Exploring Governance Options for Jefferson County Public Schools

Steering Committee for Action on Louisville's Agenda, Education Study Group
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Introduction

Jefferson County Public Schools (JCPS) in Louisville, Kentucky is at a strategic crossroads. Too many JCPS students are not achieving their educational potential, a persistent condition with severe implications for the prosperity of students and the Louisville community. At the same time, district leadership is in transition with recent changes in school board membership and an interim superintendent heading the district following the dismissal of former Superintendent Donna Hargens in spring 2017. Additionally, the Kentucky Department of Education is concluding a comprehensive management and operations audit of the district, including a review of collective bargaining practices, that could result in state intervention or even state takeover of the district.

Leadership change and the possibility of state intervention or takeover present an opportunity to the Louisville community: First, to consider whether the current structure of the district supports the kinds of strategies and innovation that could dramatically improve outcomes for students; and second, if the answer is no, then to advocate for change.

The Education Study Group of the Steering Committee for Action on Louisville's Agenda (ESG) approached this opportunity with the hypothesis that governance and leadership structures in the district must change in order for JCPS to successfully enact ambitious academic reforms and see all students reach their academic potential. School governance is the system by which schools are led, managed, and held accountable at different levels of government.

The group is knowledgeable about Louisville's local educational landscape; however, they wanted a better understanding of national research, examples, and evidence on governance reform and various school district leadership models. ESG engaged Bellwether Education Partners, a national, nonpartisan education-focused nonprofit, to provide research and analysis on governance reform options relevant to Louisville's current needs. This policy brief summarizes Bellwether's research, as well as the perspectives and recommendations of ESG. Views expressed in this brief are those of the ESG alone.

As a result of its study, deliberations, and discussions with local and state stakeholders, ESG has concluded that structural change to district governance and leadership is required to achieve the dramatic improvement JCPS students deserve.

This policy brief provides an overview of current conditions in JCPS and summarizes research on state interventions and alternative school governance models nationwide, citing available evidence on the potential for governance reforms to catalyze improved educational outcomes and highlighting key lessons, opportunities, and barriers to improvement.

The JCPS Context

JCPS is unique among Kentucky school districts, and the solutions to its challenges will likely be unique as well. In a state characterized by a large number of sparsely populated rural school districts, JCPS is by far the largest in the state, resulting in different needs and complex local and state politics. JCPS is the 27th largest school district in the country, serving more than

100,000 students in 155 schools, with an annual operating budget of over $1.6 billion.[1] JCPS' students are racially and ethnically diverse, and include a high proportion of students in low-income households (see Figure 1).[2] JCPS' proficiency rates on state assessments lag state averages in most grades and subjects, with less than half of elementary and middle school students scoring at or above proficient in reading, math, and writing on 2015-16 K-PREP assessments, and only 43 percent of 11th grade students meeting ACT college-ready benchmarks.[3]

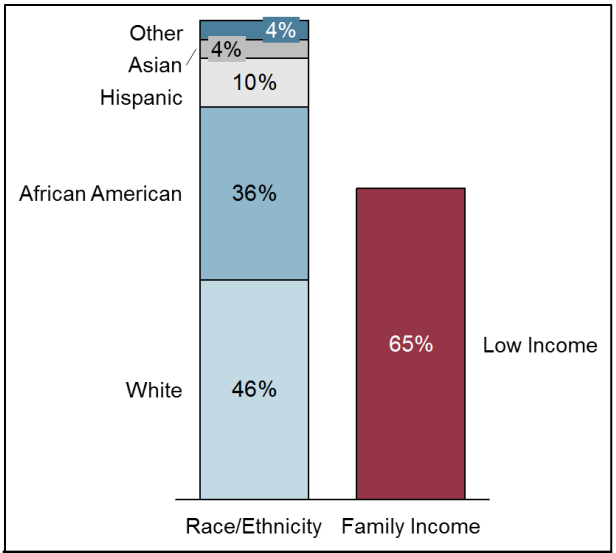

Fig 1: Jefferson County Public Schools
Race/Ethnicity and Low Income Students 15-16

Beyond these below-average overall results, wide academic performance gaps by race, ethnicity, and family income are cause for concern.[4] The black-white test score gap is over 30 percentage points in some grades and subjects, and has widened in the past five years.[5] While approximately 80 percent of students graduate from high school in four years, only 63 percent of those graduate college and career ready.[6] And racial gaps in college and career readiness are stark: only 45 percent of black JCPS graduates are college and career ready, in comparison to 75 percent of their white classmates.[7] Low college- and career-readiness rates will have long-term effects on Louisville: if and when graduates move on to post-secondary education, many will require remedial coursework, which increases cost and time to attain a degree, and reduces the likelihood of post-secondary graduation. Local enrollment in postsecondary education dropped 12 percent from 2010 to 2015,[8] and as of 2015, only 57 percent of JCPS graduates enrolled in postsecondary education (2-year or 4-year institutions) in the fall immediately following high school graduation.[9]

The success of JCPS in preparing students for life after high school has urgent implications for the social and economic prospects of the larger Louisville community. Persistent low performance and deep inequities will impact economic and workforce development, demand for social services and supports, and the health and well-being of Louisville's families and neighborhoods.

At the same time that the district faces these long-term challenges, its leadership is in flux. The board of education appointed an interim superintendent in spring 2017. Two school board members are also new to the district following campaigns in 2016 with notably high spending.[10]

Both leadership changes and long-term academic struggles in JCPS could contribute to the results of the Kentucky Department of Education's management audit of the school district, which was triggered by discrepancies in reported data around discipline and student safety. The audit could be a precursor to state-mandated assistance or state management under Kentucky law. The possibility of state intervention introduces both risks and opportunities for JCPS students, and could temporarily or permanently alter the school district.

Governance Reform as a School District Improvement Strategy

School governance is the system by which schools are led, managed, and held accountable at different levels of government. More than 90 percent of school districts in the country have traditional governance structures similar to JCPS': a locally elected school board appoints a superintendent responsible for day-to-day leadership of the school district.[11] The state education agency, led by the state commissioner and the state board of education,[12] oversees district compliance with state and federal laws, creates systems for statewide improvement, and provides resources and technical assistance to districts.

Historically, efforts to improve struggling schools and districts have occurred under this traditional governance model and have focused on strategies such as reduced class sizes, training or policy change to improve teacher effectiveness, and adoption of new technologies. But the fundamental leadership and accountability structures — who makes decisions, who is held accountable for student outcomes, and how — remain the same. More recently, several districts have realigned these fundamental building blocks of their systems to enable more systemic, dramatic, and often innovative improvement efforts.

Governance reforms include any significant structural changes in school governance formalized via local or state policy. These reforms aim to change the accountability structure of district and school governing bodies and constituents to improve performance. Governance reforms may amend the roles, responsibilities, or composition of governing bodies and leadership, as well as the mode by which leaders are selected. This definition of governance reforms is intentionally broad and captures a wide spectrum of potential changes to traditional school district management and governance.

Most districts pursuing governance reforms are large, urban, and have a history of low student achievement. In districts where entrenched policies, politics, and power structures protect a status quo that does not serve students, governance reform may provide a needed catalyst for accelerated and dramatic improvement.

Two key lessons emerge from those districts where governance reform has brought about improvements in student outcomes. One is that careful attention must be paid to the political, policy, and educational landscape and the root causes of underperformance as change is contemplated, planned, and implemented. Governance reform efforts associated with lasting improvement are most often characterized by:

- The development of a clear vision and end goals for the future state of the district;
- Leaders with the skills, knowledge, tools, and authority to swiftly address underlying causes of mismanagement or low performance;
- Meaningful engagement to ensure local stakeholders (e.g., teachers' unions, parent groups, and community leaders) have a voice in changes and compelling motivations to participate in the process; and
- Political stability or consensus that allows for a sustained, long-term strategy.

The second lesson is that governance reform, where implemented effectively, can open the door for other significant, systemic reforms, but it is not an end in itself. Where governance reforms have helped bring about promising academic improvements, governance change was an early step that enabled other reforms, such as:

- Increased school building autonomy under strong, accountable leaders;
- Data-driven instruction supported by rigorous standards and assessments;

- Increased rigor in expectations and accountability for adults;
- Dramatic and comprehensive changes in the lowest performing schools; and
- Increased focus on recruiting, developing, and retaining effective educators.

Pursued with these lessons in mind, governance reform can establish necessary conditions to change academic outcomes on a large scale.

Overview of Alternative Governance and the Role of Community Voice

Alternative governance structures, while rare on a national scale, are more common in struggling urban districts, which tend to serve more diverse student populations and face more acute and large-scale challenges. Alternative governance models can take many forms and vary by who leads (e.g., a state-appointed manager or receiver, a mayor, or an elected or appointed local board), and by how much decision making is centralized with top-level district, city, or state leadership or delegated out to school leaders. Many current governance reform efforts aim to increase school autonomy so that school principals exercise greater control over their budgets, staffing, operations, curricula, and academic improvement strategies than in more traditional, centralized districts.[13]

One critical piece of any sound reform plan is understanding and preserving the voice of community members in alternative governance models. In traditional governance models, local voters have a formally defined role in school governance, by electing local school board members. The ballot box provides a consequential lever for communities to express dissatisfaction. However, the low voter participation that characterizes many school board elections calls into question the degree to which election results truly reflect the community. Regardless of the realities of the election process, if authority over schools shifts from a local

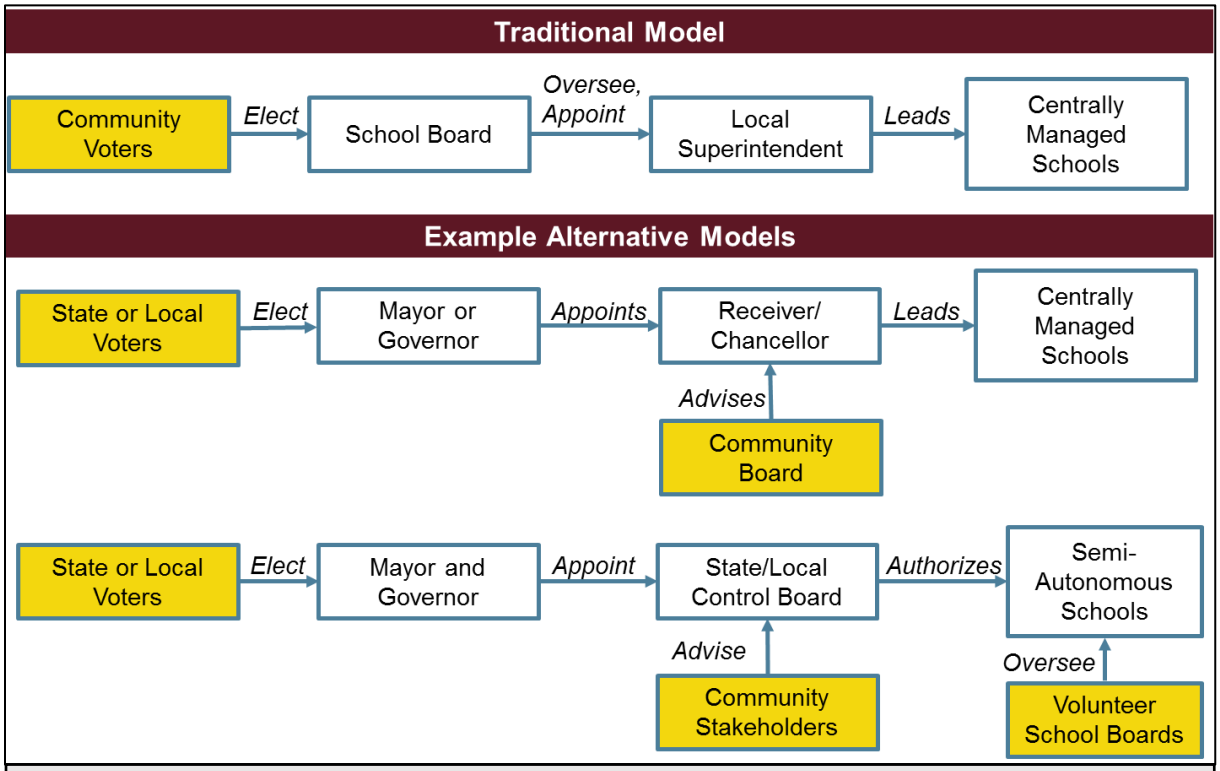

Fig 2: Examples of Community Roles in Traditional and Alternative Governance Models

board of education to a mayor, governor, or other entity, the voice of the community in school decision making needs to take new forms (see boxes highlighted in yellow in Figure 2, above).

When governance reforms change school board composition or selection methods, community voice and representation become key considerations. Tradeoffs of various structures must be weighed in context and with respect for local community dynamics. In theory, changing board member districts from neighborhoods to citywide at-large elections can encourage board members to prioritize the holistic state of the district, but can also dilute representation of minority communities. In some communities, at-large representation has been successfully challenged in court for these reasons. However, district-based representation is no guarantee that all community voices are represented equitably, depending on factors such as how district boundaries intersect with residential patterns and the level of citizen participation in elections within and across communities.

Moving to an appointed or advisory board is often done to de-politicize school oversight and create more functional and unified boards, but these models shift political power from local voters to whomever holds the power to appoint, and can spur community backlash.

In a recent study of governance in 16 large urban school districts, most (10) had locally elected school boards – exceptions included Baltimore, Boston, Chicago, Cleveland, New York, and Philadelphia.[14] Varying academic outcomes in these cities illustrate that alternative board structures are not predictive of academic success – factors such as school system finances, student poverty, and other state and local factors can exert a strong force.

Examples of Cities Without Elected School Boards		
City	**Number of Members**	**Selection Methods**
Boston	7	Appointed by the mayor, nominated by a citizens panel composed of various stakeholders (parents, teachers, principals, etc.)
Chicago	7	Appointed by the mayor
Baltimore	9	Jointly appointed by the mayor and the governor
Cleveland	9	Appointed by the mayor, nominated by a citizens panel composed of various stakeholders
New York	13	Eight appointed by the mayor, five appointed by borough presidents
Philadelphia	5	State takeover school reform commission – three members appointed by the governor, two by the mayor
Adapted from the Pew Charitable Trusts, 2016, "Governing Urban Schools in the Future"		

Four Alternative Governance Models

Our research identified four increasingly common alternative governance models. School districts can combine elements of these models, and they do not represent the totality of governance reform options, but each has promising examples of success and lessons learned. Changes like the ones described below are often brought about by state pressure or intervention, and may require legislative action. After describing these four models and the key considerations of each, this brief will examine four detailed examples where some combination of governance reform strategies have brought about academic improvements.

1. **Empowered Executive**: In this model, a superintendent (or a person with the authority of a superintendent, such as a state manager or receiver) has increased power and political backing to make significant changes in district policy and structure. Mayors, the state, or a board may appoint the superintendent, but if a local board is present, it takes a more advisory role. The superintendent may have temporary or permanent powers to suspend or renegotiate contracts, appoint and dismiss central office leaders and principals, and/or reassign operators for struggling schools (for example, to a charter management organization). Measurable, ambitious goals and strong accountability check executive power.

   Examples: Washington, DC; Boston, MA; Lawrence, MA

2. **Zone Within a District**: In this model, a subset of schools in a school district is managed by a dedicated leader, a different entity, or according to different rules. Usually, these zones have increased autonomy, and may have access to different resources or supports. Other terms for this approach include "empowerment zones" and "innovation zones." While typically the zone approach aims to encourage school improvement in low-performing schools, some cities use it to spur innovation and pilot creative approaches.

   Examples: Denver, CO Luminary Learning Network; Springfield, MA Empowerment Zone; Memphis, TN iZone

3. **Portfolio Management**: Under a portfolio management strategy, the school district changes its relationship to schools. Rather than directly managing most details of school operations and school strategy from the central office, the district forms and oversees performance agreements or contracts with each school, and focuses on increasing the supply of seats in high-performing schools, including traditional schools, charter schools, or some other school model. School leaders are held accountable for student outcomes, and the central office leadership focuses on oversight, strategy, and quality improvement.

   Examples: Denver, CO; Indianapolis, IN

4. **Individual School Takeover**: In these instances, a state-run school district assumes control of low-performing schools from their home districts, and either manages them directly or authorizes charter organizations to take over the school.[15]

   Examples: Louisiana Recovery School District, Tennessee Achievement School District

Below, we go into further detail on four cities to illustrate how relatively successful examples of alternative governance models can work in practice and how they can catalyze other improvements: Washington, DC; Denver, CO; Springfield, MA; and Lawrence, MA. The analysis includes two examples from Massachusetts because the state has been particularly aggressive in pushing innovative governance solutions in persistently low-performing districts, and because each example has evidence of academic results.[16] Because governance reforms are context-dependent, none of these examples is a perfect model for JCPS. There are also examples across the country of unsuccessful reform efforts that attempted similar strategies. But, each example highlighted here illustrates possible paths, challenges, and opportunities that can be instructive to JCPS.

Washington, DC — Empowered Executive

2007 was a pivotal year for D.C. Public Schools (DCPS). Chronically struggling schools and low student performance — only 12 percent of eighth graders were proficient in reading — spurred D.C. into action. At the urging of newly elected Mayor Adrian Fenty, the D.C. Council passed the Public Education Reform Amendment Act, which placed D.C. schools under mayoral control, spurring a series of reforms in the district, including the renegotiation of the collective bargaining agreement with teachers, introduction of a new teacher evaluation and performance-based compensation system, and the fast growth of a high-quality charter school sector. After a decade of sustained school reforms, DC is the fastest improving city in the country on the National Assessment of Educational Progress (NAEP).

Washington, DC
Key Stats
90,000 students
75% low income
223 schools

Governance Features
Empowered executive, mayoral appointments, charters independent of school district

Washington, DC has pursued an empowered executive model since the Public Education Reform Amendment Act of 2007 reduced the role of the Board of Education and gave the mayor the authority to appoint the DCPS Chancellor as well as the members of the independent Public Charter School Board, which serves as the sole charter authorizer and primary oversight body over all DC charter schools.[17] The DC State Board of Education still exists and remains locally elected, with eight ward-based members and one at-large member, but is primarily advisory except in the case of very specific policy areas, such as approving grade-level standards. Under mayoral control, former DCPS Chancellor Michelle Rhee during her tenure (2007- 2010) closed low-performing and chronically under-enrolled schools and reached a new collective bargaining agreement for performance-based evaluation and pay (a system known as IMPACT). Studies show IMPACT improved student achievement over the long term by retaining high-performing teachers and exiting low performers.[18]

Rhee's successor, Kaya Henderson, sustained most of Rhee's strategies, focusing on recruiting and retaining high-quality teachers, expanding pre-K access and quality, and increasing the rigor of curriculum. On a parallel track, the charter sector expanded rapidly. Today charters serve about half of DC students and are well-regarded as one of the highest performing city charter sectors nationally.

In DC Public Schools (except charters), the central office primarily manages the principal selection process. In order to be pre-qualified as a principal, candidates go through a multi-step application process that culminates with an interview with the Chancellor. If approved by the central office, candidates may apply for vacancies at specific schools. A community panel at the school interviews interested candidates and provides feedback to the Chancellor, who makes the final hiring decision.

DC's reform story, however, has not always been a straight path. The mayor who championed these reforms lost re-election in part due to community and union backlash to his education strategy. Big challenges such as persistent racial segregation and wide achievement gaps for low-income students remain, and tensions between charter and traditional schools over funding, students, and facilities are constant.

But, both sectors have grown in enrollment, graduation, and student achievement. By 2014, DCPS enrollment had increased by 5 percent since 2009, when it hit its lowest point following at

least a decade of decline. During the same period, enrollment in charter schools increased by 36 percent, reflecting both growth in the number of charter schools and increased enrollment within schools over time.[19] And although student achievement among DCPS students has much room for improvement, the district has posted dramatic gains. In 2007, the year of the takeover, over half of DCPS students scored at the lowest level ("below basic") in the National Assessment of Educational Progress (NAEP) fourth grade reading exam; by 2015 that percentage had dropped nearly 20 percentage points, to 31 percent. DC's scores have improved across most subject and grades, and the city is now close to national average performance, whereas once it ranked at the bottom.

Denver, CO — Portfolio Management

Following years of academic performance challenges and declining enrollment, around 2005 Denver Public Schools' elected school board and superintendent embraced a portfolio management strategy, and more recently also created a zone within a district. In the years since reform efforts began, student test scores have improved faster than state averages, enrollment is growing, and graduation rates have climbed substantially. Denver shows how governance style and strategy can change significantly without eliminating a traditional governance model.

Denver, CO
Key Stats
90,000 students
67% low income
199 schools

Governance Features
Portfolio management, traditional board, zone within a district

Beginning around 2005, two successive reform-minded superintendents and a majority of elected board members (two at-large and five district-based) led substantial academic and management reforms to combat chronically low academic performance and falling enrollment as families moved to the suburbs or private schools.[20] The district created performance contracts with each school, closed and replaced low-performing schools, and increased school autonomy. Denver embraced charter and innovation schools, which now serve 20 percent of students.[21] Innovation schools are still district-run, but principals have increased control over curriculum, budgeting, teacher hiring, and school calendars. The district also negotiated a new performance pay contract with teachers and revised funding structures to allocate the majority of funds to schools through a student-based funding formula, tying financial resources more tightly to the needs of students within each school. Most recently, four innovation schools banded together and formed the Denver Luminary Learning Network, a semi-independent zone overseen by a small nonprofit instead of the central office.[22] To accomplish these ambitious reforms successfully, district leaders strengthened relationships with neighborhood and community groups to build public commitment to reforms.

In Denver, the central office interviews and screens candidates for principal positions in Denver Public Schools (DPS) according to a DPS leadership framework, and if candidates progress to the pool of qualified potential principals, they may then apply for open leadership roles. A school-based advisory committee interviews candidates from that pool of pre-qualified applicants and provides advice to the instructional superintendent for their school, who makes a recommendation to the superintendent. The final decision rests with the superintendent.

Much as in DC, tensions exist between charter schools, innovation schools, and traditional schools in Denver over autonomy, regulation, funding, facilities, and transportation. School closures remain controversial and unpopular in the community. But Denver has seen significant academic progress over the past ten years: enrollment growth outpaces population growth —

indicating a “return” to the city’s schools, academic growth outpaces the rest of the state, more students are taking advanced coursework, and the graduation rate has improved by almost 30 percentage points.[23]

Lawrence, MA — Empowered Executive

Lawrence, MA
Key Stats
14,000 students
65% low income
35 schools

Governance Features
State receiver

Lawrence provides an example of successful state management of a struggling school district. While it is significantly smaller than JCPS, it has a very high-need population: three in four students are English language learners, and two in three come from low-income families. The state of Massachusetts took over the district in 2011 under extreme circumstances: a history of academic failure put the district at the bottom of state rankings, and the superintendent was jailed for embezzlement and fraud.[24]The state appointed a receiver with the powers of a superintendent and the school board, with additional powers to suspend collective bargaining agreements; reassign school operators; and replace teachers, principals, or central office leaders.[25] Since takeover, Lawrence outperforms similar districts in test scores, and graduation rates are up.

The state-appointed receiver led the creation of a turnaround plan with an appointed committee of local stakeholders. He then focused on central office and leadership, cutting the size of the central office by a third, and replacing most principals while retaining most teachers.[26] He also brought in charter operators to manage several neighborhood schools. All schools then introduced intensive academic supports and longer school days and years and emphasized data-driven instruction.

An independent evaluation found that Lawrence now outperforms demographically similar districts in the state, and the graduation rate has improved by more than ten percentage points.[27] Lawrence received national attention as a state takeover that has been relatively peaceful and successful. Lawrence recently reinstated collective bargaining and reached a new teacher contract, but only after six years of negotiation. The long-term outlook for the district and whether it will eventually return to local control is unclear.

Springfield, MA — Zone within a District

Springfield, MA
Key Stats
25,000 students
75% low income
60 schools

Governance Features
Zone within a district, local/state joint control board

Facing state management similar to Lawrence, the Springfield local school board and the state worked together to create the “Springfield Empowerment Zone,” a group of eight middle schools.[28] A board of four state and three local appointees oversees the zone separately from other schools in the district.[29] This innovative and collaborative state/local solution and initial evidence of growth in school test scores and other success metrics have resulted in national attention.

In part to avoid state takeover, in 2015 Springfield created a zone within a district for eight middle schools under a joint state-local control board. In the Empowerment Zone, teachers have a separate performance pay contract, and schools have increased autonomy over budget, personnel, and curriculum decisions. They also have access to additional resources and intensive instructional supports. If schools fail to meet performance standards, they might become a charter, or leadership and staff might change. The zone will

add a high school this year. Long-term results are still unknown, but zone schools saw significant academic improvements in the first years of the initiative, and Springfield received national attention as an innovative state/local solution that avoided the toxicity and opposition that could have come from a full state takeover.[30]

Takeaways from DC, Denver, Lawrence, and Springfield

Several key themes emerge from all of the above examples:

1. **Similar Academic Reforms Under Different Models**: All of the districts profiled above pursued data-driven instructional approaches, focused on leadership and human capital, and gave building leaders more site-level autonomy in exchange for high expectations and accountability.
2. **Increasing Principal Power and Building-Level Autonomy**: Importantly, increasing building-level autonomy as an improvement strategy depends on the ability of district leaders to carefully select and strategically assign school leaders to schools.
3. **Shift in Human Capital Approach**: Along with changing the role and responsibilities of principals, all of the districts above changed their approaches to educator recruitment, hiring, pay, and retention to increase the quality of their teaching workforce, including negotiating performance-based pay incentives for teachers tied to evaluation results.
4. **Commitment to Community Voice**: Even in cases where reforms were unpopular, successful leaders prioritized meaningful community feedback and ongoing relationship building with important stakeholders – even if they were initially opposed to reforms.
5. **Multi-year Commitment:** Implementing and seeing the results of governance reforms is a multi-year process. Leaders should always monitor progress, but the kinds of dramatic results seen in DC and Denver unfolded over a decade or more. Each of these cities had sufficient community and political buy-in that their reforms outlasted turnover in mayors, superintendents, and governors.
6. **Introduction of New School Models**: Though not always an explicit goal of governance reforms, a shake-up in governance can open the door to new kinds of schools, such as charter schools and innovation schools.

Governance Reform in Jefferson County's Context

State Management Law and History

Current Kentucky law on state intervention in school district governance provides for a temporary reset — especially in cases of leader or board dysfunction — but does not envision long-term structural changes in governance, or give the state manager special or additional powers. Under Kentucky law, the state department of education must first conduct a full administrative and managerial audit if the state commissioner has reason to believe the district has inefficient or ineffective management.[31] Based on the results of that audit, the commissioner makes a recommendation to the state board of education. If the audit finds "a pattern of significant lack of efficiency and effectiveness in governance or administration of the district," and a necessary case for state intervention, the commissioner may recommend state assistance or full state management.[32] The state board must then hold a hearing and vote on the commissioner's recommendation. State management status may last for up to three years, or longer if the state board votes to extend.

In a state-assisted district, the state closely monitors and supervises the district's creation and implementation of an improvement plan to correct deficiencies found in the audit. In a state-managed district, the commissioner appoints a state manager who assumes the power of the superintendent *and* the local board. However, state managers have limited ability to alter district leadership and operations. For example, unlike with Massachusetts' state receivers, Kentucky state managers cannot suspend collective bargaining or dismiss staff by any means other than those available to traditional school boards and superintendents. Individual school board members or superintendents may be permanently removed from their roles, if the state board votes to do so, and the state manager may make administrative appointments as needed.

Since the advent of the state intervention law, Kentucky districts under state management or state assistance have all been small and rural. State managers in these cases focus on stabilizing financial crises and pursuing academic progress through modest reforms such as reducing absenteeism. While this approach has been effective to shore up leadership in a managerial or financial crisis in smaller communities, in JCPS, a district of significantly greater size and diversity, and with longstanding academic challenges, it may serve as the reset necessary to allow the Louisville community to tackle the broader governance issues that challenge the district. Kentucky passed a law this year allowing charter schools, so Louisville's future could include a brand new charter sector, which leaders should consider in any improvement or intervention plans based on the best practices described above.

Policy and Political Barriers to Reform in JCPS

Stakeholders interviewed in the course of this work identified important political and policy barriers to implementing alternative governance models and pursuing sustained improvement at JCPS. Beyond the state management law, key political barriers to change include the strong influence of the teachers' union in school board elections and in district decision making, and the current structure of the board:

- As in many urban districts, the teachers' union is the loudest and most influential voice in school system strategy and policymaking. As documented in a 2010 Kentucky Legislative Research Commission Report, JCPS' current collective bargaining agreement is by far the most extensive in the state. Among other challenges, the current collective bargaining agreement limits the ability of principals to select teachers on measures other than seniority, such as their ability to address the specific needs of students and schools.[33] The state will examine the current collective bargaining agreement as part of the state audit.
- Electorally, school board members represent neighborhood divisions that are not contiguous with other municipal electoral districts. This lowers the profile of individual school board races and means that members have incentives to focus on the details of the schools in their neighborhoods, and not on district strategy as a whole. A recent state audit recommended JCPS add two at-large representatives and increase training for board members on financial oversight.[34]

Additionally, three unique policy barriers in Kentucky set JCPS apart from typical best practices in school system management:

- Kentucky state law confers broad authority on school boards (rather than superintendents) to "have general control and management"[35] of schools, with legally mandated responsibilities such as approval of individual staff leaves of absence,[36]

receiving notification of all personnel actions,[37] and fixing the compensation of employees.[38] The array of specific board responsibilities is meant to safeguard against mismanagement, but can also encourage boards to become overly involved in minor decisions. In a district the size of JCPS, these minor decisions become time consuming, and board members must rely heavily on staff to recommend a course of action, or take time away from more pressing strategic matters. For example, a recent JCPS board meeting included approvals of five minor adjustments to job descriptions, five slightly revised organizational charts, and over 230 field trip requests.[39] A 2014 state audit of JCPS governance and finances found that Board members did not have the training and depth of knowledge necessary to understand and effectively supervise JCPS' large, complex budget.[40] The extensive and time-intensive nature of the JCPS board's responsibilities makes it difficult to recruit new board candidates.
    - Typical best practice for school boards is to leave day-to-day decision making to the superintendent and school system staff. Boards' key responsibilities are to hire a qualified superintendent, act as a liaison between the community and the district, collaborate with district leaders in developing district strategy, monitor progress against key indicators, adopt a district budget, and hold the superintendent accountable for agreed-upon outcomes. Fiscal and budgetary oversight are key, but not all decisions should require board input.
- Kentucky's administrative tenure policies prevent superintendents from selecting the top members of their executive teams. In practice, this means that the superintendent may not have buy-in to his or her vision and priorities even among top central office leadership.[41] On top of this, JCPS has more highly paid top administrators than other similarly sized districts.[42] Change management under these circumstances becomes extremely difficult, and could dissuade qualified candidates from taking a leadership role in JCPS.
    - In many other districts, the executive leadership team are appointees chosen by the superintendent, and in some cases approved by the school board. These cabinet-level appointees generally must reapply for their roles if the superintendent changes.
- Kentucky's site-based decision making policies mean that the JCPS Superintendent cannot select and appoint school leaders.[43] Instead, a small joint committee of teachers, parents, and a district representative choose principals. Any strategy that relies upon increased school-level autonomy would be risky in a scenario where the superintendent could not select, appoint, and dismiss school leaders.
    - We are not aware of a similar system to Kentucky's site-based decision making rules in any other state or city. Many systems include input from site-based committees in the hiring process, but the ultimate hiring authority rests with the superintendent.

Key Takeaways and Considerations

Some of the options for changing JCPS governance would not require legislative action. Under current law, depending on the results of the state's management audit, JCPS could create an improvement plan with state assistance, or under state management, a state manager could replace the current superintendent and school board for three years or longer. Whether this strategy is effective will depend on the quality of the manager and his or her ability to change some of the underlying conditions that currently challenge the district. State management can

allow for changes to structures, strategy, and policy that support students and improved outcomes, but is problematic as a long-term strategy for JCPS for several reasons. First, state takeover comes with a high potential for community backlash, and second, most state education agencies are not equipped or structured to manage a large school district in the long term. If the state chooses not to take any action after the audit, changing the political dynamics in JCPS or substantially changing operational strategy and policy are theoretically possible, but unlikely without legislative changes.

More permanent reforms, especially those to take down barriers to strong executive leadership and ambitious reforms, would likely require action from the state legislature, the state board of education and commissioner of education, and/or the governor. These options include permanently restructuring district leadership, for example, shifting to a joint state-local appointed board, or another alternative governance model. Policy reforms on administrative tenure, site-based decision making, and procurement will likely require legislative action.

Stakeholders interested in putting JCPS on a path to significant improvement should consider the following key questions:

- **What conditions will enable JCPS leaders to pursue high-potential strategies to improve outcomes for students?** The Education Study Group agrees that the current governance and leadership structure is a barrier to improvement in outcomes for JCPS students. One question to consider is what leadership conditions are needed to move the needle for JCPS. If there is consensus that an empowered superintendent is the first step, what qualities, skills, and knowledge should a candidate for that role possess? What additional tools will he or she need to build and sustain a vision for improvement?

- **Does JCPS need a temporary reset or a permanent structural change?** Staff and individual leadership changes are more easily attained than dramatically restructuring leadership structures, politics, policies, and incentives. However, this analysis and the Education Study Group's discussions suggest the latter – permanent change – is more likely needed.

- **What will be the catalyst for change, how will local stakeholders shape that change, and how will broad community commitment be achieved?** The outcome of the state audit presents a mechanism for spurring structural leadership change in JCPS. If state takeover is the result, how will the Louisville's Agenda group shape a new, temporary leadership model? If state takeover is not the result, what strategy will the Louisville's Agenda group engage to address its conclusion that structural leadership reform is necessary for JCPS to serve students and the community successfully? Regardless of the mechanism, if the community and a coalition of stakeholders comes to consensus around a vision for change, changes are more likely to be successful and sustained. How can Louisville's Agenda help build broad support for systemic change?

State interventions in school district governance tend to go awry in similar ways: moving too quickly, ignoring community voices, relying on a new leader rather than addressing root causes, and backsliding after a period of short-term intervention. But, if JCPS and the Louisville community focus on a plan for long-term governance, where strong leaders have the tools, support, and capacity to focus on academic improvement, change is possible for the students of Louisville.

Recommended Resources:

- "Governing Urban Schools in the Future: What's Facing Philadelphia and Pennsylvania," Pew Charitable Trusts, 2016: A study of governance structures in 15 urban school districts shows various governance structures and illustrates lack of consistency in results alongside the importance of clear accountability regardless of governance model.
- "Springfield Empowerment Zone Case Study," Progressive Policy Institute, 2017: Profiles the politics, policies, and implementation of the Springfield, MA Empowerment Zone. The Progressive Policy Institute has other illustrative case studies on school governance reforms, including in Denver and Washington, DC.
- "An Evaluation of Public Schools in the District of Columbia: Reform in a Changing Landscape," National Research Council, 2015: A comprehensive evaluation of DC reforms and their outcomes finds significant progress and significant continuing disparities.
- "Measures of Last Resort: Assessing Strategies for State-Initiated Turnarounds," Ashley Jochim, Center on Reinventing Public Education, 2016: Compendium of programs and evaluation results, including qualitative deep dives on current state efforts and recommendations for policymakers.
- "Putting Students First: Building Effective School Governance," Stand for Children, 2012. Policy brief examines governance structures and pressures on traditional models, and profiles evidence for various options.
- "The State Education Agency: At the Helm, Not the Oar," Andy Smarick and Julie Squire, Thomas B. Fordham Institute & Bellwether Education Partners, 2014: Discusses the role of state education agencies in school improvement and argues that the best role for states in reforms is to stick to their core competencies, and facilitate other entities to push and implement reform strategies.

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[11] Pew Charitable Trusts, 2016, "Governing Urban Schools in the Future: What's Facing Philadelphia and Pennsylvania."
[12] In 23 states chief state school officers are appointed by boards of education, in 15 states governors appoint chief state school officers, and in 13 states voters elect chief state school officers.
[13] This differs from the Kentucky school-based decision making model. School-based decision making in Kentucky puts power to hire principals in the hands of school-based councils, but other important budgetary and staffing decisions are outside of principals' control, and the lines of accountability between principals and district leaders are unclear.
[14] Pew, 2016.
[15] Note that this model is the only one not represented in the detailed examples that follow, because it is not an appropriate solution for JCPS. This solution is most appropriate when a defined set of very low-achieving schools have not improved by any other means, which does not reflect analysis or feedback from interviews in JCPS. But, school takeover is worth mentioning because it is one of the most high-profile alternative governance models.
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