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# Lessons from the Trenches

## Sustaining Improvements after State Takeover

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## Introduction

While state policymakers are ultimately responsible for public schools statewide, their influence over local school districts has always been incomplete at best. State chiefs, the ostensible leaders of state education agencies, have limited powers and local school boards ultimately control most of the money and staff. As a result, when state leaders seek change in local school systems—whether to address financial mismanagement, corruption, or weak outcomes for students—they are often stymied by factors outside of their control.

State takeovers of local school districts emerged as one strategy for overcoming these limitations on state authority. State takeovers suspend the powers of local boards and put in place a state-appointed superintendent. They aim to provide states a direct means for influencing the oversight and operation of local schools that does not hinge on gaining local leaders' cooperation.

While state takeovers can be powerful, they are never permanent. For practical and political reasons, all must end eventually. Sustaining improvements after a return to local control is key if state takeovers are to amount to anything more than a blip in a school district's trajectory over time.

To understand how state leaders have sought to sustain the hard-won improvements they gained through state takeovers, we interviewed current and former state chiefs and superintendents whose tenure involved the takeover of local school districts. We interviewed a total of 10 current and former senior state officials who had overseen state takeovers or served as state-appointed superintendents. They came from around the country and from states large and small. Their stories and answers to our questions were rich in detail but thematically consistent about the difficulty of making lasting changes in district stability and efficiency, school performance, and opportunities for students.

Our interviews provide key lessons for states seeking to make improvements in districts and schools navigating a transition to local control, and emphasize the need to focus on sustainability well before state interventions begin. We summarize the main themes that emerged from our interviews in three sections:

- State takeover is an important but limited tool.
- States must build a local political base for takeover-initiated reforms.
- Exit strategies must set the conditions for long-term success.

The bottom line of our analysis is that state leaders should be cautious in how and when they use state takeover to drive change in local districts, and do more to ensure that state-initiated changes to the district have some amount of local political support. They should also seek legislation to insulate reforms seen as critical to the district's long-term success from local political forces that might have caused the problems state intervention was intended to solve. State leaders should not wait until an intervention has timed out to begin planning an exit strategy. They should be clear about the conditions for ending state takeover, including what sufficient improvement looks like and whether an exit from state takeover comes with any conditions or limitations on the local board's powers.

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As several of the state officials in our interviews said, states should not stand helpless in the wake of districts that are failing students and are either unwilling or unable to change. Takeover authority opens up possibilities for influence even in cases where state officials decide not to use it. But when local conditions compel the state to choose between action and continued failure, intervention is necessary. Even then it should be done carefully and with an eye to leaving the district more capable and with greater financial and political effectiveness than before.

## The What and How of State Takeovers<sup>1</sup>

Although states are constitutionally responsible for public education, they have long delegated their responsibilities to local boards. But local boards sometimes need help and external pressure to improve. State takeovers are one tool for providing states with the authority to catalyze dramatic change in local school systems. State takeovers allow state leaders (typically the state board or chief) to appoint a “receiver” who assumes all the power of a local superintendent and sometimes gains enhanced power to renegotiate existing contracts and agreements.

New Jersey became the first state to take over a district when it intervened in Jersey City in 1989. Several states followed suit and by 2016, 35 had laws on the books that enabled the state to take over the management of schools and/or districts.

Proponents of state takeover argue that states are uniquely positioned to address management failures and dysfunction in local public schools. States are less beholden to local interest groups, providing them far more freedom of action to change how funds are allocated, how schools are staffed, and how educators are supported. State takeovers are fundamentally about fixing dysfunctional systems.

State takeovers are typically exercised only under extreme circumstances. While Louisiana authorized the takeover of low-performing schools in 2003, it made little use of the authority until 2005 when the Orleans Parish School Board reopened only a few schools on high ground after Hurricane Katrina. This left it up to the state to reopen schools throughout the rest of the city. Dire circumstances also surrounded state takeovers in the California cities of Oakland and Compton, where financial insolvency threatened to interrupt the education of millions of students, most of whom were children of color or from low-income families, and in Lawrence, Massachusetts, where the district superintendent was indicted on corruption charges.

Kenneth Wong and Francis Shen estimate that prior to 1995, the majority of state takeovers were for financial crisis or failures in management, and just 27 percent included academic goals for students. Today, more state takeovers are driven by academic challenges but in some states, financial mismanagement remains an important rationale.

The record of results on state takeovers is mixed—though it is considerably more positive than the most ardent critics may suggest. In recent years, states have been effective at improving outcomes for students in a diverse array of districts including Camden (NJ), Newark (NJ), Lawrence (MA), and New Orleans (LA). These “success” stories must be balanced by the less-promising student achievement results that emerged from state takeovers in Cleveland (OH), Detroit (MI), Memphis (TN), and Philadelphia (PA). When success comes, it does so neither easily nor quickly. Newark was under state control for 22 years before state officials decided the district had made enough improvement to return to local control.

## Lesson #1: State Takeover Is an Important but Limited Tool

State takeover amounts to a crucial shift in the locus of power—from local school boards, administrators, and dominant interest groups to a state appointee. These appointed officials may be less hemmed in by local politics and often have special authorities that enable them to make changes local boards or superintendents find impossible to achieve. But taking over local school districts is costly—it consumes time, resources, and political capital that could be expended in other ways. And success is far from guaranteed. Like district superintendents, states may lack the capacity or political capital to affect real and lasting change. As a result, states must proceed cautiously.

State takeovers remain rare. In New Jersey, a state with a record of intervening to take over management of local school districts, just 4 districts out of 591 in the state have been the target of increased oversight. Ohio and Connecticut have taken over a similar number. In Massachusetts and California, just three and nine districts respectively have ceded control to the state. In Texas, despite broad authority to intervene in local school districts, state leaders have never exercised that authority.

This is probably for a good reason. State takeovers are hard to pull off: in prospect the balance of costs and benefits can look positive only in extreme circumstances.

While state chiefs are often charged with determining whether to intervene in local school districts, they ultimately rely upon the cooperation and capacity of other people—state and local administrators, educators, school leaders, nonprofits, and city government. As one former state board member told us, “There is too little capacity” in the state education agency to transform even one district. States are typically able to assign just one person to become the acting superintendent of a district being taken over. That person controls resources but can only lead a strategy—not execute it in every school and district bureau. One state superintendent told us of efforts to recruit and train experienced district leaders to lead local takeovers. The results were mixed, in part because potential state appointees often overestimated the effectiveness of unilateral executive action.

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A takeover must marshal resources locally, statewide, and in some cases nationally from universities, nonprofits, and other districts. Needed resources will not just emerge: the takeover plan must include ways to attract and deploy them. The most dramatic state takeover, in New Orleans, was able to ride the tide of educator talent and nonprofit capacity that came to the city from all over the world after Hurricane Katrina. But states cannot count on getting the right people to show up spontaneously at all times or for all localities, and must match plans to their ability to attract capable people and organizations. A former state chief confessed, “Don’t bother if you can’t get talent.” Some told of instances where they did not take over a distressed district because they did not think talented educators, nonprofits, and school networks would be willing to work there.

State takeovers can also be weakened by state laws that limit what state leaders can do. Efforts to improve teaching talent, shed ineffective principals, or downsize the district’s central office can run up against state rules that limit a receiver’s ability to renegotiate employee contracts or conduct layoffs. When these provisions are in place, they can turn a difficult job into a nearly impossible one.

Big changes also take time, and states often underestimate how long improvement will take. The state of California stepped in to take over the management of the Oakland Unified School District in 2003 as a result of financial mismanagement; six years later, it walked away only to have the district return to

unsustainable deficit spending and new calls for state takeover.<sup>2</sup> Problems rooted in decades of habit and practice cannot all be resolved in a short time. As a former state-appointed superintendent told us, “People think [state takeover] is a marathon. It’s really an ultramarathon.”

State takeovers also don’t automatically address a district’s biggest challenges. Inadequate talent and insufficient per-pupil funding are not resolved just because states step in, though state leaders can sometimes increase a district’s access to resources. And state takeover authority is sometimes weakened by limitations on what state leaders can change—for example, limits on changes to problematic labor contracts—that make it difficult to transform troubled schools.

Several of our respondents emphasized the old advice that it is best to “walk softly but carry a big stick.” States can use takeover authority to enhance their bargaining power by suggesting changes districts could make in order to stave off action. This approach allows states to bargain with and closely monitor a much larger number of districts than they could ever take over.

Other respondents emphasized the importance of judging whether a given district’s problems could be remedied through a state takeover or if other interventions might be more appropriate. Issues of financial mismanagement and corruption can make state intervention easy to justify and win over state leaders and local allies fed up with waste and disorder. As one former state superintendent told us, among districts that meet state criteria for takeover:

*“There is ‘bad’ and there is ‘truly, unconscionably terrible.’ I think the track record for state interventions to do a reset of districts in the latter category is reasonably good. Without such a reset, there is no foundation on which to build for the future.”*

On the other hand, when the problems facing a district are confined to a few schools, states might be more effective targeting their effort directly at those schools rather than taking over the entire district. All of our respondents emphasized a healthy appreciation for the fact that some districts will struggle to attract enough outside talent to enable the rapid improvement and quick wins often required under state takeovers.

None of the experts we interviewed believed that state takeover of any district had accomplished all that was hoped for. But one insisted that many takeovers accomplish something important for the students most in need. In his words:

*“If materially more students who were otherwise likely to fail find a school setting that launches them successfully into adulthood, the effort has been a success. . . . By that measure state interventions have a much better track record, particularly when they have had the courage to close truly awful schools and support the creation of a crop of new and better ones.”*

## Lesson #2: States Must Build a Local Base of Political Support for Their Reforms

The individuals placed in charge of a state takeover usually have extraordinary powers and face fewer constraints from regulation and contracts than the typical local school board and superintendent. Though takeover powers differ from state to state, most include the ability to alter budgets, staff assignments, school accountability requirements, and new school development strategies.

However, even with all these powers, state appointees must be political animals, not rulers by decree. There is no guarantee that changes they initiate will have the intended effect without support from at least some educators, parents, and voters, or that they will persist after state takeover ends. State

appointees must judge local reaction to actions they might take, identify sources of opposition, and recruit support. They must move quickly, but not so quickly that their promises outlast their ability to maintain support and deliver results in the long run.

As our interviews made clear, state appointees must use their powers with skill. The whole point of state takeover is to break local deadlocks and enable needed actions that local officials could not or would not take. So it is the state appointee's job to take some actions that upset the local status quo. However, even while making moves that upset some, state appointees need to convince the fundamental stakeholders—families, individual teachers, and local voters—that initiatives taken as a result of takeover are necessary and will benefit children.

Even in California, where state takeovers only happen when districts are in extremely dire financial condition and state appointees have immense formal powers, state appointees can fail if they do not develop local support to offset the inevitable opposition.

**Takeover strategies cannot be limited to actions that no one opposes, but they should be focused on actions that make it possible to build some support.**

Of course, state appointees can also fail if they promise to hold everyone harmless. The low point in the long history of state takeovers in Cleveland occurred in the mid-1990s when the state appointee made so many placating promises that no change was possible. Cleveland became much more of a takeover success story when state law empowered its mayor to transform the schools. Even then, major changes emerged only after several years when Mayor Frank Jackson endorsed and led implementation of a new Cleveland school transformation plan.

Any action worth taking will generate some pushback, even if those who object will ultimately see its value. Takeover strategies cannot be limited to actions that no one opposes, but they should be focused on actions that make it possible to build some support.

Successful state appointees reach out to parents. As one former takeover leader said, “Parents love their schools, they just don’t like the results.” Another said, “Survival depends on selling the goals of equity, fairness, empowering parents.” To make the case for change, one said:

*“We really tried to change parents’ minds. My message: the schools’ problems are rooted in poverty and injustice. Politics and bureaucracy are hurting your kids and blocking improvements that are really possible. I was both bringing in charter operators and when possible turning around existing schools. I had to be able to say why a given school needed to be totally rebuilt, and why another could be fixed.”*

Takeover leaders agreed that some schools must be changed fundamentally and rebuilt with entire new staffs or via chartering. But in retrospect, some felt they should have done more to listen to parents and demonstrate that new or redeveloped schools responded to the hopes parents had expressed, which invariably prioritize caring, safe schools with positive environments for learning. Some also said that the selection of charter operators should not be entirely top-down, and that two or more should be challenged to engage school parents and neighbors before one is selected.

Some former takeover leaders also emphasized that it is not enough just to gain teachers’ grudging compliance. Though takeover leaders clashed with union leaders from time to time, one leader said they worked to:

*“Build support and understanding among teachers. Talk to teachers directly on the theme that changes in practice are needed and that the system must be rebuilt to support schools. Also build incentives for teachers to stay in the same schools so improvements can accumulate over time.”*



Takeover officials cannot ignore the school board, unions, and the district bureaucracy, but they must make the case for change, in the words of an experienced state superintendent, “to the community over the heads of the school board, which is almost never a good community bellwether.” Some recommended community conversations in neutral venues, not under the auspices of unions or interest groups.

Takeover leaders were clear about the need to broaden their base of support to include the mayor and possibly the city council, neighborhoods, and anti-poverty groups, as well as civic and business associations concerned with the city’s livability and economic future. As one said, “Get to know the real power brokers, who are often respected individuals who don’t have an official title.” Another said, “Build local alliances. . . and create new organizations that will support reforms.”

**Move fast enough to make changes that truly improve local schools and fix district finances, but not faster than you can recruit or retrain quality school leaders, principals, and charter operators.**

How rapidly should takeover leaders move? Goldilocks has it right: move fast enough to make changes that truly improve local schools and fix district finances, but not faster than you can recruit or retrain quality school leaders, principals, and charter operators. A faster pace is more feasible in a city that can become a magnet for talent because of dramatic needs or cultural advantages (New Orleans, for example) than in a city that struggles to attract and keep educated people.

Time is always a problem for takeover leaders. Philanthropic support is necessary but donors, needing to see results right away, can drive takeover leaders to move faster than local conditions allow. Some respondents commented that it takes two years to fix a district’s business office and find money to support educational initiatives. Two of our respondents saw promise in having an initial state appointee make dramatic financial and management changes quickly, and then replace that appointee with another who can make a fresh start, focus on improving individual schools, and consolidate what has been accomplished. In Newark this allowed a reset and new progress after relationships among city, district, and charter leaders had reached an impasse. In Oakland, however, the replacement state official abandoned many of the changes in school autonomy and district oversight that the takeover had put in place earlier.

Our respondents also agreed that the current political climate is more difficult than the one they faced previously. Middle-class parents are less likely to support new charter schools, and national union-funded groups can crystalize opposition, provide op-eds and reports, and organize demonstrations. As one concluded:

*“Think hard about tradeoffs, [for example], whether a new charter school will be enough better than the existing school with some help, to offset the harm done to [a] community, and the consequent opposition. Take action, but have criteria you can explain to locals. Don’t press for charter schools unless you have really good providers. If potential new school providers aren’t really good ones, the juice isn’t worth the squeeze.”*

### Lesson #3: Exit Strategies Must Be Specific and Set the Conditions for Long-Term Success

Changes in schooling options and district finances mean little if they disappear as soon as the state takeover ends. Just as it is important for states to establish clear expectations about when state takeovers are justified, states must be clear about what districts must do after local control returns.

All state takeovers must eventually come to an end. Yet state law rarely offers guidance on how states should exit from state takeovers and return control of schools to local oversight. As a result, it is often up to state chiefs, working with other state policymakers, to define the terms and conditions of exit and the strategies for sustaining the gains after state control ends. How well this is done can determine whether states' investments in takeovers pay dividends over the long run.

The issues that prompt a state takeover rarely resolve themselves quickly. The Recovery School District's involvement in New Orleans lasted more than a decade, and state control of Newark's public schools lasted more than 20 years. Even when the terms of state takeover are limited—such as focused on addressing temporary crises—states can struggle to make quick progress. California took control of the Oakland Unified School District in 2002 in the wake of a financial crisis that resulted in the largest bailout of a school district in state history. While the terms of that intervention were in large part financial, a state receiver remained in place for more than six years. However, the ambitious changes initiated by state appointee Randy Ward were cut back sharply after the state superintendent, under pressure from unhappy unions, demanded Ward's resignation. Ten years after the 2002 takeover ended, Oakland was once again a candidate for state takeover because of growing deficits and financial mismanagement.

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The state chief that initiates a takeover is unlikely to be the one that sees it through. Chiefs rarely stay in place longer than five years, but some takeovers last for a decade or more. This amplifies the importance of defining the conditions for state withdrawal long before states plan to return control to local leaders.

States vary in whether they set any conditions or terms on a return to local control after state takeover. In Massachusetts, state law is explicit in providing the state chief wide discretion to determine when to return a district to local oversight, so long as the district is making progress in addressing the performance issues that motivated the state takeover in the first place.<sup>3</sup> Other states, such as California and New Jersey, require a return to local control if the district meets certain management benchmarks in key areas.<sup>4</sup>

But just because state law specifies when a transition to local control should occur, it rarely specifies how states should make the transition. Transition plans are all well and good, but they can easily be tossed aside if convenient. Some states require districts to make legally binding commitments as part of a transition to local control.

In Massachusetts, for example, “exit assurances” set the terms of the state's withdrawal and commit the district to maintaining certain strategies in the medium term. State control can be reimposed if the district does not fulfill its promises. This increases the likelihood that the changes initiated by states as part of their turnaround plan (and viewed as instrumental to the gains achieved under state control) are maintained even after the state exits.

One former chief noted the importance of “safety valves” in transition plans:

*“If some functions have returned to local control but the district backslides, the state should be prepared to retake control. . . [For example, the state might] reimpose fiscal control if the district submits a deficit budget.”*

Lacking a formal process to handle such transitions, states may consider adopting policies that govern particular cases of state takeover. Louisiana adopted Act 91, a law that specified the transition to local control for schools in New Orleans. To our knowledge, that effort represented the first time a state limited the power of a local board of education in an effort to sustain reforms launched during a state takeover. For example, Act 91 required all charter schools in New Orleans to participate in OneApp, a centralized application and lottery previously managed by the state-run Recovery School District. It also required

the Orleans Parish School Board to maintain a per-pupil resource allocation system to fund schools based on student characteristics, preserved autonomy for operators about curriculum, programming, human resources, and budgeting, and empowered the superintendent to manage the portfolio of schools free from board micromanagement. While the results of this effort are still unfolding, they suggest that state law can help to insulate reforms from localized opposition.

Handling a transition to local control hinges upon current conditions in the locality and the inherent “stickiness” of state-initiated reforms. Conditions in the district when the takeover ends can shape the pressures local leaders are likely to face as they take control of district finances. Dissatisfaction among parents or teachers will increase political pressure to “undo” offending components of state reforms. As the New Orleans case demonstrates, legal frameworks can help to insulate reform from such political pressures. But no legal framework is permanent; laws can be rescinded or done away with if opponents can convince enough legislators of their case. This is why it is essential for state leaders to work on the front end to build a strong base of political support.

Reforms can also be harder or easier to undo. Most state charter laws insulate charter schools initiated under a state takeover from local political pressures, making them less vulnerable to inevitable leadership transitions during a return to local control. Some reforms gain political constituencies that make them resistant to change—for example, a funding formula that targets additional resources for high-need students. But other reforms that lack a supportive constituency or legal protection can be easier to do away with. A new talent strategy or evaluation framework can be swept aside via actions by local boards and superintendents. State leaders can powerfully insulate their reform strategy simply by investing in policies that give people on the ground a stake in preserving it.

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The current and former state leaders we spoke with also identified the importance of preparing for a return to local control by building local institutions that cannot easily be done away with. Investments in the local nonprofit sector, including those coordinated by a local “quarterback” organization, can be sustained through leadership transitions. Elsewhere, we’ve written about the role of citywide education organizations that can keep the pressure on policymakers, serve as a neutral arbitrator of evidence, and elevate the voices of underserved children and families.<sup>5</sup> States can also prepare for a transition by investing in a successor who is able to win the confidence of key central office staff whose retention can be important.

## Conclusion

Despite hard lessons learned about the complexity of state takeovers, current and former chiefs agreed that states must retain the authority and ability to intervene in troubled districts. The state is ultimately responsible for the children in public schools and cannot sit by if a district cannot provide good schools because it is ridden by conflict, disabled by financial mismanagement, or unable to attract and keep good teachers.

A state that lacks the legal authority to take over a district, or promises never to use an authority that it has, lacks an important asset in bargaining with local officials and unions. The same could be true of a state that has tried too many takeovers and bungled them.

State takeovers do not eliminate the constraints that local boards confront. Difficult politics, broken central office systems, and the absence of local capacity do not disappear when states step in, nor are

they easy for states to resolve on their own. State departments of education do not have the capacity to play all necessary school leadership and central office roles. States can extend their capacity by working with school support networks, nonprofits, university experts, and charter management organizations, but state officials still must supply the basic strategy, understand and navigate the local context, and know when and how to return a district to local control. And just as a locally-led reform strategy must find roots in the local community, so too must those launched through a state takeover.

States can help insulate local districts from the inevitable pressure to return things to the way they were before states stepped in. State law and regulations provide a backstop that at the very least can ensure, in the medium term, that local boards maintain their commitment to the state's reform strategy. But much of the work involved in sustaining improvements after state takeovers must begin long before states consider an exit option. States would be wise to invest in reform strategies that are insulated from opponents by virtue of state law, local political support, or ideally, both. States should never assume their good results are enough to carry reform through a return to local control. Instead, they should make explicit any conditions or limits on a return to local control and actively seek the changes to state law and cultivate political supporters that will help sustain the gains long after the state leaves.

**Difficult politics, broken central office systems, and the absence of local capacity do not disappear when states step in, nor are they easy for states to resolve on their own.**

## Endnotes

1. This section draws upon research and writing from Ashley Jochim. See *Measures of Last Resort: Assessing Strategies for State-Initiated Turnaround* (Center on Reinventing Public Education, 2016).
2. Jill Tucker, "Bailed-out Oakland schools are back in financial trouble," San Francisco Chronicle, January 2, 2017.
3. [603 Mass. Code Regs. 2.06](#) (Accountability and Assistance for Chronically Underperforming Districts and Schools).
4. In California, state takeovers are exclusively related to the state fiscal oversight role, but exit from receivership requires the district to demonstrate good management in five areas: 1) financial management, 2) student achievement, 3) personnel management, 4) facilities management, and 5) community relations. See Legislative Analyst's Office, *Analyzing Recent Changes to State Support for Fiscally Distressed Districts* (Sacramento, CA: California Legislature's Non-Partisan Fiscal and Policy Advisor, 2018). In New Jersey, transitions to local control follow five domains (instruction and program, fiscal management, governance, operations, and personnel) as part of the state's Quality Single Accountability Continuum. A district must satisfy at least 80 percent of the weighted quality performance indicators to be eligible. See "NJ Quality Single Accountability Continuum," State of New Jersey Department of Education (website), accessed August 22, 2019.
5. Paul Hill, Christine Campbell, and James Harvey, *It Takes a City: Getting Serious about Urban School Reform* (Seattle, WA: Center on Reinventing Public Education, 2000).