

## **N.O. College Prep Charter Takes-Over the Cohen Building, Without Taking-Over the Failing Cohen Students**

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(Revised Article)

Most people would think that the state take-over of a failing school would mean the take-over of the failing students in the school building. But, that was not the case for the New Orleans College Prep's take-over of the failing Cohen High School in uptown New Orleans. New Orleans College Prep took-over the Cohen building, without taking-over the failing Cohen students.

In the 2011-12 school year, N.O. College Prep Charter School was allowed to operate a high school in one part of the Cohen High School building, while the Recovery School District operated the Cohen High School in another part of the building. Not only was N.O. College Prep Charter School not required to enroll the failing Cohen students in their high school, but, more egregiously, they were allowed to remove their own students who displayed minor behavior problems.

For N.O. College Prep Charter School to move into the Cohen building, without having the requirement of enrolling the failing Cohen students, and then for N.O. College Prep Charter School to develop its own expulsion rules, providing for the removal of its students with minor behavior problems, is a mockery of the so-called reform initiative in New Orleans. Charter schools were created for the purpose of developing innovative ways to teach the at-risk. Obviously, N.O. College Prep Charter School is not required to even interact with the at-risk. Unfortunately, this scenario has been repeated in other failing New Orleans high schools.

### **The Beginning of N.O. College Prep: N.O. College Prep Moves Into the Sylvania Williams Elementary School Building**

For the years 2007-08 and 2008-09, both N.O. College Prep Charter school and the Sylvania Williams Elementary school operated in different parts of the Sylvania Williams building, located at 3127 Martin Luther King Blvd. Then in the 2009-10 school year, Sylvania Williams closed, leaving the building for N.O. College Prep Charter school. (Table 1)

During these above two years that Sylvania Williams Elementary was open, it was operated by the Recovery School District as a direct-run school as it had been included in the state take-over. <sup>i</sup>

<b>Year</b>	<b>School Code</b>	<b>School Name</b>	<b>School Address</b>	<b>School Performance</b>	<b>Grades</b>	<b>Enrollment</b>
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				Score		
2004-05	036128	Sylvanie Williams Elementary	3127 MLK Blvd	51.5	Pk-7	313
<b>State Takeover of New Orleans Schools in Beginning of 2005-06 Year</b>						
2005-06		Sylvanie Williams Closed				
2006-07		Sylvanie Williams Closed				
2007-08	396018	Sylvanie F. Williams School	3127 MLK Blvd	~	Pk-8	197
	385001	NO College Prep Charter School	3127 MLK Blvd	~	6	120
2008-09	396018	Sylvanie F. Williams School	3127 MLK Blvd	~	Pk-4	253
	385001	NOLA College Prep Charter School	3127 MLK Blvd	67.0	6-7	154
2009-10	385001	NOLA College Prep Charter School	3127 MLK Blvd	73.4	1-2,6-8	441
2010-11	385001	NOLA College Prep Charter School	3127 MLK Blvd	67.9	6-9	604
2011-12	385001	NOLA College Prep Charter School	3127 MLK Blvd	67.6	K-10	817

### **N.O. College Prep and the Walter L. Cohen High School**

Walter L. Cohen High School was labeled as a failing high school for several years prior to Hurricane Katrina.<sup>ii</sup> In 2004-05, its School Performance Score was 21.5. Cohen was included in the state take-over and placed in the state's Recovery School District. With the state take-over came the advent of Type 5 charter schools, which meant the chartering a failing school.<sup>iii</sup> While the Recovery School District was eager to grant Type 5 charters to those who applied to operate the failing schools, none applied to operate the failing high schools. Charter operators were easy to find for the failing elementary schools. But, the Recovery School District could not find charter operators to run any of the notoriously low performing New Orleans high schools. No one came forward to charter them. Thus, the Recovery School District (RSD) had to operate them, and they became known as direct-run schools.

Thus, after the state take-over in 2005, Cohen High School was transferred to the Recovery School District. The school was closed in 2005-06 and 2006-07, and then reopened in 2007-08 as a direct-run school operated by the Recovery School District. The Recovery School District was equally as unable as the Orleans Parish School Board to improve Cohen's failing status. During the five (5) years of operation by the Recovery School District (2007-08 through 2011-12), the school remained as a failing school, ranking among the lowest performing schools in the state. (Table 2) Of all of the schools taken-over by the RSD, the lowest performing schools were the high schools. These all became direct-run RSD schools, and they all continued to be

low performing high schools during their governance by the RSD. The RSD has had little success with improving the high schools in New Orleans.

<b>Table 2: Walter L. Cohen High School</b>						
<b>Year</b>	<b>School Code</b>	<b>School Name</b>	<b>School Address</b>	<b>School Performance Score</b>	<b>Grades</b>	<b>Enrollment</b>
2004-05	036022	Walter L. Cohen High School	3520 Dryades St.	21.4	9-12	750
<b>State Takeover of New Orleans Schools in Beginning of 2005-06 Year</b>						
2005-06		Cohen Closed				
2006-07		Cohen Closed				
2007-08	396004	Walter L. Cohen High School	3520 Dryades St.	~	9-12	587
2008-09	396004	Walter L. Cohen High School	3520 Dryades St.	20.0	8-12	494
2009-10	396004	Walter L. Cohen High School	3520 Dryades St.	28.2	8-12	409
2010-11	396004	Walter L. Cohen High School	3520 Dryades St.	28.8	9-12	418
2011-12	396004	Walter L. Cohen High School	3520 Dryades St.	28.8	9-12	257
2011-12	385001	NOLA College Prep Charter School	3520 Dryades St.	67.6	K-10	817

**New Orleans College Prep Charter School and Walter L. Cohen High School Operating Separately in the Same Building**

In 2011-12, when the N.O. College Prep Charter School received a Type 5 charter to take-over the Walter L. Cohen High School, N.O. College Prep was not required to include the Walter L. Cohen students. As a result, a very conflicting situation resulted. The Cohen High School students were educated in one part of the building, and the N.O. College Prep Charter high school students were educated in another part of the building. Of the many problems created by this arrangement, two of the most devastating are described below.

First, charter schools were granted governance rights in Louisiana in order to develop innovative ways to educate at-risk students. For N.O. College Prep Charter School to enter the Cohen High School building, which had been a failing school for years, and not be required to educate the Cohen students was tragic. This is contrary to the core of the Louisiana charter school law, which focuses on finding innovative ways to educate the at-risk. The Recovery School District and its top management, the Board of Elementary and Secondary Education, which allowed the chartering of a failing building, without including the failing students, bear the responsibility for granting a charter operator the authority to deceptively misconstrue state law.

Secondly, the two schools, operating on different floors in the same building, continue the inequities that were supposed to have been dissolved in the Brown v. Board of Education decision.<sup>iv</sup> That ruling said that the sense of inferiority that was felt by Black students who could not attend White schools was equally as divisive as the inequities in the school buildings

themselves. The court concluded that students must be motivated to learn, and that a sense of inferiority strikes at one's motivation to learn. While this is no longer an issue of Black and White, it is an issue of selective admission and selective retention. The message sent by the N.O. College Prep Charter operators to the Cohen High School students is that they are not worthy of enrollment into the charter school. Thus, over 50 years since the Brown decision, again, in the Cohen building, this same concept of inequality has returned to this city.

### **Charter Schools Make Their Own Rules for Expulsion**

The Board of Elementary and Secondary Education allows N.O. College Prep Charter School, and all other charter schools, to create their own expulsion rules. Using their own rules, N.O. College Prep can expel students for numerous minor behavior infractions.<sup>v</sup> Contrast this with the expulsion rules for students in Cohen High School prior to the state takeover. At that time, students could only be expelled by committing major behavior infractions that were outlined in state law. When a charter high school is allowed to expel students for minor infractions, the school's performance will improve. However, the expelled students then become a burden on the city.

The discretion that the Board of Elementary and Secondary Education allows for charter schools to set expulsion rules was affirmed by Mr. Chas Roemer, BESE chair of the state's take-over committee (Recovery School District committee). He stated that charter schools are autonomous and that they can devise their own rules for expelling students.<sup>vi</sup> Specifically, at a Recovery School District committee meeting in New Orleans, Mr. Roemer said: "The charter school determines what they can and cannot do autonomously. So that is their decision, their discipline policy, their expulsion policy, their attendance policy, which can be determined at a school by school basis."<sup>vii</sup>

### **In Conclusion**

The state take-over of a failing high school is provided for in Louisiana law. The take-over of a failing high school by the state sends the school into the Recovery School District, which assigns charter operators to the failing schools, whenever possible. The state law that allows for a school take-over is based on the concept that a different governance structure, *i.e.*, a charter school governance structure, would result in innovations that could improve the failing school's performance. In other words, a failing school would no longer be under the bureaucracy of the Orleans Parish School Board governance, but would be under a charter governance board that could be more innovative in developing strategies to best educate those failing, *i.e.*, at-risk students.

Nowhere in the law does it provide that the take-over of a failing school means the take-over of the school building, instead of the take-over of the failing students in the building. Yet, when

N.O. College Prep Charter School was granted authority to become the charter operator at Cohen Senior High School, it took-over the building, but not the failing students. The non-charter Cohen students and the charter Cohen students (N. O. College Prep students) are taught on different floors of the same building. (Table 3)

<b>Table 3: 2011-12 School Year: Two high schools in the same building at 3520 Dryades St.</b>						
<b>School Year</b>	<b>School Building Location</b>	<b>Code</b>	<b>Name</b>	<b>Performance Score</b>	<b>Grades</b>	<b>Enrollment</b>
2011-12	3520 Dryades St.	396004	Walter L. Cohen High School	28.8	9-12	257
		385001	NOLA College Prep Charter School	67.6	K-10	817

N.O. College Prep Charter School moved into the Cohen building, without enrolling the Cohen students, and with its own set of rules that allow for expelling at-risk youth for minor behavior infractions. This scenario has been repeated in the other failing high schools in New Orleans following the state take-over. To allow charter operators to take-over the building without taking over the failing students in the building, and to allow charter operators to expel the students they do enroll for minor behavior infractions, will give the charter schools improved performance scores, but it will also burden the city with more uneducated teenagers and more violence.

<sup>i</sup> Louisiana Department of Education, District Composite Reports, years 2004-2011, Orleans Parish School district and Recovery School District.

<sup>ii</sup> Walter L. Cohen Senior High School, Accountability Reports and District Composite Reports, Orleans Parish School District, years 1995-2005.

<sup>iii</sup> Type 5 Charter Schools, Louisiana Department of Education and Louisiana Revised Statutes, Title 17:3973 (2) (b) (v) (aa). "Type 5, which means a preexisting public school transferred to the Recovery School District pursuant to R.S. 17:10.5 or 10.7 . . ."

<sup>iv</sup> Brown v. Board of Education, 347 U.S. 483.

<sup>v</sup> N.O. College Prep Handbook, Repeated Level 3 Offenses which can result in expulsion are: "gross disrespect of a fellow student, gross disrespect of staff, profanity or offensive language, cheating or plagiarism, lying, cutting class, repeated detentions, other serious breaches of the school's rules or values."

<sup>vi</sup> Comments by Mr. Chas Roemer, Chair, RSD Committee at the June 9, 2011 Meeting of the BESE Committee of the Whole for RSD Matters. Comments transcribed by Learning Matters, Inc.