



# Corrective Action: A Look at State Takeovers of Urban and Rural Districts

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Since 1988, more than half of all states have passed laws that allow state authorities to take control of local school districts under certain circumstances. As of 2004, 54 cases of state takeovers had been reported nationwide—most of them in urban and rural districts. The most commonly cited causes are financial and management problems; academic problems are cited in only 18 cases. However, interest in takeovers aimed at improving student achievement may increase as states explore turnaround options for districts identified for NCLB-required corrective action. This policy brief examines research and data related to state takeovers and suggests measures for increasing the effectiveness of similar corrective actions.

**A**s states move further into the implementation of the No Child Left Behind Act of 2001 (NCLB), state education policymakers and officials are faced with decisions about how to intervene in local education agencies (LEAs) that have reached the “corrective action” stage, which the U.S. Department of Education defines as

the name given to steps taken by an SEA that substantially and directly respond to serious instructional, managerial, and organizational problems in the LEA that jeopardize the likelihood that students will achieve proficiency in the core academic subjects of reading and mathematics.<sup>1</sup>

States are required to take corrective action when LEAs fail to meet their adequate yearly progress (AYP) goals for two consecutive years after being identified for improvement. States can opt to delay corrective action for a year if LEAs make AYP for one year. Once an LEA has been identified, states are required to continue to provide technical assistance and to take at least one of the following actions as consistent with state laws:

- Defer programmatic funds or reduce administrative funds.
- Institute and fully implement a new curriculum, based on state and local content and academic achievement standards, and provide appropriate, scientifically research-based professional development for all relevant staff.
- Replace LEA personnel who are relevant to the inability of the LEA to make adequate progress.
- Remove individual schools from the jurisdiction of the LEA and arrange for their public governance and supervision.
- Appoint a receiver or trustee to administer the affairs of the LEA in place of the superintendent and school board.
- Abolish or restructure the LEA.

States are also given the option of authorizing parents to transfer their children to higher-performing schools outside the district; if this option is offered, the state must provide funding to support transportation to the other schools.

Many of these same measures are found in state takeover laws and policies, some of which predate NCLB by more than a decade. Ziebarth, reporting in 2004, listed 29 states with laws allowing state takeover of school districts.<sup>2</sup> Although states have been reluctant to invoke their authority and take over districts—only 54 cases of state takeovers of school districts have been reported nationwide since 1988 when the first takeover laws were enacted by state legislatures—the identification of school districts for takeover may accelerate, since NCLB guidelines require quicker action than many state policies had previously called for. Before NCLB, years of warnings could transpire—sometimes more than a decade—before states would initiate a takeover. Further, states without takeover laws on the books may be compelled to pass such laws or create policies that simulate takeovers in order to meet the accountability requirements of the federal law.

Little research of any kind has been done on state takeovers of school districts. The journal literature, as well as reports published by research and development centers and professional associations, consists of several case studies (mostly of urban takeovers in New Jersey), a few descriptive studies of characteristics of state takeovers across the country (most notably those produced and regularly updated by the Education Commission of the States), and one meta-analysis of several urban takeovers. Knowledge from these studies is highlighted in this policy brief.

## Origins and Development of State Takeover Policies

Pressures on local boards of education from state and federal authorities began building in the late 1950s. Although historically, states had delegated their constitutional authority to operate school systems to local school boards, federal and state authorities intervened in unprecedented ways in the operation of local school systems to improve educational equity by desegregating schools, regulating school finance, and requiring specialized educational services for children with disabilities. Some of the first takeovers of local school districts took place in the early 1980s as the result of federal judicial determinations (in separate cases) that Cleveland and Boston public schools had failed to comply with court desegregation orders.<sup>3</sup> By the late 1980s, state authorities began focusing on the overall quality of education and formulating “accountability systems.”<sup>4</sup>

Fuhrman and Elmore noted that this new emphasis on accountability was partly the result of growing access to outcomes data.<sup>5</sup> “By 1989-90, 47 states required that local public school districts test students at some point(s) during their elementary and secondary years. . . . Most of the states used the tests to monitor local performance and to provide accountability.”<sup>6</sup> Other data commonly collected by this time were attendance and drop-out rates. In monitoring local performance, decision makers recognized these sorts of measures as generally superior to previous self-reports of compliance with various regulations. Further, “hard numbers” made it easier for states to make the case for severe sanctions.<sup>7</sup>

Early in their history, accountability systems included both positive and negative sanctions. Positive sanctions took the form of financial and deregulatory incentives. Negative sanctions, which had traditionally taken the form of decertification, had given way in some states to a much more interventionist approach:

In these states, sanctions include a close monitoring of the low-performing district and, if performance does not improve, an eventual placement of that district into “receivership” by the state on a charge of “academic bankruptcy.”<sup>8</sup>

In 1989, when Bowers was making his observations, six states had state takeover laws on the books (Kentucky, New Jersey, New Mexico, South Carolina, Texas, and West Virginia) and two of these states, Kentucky and New Jersey, had launched the first state takeovers in the country. Between 1989 and 2004, an additional 23 states

enacted takeover laws, and 52 additional districts were taken over.<sup>9</sup> Meanwhile, positive sanctions for high student performance have lost ground, with only 9 states offering rewards to high-performing districts, compared with 30 states offering negative sanctions to districts based on low student performance.<sup>10</sup>

## Demographic and Other Trends

Ziebarth provides the most comprehensive look at the basic facts about state takeovers.<sup>11</sup> Much of the trends data presented here draws on his work and on analysis of data drawn from the the National Center for Education Statistic's Common Core of Data related to the 54 state takeover districts Ziebarth identified.<sup>12</sup>

## Frequency of State Takeovers

Figure 1 displays the number of state takeovers, beginning in 1988. The greatest number of takeovers took place in 1996; as of the end of 2003—which was a little less than two years after NCLB was signed into law, and, therefore, too early for districts to have reached the corrective action stage requiring state intervention—the incidence of state takeovers continued to be low.

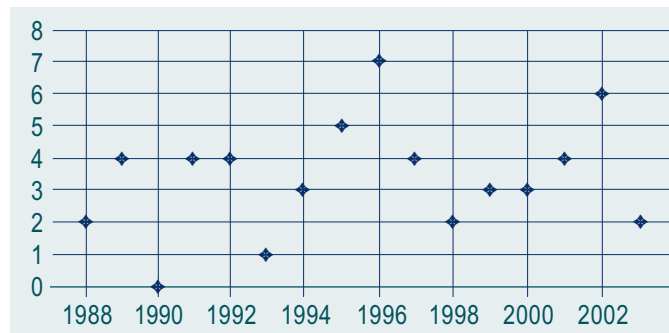


Figure 1. Number of takeovers initiated per year

Source: Frequency data from Ziebarth, 2004.

## Duration

By the spring of 2004, only 22 of the 54 takeover sites had been returned to local control.<sup>13</sup> The takeovers of shortest duration have been those that set out to address financial problems. Some of the takeovers have gone on for a decade or more. For example, all three of the New Jersey state takeover sites remain under state control—these include Jersey City (since 1989), Paterson (since 1991), and Newark (since 1995).<sup>14</sup>

## Characteristics of Takeover Districts

Analysis of data revealed the following patterns related to the 54 districts identified by Ziebarth in 2004 as having undergone state takeovers:<sup>15</sup>

- In 40 of the 54 takeover districts, more than half of the students are from minority racial/ethnic backgrounds.
- Of the 54 takeover districts, 34 are located in central cities (large and midsize) or in the urban fringe of a large city. All but three of these districts had high minority populations, ranging from 51% to 96%.
- The 15 rural takeover sites were about evenly divided between districts with very high or very low minority populations. The rural takeover districts with very low minority populations (most with 5% or less) were all located in Appalachian coalfield counties in Kentucky and West Virginia.
- The remaining 5 districts were located in small towns or in the urban fringe of midsize cities.
- There were no takeover districts in small cities.

## Case Study Findings Related to Takeover Triggers

According to Ziebarth, of the 54 district takeovers by their respective states, only 18 were identified as having taken place due, at least in part, to academic problems.<sup>16</sup> Other districts were taken over to remedy financial and management problems. We know very little about these school districts, including the underlying causes of their distress, the nature of the interventions, or the academic outcomes of the state takeover efforts. Only a few of these districts have received attention from the research community.

Seven case study reports provide some clues; these studies focused on two takeovers in New Jersey (Jersey City and Newark) and four in the Appalachian coalfields (Lincoln and Logan Counties in West Virginia and Floyd and Whitley Counties in Kentucky).<sup>17</sup> The studies provide rich detail, but as often is the case, the researchers pursued different questions and employed varying theoretical lenses and methodologies. Consequently, taken together, the evidence from these studies does not rise above the category of “anecdotal.” The studies do reveal, however, similarities in the conditions that existed leading up to the takeovers. These similarities draw attention to the political

and social context of school district failure in some rural and urban school districts and the types of interventions beyond training and technical assistance that may be needed to turn things around. For example:

- The four rural and two urban school districts covered by these case studies all had child poverty rates in the highest quintile in 2001 (i.e., above 20.8%).<sup>18</sup>
- All six of these districts were described as affected by political patronage, cronyism, and/or nepotism.<sup>19</sup>
- Schools in several of the sites were described as dirty or unsafe.<sup>20</sup>
- Hiring and personnel practices and/or accounting procedures did not follow established guidelines.<sup>21</sup>

More needs to be known about the interventions and outcomes of takeovers in these and the other 48 takeover districts, especially as states move through the stages outlined by NCLB and find themselves faced with an increasing number of districts identified for corrective action.

### Reported Outcomes of State Takeovers

State takeovers received some positive press, especially in the early years.<sup>22</sup> In 1996, *Education Week* published a widely read story about the return of Logan County (West Virginia) schools to local control following a four-year period of state takeover.<sup>23</sup> “Student test scores rose dramatically and the dropout rates fell in the county’s three high schools under the state’s supervision. In addition, the 7,100-student district cleaned up an administrative mess that had left almost a third of its teachers uncertified.”<sup>24</sup> This result was largely sustained, even after eight years, as reported in a dissertation study by Carr-Lambert.<sup>25</sup>

Many other media reports were far less sanguine about the prospects of state takeovers as a strategy for improving low-performing schools and districts. Increasingly the story became that state takeovers are far more effective in correcting violations of state certification regulations, dysfunctional school finance and management systems, and unsafe facilities than they are in improving student performance. Takeover efforts have become embroiled in litigation, union disputes, protest by community groups, high teacher turnover, and implacably low student achievement.<sup>26</sup> For example, after five years under state control, Detroit students lost ground academically.<sup>27</sup> Even improvements in fiscal operations were not guaranteed, as evidenced in Newark (New Jersey), where after four years of operation by the state, the school

district—which had experienced surpluses before the takeover—developed a \$58 million deficit.<sup>28</sup>

In a review of the research, Ziebarth concludes that while state takeovers evidence some success in eliminating nepotism, improving districts’ administrative and financial practices, improving the condition of school facilities, and implementing innovative programs (e.g., small learning communities), they “have yet to produce dramatic and consistent increases in student performance.”<sup>29</sup>

Wong and Shen synthesized student achievement and other data from across 14 comprehensive school district takeovers to investigate their outcomes. They looked at impacts on teacher and student performance (especially in the lowest performing schools), financial and administrative management, and accountability. Regarding student performance, they concluded that only districts placed under the control of mayors showed a pattern of academic gains, and were

linked to increases in student achievement at the elementary grades . . . [where] gains in achievement are especially large for the lowest performing schools, suggesting that mayoral takeovers involve a special focus on these failing schools . . . [But] mayoral takeover seems less effective for the upper grades, where the cumulative effects of many years of poor schooling are not easily reversible.<sup>30</sup>

Further, they concluded that “when state takeovers produce administrative and political turmoil, student achievement suffers. After a period of adjustment, however, state takeovers may also be able to produce positive achievement gains.”<sup>31</sup>

Cuban and Usdan studied outcomes in school districts that had been placed under the control of mayors (Chicago, Boston, and Philadelphia) and produced similar findings to those of Wong and Shen; while there was slight to moderate improvement in test scores in the elementary grades, there was no improvement in the secondary grades and no reduction in the achievement gap.<sup>32</sup>

### When State Takeovers May Be the “Least Worst Choice”

Given the mixed record of state takeovers in improving academic achievement, what are the options, once the state recognizes the need to intervene? As Michael Kirst points out,

Often educational policy debates focus more on

what should be done than on which institutions should be authorized to make and implement policy . . . (For example, courts have been reluctant to delegate civil rights protection to local school districts in Mississippi.)<sup>33</sup>

Kirst goes on to explain that two general attributes of available institutions are important: “agreement on substantive goals and capacity to achieve those goals.”<sup>34</sup> Courts, for example, may be more interested in the goal of protecting civil rights and equality of opportunity than some school boards have been, but courts do not have the capacity to operate the schools. Further, in the real world, we are often offered only a “least worst” choice of institutions.

Increasingly, state legislatures and state departments of education have identified the least worst choice for overseeing changes in failing urban school districts to be the mayor’s office. An examination of Ziebarth’s 2004 data reveals that beginning in 1993, there was a trend in state legislatures to make new arrangements for the management of urban school districts, especially in central city settings. These districts were increasingly placed under the control of mayors. Cities that have undergone mayoral takeovers include Baltimore (1998), Boston (1993), Chicago (1995), Cleveland (1997), Detroit (1999), Harrisburg, PA (2000), New York (2002), Oakland, CA (2000), and Washington, DC (2000).<sup>35</sup>

It is unclear from the literature if these are permanent arrangements or what the long-term implications are for this historical break with the long-standing practice of assigning authority to operate schools to boards of education, separate from other local governance. So far, there is no movement back to “school board-dominated regimes in any of the cities.”<sup>36</sup>

Mayors’ offices in well-run cities may be a logical institutional choice because voters often know their mayors better than school board members, and mayors generally have an interest in maintaining or developing an educated workforce in order to achieve their economic development goals, thus sharing substantive goals of school reformers.<sup>37</sup>

However, there may be no equivalent alternative institutional choice in some cities and rural communities. The same cronyism and patronage that affects the schools may also permeate other local institutions. Duncan concluded, based on her research on rural communities, that when local communities become mired in corrupt and undemocratic local governance, reform-minded citizens have little power to change things, and intervention by state or federal authorities is needed.<sup>38</sup> In cases

like these, the least worst institutional choice may have to be the governor’s office or state board of education. In some states (e.g., West Virginia and California) an administrator, trustee, or board of trustees is appointed to manage day-to-day operations during the takeover period. Their activities and progress toward reform are closely monitored by the state office in charge.

Other experiments are taking place, such as seeking market solutions for the dilemma of failing school districts. For example, in 2004, South Carolina hired Edison Schools, Inc. to help improve student achievement in a poor rural district in its fifth year under state control.<sup>39</sup> It is much too early to know if the for-profit sector will have more success than other institutions, but it is likely that as the number of districts identified for corrective action grows, states will need additional sources of assistance, especially in communities with few other institutional options to choose from.

## Summary and Implications for Policy

State accountability systems established since the late 1980s have included various mechanisms for warning and intervening in the operation of poorly managed or low-performing schools and districts. More than half of the states have passed laws that allow for the removal of local control and takeover of local operations by state authorities—actions that are required when warnings and other interventions do not yield the desired results. Federal law also now requires sanctions of low-performing schools and districts identified for “corrective action.”

Across the country, a small number of school districts have been taken over by state authorities; only a third of these takeovers were initiated for academic reasons. Few of these state takeovers have been studied; of those that have been, researchers have found little to cheer about, although there is some evidence of improvement in urban districts that states (usually by legislative action) have put under the control of mayors—but only in the lower grades. The special problems of rural school districts and reform in high schools located in takeover districts, especially, need more study.

State takeovers can last for many years without dramatic improvements. Poverty and local political corruption affecting the operation of school systems play a role in some communities, complicating states’ efforts to improve school districts. When school boards fail after years of warnings and less intrusive interventions by the state, policymakers are faced with having to choose other institutions—at least for a time—to operate districts.

Some of these choices in the recent past have included mayors, state appointed administrators and trustees, and, more recently, for-profit companies.

State officials should assess which of the institutions

available in their state have both the commitment to improving education and the technical knowledge and capacity required to tackle the complex problems present in failing school districts.

## Laws Guiding State Interventions

In 1997, Mayrowetz and Pennell conducted a naturalistic inquiry of the text of intervention laws in 17 states. They defined an *intervention* as “any action dictated by law whereby a state department of education or board becomes involved with a district to address perceived or alleged deficiencies.”<sup>40</sup>

### Deficiencies Justifying State Interventions

By open-coding and grouping descriptive terms in state laws, the analysts determined that the laws permitted state interventions in the following domains:

1. *Minimum compliance with regulations* (e.g., failure to comply with the requirement that high school students complete a minimum number of units in various areas of the curriculum)
2. *Academic performance* (e.g., failure to meet a threshold for passing achievement tests)  
This was the most prevalent of the problems cited in state intervention laws—it was mentioned in 16 of 17 states.
3. *Student behavior* (e.g., failure to meet expectations for student attendance and retention)
4. *Administrative and/or fiscal management* (e.g., failure to

adhere to personnel guidelines or fiscal reporting requirements)

Laws that addressed all four of the above domains were considered *comprehensive*.

### Nature of Interventions

Mayrowetz and Pennell also developed three categories to characterize the interventions themselves:

1. *Assistance*—technical, financial, and deregulatory, offered by the state to help districts solve their own problems. The most common form was technical assistance, including evaluations; help with developing corrective action plans; and so forth.
2. *Corrective action plans*—could be district-guided, state-guided, or district-state-collaborative plans.
3. *Final interventions*—could include any of 10 types: “financial threat, suspension of tenure rights, financial penalty, oversight, removal, functional replacement, replacement, student transfer, annexation, and unspecified powers. Of these, oversight, removal, functional replacement, and replacement comprise actions commonly referred to as *takeovers*.”<sup>41</sup>

## Endnotes

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3. R. C. Hunter and F. Brown, “School Takeovers: The New Accountability Strategy,” *School Business Affairs* (November 1999): 22-29.
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5. S. H. Fuhrman and R. F. Elmore, *Takeover and Deregulation: Working Models of New State and Local Regulatory Relationships* (New Brunswick, NJ: Consortium for Policy Research in Education, 1992). ERIC Document Reproduction Service No. ED345368.
6. *Ibid.*, 3.
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8. See Bowers, *State-Enforced Accountability*, 3.
9. See Ziebarth, *State Takeovers and Reconstitutions*.
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11. See Ziebarth, *State Takeovers and Reconstitutions*.
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13. See Ziebarth, *State Takeovers and Reconstitutions*.
14. W. L. Librera, “Case Study: Providing Effective Interventions Toward Student Achievement through New Jersey Single Accountability Continuum (NJQSAQ)” (presentation to the National Conference on Rewards and Sanctions, February 18, 2005). Retrieved March 5, 2005, from [http://www.state.nj.us/njded/genfo/qsac/ccsso\\_files/frame.htm](http://www.state.nj.us/njded/genfo/qsac/ccsso_files/frame.htm)
15. These data were downloaded using the Search for Public School Districts tool on the National Center for Education Statistics Web site.
16. See Ziebarth, *State Takeovers and Reconstitutions*.
17. The following case studies provide analyses of particular

state takeovers of school districts, and collectively raise questions about underlying conditions that can lead to the need for state intervention.

**Jersey City, New Jersey (state takeover period: 1989 to the present).** M. D. Rettig, *Policy Adaptation and Change: The Case of the State Takeover of the Jersey City Public Schools* (1992). ERIC Document Reproduction Service No. ED347641. Rettig conducted a study based on field observation, document analysis, and 24 interviews with educators involved in the takeover of Jersey City schools at the school, district, and state levels.

E. M. Forster, *State Intervention in Local School Districts: Educational Solution or Political Process?* (paper presented at the annual meeting of the American Educational Research Association, New York, NY, April 8-12, 1996). ERIC Document Reproduction Service No. ED410677. Forster used "event-focused, descriptive analytical" (p. 3) techniques in her qualitative study of the first two years of the Jersey City takeover.

**Newark, New Jersey (state takeover period: 1995 to the present).** Community Training and Assistance Center, *Myths and Realities: The Impact of the State Takeover on Students and Schools in Newark* (Boston: Author, 2000). The Community Training and Assistance Center conducted a large-scale study of the impact of the state takeover on Newark's school and district operations, community engagement, and student performance. To address these research questions, the Center gathered data in 201 interviews; a comprehensive survey returned by nearly 10,000 parents, teachers, students, site administrators, and staff; and data on student achievement and behavior (p. 9). They also did an extensive content analysis of reports, studies, articles, and other documents.

**Floyd and Whitley Counties, Kentucky (state takeover period: 1989 to 1990).** P. Fry, S. H. Fuhrman, and R. F. Elmore, *Kentucky's Program for Educationally Deficient School Districts: A Case Study* (1992). ERIC Document Reproduction Service No. ED345367; and S. H. Fuhrman and R. F. Elmore, *Takeover and Deregulation: Working Models of New State and Local Regulatory Relationships* (New Brunswick, NJ: Consortium for Policy Research in Education, 1992). ERIC Document Reproduction Service No. ED345368. As part of a larger study conducted by the Consortium for Policy Research in Education on evolving state and local regulatory relationships, researchers Fry, Fuhrman, and Elmore conducted studies in Floyd and Whitley counties. Their methodology included review of documents and of interviews conducted in June and October of 1989 with officials at the state and local levels, and with teachers, parents, and community leaders in the two districts.

T. M. Suarez, D. L. Clark, J. M. Blount, T. P. Harris, W. J. Hausdorff, and S. M. Morton, *The Use of Sanctions with Low Performing School Districts* (Chapel Hill: University of North Carolina at Chapel Hill, NC Educational Policy Research Center, 1991). ERIC Document Reproduction Service No. ED373411. Another study, based on interviews with state officials and document review, was conducted for the North Carolina State Board of Education to inform the development of their sanctions policies for low-performing school districts.

**Lincoln County, West Virginia (state takeover period: 2000 to the present).** K. Chadwick, *Report on the Strategic Planning Process in Lincoln County, West Virginia* (Charleston,

WV: AEL, 2002). ERIC Document Reproduction Service No. ED472383. The evaluation study of the community strategic planning process, conducted by AEL as part of the state intervention in Lincoln County, yielded some information useful in this review, although it is far less comprehensive compared with other studies in this section.

**Logan County, West Virginia (state takeover period: 1992-1996).** M. Carr-Lambert, *State Takeover Sustainability of a Public School District in West Virginia* (Unpublished dissertation case study, University of Phoenix, 2004). Carr-Lambert investigated the reasons for the sustained success in Logan County. She conducted in-depth interviews with seven individuals who had been involved in the takeover at the local and state levels. She also did content analysis on West Virginia Department of Education records and data that documented the takeover.

18. National Center for Education Statistics, *Public School District Finance Peer Search (SY 2000-2001)* (Washington, DC: U.S. Department of Education, Institute of Education Sciences, 2001). Retrieved June 30, 2005, from [http://nces.ed.gov/edfin/search/search\\_intro.asp](http://nces.ed.gov/edfin/search/search_intro.asp)
19. See, for example, M. D. Rettig, *Policy Adaptation and Change*; Community Training and Assistance Center, *Myths and Realities*; S. H. Fuhrman and R. F. Elmore, *Takeover and Deregulation*; K. Chadwick, *Report on the Strategic Planning Process in Lincoln County*; and M. Carr-Lambert, *State Takeover Sustainability*.
20. See Community Training and Assistance Center, *Myths and Realities*; P. Fry et al., *Kentucky's Program for Educationally Deficient School Districts*; T. M. Suarez et al., *The Use of Sanctions*.
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24. Ibid.
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30. K. K. Wong and F. X. Shen, *Does School District Takeover Work? Assessing the Effectiveness of City and State Takeover as a School Reform Strategy* (2001). ERIC Document Reproduction Service No. ED468271, 14.
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32. L. Cuban and M. Usdan, *Powerful Reforms with Shallow Roots: Getting Good Schools in Six Cities* (New York: Teachers College Press, 2002).
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34. Ibid.
35. See K. K. Wong and F. X. Shen, *Does School District Takeover Work?*
36. M. W. Kirst, *Mayoral Influence, New Regimes, and Public School Governance* (Philadelphia: Consortium for Policy Research in Education, 2002):15.
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