

## **WHITE PAPER**

### **DATE:**

Feb. 6, 2020

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### **TITLE:**

LULAC Council 402: “The Education Council”: What’s Wrong with the Texas Education

Agency Takeover of the Houston Independent School District Board of Education?

### **BACKGROUND OF ORGANIZATION**

The League of United Latin American Citizens (LULAC), founded in 1929, is the oldest and most widely respected Hispanic civil rights organization in the United States of America. The founders of LULAC created an organization that empowers its members to create and develop opportunities where they are needed most.

Houston’s LULAC Council 402, “The Education Council” was founded on Dec. 14, 1962. The Council has a 20-year history of providing over \$510,000 in scholarships to deserving economically disadvantaged youth. In addition, the organization has advocated for the Latino students in the community, standing against school segregation and advocating for equitable quality education with resources for Latino student success. A pattern of Latino

disenfranchisement exists in the chronicles of our history, and for that reason, LULAC Council 402 was convened. LULAC Council 402 is known as the “Education Council.”

## **ABSTRACT**

LULAC Council 402: “The Education Council” is against the proposed 2020 Texas Education Agency (TEA) takeover of the Houston Independent School District Board, which will be replaced with a Board of Managers. The TEA takeover is unconstitutional, seizing local control from voters, and that of Latinos. State TEA takeovers do not improve districts academically or financially. These takeovers only result in more private enterprise charters that drain limited state resources from public schools. Charter schools generally do not improve student academic achievement; moreover, the TEA takeover of HISD will negatively resonate in our communities, pushing students and their families away from neighborhood schools.

## **PROBLEM STATEMENT**

The TEA has indicated that it will carry out a takeover of the HISD Board. The TEA argues that the state has the right to take over the district because of the academic achievement of one of its over 280 schools; Phillis Wheatley High School, and due to allegations of Board violations pursuant to the Texas Open Meetings Act, improper influence of vendor contracts and false statements made to investigators.

LULAC Council 402, “The Education Council” is against the takeover.

## **BACKGROUND**

On Jan. 8, 2020, Travis County District Judge Catherine Mauzy issued an injunction against the proposed TEA takeover of the HISD Board. This injunction prevents the TEA Commissioner Mike Morath from ousting the elected board for the appointment of nine managers, who will decide on a permanent superintendent.

In November 2019, TEA Commissioner Morath announced the removal of the existing HISD Board of Trustees and to replace the temporary superintendent with a permanent superintendent. The rationale offered by Morath includes enduring academic problems at HISD's Phillis Wheatley High School, as well as allegations of members of the Board violating state law; specifically, the Texas Open Meetings Act, and improper influence of vendor contracts and false statements to state investigators by some previous Board members. LULAC Council 402 opines that the latter allegations of previous Board members is now moot and should not be a reason to remove an entire Board of Trustees; duly elected by their constituents. We believe that the voters of HISD can decide for themselves.

House Bill 1842, granting the state the power to take over a school district, in spite of the fact that only a single school in that district fails to meet state education standards for five or more years, is too stringent for an entire school district takeover. We believe that an amendment to House Bill 1842 should be made with exceptions for assistance to the failing school as intermediary action.

In December 2019, U.S. District Judge Lee Yeakel denied the HISD request for a preliminary injunction to the takeover and remanded the case to State court. HISD claims that Morath exceeded his authority.

In an interview with KHOU news on November 11, 2019, Zeph Capo, President of the Texas Federation of Teachers (TFT), affirmed that HISD had, "the lowest number of low-performing schools in history," and that the district is not failing at all. In an opinion piece published November 15, 2019 in the Houston Chronicle by Capo, James Dixon of NAACP, and LULAC Council 402 President Hugo Mojica, the authors stressed the fact that the district earned an overall "B" grade in a state assessment report

<https://www.houstonchronicle.com/opinion/outlook/article/Something-stinks-about-the-takeover-of-HISD-14836195.php>).

Furthermore, Capo stated that the TFT would be filing public information requests on TEA's connections and transactions with charter schools. Capo asked, "Why is Wheatley being held out when charters around us are doing just as poorly and worse?"

TEA Commissioner Morath's recommendation to remove the HISD Board and to seize Board authority of elected Board members is supported by pro-business groups such as the Greater Houston Partnership. In an interview with KHOU, a local television station, Bob Harvey President and CEO of the Greater Houston Partnership said, "Unfortunately, the dysfunction on the HISD board became a national story... We're talking with prospective companies that are considering coming to Houston, and they ask specifically about HISD." Harvey added that he wanted the new board of managers to "focus on bringing more resources to neighborhoods and schools that need the most help" ([www.khou.com/article/news/education/greater-houston-partnership-helping-recruit-candidates-for-state-appointed-board-to-run-hisd/285-a5e2689e-1d1c-4843-8b10-d98fb9a8da9c](http://www.khou.com/article/news/education/greater-houston-partnership-helping-recruit-candidates-for-state-appointed-board-to-run-hisd/285-a5e2689e-1d1c-4843-8b10-d98fb9a8da9c)).

LULAC Council 402: "The Education Council" is against the proposed 2020 TEA takeover of the HISD Board.

**The Takeover is Undemocratic: The Houston Independent District Board is elected by registered voters who live within the HISD area. The Texas Education Agency takeover nullifies the rights of the citizens of the community to choose their own elected officials.**

An election for four new HISD Board Members was held on November 5, 2019 which replaced two HISD Board incumbents in majority Latino Districts III and VIII. Two more newly elected Board members in Districts II and IV were decided in a runoff on December 14,

2019 to fill those Board vacancies. Voters expressed their choice for representation on the HISD Board at the polls. In effect, voters exercised their right to judge the actions of incumbent Board members. TEA’s proposed takeover invalidates the Houston citizenry’s right to choose their own representation.

<b>District</b>	<b>2019 Board</b>	<b>2020 Board Newly elected in Bold</b>
District I	Elizabeth Santos	Elizabeth Santos
District II	Rhonda Skillern Jones	<b>Katherine Blueford-Daniels</b>
District III	Dr. Sergio Lira	<b>Daniela “Dani” Hernandez</b>
District IV	Jolanda Jones	<b>Patricia Allen</b>
District V	Sue Deigaard	Sue Deigaard
District VI	Holly Maria Flynn Vilaseca	Holly Maria Flynn Vilaseca
District VII	Anne Sung	Anne Sung
District VIII	Diana Dávila	<b>Judith Cruz</b>
District IX	Wanda Adams	Wanda Adams

**State Takeovers Don’t Improve Districts**

Detroit Public Schools Community District members commissioned a study by Allen Law Group which describes the 15-year interval wherein the state managed schools after a takeover. The schools were found to be mismanaged in both academic and fiscal management. The study released in Nov. 2019 confirmed that placing state officials on the Detroit Public Schools (DPS) Board seats did not make the district’s problems evaporate, in fact, citing the “failure to address DPS plummeting student achievement,” and that the students were “not

afforded the educational opportunities they needed and deserved.” The study also found that the classrooms were stocked with outdated materials and that the fiscal problems remained dire. At the end of the takeover, DPS was \$299 million in debt, with an additional \$52 million deficit in interest. Former elected Detroit School Board Member La Mar Lemmons criticized the State takeover of his district, speaking against state takeovers nationally stating that, “The ill-conceived experiments have adversely affected a children-of-color-district.”

[\(https://www.chalkbeat.org/posts/detroit/2019/11/14/report-detroit-schools-emergency-management/\)](https://www.chalkbeat.org/posts/detroit/2019/11/14/report-detroit-schools-emergency-management/).

**The Takeover is About Establishing Charters and Draining Resources Away from our Public Schools. LULAC believes that the most vulnerable public neighborhood schools would be the ones most negatively affected:** Thus, the TEA Board takeover supports a movement for privatization of the District with the creation of more charter schools, that will drain the necessary resources for equitable quality education from HISD neighborhood public schools.

TEA Commissioner Morath formerly served on the Dallas Independent School District Board and was appointed as Commissioner by Texas Governor Greg Abbott (R). Commissioner Morath was involved in the creation of “Support Our Public Schools,” a Dallas group funded by John Arnold, a former hedge fund manager. The group gathered petitions to turn the district into a home-rule charter district. A state law passed in 1995 allows local residents to replace their existing district structure with a home-rule charter. This charter can bypass some state regulations, including minimum salary schedules for teachers, curriculum standards and the number of days in a school year. The Dallas petition drive gathered enough signatures to require the school board to create a 15-member charter commission by June 23, 2014. Critics of this

effort to convert the Dallas ISD District into a home-rule charter include Alliance-American Federation of Teachers President Rena Honea, who argued against the home-rule charter district, stating that this charter would be, "part of a plan to underfund our schools, declare them a failure, and contract out to private operators to control of our neighborhood schools, disenfranchising parents and community stakeholders, and to de-professionalizing teaching"

([https://ballotpedia.org/Support\\_Our\\_Public\\_Schools](https://ballotpedia.org/Support_Our_Public_Schools)).

**The Takeover will Establish More Charters. The Research Suggests that Most Charters have a Neutral or Negative Effect on Student Achievement:** Privatization is a means of seizing control with the authority to create more charters. Charter have often been schools with frequent administrative issues; including criminal violations, and which have shown neutral effects on student achievement, on average.

Charter schools are public schools, but they operate with more autonomy from the local school boards than traditional public schools. They enjoy flexibility in issues such as choice of curricula, management of finances, hiring non-certified teachers and administrators, and the structure of the school day and year. They are authorized in Texas via contracts with a local school district authorizing office. The Texas Charter Authorizing Office oversees the state's charter portfolio.

The charter school success rates in academic achievement as well as effective management vary widely. In an article by Zachary Jason in the Harvard Graduate School of Education publication *Ed*, Professor Paul Reville noted that charter schools are sometimes very good, but some are very bad for students. Reville directs attention to New York's Success Academy and the KIPP system as quite good, however he prompts attention to the Philadelphia's

Harambee Institute of Science and Technology, a K – 8 charter whose administrators converted the cafeteria into an illegal nightclub on the weekends.

Charter schools have had their share of scandals; numerous and sometimes quite disturbing. Charters experiencing scandals in the Houston area in recent years include the Varnett Charter schools, operated by a married couple who charged parents for field trips, school supplies and resources, and the choice to opt out of a school uniform, all while the federal government was already paying for those items. They couple took thousands of dollars from the government and parents to furnish their mansion, to travel the world in a private jet, and to purchase luxury clothing, and jewelry. The couple were found guilty and sentenced to prison in 2018.

Houston Gateway Academy’s Superintendent Richard Garza, along with an IT employee, was indicted for embezzling more than \$250,000 from the charter school in April, 2019.

In terms of academic achievement, Sarah Cohodes, in her 2018 study, “Charter schools and the achievement gap,” published in the Princeton-Brookings *The Future of Children*, found that on average that there is no difference between the achievement of students who attend a charter school than those who attend a traditional public school (3). However, Cohodes does point to “no-excuses schools,” which are those that emphasize extended learning times through longer school days, tutoring, data-driven instruction, frequent teacher assessments and high expectations for students, their families, the faculty and staff may have more beneficial effects than other charters.

Many educators and public-school proponents question the findings that “no excuses” charters can legitimately boast about their student successes on a level field with public schools. They educators and public-school proponents argue that charter schools practice “cream



skimming,” a selective process for high achieving and well-behaved students. While many charters purport to have a bias-free lottery system, the nature of a student and their family who apply for a charter may show a selection bias, meaning that these may be more motivated and academically focused students and families. Furthermore, while a public school does not expel students with low academic success, or the vast majority of those who misbehave, the charter schools often simply ask the child who presents significant disciplinary challenges or who is not achieving academically to leave and to re-apply at their zoned neighborhood school. Charter schools enroll less students who are English Language Learners and enroll more with lower mobility (these families are less likely to move frequently). Special-needs students receiving special education services are not enrolled proportionally in charter schools.

The essential problem is that while charters show neutral or negative effects on student achievement, on average; and, show varying levels of expertise in managing schools, they are draining funds away from public schools. They are furthermore not inclusive. Public schools are the backbone of our democracy. The 19<sup>th</sup> century educational reformer known as “the founding father” of American public school education, Horace Mann, developed his principles regarding public education. They included the idea that citizens of a democracy cannot be both ignorant and free, that the education of these citizens should be controlled and maintained by the public, that education in our country should be provided in schools that embrace children from all backgrounds, that our education be nonsectarian, that our education must be provided using tenets of a free society, and that education must be provided by well-trained professional teachers. Every dollar taken from a traditional public school to a charter jeopardizes these principles. Public school systems are inclusive. This is where the majority of American children

are receiving their educations, including the most vulnerable. We should improve public schools, not abandon them.

**The Takeover is About the Removal of Local Control. But the Research says that Schools and Districts with the Most Local Controls are the Ones That Succeed:** Removing local control is contrary to what research purports what works in schools. Research supports active local participation—including the electorate—in the schools as a primary feature of success.

Rutgers political scientist Domingo Morel, in his 2017 book *Takeover*, argues that districts and schools having robust community participation are successful when everybody has a stake in the school district (<https://www.chalkbeat.org/posts/us/2018/06/12/state-takeovers-book/>).

The research is nearly unanimous on the question of whether energetic parent and community engagement is a component that improves schools. Poynton, Kirkland and Makela found in their review of increased participation by parents and community that effective solutions to problems are enhanced by agreement and trust, and that this leads to increased student achievement. There is also a multiplicative effect. Parents and community members that are actively involved in schools doing real work and helping to make impactful decisions inspire other parents and community members to do the same (<https://files.eric.ed.gov/fulltext/EJ1201954.pdf>).

Giles found in a 1998 study that authentic relationships between community members, parents, students, and school faculty and staff can spur positive school reform. Indeed, Giles writes that reform in schools in which parent could even be described as “transformational.” However, the faculty, staff of the school, as well as those persons at the top of the leadership pyramid in districts, must commit to the ideal that the community members, the students and

their families have every right to ask questions, be key players in decision-making and co-create the environment of the school.

LULAC Council 402, “The Education Council” reaffirms parent engagement as a critical school reform strategy for improved academic achievement. TEA Commissioner Mike Morath proposes a non-inclusive, self-serving, disenfranchising decision that hinges on discrimination and demonstrates no regard for HISD communities. To nullify the right to vote for quality representation disregards our ability and faculties to select the representatives of our school board members.

**The Takeover is About Racism:** Racism is undeniably a factor in this proposed takeover. First, the takeover will enable more privatization. Privatization is a means of seizing control and therefore having the means to create more charters—since charter boards are not elected, they take the power of choosing representation away from the voter. Privatization is a strategy to further segregate an already segregated district, and the state of Texas has a long history of allowing Anglo, non-Hispanic parents to remove their children from classrooms in which there are African-American/Black and Hispanic children. All of the districts which have been taken over by the TEA are districts in which the majority of students and their families are people of color.

Morel, in his book Takeover, notes that 85 percent of the districts that have been taken over by their states have had majority African-American/Black or Hispanic student populations. However, states that do takeovers in majority white districts, leave their local school boards intact, and abolish the Boards only 4 percent of the time compared with 33 percent in majority black districts.

School boards have historically been one of the few positions of power readily available for Hispanic candidates. More Hispanic leaders serve on school boards than any other political office.

Morel posits that takeovers are a symptom of an overall political tension between politicians who are uncomfortable with people of color in power and intersectional, oppressive, classist, racist policies and structures. Morel stated:

If we look at education as a political problem and we see how important the schools are to communities' political empowerment, then we can start to see how takeovers make sense for two major reasons: Conservatives had consolidated within the Republican Party by the 1970s and blacks became an important part of the Democratic coalition by the 1970s. Moreover, the schools served as the political foundation for black political empowerment. This provided the context for increasing political tension between increasingly conservative state governments and cities. The schools were a major part of this political struggle (<https://www.chalkbeat.org/posts/us/2018/06/12/state-takeovers-book/>).

HISD's student population is 61.84% Hispanic, 24.02% African American, 8.7% White, and 4.05% Asian. The demographics of HISD's voting population is majority people of color. To date, every school district in which TEA has attempted to replace an elected board of trustees with an unelected board of managers has been in a school district which is comprised of a majority of people of color. This has resulted in a disparate impact on people of color in the state of Texas.

LULAC Council 402, "The Education Council" believes that if the Board was comprised of less elected officials of color, the if the voters were comprised of less people of color and that

its student body was comprised of less students of color, that the TEA would not be proposing a takeover. This takeover is based on racist ideas on whether or not people of color can serve in positions of leadership with the same professionalism, intellectual capacity and managerial efficacy as the dominant culture.

## **SOLUTION**

LULAC Council 402, ‘The Education Council,’ believes that the solution to the TEA debacle with TEA Commissioner Morath leading the charge for an HISD takeover is to cease their actions and to keep intact the current HISD Board of Trustees. We do not favor the severe sanctions or unlawful interventions on HISD. A TEA takeover will only harm HISD students and their families, as well as the Houston community. The Board should not be removed for a group of managers.

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