

New Orleans Schools Should Not Serve as a National Model:
Omissions and Errors in the Report Used by Senator Mary Landrieu in Promoting
New Orleans Schools as a National Model

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In citing the report “*New Orleans- Style Education Reform*,” Senator Mary Landrieu encourages other cities to be guided by the state-takeover of New Orleans schools following Hurricane Katrina. The report cites glowing accomplishments of schools that had been failing, and cites the benefits of parental choice for selecting charter schools. However, the report contains omissions and errors, which, if included, would show that:

1. The failing schools taken-over by the state are still failing.
2. Charter school choice is not an option because Louisiana law allows New Orleans charter schools to select students using admission criteria. In the rest of the nation, state laws parallel the federal law, which requires open admission and equal access. However, in New Orleans, a charter school is able to choose the student, rather than the student choosing the charter school.
3. New Orleans charter schools can write their own rules for expelling students, which results in a greater number of students who are out-of-school.

Most importantly, the report does not reveal the correlation between the state takeover and crime in New Orleans. Following the state takeover, crime has increased dramatically, with more and more crimes involving juveniles and young adults.

1. The Failing Schools Taken Over by the State Are Still Failing

The report, “*New Orleans-Style Education Reform: A Guide for Cities*,” states that “before Hurricane Katrina, 62% of students attended a school designated as failing in New Orleans, in contrast, in the 2011-12 school year, 13% attend a failing school.”ⁱⁱ This is not accurate. The authors of the report do not reveal an understanding of how “failing” was defined in New Orleans. At the time of Hurricane Katrina, a “failing” school was defined as one having a School Performance Score (SPS) below the state average of 87.4.ⁱⁱⁱ The state average SPS increased to 93.9 in 2011-12^{iv}. Using the same measure, the majority of schools in the state-takeover Recovery School District (RSD), continue to have scores below the current state average, even though the RSD charter schools have been able to develop their own restrictive rules for selecting and retaining students.

Since the state takeover six years ago, only six schools have exceeded the current state average SPS of 93.9. They are:

- Akili Academy, with an SPS of 106.6, contained only grades K-3 in 2010-11. State testing, which is the major component used in determining SPS, begins at Grade 3. Thus, approximately 100 3rd graders at Akili account for its SPS.
- Three KIPP schools have an SPS above the state average, which is easy to understand due to their rigorous selection process. In addition, KIPP has a mandatory transfer procedure, such that, if “the principal maintains that the student would receive an adequate education in another school, the principal shall provide written notification to the parent that he/she is being required to transfer.”
- The other two schools with an SPS above the state average of 93.9 are Dr. M.L. King Elementary with an SPS of 94.2 and Martin Behrman Elementary with an SPS of 107.5.^v

It is important to note that the state take-over was not a take-over of all New Orleans schools, as the report suggests. Rather, it was a takeover only of the failing schools, in accordance with the state’s definition of a failing school.^{vi} At the time of Hurricane Katrina, a failing school was one with a SPS of 60.0 or lower.^{vii} Then, six weeks after the hurricane, when the city was devastated, the legislature changed the definition of a failing school to a school with an SPS below the state average, which was 87.4 in 2005.^{viii} If the state had used the definition of failing, that was in effect on the date of the hurricane, August 29, 2005, the state would have taken-over 24% fewer schools.

2. Charter school choice is not an option because Louisiana law allows New Orleans charter schools to select students using admission criteria. In the rest of the nation, state laws parallel the federal law, which requires open admission and equal access. However, in New Orleans, a charter school is able to choose the student, rather than the student choosing the charter school.

The definition of a charter school in the federal law, No Child Left Behind, is “a school to which parents choose to send their children and which admits students on the basis of a lottery if more students apply for admission than can be accommodated.”^{ix} Contrast this with Lusher Charter School in New Orleans that admits students based on an “Admissions Matrix,” which includes “Grade Point Average, Math Percentile, Reading Percentile, and Parent Involvement.”^x Following completion of the admission application is the Two-Tier Selection Process. Students are rated by their total matrix score and those placed in the first tier are admitted first. Then, if there are any spaces remaining, there is a lottery drawing of students in the second tier to fill those remaining spaces.^{xi}

The greatest omission of the “*New Orleans Style Education Reform*” report is that it fails to disclose that New Orleans charter schools are allowed to be selective.^{xii} Other states that read the report would assume that New Orleans charter schools follow the federal law requiring open admission and equal access. A review of the charter school laws of other states showed that they do require open admission and equal access.^{xiii}

Louisiana's law deviates from the federal definition of a charter school, but according to the Louisiana State Department of Education, Louisiana only distributes federal charter school funds to the few charter schools that are not selective. However, the above charter school, Lusher, received 1.7 million dollars of federal charter school funds in 2005.^{xiv}

Louisiana law deviates from federal law not only on the open admission requirement, but on the requirement to serve at-risk students. For example, as a traditional school prior to Hurricane Katrina, Lafayette Elementary served at-risk students. But, now as a charter school, Lafayette Elementary can remove at-risk students. Elementary students can be expelled for such behaviors as "disobeying a teacher," or "sleeping in class."^{xv}

Yet, New Schools for New Orleans (NSNO) distributed nearly \$1 million in federal grant funds to the foundation that operates Lafayette Elementary. NSNO is one of the sponsors of the report discussed herein. Its grant application to the U.S. Department of Education, for the funds to be distributed to the schools, stated that the funds "will be used to turn around persistently low performing schools." Lafayette was a persistently low performing school. NSNO did not disclose that the "persistently low performing schools" to which funds were distributed are schools that are allowed, by Louisiana charter law, to remove the persistently low-performing students.

3. New Orleans charter schools can write their own rules for expelling students, which results in a greater number of students who are out-of-school.

The above school, Lafayette Elementary, is an example of a charter school that has written discipline policies to expel difficult-to-teach students. When questioned about whether charter schools can expel students for minor infractions, Chas Roemer, Chair of the Louisiana Board of Elementary and Secondary Education RSD Committee, stated in a public meeting that: "It is their decision, . . . their discipline policy, their expulsion policy, their attendance policies can be determined on a school by school basis. . . for charter schools."^{xvi}

Thus, in Louisiana, traditional public schools must abide by state laws on expulsion and suspension of students, whereas, charter schools can enact their own rules.

In conclusion, the report does not reveal the correlation between the state takeover and crime in New Orleans. Following the state takeover, crime has increased dramatically, with more and more crimes involving juveniles and young adults.

There is a negative relationship between public education and crime in New Orleans. Since the years following the takeover, crime has increased dramatically, with more and more crimes involving juveniles and young adults.^{xvii}

For the 2011 year in New Orleans, crime jumped 10 percent from the previous year, with significant spikes in murders, rapes and armed robberies. There has been a steady increase in

crime during the past two years, and that increase is continuing into the 2012 year. The city has seen a significant rise in recent months in armed robberies.^{xviii}

New Orleans already has the highest-in-the nation murder rate.

The relationship between education and crime has been statistically documented for decades.^{xix} The lower the educational attainment of a community, the higher is its crime rate. The New Orleans charter school movement contributes to removing the difficult-to-teach students from schools. When charter schools remove these students, especially high school students, the students do not simply disappear. However, charter schools increase their performance scores and are assured of future funding by removing the difficult-to-teach students.

To exacerbate the problem, New Orleans charter schools are now identified as Local Education Agencies (LEAs) by the Louisiana State Department of Education.^{xx} The State Department of Education has concluded that charter schools are also LEAs. Whatever type of LEAs that Louisiana calls its charter schools is unclear. What is clear is that they do not provide the safety-net of district-wide LEAs that have a legal obligation for the education of school-aged children and youth within their boundaries.

New Orleans public schools are at a crossroad. The “reform” system has not provided access and equity for all students; and, the previous Orleans Parish School Board (OPSB) hardly provided an education for most of its students. The OPSB system of governance was fraught with corruption and mismanagement. To return to that is not even an option. While that system tried to educate the difficult-to-teach students, most of them were failing. We have now moved to a system that excludes students. Hopefully, a new reform effort will emerge that values each student and that develops innovations for reaching the difficult-to-teach students.

Endnotes:

ⁱ“ *New Orleans-Style Education Reform: A Guide for Cities,*” a report commissioned by New Schools for New Orleans, in collaboration with the Recovery School District and the Tennessee Achievement School District, to meet the Investing in Innovation (i3) requirement that grantees disseminate the lessons of their work.

ⁱⁱ *Ibid.*, p.10.

ⁱⁱⁱ Act 35 (La.R.S. 17:10.7): An elementary, secondary or alternative school that has a baseline school performance score below the state average (*which was 87.4 at the time of Hurricane Katrina*), and that is in a school system that has at least one school eligible to transfer to the Recovery School district pursuant to R.S. 17:10.5, and that is in a school system that has been declared academically in crisis, shall be designated a failing school and shall be transferred to the jurisdiction of the Recovery School District.

^{iv} See La. Department of Education, Data and Reports, School Performance Scores.

^v See La. Department of Education, Data and Reports, District Performance Scores and Enrollment for 2010-11 and 2011-12. See also, KIPP Student/Parent Handbook, 2009-10, West Atlanta Young Scholars, Atlanta, GA. (KIPP Handbook used in Atlanta, GA was used as a reference since New Orleans KIPP schools failed to comply with Public Records Requests, requesting information disseminated to parents during home visits.)

^{vi} See *endnote iii*, Act 35.

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- ^{vii} See La. Department of Education, Data and Reports, 2004-05 year.
- ^{viii} See *endnote iii*, Act 35. See, also, “*Impact of Act 35*,” Dr. Barbara Ferguson, Research on Reforms, June 2010.
- ^{ix} No Child Left Behind, Title V, Part B: Charter Schools.
- ^x Lusher Charter School: Admissions and Admission Application.
- ^{xi} *Ibid.*
- ^{xii} “*Equal Access Denied to At-Risk Students*,” Dr. Barbara Ferguson, Research on Reforms, July 2008. “*Admission Requirements and Charter Schools*,” Dr. Barbara Ferguson, Research on Reforms, November 2009.
- ^{xiii} *Ibid.*
- ^{xiv} Federal Charter School Program: Grant to Louisiana Department of Education, 2005. Total amount awarded to Lusher Charter School: \$1,686,000.
- ^{xv} Lafayette Academy Charter School: Student/Parent/Families Handbook, 2010-11.
- ^{xvi} 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.
- ^{xvii} New Orleans Times Picayune, March 7, 2012, front page.
- ^{xviii} *Ibid.*
- ^{xix} *Crime and Society: Juvenile Delinquency*, Joseph Weis, Robert Crutchfield and George Bridges, Pine Forge Press, 1996. See also: *State Takeover Not Working for New Orleans High Schools*, Dr. Barbara Ferguson, Research on Reforms, November 2008. *RSD Fails to Improve High Schools in New Orleans*, Dr. Barbara Ferguson, Research on Reforms, June 2010.
- ^{xx} Email from Rene Greer, spokesperson for the Louisiana Department of Education. Email dated February 1, 2012 states that “each of the 15 operators of Type 2 charter schools, and 33 operators of Type 5 charter schools is an LEAs.”