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Access, Autonomy, and Accountability: School Governance Dilemmas in Post-Katrina New Orleans (A)

It was Sunday, July 1, 2018, and Dr. Henderson Lewis, Jr. was on to his fourth church visit in New Orleans. He was making the rounds in the community on a momentous day for public education in the Crescent City. In accordance with Louisiana law, on July 1st, the state-created Recovery School District (RSD), which had controlled the vast majority of schools in New Orleans since Hurricane Katrina, was officially dismantled, and all schools in New Orleans returned to the authority of the locally elected school board, Orleans Parish School Board (OPSB), at whose pleasure Dr. Lewis served as the superintendent.

In the churches he visited, Superintendent Lewis encountered community members who were largely receptive to the change and offered their best for the future of the school district. And while Superintendent Lewis was reassured by the positive reception and all the hard work that had gone into making unification a seamless transition, his mind was also preoccupied with some of the big strategic questions he would face as the superintendent of the New Orleans Public Schools (NOPS) under the auspices of the Orleans Parish School Board (OPSB). The answers to these questions were not only sure to define his tenure, but they were also sure to define the legacy of the post-Katrina reforms that were discussed and debated nationally – maligned in some quarters and lauded in others.

Superintendent Lewis's primary concern was achieving the goal of equity – ensuring that the tens of thousands of students across the system had the opportunity to attain a world-class education. Many of these students came from humble beginnings much like he did. Historically, the state of education for the vast majority of low-income black New Orleanians had been abysmal since at least the 1970s – the system itself widely regarded as among the worst, if not the worst, in the United States in the 30 years prior to Hurricane Katrina.

Superintendent Lewis knew that on July 1st, the nature of his job had significantly changed. The majority of schools in New Orleans were formerly run by the RSD and were now officially under his purview. As he readied himself to assume control of all the public schools in New Orleans, many important questions were on his mind:

- *How much autonomy should the district's schools be granted under the new arrangement?*

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- *Should OPSB continue the policy of shutting down low-performing schools and approving charter operators to either take them over or start new ones?*
- *Had the state-controlled RSD made the right decisions regarding enrollment, expulsion, hiring, pay, and other issues that affect equity throughout the system?*
- *What would the goal of achieving equity look like and feel like across all aspects of the system and what strategies, structures and resources would be needed to accomplish this?*

Hurricane Katrina & the Recovery School District (RSD): The State of the 2005-06 School Year in New Orleans Public Schools

On the morning of August 18, 2005, approximately 56,000 eager students arrived to their first day of the 2005-06 school in Orleans Parish[1]. The schools these students entered were part of a system, the New Orleans Public Schools (NOPS), which had gained notoriety for rampant corruption and mismanagement under the churn of ten superintendents and changing school boards from 1995 to 2005.[2] Among the litany of issues were millions of dollars in unaccounted for federal funds, millions of dollars in fraud and waste, and system-wide failure to properly maintain buildings and equipment. The predictable result was that the vast majority of the schools in Orleans Parish were deemed failing.[3] Moreover, the district was in such financial disrepair that one month earlier the district had hired a private New York-based firm called Alvarez and Marsal to assume complete control of the district's finances.[4]

Eleven days after that first day of school in 2005, on the morning of August 29th, Hurricane Katrina made landfall in Plaquemines Parish, just south of New Orleans.[5] Hurricane Katrina, which damaged key levees in New Orleans, would go on to leave sheer destruction in its wake, killing 1,200 people, leaving thousands stranded, and destroying core infrastructure and residences for hundreds of thousands of New Orleanians. More than 80% of the students who had shown up for that first day of school just one and a half weeks prior would not return to New Orleans public schools for the remainder of the 2005-06 school year. Instead, they would finish out the year in schools in Baton Rouge, Houston, Atlanta, and other cities across the country.

Teachers received one final paycheck following the hurricane in mid-September which they could pick up from any Western Union across the country. After that, their fate, and the fate of the schools in New Orleans, was unknown.[6] The fact that teachers received their checks at all was thanks to an employee of the district who breached an Orleans Parish administrative office to rescue the computer files storing payroll information and flew it to an IBM disaster relief center in New York.[7]

Getting Schools Back Up and Running After Katrina

Two governance bodies needed to make key decisions to get schools back up and running: the Orleans Parish School Board (OPSB) and the Louisiana Legislature. The OPSB, which had a well-documented history of dysfunction, micromanagement, and racial tension, met on September 15th with an eye toward bringing some schools back on line, particularly those in Algiers, a part of the city on the West Bank of the Mississippi River with buildings that had remained relatively undamaged. Despite the exceptional circumstances, the meeting was more of the same: highly contentious and racially charged.[8] Some board members hoped to at least leave the meeting with a plan to open some

schools by November 1st, but key questions about teacher availability and the capacity to carry out core functions left the decision to another day.

Complete Makeover or System Reboot?

To some New Orleanians who had been involved in local education, Hurricane Katrina represented an opportunity to completely remake the system. This tragedy offered all new ways of defining, organizing and executing work to better serve students. For example, in the old system, poorly managed district maintenance operations teams – combined with convoluted union rules about who was allowed to repair what – meant a constant backlog for even the most basic of operational needs across the district. This confusion and mismanagement left principals helpless to fix even the simplest facilities issues and left buildings in a constant state of disrepair. Some reform minded locals thought with optimism - what if a new system meant new rules, new contracts, and new facilities befitting the deserving students of New Orleans?

One such proponent for completely remaking the system was Leslie Jacobs. Jacobs was a businesswoman who had achieved considerable success in the insurance and finance sectors, and she dedicated much of her spare time in the 1990s and 2000s to the local education system. She served a term on the local OPSB and was subsequently appointed to the State Board of Elementary and Secondary Education (BESE) when Hurricane Katrina hit. Jacobs had been known to publicly and forcefully blast the state of the system before Katrina, such as in one post-Katrina interview in which she railed: "It was academically bankrupt, it was financially bankrupt and it was operationally bankrupt. Their central office was in shambles, so the central office's ability to support schools was not there. So, pre-Katrina, one could argue that New Orleans Public Schools could vie for being one of the worst districts in the nation."[9] However, Jacobs argued, with drastic action, the system could be rebuilt. "You're going to take a district that had 55,000 students and probably open it up this year with five to 10,000 students. It is an opportunity to pick your best principals, your best teachers, get training done, rethink the delivery of curriculum and instruction…I mean, you really get to start the district from scratch." Indeed, while not everyone may have agreed with Jacobs's views, her perspective did raise important questions about exactly what expertise would constitute 'the best' principals and teachers for the post-Katrina system.

One New Orleanian who was especially unconvinced by views like those expressed by Jacobs and who questioned the underlying motives of those seeking drastic change was State Senator Karen Carter Peterson. Peterson was a native of New Orleans who attended both Howard University and Tulane Law School, and she was elected first to the Louisiana House of Representatives in 1999 and later to the Louisiana State Senate in 2010. She was a representative in the State House when Hurricane Katrina hit and was a vocal proponent of New Orleans retaining local control of its school system after Katrina.[10] Peterson strongly believed that the residents of New Orleans should have a say in what happened to the schools and that the legislature should listen carefully to the local teachers' union.

The vast majority of the educators comprising the union were black and formed an important core of the city's black middle class which stood in stark contrast to the mostly white and rural Louisiana state legislature. Some people even felt that certain legislators resented how much political power blacks had accumulated in New Orleans over the decades. Moreover, business owners who had historically held contracts with the district were anxious about what an entirely new system of arrangements crafted by the legislature might mean for their businesses. These local stakeholders were very much interested in improving NOPS in the wake of the storm, but they were more comfortable doing it within a well-understood system, managed by familiar leaders. Two competing perspectives about the right way to get schools back up and running emerged, but for the OPSB, there was still the

very practical matter of how to immediately address the uncertainty around teachers, infrastructure, and resources and at the same time set the schools up for long-term success for students. School board member Lourdes Moran had a proposal she thought would address this.

To Charter or Not to Charter in Algiers?

Working with the state and a local community group in the days leading up to the upcoming October 7th OPSB board meeting, board member Lourdes Moran put together an application to convert the 13 relatively undamaged Algiers schools to charter schools.[11] Having sent out the 57-page document to board members the day before the meeting, some board members (and interim Superintendent Ora Watson) felt blindsided by the charter proposal. To wit, Moran's plan also required an exemption from the state's charter law, which stipulated that a school's conversion to a charter school required approval from a school's faculty and parents. Governor Kathleen Blanco issued the exemption on the morning of the board meeting effectively allowing the plan to proceed if the board approved it. The critical questions now before the board were: Should they open the schools as charters and take advantage of the flexibility? Or should they reopen as part of the school district and allow the district to get back on its feet under the supervision of the remaining central office and oversight of OPSB?

The debate over whether or not to approve the charter plan foreshadowed many of the decisions that would have to be made in post-Katrina New Orleans on a much larger scale than just the 13 schools debated on that day. Moran and the group applying to operate the Algiers schools as charters stated that their schools would be "exempt from all" district policies, which they described as a "one-foot-thick stack of documents, [a] cumbersome and voluminous" roadblock to running efficient schools.[12] The most prominent implication was that the schools would not be bound by the collective bargaining agreement in place before Katrina, and the group of new charter schools would be free to hire whom they saw fit for their schools. They would not be required to simply rehire all the teachers who previously worked in those schools. Additionally, the new charter schools would have the autonomy to manage their facilities and operations independent of the district, which could give them the flexibility to get schools up and running even faster. Finally, they wanted to take advantage of millions of dollars in federal and state money available for charter schools, which was not available to traditional public schools. Opponents thought the schools in Algiers should simply reopen under district control, just as before Hurricane Katrina. Some worried about the lack of a broader accountability framework for the schools if they were to become *charterized*. Among them, a community member Jeanne Allen, who said: "Who is going to monitor them if New Orleans couldn't even handle the system it had?"[13]

In the end, the OPSB approved the charter proposal with a 4-2 vote (one abstention), and the 13 schools in Algiers became charter schools. Board member Jimmy Fahrenholtz was one of the "yes" votes and he previewed more coming decisions for OPSB, stating, "I'd be more than happy to give up my power to get kids educated." OPSB President Torin Sanders voted against the decision, stating that "there was no process," and that he was not convinced by the data on charter schools. He was joined by Brenda Mitchell, the President of the United Teachers of New Orleans (UTNO), whose union organization was deeply opposed to the plan, and she stated, "A major change in a school district during a tumultuous time is probably something I would not have suggested." Still, by the 2010-11 school year, more than half of the open schools in New Orleans would be run by charter schools (See **Exhibit 1**).

Operating Schools Outside of Algiers: The State Steps In

Eighty miles away from New Orleans decisions about schools outside of Algiers were being made in the state capital of Baton Rouge. There, the Louisiana Legislature was gearing up for a "special legislative session" to deal with the many issues pertaining to the aftermath of Hurricane Katrina. The governor proposed a bill to enable the state to take over all schools in Orleans Parish that were performing below the state average prior to the storm, which were the vast majority of schools in New Orleans.[14] The state could then directly run those schools or hand them off to a non-profit organization, university, or charter management organization (CMO) to manage.

The bill had many proponents, as many legislators had grown tired of the public school situation in New Orleans and were eager for radical change to a system that the Associated Press called "the worst in America."[15] One legislator, Steve Scalise, even put forth a bill that would enable the takeover of all New Orleans schools, not just those below the average. "Why would we only take the schools that are below the state average and leave with that system the other schools?" Scalise asked.[16] But the governor's proposal, as well as Scalise's more ambitious proposal, also had many detractors. The teacher unions in Louisiana vehemently opposed it primarily because this new arrangement would not preserve the existing collective bargaining agreement for teachers. Others, including Representative Karen Carter Peterson from New Orleans, did not think the legislation was prudent. She was joined in this opinion by most members of the Louisiana Legislature's black caucus, who believed it was an attempt to take power away from the local authority over schools in New Orleans.[17] The dispute raised serious questions about who *should* be making the decisions for the schools in New Orleans. In governance, specific and narrowly focused goals tend to be best determined by those closest to the work required to accomplish the goal; whereas broader goals, which coordinate work across many people, tend to be determined best by those who have a broader view. Where did the reopening of public schools in New Orleans fit in this equation?

On November 30, 2005, Act 35 created the Recovery School District (RSD) state entity which took control of 112 of the 128 schools in Orleans Parish, and an unprecedented new era in New Orleans' education system had begun.[18] The Act created the following mandate:

> Any school transferred to the recovery district … shall be reorganized as necessary and operated by the recovery district … in whatever manner is determined by the administering agency of the recovery district to be most likely to improve the academic performance of each student in the school. The recovery district … shall manage the schools so transferred in a fashion that provides the best educational opportunity to all students who attended or were eligible to attend such schools without regard to the attendance zones related to such schools prior to the transfer. The authority provided … includes the authority to determine and act on which schools should be operated, which schools should be closed, which schools should be relocated or rebuilt, and what range of grades should be operated in each school.[19]

Running the RSD (2006 – 2011)

Act 35 made the Louisiana State Board of Elementary and Secondary Education (BESE) the official governing body of the RSD, not the local OPSB, which effectively gave the state control over all but 16 of public schools in the city of New Orleans (See **Exhibit 2**). The newly created RSD, within weeks of being operational, faced a myriad of challenges, not the least of which was dealing with the facilities that had been damaged by Hurricane Katrina. Robin Jarvis, the assistant superintendent of the Office

of Student and School Performance for the state, was named acting superintendent of the RSD. She was tasked with helping to develop and execute the RSD's strategy for rapidly getting schools operational again *and* fulfilling the mandate of Act 35 to dramatically improve the performance of schools in New Orleans.

Two Pathways Forward for the RSD?

The RSD had two different pathways it could pursue, each with very different implications for how the RSD would need to be organized and where it would need to develop expertise. One pathway available to the RSD was to simply recreate a school district in New Orleans, but the RSD would hopefully run it more efficiently and with better results than the pre-Katrina district it was replacing. In this scenario, the RSD would operate very much like a traditional school district but one that had the notable benefit of starting from scratch. Beyond the poor condition of the physical buildings (for which it would receive state and federal aid), RSD would not be burdened with inheriting any of the systems or contracts from the previous system. The RSD would recruit teachers and leaders to work in this brand-new, state-run district, and it would directly manage them the way any other school district would. Under this pathway, the RSD would need to not only hire school-based personnel to fill the void of teachers and leaders, but it would also need to build a robust central office responsible for providing instructional and operational support.

A second pathway for the newly constituted RSD was to identify outside entities, such as universities, non-profits, community groups, or charter management organizations (CMOs) to operate schools. In this scenario, these outside entities would be given a school building and an allocated amount of state and local money proportional to the number of children under its authority. The individual school operators would have wide latitude. The RSD would be responsible first for recruiting the school operators, locally and nationally. In the short-term, the RSD would need to screen operators to ensure that they had the capacity to quickly become operational and serve students. In the long-term, the RSD would need to ensure the operators would manage high-quality schools for students and produce positive results. Under this second pathway, the RSD would also need to be able to provide oversight, support, and accountability to school operators, yet not interfere in their operations. There were no national models for school systems that gave schools such high-levels of autonomy in exchange for accountability, so the RSD would be wading into relatively uncharted waters.

Ultimately, the RSD chose a third hybrid pathway because after their analysis of the options, there simply were neither enough quality operators nor enough time to get interested operators to serve all the students who would need to be enrolled just five short months after Katrina. So, the RSD began directly operating several schools like a traditional district would while also overseeing a few carefully selected operators. By the next school year, the RSD directly ran 22 traditional schools and oversaw an additional 17 charter schools. The traditional schools were subject to many of the same constraints as imposed under the pre-Katrina district. Staffing and curricular decisions were made at the central office even though these schools were not subject to the collective bargaining agreements of the old district. The RSD hired all principals and teachers for the direct-run schools and assigned them to schools across the district based on need. They adopted a unified curriculum and made textbook purchases for schools. Using FEMA funds, they bought new furniture and computers and also distributed them to the direct-run schools.

In contrast, the charter schools had near total freedom to make their own operational decisions. Each one of the 17 schools looked and operated completely differently than the next. One would find different publishers of textbooks (or none at all as some schools opted instead for self-created

curriculum items or online options) in each charter school. Moreover, each charter school had its own pay scale, some opting to mirror the RSD's salaries and others hoping to entice teachers with significantly higher salaries. Class sizes varied greatly as some charters prioritized smaller student to teacher ratios over other operational expenditures. Leslie Jacobs voiced her optimism about the charters: "I am highly confident that this year we will have better schools than we would have had. And each year, they're going to get better."[20] At the end of the year, the RSD charter schools outperformed the directly-run schools on state assessment results (See **Exhibit 3**).[21]

Creating a "System of Schools": Enter Paul Vallas

As the RSD balanced directly operating schools, supporting charters, and repairing damaged and destroyed facilities, the interim RSD leader Robin Jarvis declared her intentions to resign in the spring of 2007. That summer, the state brought in Paul Vallas to lead the RSD. Vallas had previously been the CEO of both the School District of Philadelphia and the Chicago Public Schools, and he had a national reputation as a hard-charging reformer and change agent. Vallas set the wheels in motion for a number of changes that would have big effects on the system. First, recognizing that a teacher shortage was a major threat, he partnered with national groups such as Teach For America, The New Teacher Project, and the Broad Foundation to launch a massive recruitment effort. This brought in thousands of young transplants to New Orleans, many of whom were not traditionally trained or certified. Moreover, some of the charter schools did not require certification for their educators making it easier for non-traditional candidates to find jobs. Second, Vallas, in cooperation with OPSB, pushed through a Facilities Master Plan that addressed the rehabilitation or new construction of every school in New Orleans over the long haul, taking advantage of FEMA disaster relief money. Brand new buildings started to pop up in a city where for many years decrepit public school facilities were the norm. Many community members saw the new buildings not just as excellent facilities for young people but also as the physical manifestations of the progress being made since Hurricane Katrina. Finally, Vallas took on major changes to the schools he directly oversaw, the RSD-run schools. Vallas never wanted the RSD to be in the business of directly running schools in New Orleans; his ultimate vision was to see them operated by charter schools or other non-profit entities. His goal was to oversee a "system of schools, not a school system." Nonetheless, the RSD was still directly responsible for thousands of students. Seeing that the charters were performing better than RSD direct-run schools, Vallas eased the restrictions on the schools the RSD managed directly, giving the principals charter-style autonomies over their curricular choices and disciplinary policies among others, all the while planning for them to be managed as charters in the long run.

Vallas Departs. For some New Orleanians, Vallas's moves were not heralded as progress. New Orleans had long been a city of uniquely distinct neighborhood communities, and its schools were a unique part of that fabric (See **Exhibit 4**). Many parents felt confused by the new system as schools were no longer "neighborhood schools," but rather, they were open to students all across the city. And across the schools, enrollment processes varied greatly and were often unclear. Many people believed this hurt vulnerable student populations the most, especially students with disabilities. Another issue raised by many critics was the makeup of the teaching force. Many teachers who had been previously employed by the system prior to Katrina felt discriminated against in the new post-Katrina job market. They felt as though charters favored young transplants as opposed to more experienced local teachers. Most of the teachers who felt this way were African American and veterans of the city system. Whereas 71% of the teachers in pre-Katrina New Orleans were black, black teachers made up less than half of the teaching force by 2014.[22]

Karran Harper Royal, a parent and activist in New Orleans, was one of the system's harshest critics. She said, "I'm no defender of the status quo; before Katrina we had problems, but there were also successes. Having an elected school board created ways for the public to participate. When Katrina hit, I was serving on the search committee for a new superintendent. For years I served on the disciplinary review committee. It was much different from the dictatorial charter school environment. The charters purport to give parents and teachers greater power, right? But you have little real voice."[23] Harper Royal also explained, "This is not a respectful endeavor. You can't 'do' reform to people, you have to do it with people. I always believe that solutions lie within the people who are being harmed." Harper Royal's criticism did not stop at the lack of perceived community input. She also believed the RSD, in comparison to charter operators, had squandered the opportunity they were given and had not proven much in the way of results. "Paul Vallas [and State Superintendent Paul Pastorek]—they had the greatest opportunity, the greatest interest from ordinary citizens, additional dollars, no teachers' union or school board to contend with. They had the opportunity to truly work magic... Because they had their pick of the best people from the school system. Why didn't they choose the best?"[24]

After four years, Paul Vallas set his sights on new horizons. He made his intentions clear to state superintendent Paul Pastorek that he would resign at the end of 2011 in order to work on the education systems of Haiti and Chile, which had both recently been affected by earthquakes. By the end of Vallas's tenure in 2011, the percentage of students scoring at Basic or above on the state assessment had increased by 25%, far and away the highest growth of any district in Louisiana. The percentage of schools considered academically unacceptable had fallen from 65% in 2008 to just 22% in 2011. The RSD's charter schools dramatically outperformed its direct run schools for each year of Vallas's tenure (See **Exhibit 5)**. The departure of Paul Vallas in 2011 ushered in a new phase in the New Orleans recovery journey.

Creating a Unified System of Schools (2011 – 2014)

At the time of Vallas's departure, the student population in New Orleans had grown back to 39,877 students. Thanks to Vallas, the schools, both direct-run and charter-run alike, operated with vast autonomies, and the system was more like a "system of schools" than a "school system." This raised an important question about whether the students in New Orleans – the number and composition of whom had changed in clear ways since the pre-Katrina era (See **Exhibit 6)** – would ultimately be best served in such a system of schools. A new leader, Patrick Dobard, was brought on board to wrestle with this and other critical questions arising within the new system.

Patrick Dobard Assumes Control of RSD

Patrick Dobard was selected to lead the RSD by his short-tenured predecessor, John White, who after just six months at the helm of RSD was tapped to be the Louisiana state superintendent.[25] Like White, Dobard was viewed as a youthful, optimistic leader for the changes afoot. Dobard also had deep roots in New Orleans, having been born in the city's seventh ward and having attended St. Augustine High School, the vaunted black Catholic high school rather than his local public high school, Joseph S. Clark. Dobard remembered his older siblings, who attended Clark in pre-integration New Orleans, had received top-notch educations. However, the fallout from integration in New Orleans and the white flight that ensued, compounded by systemic neglect and underfunding, had deteriorated the schools to such a level that his parents "scraped up everything they could because they did not trust the New Orleans public school system to educate [me] as well as [it did] their four older children."[26] After some time spent teaching and working for the Louisiana Department of Education, Dobard attended the Eli

Broad Superintendent Academy, an alternative certification track for superintendents known, in part, for bringing business models and mindsets to the education sector. With one foot squarely planted in the traditional New Orleans education community and one foot squarely planted in the reform community, Dobard had a unique vantage point from which to push the RSD forward. In the early period of his tenure, Dobard began to hear community concerns that helped him determine the direction the RSD would need to take - especially with respect to two key governance dilemmas - student enrollment and expulsion.

Decision Making Dilemmas: Enrollment and Expulsion

At school board meetings, some parents and community members voiced immense frustration over the confusing and haphazard nature of school enrollment. In 2011, to enroll a child in school, a parent would first have to find a suitable school. Then parents had to go to the school to see if there were any spots available, and once there, they had to fill out an enrollment application. If the school they desired was full (or rejected their application), that parent would then have to seek out another school and start the process all over again. This process would continue until they were successfully enrolled somewhere. Because every school was autonomous, each school had its own unique enrollment process, and there was no one place a parent could go, such as the district office, to enroll a student. This became particularly difficult for students moving to the district during the school year. The process was also inevitably more burdensome for families with less information, resources or social and cultural capital to navigate the system's complexities.[27] The lack of a strong centralized mechanism to control the many independent schools' enrollment practices left the system particularly susceptible to abuses and unethical practices, such as schools discouraging certain types of students, especially those with disabilities, from applying. One student said, "the other school wouldn't accept me because I failed the EOC [End-of-Course Assessment] by one point so I signed up for [this school] and came here."[28] Gaby Fighetti, assistant superintendent for the RSD under Dobard recalled "the feeling of both educators and families that enrollment wasn't working was fairly well agreed upon by all parties. For parents, the meta-story at the time was that if your child had special needs, no charter would serve them. Charter leaders also really struggled. You didn't know who was going to show up on Day 1, and there was no mechanism to ensure that kids weren't holding multiple seats and families knew where to go."[29] For the purposes of system-wide enrollment, the vast autonomy of individual schools seemed to be hurting both families and schools.

Complaints about decision making criteria and systems were not limited only to how students entered the school system. There were also questions about how students were being expelled or "pushed out" of some schools at extremely high rates. In the years after Hurricane Katrina, autonomous charter schools were permitted to hold their own internal expulsion hearings, often with the principal acting as the hearing officer, and thus the schools could expel students with no external accountability. Research done by Tulane's Douglas N. Harris demonstrates a dramatic increase in expulsions and out-of-school suspensions in New Orleans after Katrina, with its apogee in 2009.[30]

RSD Centralizes Enrollment and Expulsion

The consequences of autonomy for school enrollment and expulsion - and potentially for many other less easily recognizable but no less important areas of school operations - led the RSD to take immediate steps to centralize some school autonomies. Gabby Fighetti, who worked closely with the team that created New York City's centralized enrollment system, create the OneApp, a universal enrollment system for the entire RSD. Under this new OneApp system, which became operational for the 2012-13 school year, parents had only one application to fill out. On this application, families could

rank order their choices for any of the schools in the RSD, and they would be assigned to a school based on their preferences and the applications of all the other applicants in the system. The effects of centralized enrollment were far-reaching. Students no longer had to go from school to school to submit applications and wait to hear back. Instead, they simply submitted one application that included all their choices. For schools, there was much greater certainty about who was attending school in the fall, as students were not receiving multiple acceptance letters from multiple schools. Moreover, schools that had been acting in bad faith were prevented from screening students.

With decision making about expulsion, Dobard went even further. He issued explicit guidelines around expelling students. In contrast to the earlier practice of internal hearings, if a school wished to expel a student, it had to follow a series of prescribed steps. First, it would need to ensure that the alleged infraction met the guidelines for an expellable offense (no minor offenses, even repeated minor offenses, qualified). Second, schools would be required to complete a full investigation within three days of the offense. Then, schools had the option of submitting expulsion paperwork to the RSD, which would be reviewed for proper compliance measures and then proceed to a centralized hearing before a neutral, RSD hearing officer at the RSD offices. There, with the student and designated family member(s) present, the school would be allowed to present their case, and the hearing officer would determine the outcome of the case. Families also would have a right to appeal cases once they were decided.[31] While this process required a lot more resources from the RSD (staffing the expulsion office), it prevented schools from making decisions without accountability while adding transparency to the process.

As Dobard explained, "Autonomy doesn't mean free reign, even when you don't see things working well. So enrollment wasn't working well, so we had to centralize that in order to make it fair and equitable. We saw that expulsions were out of hand, so we had to put guardrails in place." Indeed, the combined new guardrails of OneApp and the new centralized expulsion policy meant that the RSD controlled how students enrolled in schools, which schools students attended, and how students were expelled from schools. For some charter leaders, this represented a big grab back of school autonomy. Some community leaders, however, wanted the district to go even further. Schools in the RSD set their own school calendars and start and end times. For parents with children in multiple schools, this presented serious logistical challenges. Yet, many principals believed that innovative practices around increasing the number of adult professional development days and creating longer school years and school days were instrumental to the academic gains being made during the post-Katrina era. These principals felt strongly that schools should still be allowed to decide such matters. And, while Dobard's administration did not go further at that particular time, the issue of how much autonomy to grant schools remained an open question.

Stagnation, Common Core, and the End of the RSD (2015 – 2018)

Unprecedented Gains…Unexpected Losses

By the time the 2015-16 school year began and with five years of Dobard at RSD's helm, the city of New Orleans was able to tout undeniably dramatic gains since Hurricane Katrina. The RSD had grown the number of students achieving "Mastery" on Louisiana state tests from 0.5% in the school year before Hurricane Katrina, to 24% in the 2015-16 school year, and the RSD more than doubled the number of students performing at "Basic" and above over the same period.[32] Douglas N. Harris of Tulane University found that from just after Hurricane Katrina in 2005-06 through 2014, the student achievement levels on Louisiana state assessments in New Orleans increased between 11 and 16

percentile points. There was also an increased college entry rate of between 8 and 15 percentage points, and an increase in college graduation rates of between 4 and 7 percentage points.[33] Harris's report noted how unusual it is to see such dramatic gains across a variety of metrics in less than a decade on such a substantial scale. Still, the 2016-17 school year marked the first school year since Hurricane Katrina that student achievement in New Orleans declined, capping an impressive 10-year run of gains. The percentage of students in New Orleans achieving Mastery declined 6% and the percentage of students achieving Good or Excellent on end-of-course (EOC) exams declined 6%.[34] In Harris's 2018 report, he noted: "there are some signs that scores have flattened out or declined slightly over the past few years."[35]

School and district leaders attributed lagging gains to the implementation of more difficult assessments aligned to the Common Core state standards. Individual schools and the district also pointed to difficulties recruiting and retaining talented classroom teachers and dynamic school leaders as sources of the dip. Thinking about what was needed to re-start the progress, Dobard mused, "Right now, I wish we would focus more on how people are using curriculum and implementing curriculum … I do think there's a sense of responsibility to make sure folks are well equipped in order to be successful with their students."[36] With these thoughts in mind, Dobard signaled a willingness to enter a realm that the RSD had consciously stayed away from in the first decade of reforms: How to strengthen curriculum and instruction across all schools -- in other words, potentially intervening in the instructional core from the district systems level. Would separate charter management organizations (CMOs) and school leaders be interested in this type of support from the district? Or would they see it as an encroachment on well-established autonomies that enabled them to achieve the dramatic gains they had achieved over the previous ten years? Perhaps there was a role for CMOs themselves to step in to fill the void or space for other actors such as New Schools for New Orleans (NSNO), a nonprofit organization committed to excellent local public schools. Ultimately, any answers to this question would be out of Patrick Dobard's hands as the state-run RSD was soon to be dismantled.

Dr. Henderson Lewis, Jr. at the Helm at Orleans Parish

At the same time that Patrick Dobard had been making significant changes to the RSD, the OPSB, on a parallel governance track, was continuing to operate the small minority of schools that were not taken over by the state. Although OPSB sometimes had been overshadowed by the RSD since the RSD's establishment, it remained the governing body in control of the non-RSD public schools in New Orleans during the entire post-Katrina period. Leading up to 2015, its superintendent position had been vacant, due in part to the uncertainty surrounding the future of OPSB.

After two years of searching, the OPSB selected Dr. Henderson Lewis, Jr., a native New Orleanian, as its new superintendent to lead the sixteen OPSB-controlled charter schools and six directly managed schools, all of which were relatively high performing. Dr. Lewis was successfully leading a traditional local school district – East Feliciana Parish Schools – and he had significant experience in the charter sector too having worked in multiple positions within the Algiers Charter Schools Association, the first CMO to get authorization to open locally after Katrina. Lewis initially rebuffed the efforts to recruit him to the post, but ultimately changed his mind. "I saw that the district needed leadership and they weren't able to hire anyone. As a former teacher, assistant principal, principal, and Director of Academics in New Orleans, I felt I met the profile of what they were looking for."[37]

From the very beginning of his tenure in 2015, Dr. Lewis forecasted the future, stating his belief and his desire that the state would not permanently run schools in New Orleans. "When I came in, one of my main objectives was to have the schools back under the local school board, eventually."[38]

New Directions and the End of the RSD

In April of 2016 in Baton Rouge, State Senator Karen Carter-Peterson of New Orleans introduced legislation to shut down the RSD in New Orleans and return control of all of the schools to the locally elected school board, the OPSB.[39] "In 2019, these schools are coming back," she said. Peterson had been fielding calls from her constituents for years about their dismay over the lack of local control over their city schools in New Orleans. This time, Carter-Peterson, who, early on as a minority voice, had advocated against radical change in the NOPS and for more democratic representation, appeared to be in the majority by then. She had been in talks for weeks with both Patrick Dobard of the RSD and Dr. Henderson Lewis, Jr. of OPSB, and they both accompanied her for her bill introduction. Carter-Peterson argued that the role of the state-entity RSD had run its course, and it was time for the people elected by the citizens of New Orleans to make decisions about their own local schools.

The bill envisioned a dramatically different school governance model than what existed before Hurricane Katrina. In the old model, the board controlled everything: hiring, equipment, curriculum, operations, transportation, payroll and human resources. In the more than ten years since Katrina, schools had become accustomed to a lot more flexibility on all of these fronts - in fact, the RSD controlled almost none of these functions. The new OPSB would mirror the RSD a lot more than its pre-Katrina incarnation. Of the proposed bill, the local newspaper the Times-Picayune wrote, "The bill would not restore the muscular School Board and superintendent that were undercut in the state takeover; instead, the Recovery schools would return as independent charters run by nonprofit boards, as they are now. The Orleans Parish School Board would be largely an oversight body that sets benchmarks for charters to meet and intervenes to revoke charters if necessary."[40] Its seven members would continue to be elected from seven geographic regions of New Orleans.

Despite the unified front, not everybody was on board with the proposal. Even with the limited role for the OPSB established in the bill, some still did not trust the local governance of schools. Walt Leger, a state senator from New Orleans, said that many of his constituents "are not thrilled about schools returning to the Orleans Parish School Board."[41] There was also opposition from board members and skeptical citizens who, unlike Walt Leger, thought the new arrangement would disempower the new OPSB and disempower the citizens of New Orleans, in particular the black citizens of New Orleans whose children made up the majority of students in city schools. These critics also included State Senator Joseph Bouie of New Orleans and Reverend Willie Calhoun, who said that the law "does too much to dilute the power of the Orleans Parish School Board."[42]

On May 12, 2016, the bill was signed by the Governor of Louisiana and became Act 91. It stipulated that "Not later than July 1, 2018, every school transferred to the Recovery School District pursuant to R.S. 17:10.5 or 10.7 shall be returned to the governance, administration, and jurisdiction of the local school system from which the school was transferred."[43] The law included more than ten areas in which the board could not "impede the operational autonomy" of charter schools under its jurisdiction. One year after the reunification legislation passed, Patrick Dobard resigned as superintendent of the RSD and was succeeded by his longtime deputy, Kunjan Narachenia, who was tasked with closing out the RSD.[44] Narachenia closed down RSD under this edict, "As we look toward a new era in New Orleans public education under the leadership of the Orleans Parish School Board, our city needs to shift its approach in order to maintain the pace of growth we saw over the past decade."[45] Dr. Henderson Lewis, Jr., who had been heading the approximately 20 schools still under OPSB authority since 2015, was charged with designing and implementing the new strategy that would make this amended governance approach a success.

Lewis and his team began preparing for the transition immediately. He hired former standout New Orleans principal Amanda Aiken to be the Chief External Relations Officer and put her in charge of rebranding "OPSB" into "NOLA Public Schools." "Previously, many New Orleanians were left feeling like education reform had been done *to* them and not *with* them, and we were trying to change that narrative."[46] The rebrand focused on strong community relations and a visible presence by senior leaders in the community.

Lewis's team also released the "Charter School Accountability Framework" that laid out how OPSB intended to hold schools accountable to performance standards in the non-traditional governance structure they were set to inherit. "As a result of all the hard work that had gone into preparing for unification, people were feeling really good, and a lot of the worry they had was assuaged, demonstrated by the fact that some schools voluntarily returned to OPSB before they were mandated to," said Aiken of all the work that went into preparation.

In a letter to the community in May of 2018, Lewis wrote, "This is an exciting time… We will make sure our system of schools is working for every child and that there is a consistent, clear set of rules across the board. Our work will not be done until every child born in New Orleans has the opportunity to attend great schools, learn from excellent teachers, and earn the life of possibility and opportunity that we want for our own children."[47]

Questions for the Future

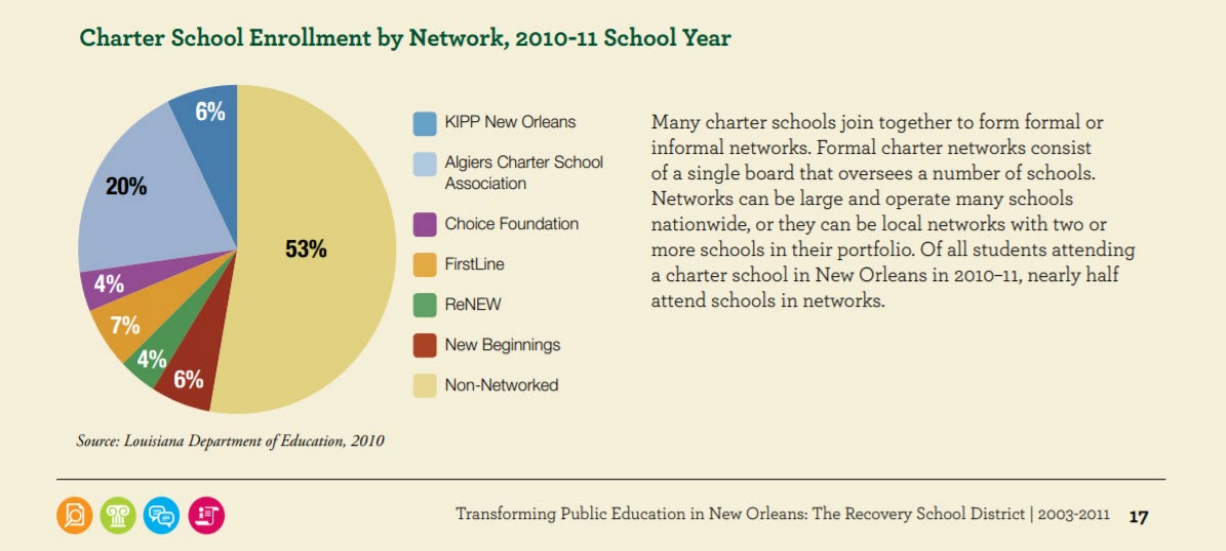
Now, on July 1, 2018, closing out the last of his church visits the Sunday he assumed control of all the schools in Orleans Parish, Henderson Lewis Jr. was struck by the tremendous opportunity and daunting challenge of the governance decisions before him. This meant not only addressing critical questions about autonomy, charter authorization and low school performance. It also meant potentially revisiting decisions made by the state-controlled RSD regarding enrollment, expulsion, hiring, pay, and other issues that affect equity throughout the system. "There is a delicate balance between autonomy for schools and being responsive to students and families as a system," said Lewis. "For instance, imagine having multiple children in the system, and their schools don't start on the same day, they're not off for Thanksgiving on the same day, and they're not off for Christmas on the same day."[48]

Among the challenges specifically highlighted by Superintendent Lewis: "One of the big concerns is around our talent, the recruitment and retention of high-quality personnel, because if we are going to continue to improve the school system, every single classroom has to be staffed by a highly qualified individual," said Lewis, citing a nearly 30% turnover rate. "Also, making sure we have a pipeline of leaders, in terms of principals and our CMOs."[49]

"Another big issue is, in a system where 20% of your schools are in the "D" and "F" category, what supports can happen at a district level to prevent non-renewal, in this autonomous system that we have? Particularly when your A, B, and C operators are at capacity. That is something we have to continue to work on."[50]

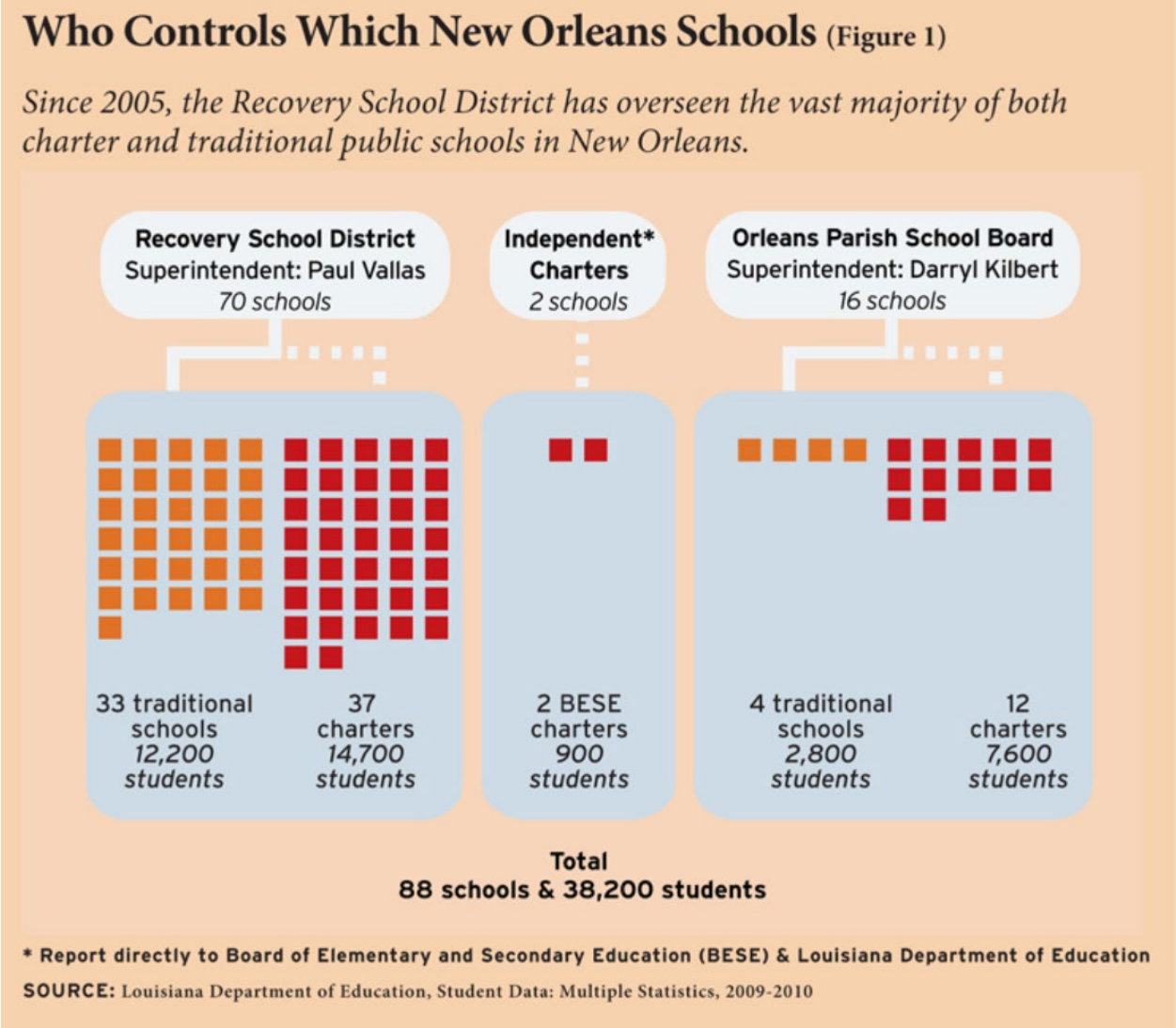
The answers to these and a myriad of other questions would set the strategic priorities for the newly unified system and shape the schooling experiences and life outcomes of the 44,534 K-12 students that the NOLA Public Schools now served, in perhaps the most unique school governance model in the nation.

Exhibit 1 Charter School Enrollment



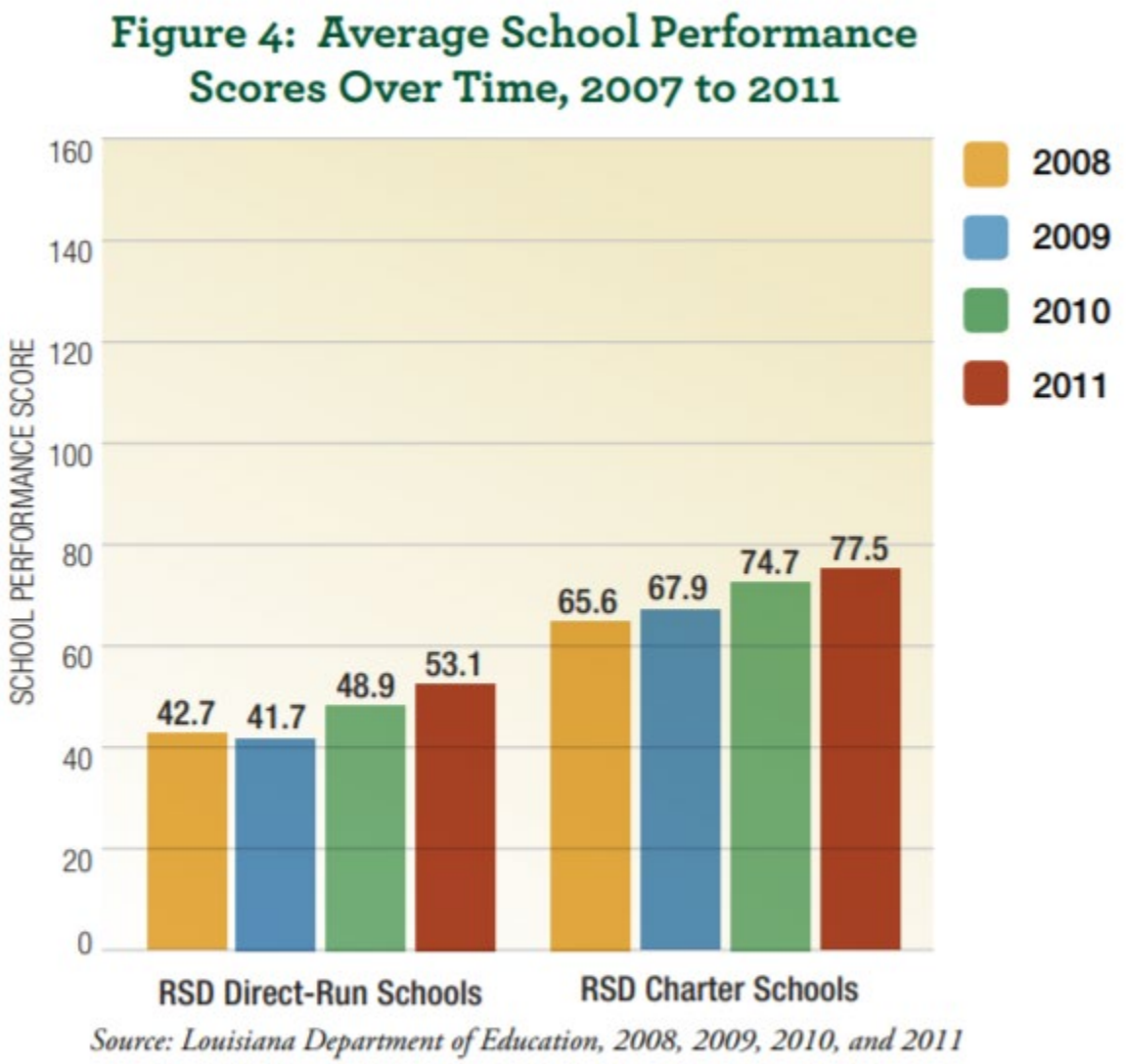
Source: http://www.thecoweninstitute.com.php56-17.dfw3-1.websitetestlink.com/uploads/History-of-the-RSD-Report-2011-1490714831.pdf

Exhibit 2 Distribution of School Control in New Orleans



Source: https://www.educationnext.org/new-schools-in-new-orleans/

Exhibit 3 Average School Performance Over Time

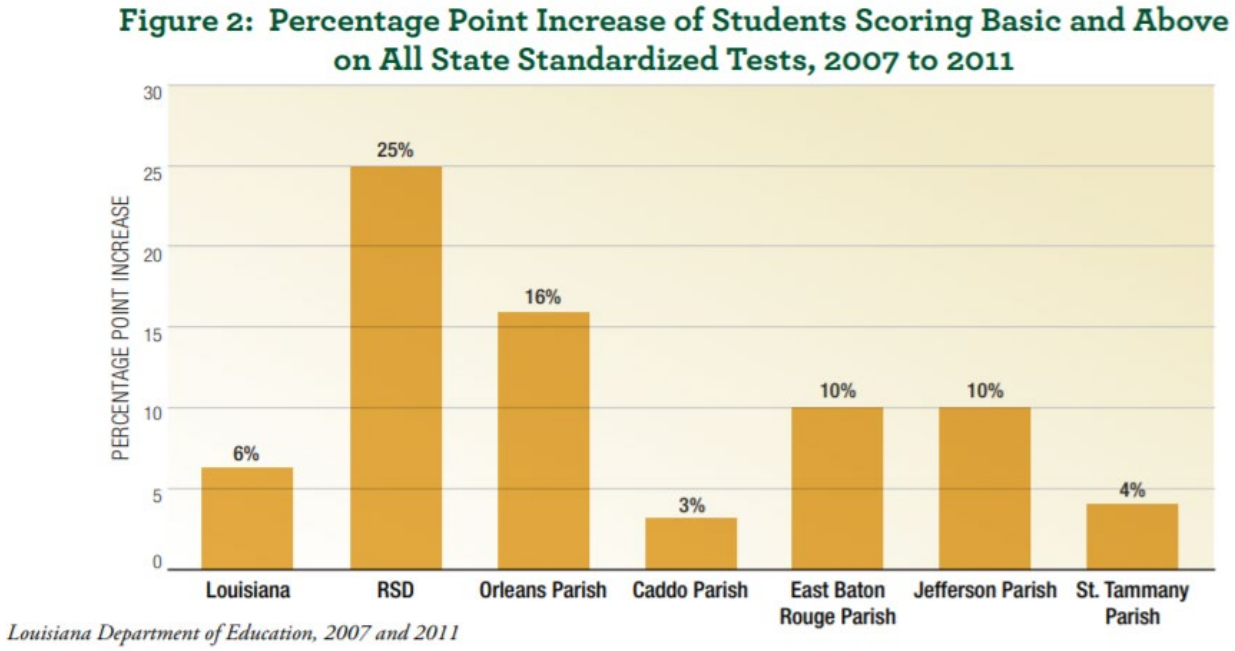


Source: http://www.thecoweninstitute.com.php56-17.dfw3-1.websitetestlink.com/uploads/History-of-the-RSD-Report-2011-1490714831.pdf

Exhibit 4 The Neighborhoods of New Orleans

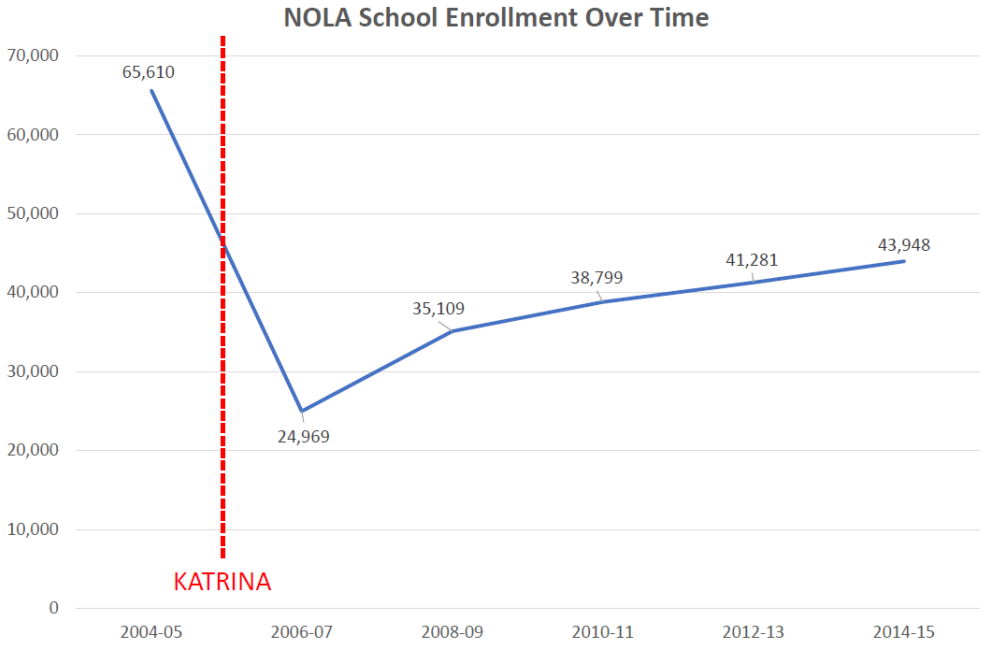
Source: https://www.nola.com/300/image_ad5667d0-01bf-5a12-a5ea-7245c4ed0e65.html

Exhibit 5 Percentage Point Increase on State Standardized Tests from 2007 to 2011



Source: http://www.thecoweninstitute.com.php56-17.dfw3-1.websitetestlink.com/uploads/History-of-the-RSD-Report-2011-1490714831.pdf

Exhibit 6 New Orleans Demographic Data from 2004-2005 to 2014-2015



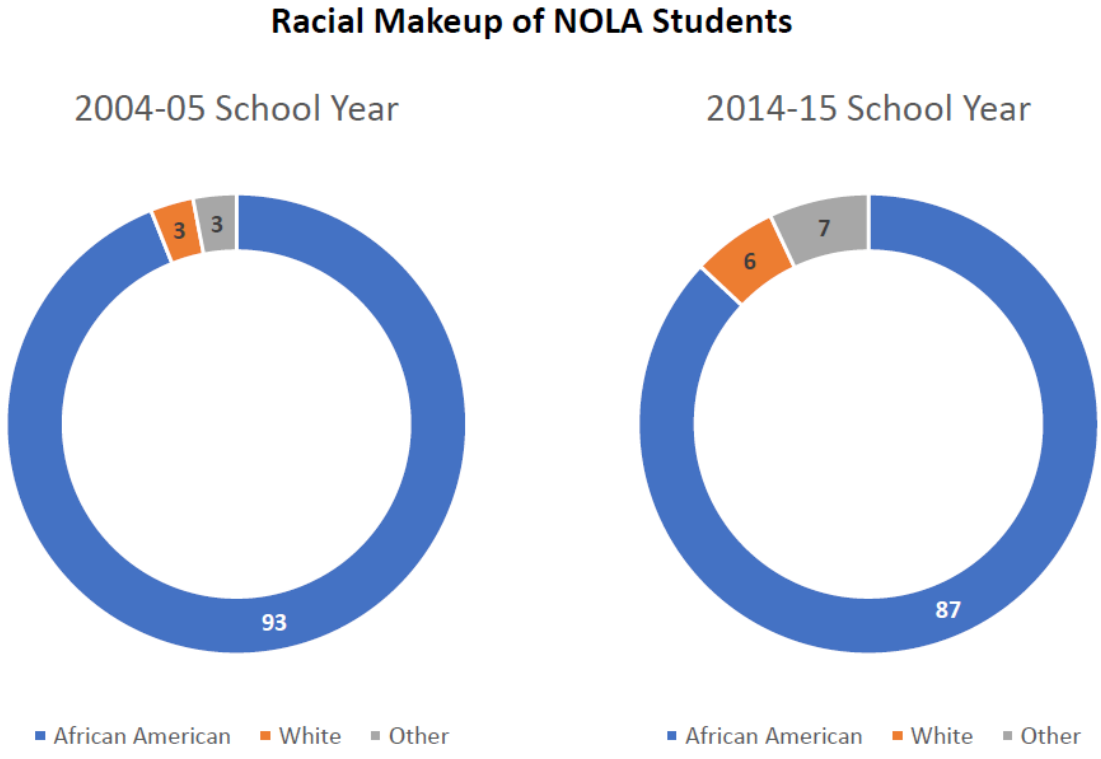
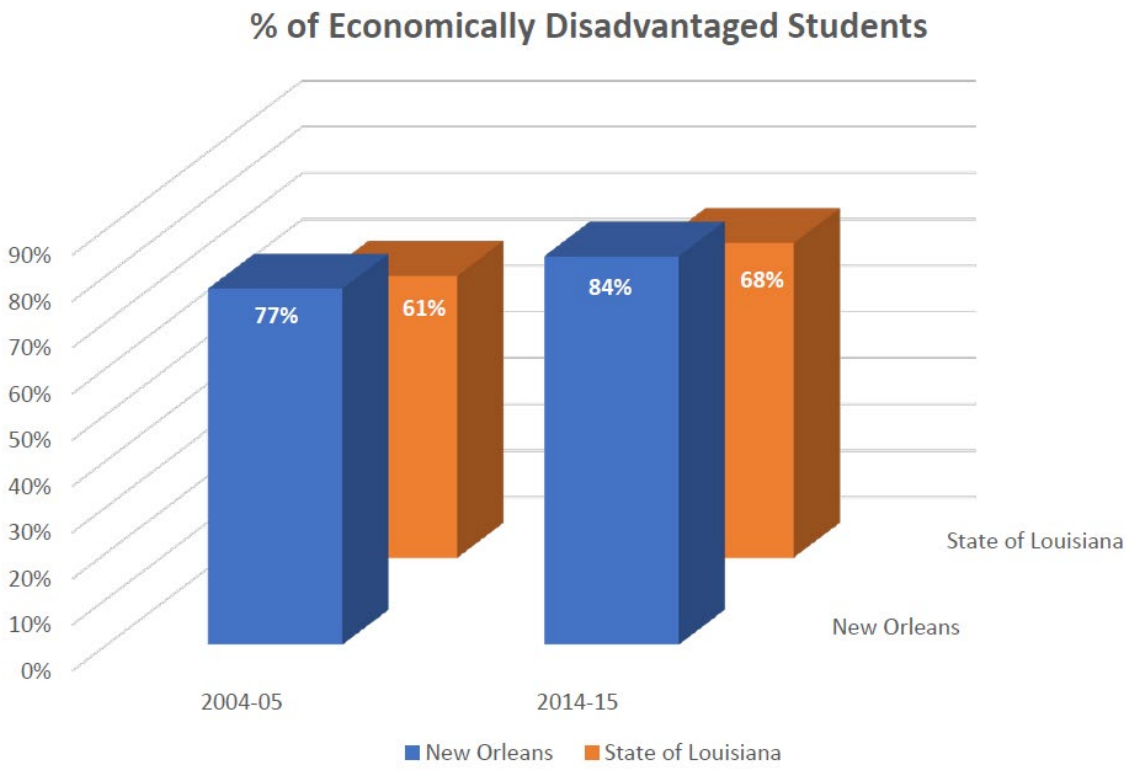


Exhibit 6 (continued) New Orleans Demographic Data from 2004-2005 to 2014-2015



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