STATES' INTERVENTIONS IN SCHOOL DISTRICTS
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While the Michigan Legislature debates a proposal to authorize the Mayor of Detroit to take over the operation of that city's schools, a number of school districts across the country have experienced state interventions in the past decade.

Laws in 22 states, including Michigan, permit state officials to intervene in schools that exhibit poor academic performance or have demonstrated fiscal and operational mismanagement. Besides Michigan, those states include Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and West Virginia. What is meant by "intervention", of course, varies considerably from state to state.

Michigan permits state officials to intervene in underperforming schools through the Revised School Code's school accreditation process, which is based on pupil performance on the Michigan Education Assessment Program (MEAP) tests and other academic measures. Accreditation is divided into three levels: summary or full accreditation, interim or partial accreditation, and unaccredited. The Department of Education annually must review and evaluate the performance of each school that is unaccredited and, as permitted by the Department's resources, the schools that are in interim status. Upon the request of a school board of the district in which an unaccredited or partially accredited school is located, the Department is required to provide technical assistance. A school that has been unaccredited for three consecutive years is subject to the following: The State Superintendent of Public Instruction must appoint an administrator of the school until it becomes accredited; a parent or legal guardian whose child attends the school may send a child to an accredited school; the school must align itself with an existing research-based school improvement model or establish an affiliation with a State college or university to provide assistance to the school; or, the school is closed.

Other states establish several stages of state monitoring during which a state education agency may intervene by making recommendations for improvement or providing technical assistance to an individual school or an entire school district to help revamp operating procedures and increase student achievement. While current Michigan law does not allow the state to alter the governance of school districts, a number of states' intervention laws include takeover strategies that vary from removing a superintendent and local board and assigning a manager to run a school district, to appointing an interim administrator but retaining the local board.

Following is a list of school districts where states have intervened in the operation of the districts.

California

Compton: In 1993, state law appropriated $20 million in emergency loan funds to the Compton Unified School District contingent upon its accepting an agreement under which the district must comply with certain conditions, including the state Superintendent of Public Instruction's assuming all the legal rights, duties, and powers of the district's governing board and providing for the appointment of an administrator who acts on the superintendent's behalf and exercises his or her authority. The superintendent's and administrator's authority continues until they determine that the district will comply with various recovery plans approved by the superintendent; the administrator certifies that all necessary collective bargaining agreements have been negotiated and ratified, and are consistent with the terms of the recovery plans; and the district has completed all reports that the superintendent requires. In 1997, the California legislature enacted legislation expressing its intent that the governing board of the Compton Unified School District, by July 1, 2000, be returned its designated legal rights, duties, and powers only after the board and school district demonstrate significant improvement in five areas: pupil achievement, financial management, facilities management, personnel procedures, and community relations. The legislation also requires the Fiscal Crisis and Management Assistance Team, an independent state agency that provides technical guidance to troubled school systems, to conduct comprehensive assessments and the state administrator to develop the five plans.

SENATE FISCAL AGENCY

Connecticut

Hartford: In 1997, the Connecticut General Assembly passed a special act to replace the Hartford Board of Education with a new State Board of Trustees for the Hartford Public Schools. The trustees are to hold office for three years with a possible two-year extension. The special act required the trustees to continue to implement the Hartford Improvement Plan developed by the Connecticut Commissioner of Education and adopted by the Hartford Board of Education; provide a mechanism for parent, teacher, and community involvement in the schools; contract for a fiscal and operations audit of the school district; and develop and implement a long-term school building program. The special act also allows the trustees, in consultation with the Commissioner of Education, to delegate to the Hartford superintendent of schools any of the trustees' statutory responsibilities and request waivers of statutes and regulations. The special act set up a procedure for the trustees to propose revisions to existing labor contracts, establish a special binding arbitration process for the Hartford school district, and enact special provisions for a school construction project to renovate Hartford Public High School. Finally, the special act requires the Commissioner and State Board of Education to report to the Governor and the General Assembly on the district's progress and needs.

District of Columbia

Washington, D.C.: In 1995, the U.S. Congress created a financial control board to operate the District of Columbia's government. One year later, the board appointed retired Army General Julius Becton, Jr. to be the new superintendent of schools and created a board of trustees to oversee the city's school system. The U.S. Court of Appeals for the District of Columbia Circuit ruled in January 1998 that, while the financial control board had "extraordinary" power, it was out of line in 1996 when it declared the school district to be in a state of emergency and shifted oversight from the elected school board to the appointed board and fired the superintendent. The ruling stated that the appointed board of trustees could serve only as advisors to the financial control board. At the time of the ruling, it was expected that the financial control board would not return authority to the elected board. Consequently, the five-member control board was expected to take a more active role in running the 77,000-student system. Becton left the school district last June and was succeeded by his chief academic officer.

Illinois

East St. Louis: In 1994, state officials appointed a three-member panel to address the financial and academic problems within the 13,000-student district. The panel must approve all expenditures authorized by the seven-member elected school board. After the state attempted to remove members of the school board, they were reinstated by a judge in response to legal actions.

Chicago: In 1988 the Illinois General Assembly overhauled the governance of the Chicago Public Schools by taking some control from the district's school board and central office and placing it in the hands of parents in the form of elected local school councils to run individual schools. In response to chronic academic and fiscal deterioration in the 430,000-student district, a second wave of reform occurred in 1995 when the Assembly enacted legislation that abolished the school board and eliminated the superintendent. The reforms authorized Chicago's mayor to run the schools, including managing the operation of the schools, the district's budget, and union negotiations; appoint a chief executive officer to run the schools for four years; and, replace the 15-member Board of Education, which was appointed by the mayor, with a five-member Chicago School Reform Board of Trustees that also was appointed by the mayor.

Kentucky

Floyd and Letcher Counties: State education officials assumed management control of the Letcher County School District in 1994 and of the Floyd County School District in 1998 under a state law that permits the Commissioner of Education to intervene in a district's daily operations after a state management audit shows a pattern of financial mismanagement in the district. Under the law, the locally elected school board and the superintendent remain in place, but the state sends in a management team that works with local education officials to improve their management of the district. Board members may be removed for neglect of duty and incompetence. When this occurs, the Commissioner appoints new members to serve until the next election. In addition, the Commissioner can appoint a manager to serve as an interim superintendent, as happened in Floyd and Letcher Counties. State intervention due to management problems is limited to three years.

The state also intervenes in any school district that ends a year with a financial deficit, as occurred in Pike County. When this occurs, the state must approve any activity by a district that involves spending funds. Kentucky law also permits the state to intervene for up to two years when students perform poorly on assessment tests. In this case, the state intervenes in the individual schools in a district, but not the entire district.

Maryland

Baltimore: In 1997, the state entered into a partnership with the City of Baltimore to run its public schools. Under the partnership, state aid for the schools is increased in exchange for potentially permanent state control of the school system. Baltimore schools will receive $254 million in additional school operating funds over five years. The partnership created a new nine-member board of school commissioners with members jointly appointed by the governor and mayor. The new board is authorized to select a chief operating officer to replace the district's superintendent. The law states that the new management structure is permanent in the absence of a repeal by a future legislature.

Massachusetts

Chelsea: Under a 1988 state law, Boston University was allowed to run the Chelsea School District under a long-term management contract.

Boston: The legislature abolished the elected Boston School Committee in 1991 and authorized the mayor of Boston to appoint school committee members. Five years later, the citizens of Boston voted to maintain the school committee appointed by the mayor.

Lawrence: In 1997, a state auditor's report found that the Lawrence School District had excessive administrative costs, inadequate administrative controls, substantial spending on noninstructional items, and questionable and unreported staff fringe benefits. The state Department of Education found that there was a lack of administrative oversight of the implementation of policies and procedures related to timely placement of students in appropriate special education and transitional bilingual programs. In addition, the Lawrence High School lost its accreditation by the New England Association of Schools and Colleges. Finally, the district was shown to have stagnant scores on the statewide assessment test, low attendance rates, and high drop out rates. As a result, the state Commissioner of Education recommended that a state fact-finding team assess and report on the reasons for the district's underperformance, refer to the state Attorney General certain findings for investigation, and assign a Department of Education staff member to monitor the district's operations, including reviewing expenditures. Subsequently, state officials intervened in the district to oversee daily operations, provided technical assistance to administrators, and participated in the selection of a new superintendent.

Mississippi

North Panola: Under a 1991 Mississippi law, school districts are not allowed to operate with a deficit. The state intervened to take over the financially strapped district, dissolve the school board, make necessary budget cuts and personnel changes, and provide more than $1 million from a rainy-day fund that the district has to pay back, without interest, within five years.

New Jersey

Jersey City: The New Jersey Board of Education took over the school district in 1989 under the state's "academic bankruptcy" law in response to reports of fiscal mismanagement, nepotism, and crumbling school buildings, as well as hiring in violation of state contract-bidding laws. The state's action abolished the local school board and removed the superintendent and other top administrators, replacing them with state appointees.

Patterson: After the district failed to meet minimum state education standards since 1976, the state seized control in 1991 of the 24,500-student school district by firing the superintendent, disbanding the school board, and demoting top administrators. The state-operated administration and state-operated board were to be in effect for at least five years or until the district achieved state certification.

Newark: Citing years of failure to give students a minimum education, the New Jersey Board of Education decided in 1995 to take over the state's largest school district and install a state-supervised management team.

New York

Roosevelt: Basing their actions on low student performance and unsafe schools, the New York Board of Regents voted in 1996 to approve a state takeover of the Roosevelt School District.

Ohio

Cleveland: In 1995, the U.S. Circuit judge, who presided over the Cleveland school system's desegregation case, turned over control of the district to the state Superintendent of Public Instruction after ruling that management problems and a crippling budget deficit hampered the district's ability to carry out its educational program and comply with court orders in the case. The judge ordered the state superintendent to take control of the district's personnel and fiscal operations and the administration of the district's educational program as well as to prepare reorganization plans. In 1997, the Ohio legislature enacted legislation that gives the mayor of Cleveland broad authority over the schools, including appointing the school board and the chief executive officer of the school district, to overcome the district's academic and financial problems. The shift in control over the school district had to be approved by the Federal court.

Texas

Kendleton: Under Chapter 39 of the Texas Education Code, the state can intervene in a school district if the district does not satisfy performance-based criteria for accreditation that are outlined in Chapter 39. State law also permits intervention if a district exhibits financial and governance problems. In 1993, the Texas Education Agency intervened in the kindergarten to sixth grade district, located outside of Houston, after a review team determined that the district was underperforming and was experiencing financial and management difficulties. The state assigned a board of managers to assist in the district's operation. While the superintendent remained, the duties of the board of education were suspended during the one-and-a-half years of state intervention.

Wilmer-Hutchins: In 1996, the state intervened in the K-12 grade district because of academically poor schools as well as governance and financial problems. The state assigned a management team made up of a retired school official, who had expertise in curriculum and management, as well as a local business person. Due to the resignation of a team member, the state assigned a second team made up of persons from the state's education agency. While the state did not abolish the elected school board, the management team could override board decisions. The team also assisted the board in the district's management and the employment of a new superintendent. State intervention in the Dallas-area district ended in November 1998.

West Virginia

Logan County: In 1992, the West Virginia Board of Education took control of the 7,200-student district after many years of low student achievement and poor financial management and personnel practices, such as the district's financial inability to hire substitute teachers. The state's control included the appointment of a superintendent, but the elected school board remained during the takeover and served in an advisory capacity. The state relinquished control in 1996.

Mingo County: The school district was taken over in 1998 after the state Board of Education determined that continuing budget deficits, low student achievement, and a lack of leadership created "extraordinary circumstances" that necessitated state intervention.