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ABSTRACT

Critical issues concerning the state takeover of local school districts are outlined in this paper. Three major topics are addressed: situational factors leading to intervention; the legitimacy of state power; and appropriate beneficial conditions of state takeover. The most frequent reasons for state intervention involve concerns about equity, accountability, and different effectiveness levels of schools with similar resources and populations. A discussion of the issue of state legitimacy concludes that the state has the legitimate power to intervene. However, the extent to which responsibility is part of such power is less clearly defined. Recommendations specify that future state takeovers must provide usable expertise and resources to the local schools involved, utilize multidimensional evaluations of school effectiveness, and clearly define state and local functions. Finally, because the primary reason for intervention is the protection of children's rights, cooperation is crucial. (20 references) (LMI)

POLICY ISSUES AND OPTIONS WHEN STATES TAKE OVER LOCAL SCHOOL DISTRICTS

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This paper outlines a series of issues that are crucial when state authorities move to take over a local school district. The purpose of the paper is not to justify such takeovers, nor is it to defend the position of local school officials who must contend with the takeover. Rather it is to make clear the educational and political conditions that have led to such takeovers, and what is at stake when a takeover is proposed and carried out.

Three major questions are addressed in this discussion: (1) What developments have led to state intervention in the operation of local school districts? (2) Is such intervention a legitimate use of state power? and (3) Under what conditions might intervention by state authorities truly enhance the quality of education students receive?

What developments have led to state intervention in the operation of local school districts?

The reasons states have intervened in the operation of local school districts are many and highly complex. Three interrelated developments, however, have clearly been major inducements.

The first of these was the growing concern among educational leaders and policy makers at the state level about issues of equity. Strong research evidence presented in the late 1970's and early 1980's showed that the school a student attends can make a substantial difference in

the education received. In other words, school are not interchangeable. Student performance was found to vary greatly from school to school and, given that this variation is meaningful, it followed that student performance in many schools could be improved.

An important consideration with regard to these interschool differences, however, was whether the variation in student performance among schools is affected by school processes, or could such variation be explained entirely by differences in resources or students' entering characteristics. Following the publication of Equality of Educational Opportunity (Coleman et al., 1966) many researchers attempted to relate school inputs, particularly a school's financial and material resources, to school outputs, typically defined in terms of student achievement. Extensive reviews of this literature (Averch, Carroll, Donaldson, Kiesling, & Pincus, 1974) suggested that these studies failed to provide any consistent evidence for a relationship between school resources and outcomes such as achievement. This early research did make clear, however, that the utilization of resources was far more important than the level of resources available (Good & Weinstein, 1986). This, in turn, prompted action on the part of state educational leaders who believed that greater equity in student performance outcomes might be obtained by attending to school processes at the building and district levels.

A second related development influencing state intervention in local schools was the growing literature on effective schools (Brookover & Lezotte, 1977; Edmonds, 1979, 1983). Noting the great variation in student performance among schools, researchers began statistically

identifying unusually effective and ineffective schools, and then examining behavior in those schools to determine what accounted for the differences (e.g. Brookover, Beady, Flood, Schweitzer, & Wisenbaker, 1979; Rutter, Maughan, Mortimore, Ouston, & Smith, 1979) Although this research was criticized because of methodological weaknesses in many of the studies, the consistency of findings across studies provided compelling evidence that different levels of student performance are associated with differences among schools beyond what could be predicted by entering student characteristics. As Good and Weinstein (1986) point out in reference to the research on effective schools:

> The power of the findings is not in the quality of any one study, but in the fact that investigators from different academic disciplines, using various methodologies, assumptions, and theories, have reached surprisingly similar conclusions about what school factors are associated with higher student scores on standardized achievement tests (p. 1090).

It should be noted, however, that as important as this documented variation among schools is, the literature on effective schools does not provide information about schools that are effective over a broad range of outcomes. Rather, these studies have been restricted to factors associated with only students' performance on standardized achievement tests. In addition, other research has shown the stability of school effects based on this single indicator of student performance to be quite low (Madaus, Kellaghan, Rakow, & King, 1979; Mandeville, 1988). One study found, for example, that only about 10% of schools drawn from a large sample were consistently rated as effective or ineffective in two consecutive years (i.e., in the top or bottom quartile of the residual distribution), and only 5% were effective or ineffective over

three consecutive years (Rowan & Denk, 1982). Still, the message of the effective schools literature -- that is, that some schools obtain much better student achievement than others that have similar resources and serve similar populations -- offered strong inducement for state educational leaders to intervene in local schools.

A third and also related development that similarly influenced state intervention was the growing press for accountability in education. Spurred by reports such as A Nation At Risk: The Imperative for Educational Reform, published by the National Commission on Excellence in Education (1983), and concern among taxpayers over the increasing costs of education, government officials at all levels, and particularly state legislators, pushed for greater accountability on the part of local educators. Seeing parallels between education and the field of business, many believed that education could, and should, operate in a more businesslike manner. Thus, bureaucratic organization models were considered as a principal means to improve the operation of schools.

Bureaucratic organizations are based on a tightly coupled, top-down hierarchical structure with a strict division of labor supported by rules and regulations covering the rights and duties of each employee. The integrity of the hierarchy, as well as the efficiency and accountability of the organization, are maintained by an emphasis on regularity and control. Within the organization there are clear and concise indicators of effectiveness that provide a basis for accountability. When deficiencies are identified based on these indicators, those responsible are compelled to improve or risk removal from the organization.

Applying a bureaucratic organization model to education gives the impression of clarifying accountability issues. In education administrators lead, teachers teach and, as a result, students learn. There are numerous school routines, rules, and policies to maintain this regularity. If students do not learn, or do not learn as well as they might be expected to learn, something is assumed to be wrong, and those responsible can be held accountable (Clark, McKibbin, & Malkas, 1981). It is from the imposition of the bureaucratic organization model on education that the expression "academically bankrupt," came to replace the phrase "educationally deficient." Since "bankruptcy" accurately described a failed business, it seemed an appropriate descriptor for a failed school or school district.

Yet as popular as these analogies between education and business have become, current evidence indicates they are imperfect and, in most cases, inaccurate. Educational institutions, and particularly school systems, have been found to be more loosely-coupled and less goal-driven than most bureaucratic organizations. And as Thomas Shannon, executive director of the National School Boards Association points out:

> There is no precedent in the private sector from which the bankruptcy concept was borrowed. A referee in bankruptcy sorts out creditors' claims, presses debtors for payment, and conserves assets according to precise, universally understood rules with the irrefutably clear standard of the dollar. The referee does not operate the business (p. 6).

Shannon goes on to explain that when state officials "takeover" a local school district, the rules that are applied and the standards against which the work will be measured are nebulously defined or nonexistent (Pipho, 1988).

Regardless of these inconsistencies, it is clear the growing press for accountability in education, and the appeal of the bureaucratic organization model in assuring that accountability, offered still further inducement for state educational leaders to intervene in the operation of local school districts.

Is such intervention a legitimate use of state power?

Education in the United States, as understood in the Reserve Powers Clause of the United States Constitution, is the strict province of state governments. Thus from a legal perspective, state officials have both the right and responsibility to operate institutions of public education. Although historically states have opted to share this right and responsibility with local school officials, it remains clear that decisions regarding control rest with the state. As Krist (1984) indicates,

> The dispute over centralized control of the schools really revolves about three traditional values: equal treatment, freedom of choice, and efficiency or effectiveness. The rationale for state intervention is sound: Only the state can ensure equality and standardization of instruction and resources (p. 235).

Challenges to a state's control have typically been framed not in terms of the state's right, but rather in terms of the responsibility that accompanies that right. Local school officials faced with the prospects of strong intervention or takeover from the state have argued that in order to ensure equality, efficiency, and effectiveness in an educational system, the state has the responsibility to provide precise direction and sufficient funding (Hubsch, 1989). If this responsibilty

is not met, the legitimacy of the state's right to intervene can be questioned.

This was the tact employed in the state of Kentucky when a school district successfully challenged the State Department of Education's takeover action. In the court decision, Circuit Court Judge William Graham stated that the State Department's decision to intervene in the operation of the district to improve the quality of education students there receive was "laudable" in its goals and intentions, but a "hollow gesture" because the state legislature, in passing legislation giving the State Department of Education the right to do so, allocated no additional funds to pay for the programs necessary to achieve those goals (Stroud, 1990).

Obviously, states have the power to change education drastically by altering school district boundaries, prescribing specific mandates through legislation, or manipulating funds (Hughes & Schultz, 1976). But the legitimacy of this power, it is argued, rests with the assumption of specific responsibilities. In the Kentucky case, these were judged to be the provision of necessary direction and adequate financial resources.

Thus the question of the legitimacy of state power to intervene in the operation of local districts is clear. Such power has been legislated to the states and is, in most cases, specifically outlined in state constitutions. The question of the extent of responsibility such power carries with it is, however, much less clear.

Under what conditions might intervention by state authorities truly enhance the quality of education students receive?

The decision to intervene in the operation of a local school district is typically made as a last resort and only after other avenues to improvement have been tried and failed. Such drastic action is generally based on the assumption that the knowledge and expertise needed to improve the district's educational program are not available in the district, not recognized, or there is insufficient motivation to use that expertise. Therefore, if intervention by state authorities is to result in improvement, it follows that either such expertise must be provided or conditions must be established in the district whereby such expertise can emerge and be utilized. Otherwise the intervention will have little chance of bringing about its intended goals.

It is also apparent that a broad range of indicators must be used in judging the quality of a school district's educational program. Restricting the means used to identify districts or schools where intervention is deemed necessary to a narrow set of outcomes is problematic from both technical and educational perspectives. Technically, single indices of effectiveness have been shown to be unstable over time and have been challenged on the basis of reliability and validity (Guskey & Kifer, 1990). Educationally, a single index of effectiveness rarely paints a true picture of the adequacy of a district's educational program. One district might appear weak on that one dimension while actually doing quite well overall. Another district might be judged as satisfactory on that one dimension, but have severe programmatic weaknesses in many other areas.

Finally, if intervention by the state is to truly enhance the quality of education students receive, emphasis must be placed on cooperation between state departments of education and local school districts. School administrators and teachers must be given the flexibility to adapt suggested changes to fit the context of their environment. At the same time, however, local school officials must be offered guidance in making those adaptations so that the fidelity of the change is maintained. Further, there must be a clear separation between the monitoring and evaluative functions of the state department authorities, and the provision of assistance and technical support. Without this separation, intentions will always be suspect and collaborative working relationships will be difficult to build.

State intervention in the operation of a local school district involves a complex interplay of issues related to authority, responsibility, and accountability. It must be kept in mind, however, the principal reason for such intervention is to protect the rights of the children being educated. Above all else, this should remain foremost in the thoughts and actions of all involved.

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