

John Merrow Intentionally Omits New Orleans' Selective Charter School Process In "REBIRTH" Film

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At his New Orleans event, John Merrow admitted that he knew that New Orleans charter schools can have selective admission requirements, but chose not to reveal this in his film, "REBIRTH- New Orleans."ⁱ The film cites the accomplishments of the New Orleans charter school movement, while neglecting to disclose that several New Orleans charter schools have selective admission and retention requirements, allowing the schools to educate only students who are not at-risk. If a school can selectively admit and retain students, how could it not be successful? Does not selective admission and retention circumvent the purpose of the charter movement, *i.e.*, to educate failing at-risk students? It was deceptive for John Merrow to commend the New Orleans charter school movement without disclosing that New Orleans charter schools, unlike those around the nation, can selectively admit and retain students.

Without doubt, the New Orleans public school system needed to change. In August 2005, right after Hurricane Katrina, the state took-over 107 failing New Orleans public schools. Only 27 schools remained with the Orleans Parish School Board. The state intended to turn the failing New Orleans schools over to charter operators, and there was already a state law that allowed for this.ⁱⁱ While the law said that charter schools were intended to serve the best interests of at-risk children and youth, the law also said that charter schools could selectively admit students.ⁱⁱⁱ This provision allowed the successful magnet schools that were retained by the Orleans Parish School Board (OPSB) to become charter schools. Then, the Louisiana Board of Elementary and Secondary Education (BESE) allowed the charter operators of failing schools to change existing expulsion rules so that they could more easily remove at-risk children and youth.

Schools that selectively admit and retain students are necessary, especially, in large cities. However, in New Orleans these schools are called charter schools, whereas, in the rest of the nation, they are called magnet schools. When John Merrow speaks of charter schools in the film, he fails to disclose that only Louisiana allows magnet schools to become charter schools, maintaining their academic admission requirements. John Merrow also fails to disclose that the charter operators, who took-over the failing New Orleans schools, could develop new expulsion rules, making it easy for them to remove the at-risk.^{iv} When the nation views this film, it will be viewed with the assumption that New Orleans charter schools serve the at-risk, because John Merrow fails to disclose (1) that magnet schools can become charter schools in New Orleans and still retain their admission requirements, and (2) that charter operators who

took over failing schools can develop their own expulsion rules, thereby, permanently removing at-risk children and youth.

Selective Admission and Selective Retention in New Orleans Charter Schools

Selective Admission:

A Practice of the Successful Schools that became Charter Schools

All of the public schools that remained with the Orleans Parish School Board (OPBS) were successful schools.^v Just as the failing schools could become charter schools, the successful schools could become charter schools, also. The majority of the successful schools that remained with the Orleans Parish School Board were magnet schools, with selective admissions requirements. These magnet schools became charter schools, retaining their selective admissions requirements. They were successful as magnet schools and they are equally successful as charter schools. John Merrow's praise of charter schools fails to acknowledge that current successful charter schools were successful magnet schools in the years prior to the state takeover.

The following are examples of charter schools^{vi} that were once successful magnet schools:

1. Benjamin Franklin High School

- Students are admitted based upon an admissions matrix, calculated from the prospective student's GPA and norm-referenced test scores in reading, language and mathematics.
- Students must earn an overall academic 2.0 GPA to return the following year.

2. Lusher Charter School

- For admission, prospective students take an admissions test. For high school admission, the prospective student must take the full battery of the norm-referenced Iowa tests.
- Students are admitted based upon an admissions matrix, which includes the norm-referenced test scores.
- Students must earn an overall academic 2.0 GPA to return the following year.

3. Audubon Charter School

- Students applying for 3rd through 8th grades must be tested for admission.
- Students are admitted based upon an admissions matrix, which includes the norm-referenced test scores and GPA.

4. Warren Easton Charter High School

- Warren Easton was a magnet school prior to the state takeover, with admission requirements.
- Now, as a charter school, current students must earn an overall 1.5 GPA to return the following year.

To receive federal charter school funding, The No Child Left Behind Act (NCLB) requires charter schools to meet the federal “charter school” definition, which states that charter schools must “provide an equal opportunity for all students to attend.”^{vii}

The above charter schools do not offer an equal opportunity for all students to attend. Rather, the opportunity to attend is a conditioned opportunity, meaning it is conditioned upon the prospective student’s academic standing. Even though the above schools did not adhere to the federal charter school definition, they received nearly \$4 million dollars in federal charter school funds from the state’s initial grant following the state takeover.

Selective Retention:

A Practice of the Failing Schools that became Charter Schools

The state takeover schools were all failing schools. The state, *i.e.*, the Louisiana Department of Education (LDOE), wanted to operate the failing schools through charter operators, and most of the failing schools are now chartered. To encourage charter operators to apply, the state allows the charter operator to “selectively retain” students; thereby allowing them to permanently remove at-risk students who might perform poorly on tests. At the time the failing schools were taken over from the OPSB, expulsion of at-risk students had to be in accordance with OPSB policy, which was to retain and attempt to educate the at-risk. That changed when the failing schools became charter schools as the state allowed the charter operators to develop their own expulsion rules, thereby allowing them to permanently remove at-risk students. The term for this is “Selective Retention.”

The following are examples of charter operators who have avoided educating at-risk students by changing the expulsion rules that were in existence at the time of the state takeover.^{viii} If the principals of these failing schools had been able to remove students for infractions for which they can now be removed by the charter operators, the public schools might very well

have performed better. Charter schools were designed to find “innovative education strategies for educating the at-risk.” Expelling the at-risk is not an innovative education strategy.

1. **Sci Academy: New Orleans Charter Science and Math Academy** can expel students “for accruing ten (10) days of suspension in a school year; for repeated cheating violations; and/or, for smoking or possessing tobacco.”
2. **Miller-McCoy Academy for Mathematics and Business** can expel students “for cutting school, class, or detention; for disrupting class; for cheating; for being disrespectful toward a staff member or student; and/or for misbehaving inside or outside of class.”
3. **Lafayette Academy** can expel students “for sleeping in class; for aggressive behaviors, such as, pushing and shoving; for cheating; for violation of dress guidelines; for disruption of class; for rude behavior to others; and/or for removal of food from the cafeteria.”

In Conclusion

“REBIRTH-New Orleans” praises the successes of New Orleans charter schools without revealing that the charter schools operate under a different set of rules regarding at-risk students, making permanent removal of the at-risk students much easier. While the goal before the takeover was to keep at-risk students in school, the goal is now to make charter schools successful, even if it means expelling at-risk students.

In addition to allowing charter schools to permanently remove at-risk students through their newly created expulsion rules, the successful schools that were not taken-over have been allowed to become charter schools and to maintain their admission requirements. Averaging the achievement scores of these charter schools together with the achievement scores of the other charter schools is misleading.

The above understanding is important when evaluating the charter school movement in New Orleans. The greater question, which was to have been answered by this “rebirth,” still remains unanswered: Are the state take-over charter schools doing a better job of educating the at-risk?^{ix} This cannot be answered without knowing what happens to the at-risk when they are expelled from the state-takeover charter schools. New Orleans is now a system of schools and the whereabouts of the at-risk is not monitored.^x Do they go to another school, or do they just roam around the city, contributing to New Orleans’ notorious reputation as a high crime city? Hopefully, the next film by John Merrow will address these questions.

ⁱ During interviews with individuals throughout the city prior to making the REBIRTH film, John Merrow learned about New Orleans charter schools having selective admission requirements. Following the public film preview event on April 4, 2013, John Merrow was asked publicly why he did not include the information about the selective admissions process for charter schools. John Merrow replied basically that he did not think it was of importance.

ⁱⁱ La.R.S.17:1990; La.R.S.17:3972; La.R.S.17:3991

ⁱⁱⁱ *Ibid.*

^{iv} Comments by Chas Roemer, President, Louisiana Board of Elementary and Secondary Education, on June 9, 2011 at a public meeting in New Orleans: "The charter school determines what they can and cannot do autonomously. So that is their decision, their discipline policy, their expulsion policy, which can be determined at a school by school basis for charter schools." See *Research on Reforms* article: "Expelling Unwanted Charter School Students" by Dr. Barbara Ferguson, June 2011, which can be found on the website: *ResearchonReforms.org*.

^v A failing school, which is defined in Louisiana law, is based upon a school performance score of academically unacceptable for a given number of years. Schools that were not considered failing schools are referred to in this article as successful schools. Go to the *Research on Reforms* website to see articles on the state's definition of a failing school.

^{vi} The information for each school mentioned can be found in each school's handbook and on each school's website. See *Research on Reforms* article: "Admission Requirements for Charter Schools defy No Child Left Behind" by Dr. Barbara Ferguson, which can be found on the website: *ResearchonReforms.org*.

^{vii} No Child Left Behind, 39CFR200 - Title V: Public Charter Schools. Title V, Part C: Magnet Schools

^{viii} The information for each school mentioned can be found in each school's handbook. School handbooks were not easy to obtain and sometimes *Research on Reforms* had to submit public records requests to obtain the handbooks. See *Research on Reforms* article: "Expelling Unwanted Charter School Students" by Dr. Barbara Ferguson, which can be found on the website: *ResearchonReforms.org*.

^{ix} Prior to the takeover, the Orleans Parish School Board was considered the Local Education Agency (LEA) for all public schools. Now, each charter school is considered its own LEA. *Research on Reforms* has attempted to obtain raw de-identified student level data in order to monitor student expulsions and other information. *Research on Reforms* has sued the Louisiana Department of Education under the Public Records Act for failure to release the data. See *Research on Reforms* article: "Lawsuit Filed by *Research on Reforms* to Compel La. Department of Education to Release De-Identified Student Level Data" by Dr. Barbara Ferguson, April 2013, which can be found on the website: *ResearchonReforms.org*.