traditional schools has stayed with the NOPS central office in the aftermath of the storm. The Recovery School District initially ran on a centralized model for its traditional schools, but plans to move toward a system where the schools under its direct control are operated autonomously, with greater independence than the traditional relationship with district administration might offer.

III   The Central Office and the School
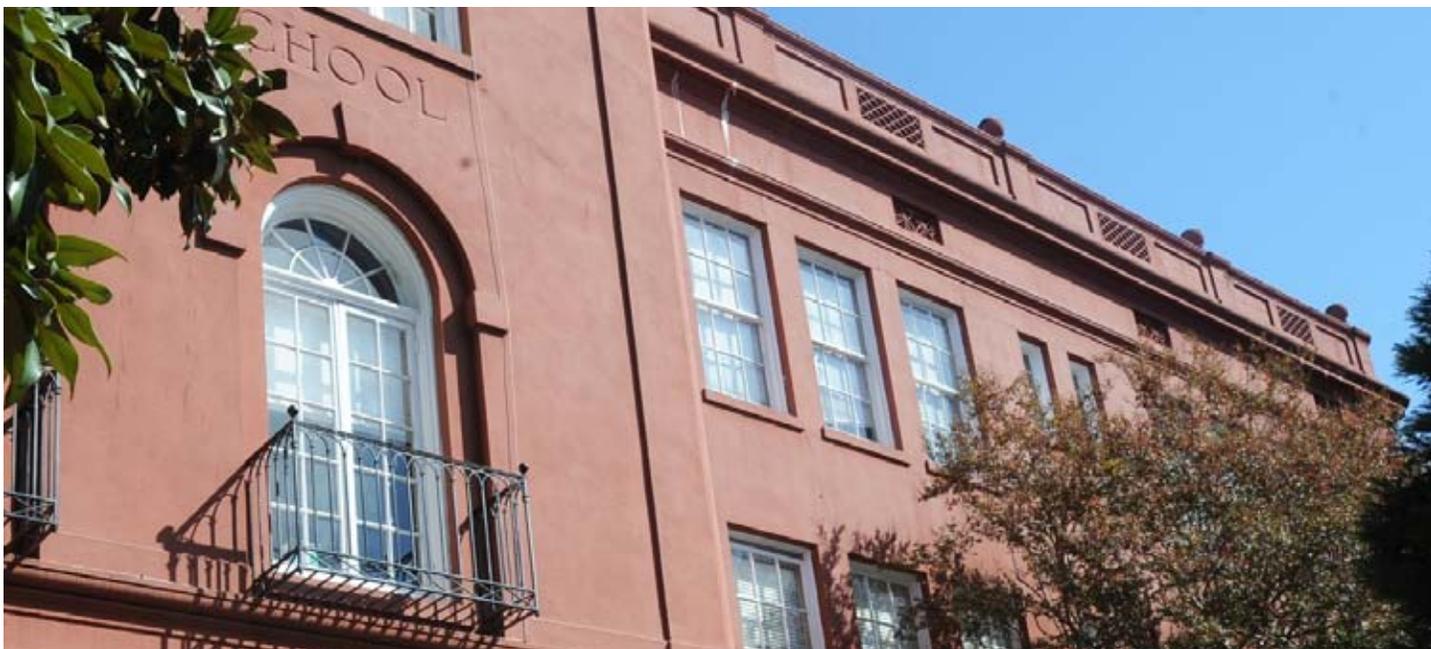
THE RELATIONSHIP BETWEEN THE CENTRAL OFFICE AND SCHOOLS

The meaning of school district decentralization varies, and can take into account any of the following elements:
- Differences in the overall autonomy given to schools;
- Differences in accountability mechanisms;
- Differences in the extent to which particular decision-making domains or functions, such as budgeting, personnel, curriculum, or operations, are controlled at the school level.

Decentralization, for a district, can also mean giving greater control over a wide range of decisions to district principals or contracting with third party organizations to operate schools.

Proponents of decentralization make the following claims:
- Centralized structures can to lead to inefficiency, inertia and corruption.
- Decentralization supports flexibility, increased accountability, and increased productivity.

Centralization and Decentralization in School Districts

A number of school districts have implemented changes in the relationship between their central office and schools in ways that are more strategic than ideological.
- This approach seeks to place particular functions at particular levels of authority based on what level of authority is likely to do the best job.
- Some of these districts have been at least partially successful in raising student achievement.
- What seems most important to these districts' success is the quality of the relationship between schools and a central authority of some kind.

If roles and responsibilities are divvied up between a central office and schools, the research literature and case studies of school districts give some indication of how that split should occur.
- Standards, accountability, and overall goal setting should rest with a central authority (which may include some state involvement).
- Setting school-based budgets and making decisions about staffing based on the resources that are available are better left to administrators at the school level.

LESSONS FOR NEW ORLEANS

The lessons that New Orleans can draw from the material covered in this report are somewhat limited because of the new system of public schooling that is developing in the city, which includes a significant number of charter schools.

III   The Central Office and the School

- The schools directly run by the Recovery School District are likely to gain significant school-site powers, much like charter schools have. The RSD central office, according to Superintendent Vallas, will take on the more limited roles of accountability, school support, and shared services.
- Only those four schools run by the OPSB are likely to remain under strong central control. For those schools, a deliberative process to consider what functions could be taken on at the school site, versus at the central office, could be beneficial.

Assuming that New Orleans continues to have a majority charter system, there are still a number of functions that need to be centralized somewhere. These functions include:

- System-wide planning to determine how many schools are needed, of what type, and where they should be located;
- Ownership and responsibility for school facilities;
- Coordination of the school choice and enrollment process to ensure that it is comprehensive, fair, and transparent; and
- Provision of objective information about school options for parents.

While there are certainly other roles that a single authority could handle better than individual schools, the current context calls for at least the functions mentioned here to be centralized in an entity of some kind. This entity may not look like a traditional district central office; however, it will have to take on some of the central office's typical roles and have some basic authority to accomplish its mission.

III   The Central Office and the School

CHARTER SCHOOL AUTHORIZERS AND CHARTER SCHOOL GOVERNANCE: EXECUTIVE SUMMARY

INTRODUCTION

Ever since Hurricane Katrina devastated New Orleans, charter schools have been a major part of the landscape of public education in the city.

- Charter schools are public schools that are run by a private entity through a contract, or charter, with a state-sanctioned entity called an authorizer.
- In Louisiana, authorizers are either local school boards or the state Board of Elementary and Secondary Education (BESE).
- In other states, however, the ranks of authorizers include universities, non-profit organizations, city governments, and special state charter boards, among others.
- Like most states with charter laws, non-profit organizations and local school boards are the only entities eligible to receive charters to operate charter schools in Louisiana.

Authorizers are critical to ensuring that school charters are given to organizations with the knowledge and capacity to run high-performing public schools. Authorizers also oversee school operators during the period of their charter and decide on charter renewals. Without good authorizing, low quality charter schools can proliferate and do great damage to student learning. Once a charter is approved by an authorizer, functional governance, high quality management, and a cooperative relationship with the authorizer are vital to a school's continued success.

CHARTER SCHOOLS IN LOUISIANA AND NEW ORLEANS

During the 2008-2009 school year, there were 66 charter schools operating in Louisiana. BESE was the largest authorizer in the state, overseeing 52 schools. Other authorizers include the Orleans Parish School Board (OPSB), Jefferson Parish School Board and East Baton Rouge Parish School Board.

The majority of charter schools in Louisiana are located in Orleans Parish. There are 51 charter schools operating in Orleans Parish during the 2009-2010 school year, more than the 37 traditional public schools. The majority of public school students in Orleans Parish attend charter schools.

CHARTER SCHOOL GOVERNANCE

- While most charter schools are managed by leaders selected by the school's non-profit board of directors, others are managed by for-profit Education Management Organizations (EMOs) or by non-profit Charter Management Organizations (CMOs).
- All but five states require a charter to be governed by a non-profit board, though this does not necessarily preclude these boards from contracting out management to a for-profit organization.

School Management Organizations
- Non-profit charter management organizations can be compared to traditional school districts, though there are significant differences in how they operate and are governed. Though CMOs have become increasingly popular, there are, to date, no major studies on their impact on student achievement in their schools.
- There is also very little research assessing the overall impact of EMOs on student achievement, and even less that focuses specifically on their effect on the charter schools that they manage.
- Theoretically, non-profit organizations that manage schools have less incentive to sacrifice school quality for monetary gain than a for-profit organization.
- There is very little research that compares the practices or outcomes of the two types of organizations.

Charter School Governance
- Despite the importance of charter boards, anecdotal evidence indicates that many boards and board members are ineffective and can be sources of instability.
- Some boards, however, are functional and successful. Yet there is little empirical information to help determine the configuration and operating procedures for boards that encourage success.

CHARTER AUTHORIZERS: RESEARCH AND PRACTICE

Charter school authorizers are entities that award contracts to, evaluate, and oversee organizations that run charter schools. They are responsible for ensuring that charter schools are in compliance with laws and regulations and are held accountable for established performance standards.

Though there are a number of different types of authorizers, this paper focuses on the most prominent types that are represented in the research literature:
- Local Education Agencies/School Boards
- Non-profit Organizations and Universities
- State-level Authorizers

The available research indicates there are several authorizer features associated with better chartering:

- **Relative insulation from political considerations:** Though politics will always play a role in public education, authorizers that are more insulated from the need to placate interest groups in order to keep their jobs tend to make better authorizing decisions.
- **Experience in charter authorizing and oversight:** As organizations authorize more schools over longer periods of time, their practices tend to improve and they become more selective about the operators they choose. Both the volume of schools and the length of time spent authorizing are important.
- **Adequate systems and staff to collect and analyze information:** Authorizers need adequate resources in order to hire the staff and create the systems necessary to oversee and evaluate the progress of charter schools. This may be tied to the volume of schools authorized, since funding is often available to authorizers on a per school basis.

BEST PRACTICES AND METHODS

- The research literature on charter school authorizers has a relatively well-defined set of best practices and methods governing the charter approval/authorization process, the on-going support and relationship between authorizer and school, and the accountability process and decisions related to renewal or termination of charter contracts.
- The duty of an authorizer begins first with the recruitment process and the creation of a charter agreement. The authorization decision should be made based on information gained from a variety of evaluation methods. Charter agreements should be written collaboratively.
- The completion of the charter contract is only the beginning of an ongoing relationship between authorizer and operator focused on oversight and accountability. Authorizers should have sufficient resources and funding. They should establish an accountability system to evaluate operator performance.
- Lastly, authorizers must make crucial decisions regarding renewing charters or revoking them. Authorizers should use data from the accountability system in order to make decisions about charter renewal or revocation and the process and requirements should remain transparent. When schools fail to meet the goals established in their charters, authorizers should be prepared, in advance to intervene and to cancel contracts.

CONCLUSION

- While a knowledgeable and functional governing board and competent management are important to a school's success, there is little agreement on what this looks like in practice.
- There is little research that ties charter school performance to specific types of governance structures and practices.
- In spite of the problems that have plagued different types of authorizers, several important lessons emerge from the research:
    - State-level charter school authorizers are more likely to make impartial decisions on initial charter applications and renewals due to their relative distance from local political pressures and their access to resources.
    - A proliferation of authorizers may lead to a race to the bottom in charter quality, especially if there is no good mechanism to regulate authorizers.
    - Regardless of authorizer type, all authorizers can benefit from sufficient resources and staff dedicated solely to authorizing and overseeing charter schools and some insulation from immediate political pressures.

LESSONS FOR NEW ORLEANS

- The quality of charter school governance will play a major role in determining charter schools' impact on student achievement.
- Authorizing bodies could adopt a set of best practices for charter school governance as considerations when deciding whether to grant a charter.
- If the local school board continues to charter schools and operate traditional schools, the district may find it difficult to balance the interests of both types of schools. Experiences from New Orleans' past and from around the country indicate that school districts are often averse to authorizing and see charter schools competing with district-run schools for students and resources.
- The nature of authorizing in the state could also be changed. Based on the experience of other states, it may make sense to remove the authorizing powers of local school boards and place that responsibility with the state board of education or with a separate state chartering board. Nearly any major change to the chartering process would require legislative changes at the state level.
- Charter schools are likely to remain an important part of the public education landscape in New Orleans. In addition, charter authorizing and charter school governance are critical to improving the overall quality of charter schools in New Orleans. If these areas are not handled well, they could undermine the education of the majority of public school students in New Orleans that now attend charter schools.

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1   Hill, Paul T., "Recovering from an Accident: Repairing Governance with Comparative Advantage," in Who's in Charge Here: The Tangled Web of School Governance and Policy, ed., Noel Epstein (Denver: Education Commission of the States, 2004), 75.

IV   Charter School Authorizers and Charter School Governance