



A Union of Professionals

Morath vs. Houston's Kids

The Truth about Houston and State School Takeovers

Texas Education Commissioner Mike Morath is moving to dislodge the elected Houston school board in order to take control of the Houston school district. Houston is the seventh-largest school district in the United States and is one of the strongest-performing large school districts in the country. Morath is using the performance at one school in order to take over a district of 284 schools with 214,000 students. Since 2017, for the first time in its history, the Houston school board has been governed by a majority of black and Hispanic board members.

Background on Morath's attempt to take over Houston's schools:

The largest school district in Texas and the seventh-largest district in the United States, the Houston Independent School District operates 284 schools serving more than 200,000 students. The district's student population is largely made up of students of color from low-income families. Nearly 62 percent of students are Hispanic, 24 percent are African American, and nearly 75 percent are classified as economically disadvantaged.

In 2013, the state Legislature passed House Bill 1842, which subjected schools that stayed on the Improvement Required list for two consecutive years to a turnaround plan. Under the law, a school district with just one school on the IR list for five consecutive years is in danger of a state takeover or closure. In a school takeover, the democratically elected school board would be replaced with state appointees. A subsequent bill, Senate Bill 1882, forces districts to choose between allowing a board takeover or turning over management of the struggling schools to outside operators, usually charter schools. In exchange, the school is offered the per-pupil funding advantage available to charter operators as well as a two-year exemption from accountability labels. Houston was considering turning over schools on the IR list to a charter operator but backed off that plan when it was clear that was not what the community wanted.¹

In 2016, Morath assigned a conservator to oversee one of HISD's struggling high schools. When her role was expanded in March 2019, one of her first actions was to suspend the district's search for a permanent superintendent, depriving HISD students and staff of a permanent leader.

In March 2018, Morath enacted a rule that allowed the Texas Education Agency to downgrade a school's passing rating if the school earned an overall passing grade but failed three of four of the measures schools are graded on.² Without this rule, Wheatley would not have been deemed failing in its most recent state evaluation. Indeed, if charters were rated on this same scale, several that the TEA has approved would also have failed.

Then came the report. The TEA Special Investigations Unit issued its report privately in early August 2019, alleging misconduct by HISD board members, such as violation of the Open Meetings Act. The report jumps to the recommendation of a state takeover, without suggesting any intermediate remedies such as Lone Star Governance, the TEA's board training program.³ While the TEA repeatedly chastised the board for Open Meetings Act violations, a majority-white school board was absolved on essentially the same violation in a 1995 federal court decision.⁴

Morath notified HISD that he would be taking over management of the school district less than 24 hours after Houston voters used their voice to elect four new members to the school board. Rather than giving new board members a chance to build on HISD's improvement, Morath is continuing his relentless targeting of HISD, looking for any means possible to tear control away from a minority community. Ousting the district's school board and lowering its accreditation status is his way of punishing the community for fighting privatization, when what Houston needs is proper funding and support from the state.

1 Juan A. Lozano, "Houston District Backs Off Plan for Takeover of 10 Schools," *AP News*, April 25, 2018.

2 These measures are Student Achievement; School Progress, Part A: Academic Growth; School Progress, Part B: Relative Performance; or Closing the Gaps. If the Student Achievement score is a D or higher, the forced failure rule does not apply.

3 Jacob Carpenter, "TEA Investigative Report Cites Misconduct, Recommends Replacement of HISD Board," *Houston Chronicle*, August 6, 2019; Texas Education Agency, "School Boards: Lone Star Governance," https://tea.texas.gov/Texas_Schools/School_Boards/Lone_Star_Governance.

4 *Hispanic Educ. Com. v. Houston Ind. Sch. Dist.*, 886 F. Supp. 606 (S.D. Tex. 1995).

Research on school takeovers shows little or no success in 30 years and more than 100 takeovers:

Academic analyses of state takeovers find no support for claims that takeovers lead to rapid or drastic improvement:

The history of state takeovers over the last 30 years in more than 100 cities shows that takeovers have never succeeded in achieving what states promised.

- A 2015 report by the Southern Education Foundation and the Annenberg Institute for School Reform, “Investing in What Works: Community-Driven Strategies for Strong Public Schools in Georgia,” found that state takeover models have not proven effective.⁵
- Rutgers professor Domingo Morel, who has studied state takeovers of school boards across their 30-year history, argues that takeovers have been almost exclusively used to remove the voices and representatives of communities of color from governing their schools.
- A study released in 2018 showed that Tennessee’s Achievement School District schools weren’t performing better than similar in-district schools and were struggling to recruit students and retain high-quality teachers.⁶
- Of the 110 schools taken over by Louisiana’s Recovery School District, all have either been closed or turned over to charter operators.⁷
- The Detroit Data and Democracy Project examined standardized test results in 2013 and found that Michigan’s Education Achievement Authority students failed to make even marginal progress toward proficiency in math and reading. The state admitted the initiative was a failure.⁸

The history of state takeovers is riddled with failures from Detroit to Philadelphia to Newark, N.J., and shows:

- When a state takes over a school board, community and parent voice in governance of schools is stripped.
- The state installs bureaucrats and high-paid consultants who make decisions unilaterally, without consultation with teachers, parents and community members, and who are unaccountable to the public.
- State takeovers focus on testing and teaching to the test, at the expense of other important programs.
- State takeovers do a poor job of investing in and meeting schools’ nonacademic needs, including investing in infrastructure (e.g., Flint, Mich.; Detroit; and Philadelphia).
- State takeovers are much more likely to hand over schools to corporate charter operators.

School and district takeovers are predominantly foisted on communities of color:

A 2015 report by the Alliance to Reclaim Our Schools finds that state-run school districts, where local parents’ control of education governance has been taken away, served 98 percent African American or Latino students in the 2014-15 school year. The AROS research found that three state takeover districts converted 96 of 113 public schools to charters. Taking away educational self-determination from communities of color has profoundly disempowering effects. The AROS report notes such harmful impacts as the creation of “school deserts” where children no longer have access to a neighborhood school, increased segregation and increased financial destabilization.

Takeover is not an appropriate solution for Houston ISD, and there are significant questions about whether Morath and the TEA are qualified to manage a district as large as Houston’s:

Houston ISD is not a struggling school district:

By the TEA’s own metrics, Houston ISD has received the equivalent of a B grade two years in a row. Wheatley High School, the school Morath cites as a reason to take over an entire school district, received an overall score of 59 in 2018-19, just one point shy of improving to a D grade. Absent a May 2018 rule implemented to create TEA discretion on borderline cases, Wheatley would not be eligible to be taken over by the district.

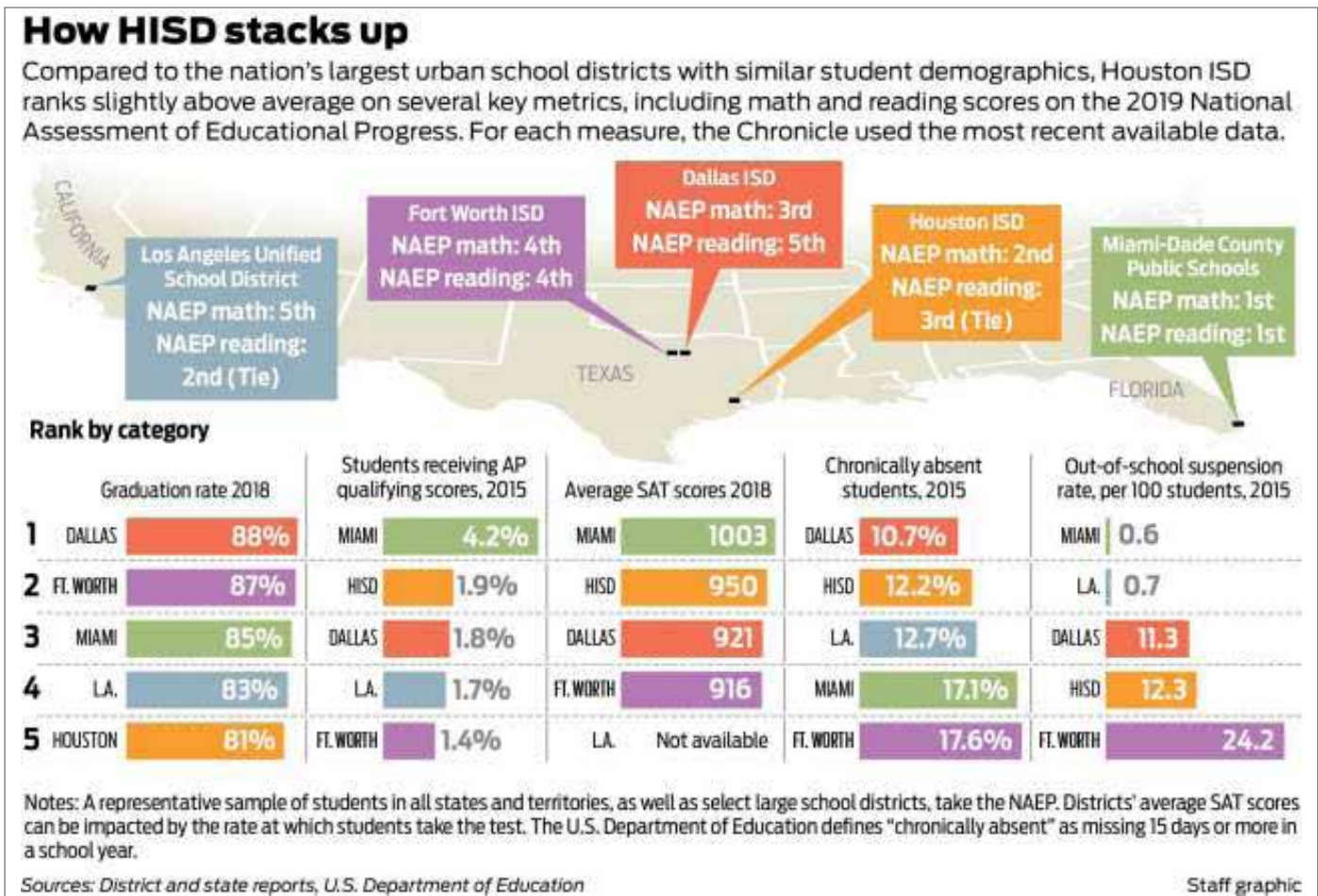
5 Southern Education Foundation and Annenberg Institute for School Reform, “Investing in What Works: Community-Driven Strategies for Strong Public Schools in Georgia,” December 2015.

6 Caroline Bauman, “After Five Years, the Tennessee-Run District Isn’t Performing Any Better than Low-Performing Schools Receiving No Intervention, Research Says,” *Chalkbeat*, June 19, 2018.

7 Southern Education Foundation and Annenberg Institute for School Reform, “Investing in What Works.”

8 Thomas C. Pedroni, “MEAP Cohort Data Reveal Stagnation and Decline in EAA Student Test Achievement,” Detroit Data and Democracy Project, March 3, 2014.

When compared with similar large districts, Houston ISD ranks relatively high using measures that extend beyond state tests:⁹



The TEA has authorized charter expansion and renewal of extremely low-performing schools, even as they moved toward taking over Houston ISD:

According to its website, the TEA renewed 10 charter agreements in 2019.¹⁰ Renewals for 2019 included the Goodwill Excel Center (for adults), which is tied for the lowest overall score in the state of Texas. The Excel Center was renewed on a discretionary basis, a designation denoting increased scrutiny over the school's operations and performance. The TEA also renewed two charters in 2019 that scored a D on the state ratings: Evolution Academy Charter School and Corpus Christi Montessori School. While Evolution Academy was approved on a discretionary basis, Corpus Christi Montessori was reauthorized on an expedited basis, meaning it was "automatically offered a renewal contract."

The TEA has never taken over a district as large as Houston and has a poor track record with the smaller districts it has taken over:

After the failed takeovers, most of the districts, including North Forest ISD, Wilmer-Hutchins ISD and La Marque ISD, were forced to merge into other districts. Morath has extended Beaumont ISD's takeover at least once with no end in sight. There is no guarantee he won't continue to try to silence leaders in Houston. In Edgewood ISD, near San Antonio, he ousted state-appointed board of managers' member Amanda Gonzalez in September 2017 without giving any reasons for the decision; Gonzalez concluded she was removed for asking challenging questions.¹¹ In Marlin ISD, Morath and the TEA failed to do the necessary due diligence on appointees to the board of managers, appointing a felon who had defrauded the federal Veterans Affairs Department.¹²

9 Jacob Carpenter, "'Better than People Think': Despite TEA Takeover Plan, HISD Scores Well Compared to Peers," *Houston Chronicle*, November 6, 2019.
 10 Texas Education Agency, "Charter Schools: Renewals," https://tea.texas.gov/Texas_Schools/Texas_Schools_-_Charter_Schools/Charter_Schools_-_Renewals.
 11 Kristen Gordon, "Takeover, Turnaround, Transfer ... What Happens When Texas Takes Over a School District," *SPI Insights*, April 21, 2019; Tim Gerber, "Ousted State-Appointed Edgewood ISD Board Member Questions TEA's Commitment to Transparency," *KSAT.com*, September 20, 2017.
 12 Brooke Crum, "Marlin School Board Member Resigns after TEA Informed of Theft Conviction," *Waco Tribune-Herald*, October 5, 2019.

Houston ISD is not the only foray of Gov. Abbott and the Texas Republican leadership into restricting the political agency of Houstonians:

The takeover of Houston ISD is one prong of the assault by Gov. Greg Abbott and Republicans in the state Legislature on the rights of Texans in cities like Houston to self-governance. Abbott has consistently sought to disenfranchise Houstonians, blocking economic development and seeking to curtail election rights.

Abbott vetoed Senate Bill 390, which would have created the Northeast Houston management district in the predominantly African American Northeast section of Houston:

Management districts are special taxation districts that are “empowered to promote, develop, encourage and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and the public welfare.”¹³ Sen. Borris Miles, who introduced the bill to create a management district in Northeast Houston, questioned Abbott’s decision to veto the bill: “I’m calling it retaliation because I don’t want to call it racism, because I don’t want to believe that my governor would prevent an African American community from economic growth.”¹⁴

After Democrats in Houston picked up judicial seats, Texas Republicans sought legislation to block the election of judges in urban areas:

Houstonians elected 19 African American women to judicial seats in 2018-19.¹⁵ On the heels of those gains, Abbott voiced support on Twitter for ending the election of judges.¹⁶ In 2019, Republicans introduced legislation seeking to restrict the elections of judges in counties with more than a half-million residents.¹⁷

Abbott enacted legislation ending “straight-ticket” voting, a move that will have negative impacts on urban areas and Democrats:

In 2017, Abbott signed legislation banning straight-ticket voting statewide, beginning in the 2020 election.¹⁸ According to a study by the Austin Community College Center for Public Policy and Political Studies, straight-ticket votes are predominantly cast in the state’s urban counties, where two-thirds of ballots were cast entirely along party lines.¹⁹ The ACC study noted that this move to repeal straight-ticket voting is likely to specifically affect voters of color.²⁰

13 City of Houston, “Planning and Development: Management Districts,” www.houstontx.gov/planning/Neighborhood/mgmt.html.

14 Jen Rice, “Gov. Abbott Vetoed an Economic Development Bill for Northeast Houston,” *Houston Public Media*, June 24, 2019.

15 Billy Corriher, “Texas Considers Ending Judicial Elections as Democrats Gain Ground,” *Facing South*, November 6, 2019.

16 Greg Abbott, Twitter, February 17, 2019, https://twitter.com/GregAbbott_TX/status/1097189315250130950.

17 H.B. 4504, Texas Legislature, introduced March 8, 2019.

18 Jolie McCullough, “Gov. Abbott Signs Bill to Eliminate Straight-Ticket Voting Beginning in 2020,” *Texas Tribune*, June 1, 2017.

19 Ross Ramsey, “Dumping Texas Voters’ Favorite Shortcut Might Hurt Down-Ballot Candidates—and Democrats,” *Texas Tribune*, August 30, 2019.

20 Phil Prazan, “Elderly and Texans of Color Impacted by Repeal of Straight-Ticket Voting,” *KXAN.com*, August 28, 2019.