



October 8, 2014

Mr. Paul Coxe  
Supervisory Attorney  
US Department of Education  
Office of Civil Rights  
1999 Bryan Street, Suite 1620  
Dallas, TX 75201-6810

Re: Case No. 06141413

Dear Mr. Coxe:

This letter and its enclosures serve as our response to the request for information made in your letter dated September 19, 2014.

The Recovery School District's (RSD) mission and purpose has always been to ensure that every student has access to a high-quality school. For too long, poor and minority students in New Orleans were not afforded this basic civil right, and before the RSD was established, our students languished in Louisiana's lowest performing public schools. In 2005 over 60% of students, nearly all African American, attended failing schools. Today that number is just 5%. Since 2011, African American students in New Orleans have surpassed their peers statewide in performance on state standardized tests. The RSD has achieved this success by transitioning management of failing schools to high-quality charter operators and ensuring that students from those schools have access to other high-quality options.

#### **The 2014-15 New Orleans Public School Landscape**

As of the 2014-15 school year, the RSD does not operate any direct-run schools in New Orleans. Instead, there are 57 public charter schools under its purview. These 57 schools serve the vast majority of the more than 45,000 public school students in New Orleans. In addition to the RSD schools, the Orleans Parish School Board (OPSB) directly operates six schools and oversees 14 charter schools. There are another four charter schools operating in New Orleans that are overseen directly by the state's Board of Elementary and Secondary Education.

The table below shows the breakdown of student characteristics by school type for the school year 2013-14, when RSD was still directly operating some schools. As the data makes clear, the RSD serves a population that is distinctly different from that served by the Orleans Parish School Board or other state-approved charter schools.

RSD charters are now responsible for serving the majority of African-American students in the city. Students in RSD schools are nearly all minority and nearly all qualify for free or reduced price lunch. These schools also serve a higher than average proportion of students with disabilities.



**2013-2014 Student Demographic Data**

	RSD Charter	RSD Direct Run	OPSB Direct Run	OPSB Charter	Statewide Charter*
Students	29,110	988	2,995	9,342	2,035
Free/Reduced Lunch	94.3%	94.2%	89.5%	61.1%	56.2%
African American	94.9%	94.8%	93.5%	63.9%	44.4%
Minority	98.7%	99.5%	99.4%	78.5%	68.6%
Students with Disabilities	12.3%	12.2%	9.9%	5.7%	6.2%

*\*These schools are located in New Orleans but serve students from across the metro area, including many New Orleans students.*

**New Orleans Public Schools Before Hurricane Katrina**

Before the RSD intervened on a large scale in New Orleans in 2005, the OPSB governed all the public schools in Orleans Parish. The New Orleans Public Schools (NOPS) operated, in practice, as two distinct school systems. A small number of high-performing magnet schools, some of which were selective enrollment, attracted middle class and white residents. Getting into these schools meant either meeting certain academic standards or, for parents, taking time from work to navigate a complicated first-come first-served enrollment process. Some parents waited in lines all night, sleeping on the sidewalk, just to enroll their children in one of the few high-performing schools.

Students who could not meet a certain academic bar, or whose parents were unable to navigate the confusing and time-consuming enrollment process for magnet schools, were relegated to their neighborhood schools, among the lowest performing in the state.

The two-tier system of schools was most evident at the high school level. The data below, from the 2004-2005 school year, makes it clear that minority students, who comprised 100 percent of the students enrolled in non-selective schools, were at a systematic disadvantage under this system.

Performance Measure (2004-2005)	6 Selective Admissions HS	13 Non-Selective Admissions HS
4-Year TOPS Scholarship	37%	1%
2-Year TOPS Scholarship	15%	4%
Average School Performance Score	120	26
% FRL	46%	64%
% African American	83%	97%
% Minority	90%	100%



### **The RSD's Turnaround Strategy**

The Louisiana Legislature created the Recovery School District in 2003 as a statewide entity dedicated solely to taking over and turning around schools that had consistently failed under the state's accountability system. In 2004, the RSD took control of and transformed five chronically failing Orleans Parish public schools into charter schools. In the wake of Hurricane Katrina, new legislation gave the RSD control of the majority of public schools in New Orleans. Act 35, passed by the Louisiana Legislature in November 2005, transferred 107 additional schools from the Orleans Parish School Board (OPSB) to the RSD.

While the RSD and Louisiana Department of Education (LDE) aggressively recruited charter school operators to reopen the closed schools throughout the spring of 2005, the state Board of Elementary and Secondary Education (BESE) received too few quality applications. This, combined with a rapidly returning student population, led the RSD to begin opening and directly operating schools.

Though state law allows the RSD the flexibility to operate schools directly, it was never intended nor was it set up to do so. The RSD only opened direct-run schools in a time of emergency need after Hurricane Katrina. The RSD's strategy has been to support school transformations in order to achieve a portfolio of diverse, high-performing autonomous charter schools to provide an excellent, equitable education to all students. School transformation has meant phasing out or closing the direct-run schools RSD opened out of necessity in the wake of Hurricane Katrina and replacing those schools with charters.

### **USDOE Support for the RSD Strategy**

The United States Department of Education has consistently shown support for the Recovery School District's strategy to turn around failing schools. Announcing the Race to the Top program in 2009, President Obama issued what he referred to as a challenge to states and school boards to, among other things, prioritize turning around persistently failing schools using innovative approaches. The Recovery School District accepted President Obama's challenge and its success has been widely recognized.

Louisiana's strategy to turn around failing schools through the RSD was laid out clearly in Louisiana's Round Two and Round Three Race to the Top (RTTT) applications to the U.S. Department of Education. The applications state that the "backbone of the state's plan to turn around failing schools has been and will continue to be RSD." The number one strategy as noted in the Round Two application is to "restart reform" in persistently low-performing direct-run RSD schools by "contracting a charter operator to assume control of an existing school's early grades and expand into the later grades to take over the whole school over a short period of time; contracting a schools entire management to a proven charter operator; or other approaches consistent with R2T school intervention models."

Additionally, an Investing in Innovation (i3) grant application was submitted by the Recovery School District, New Schools for New Orleans, and Tennessee's Achievement School District requesting \$28 million to fund the turnaround of low performing schools through investment in charter school development and expansion. In both instances, the USDOE showed its support for this strategy by awarding Louisiana funds for its implementation. In 2011, Louisiana was awarded \$17.4 million to be used, in part, to support its implementation through the incubation of new charter schools to takeover failing schools. The i3 applicants were jointly awarded another \$28 million to be used to support these efforts across New Orleans and Memphis.

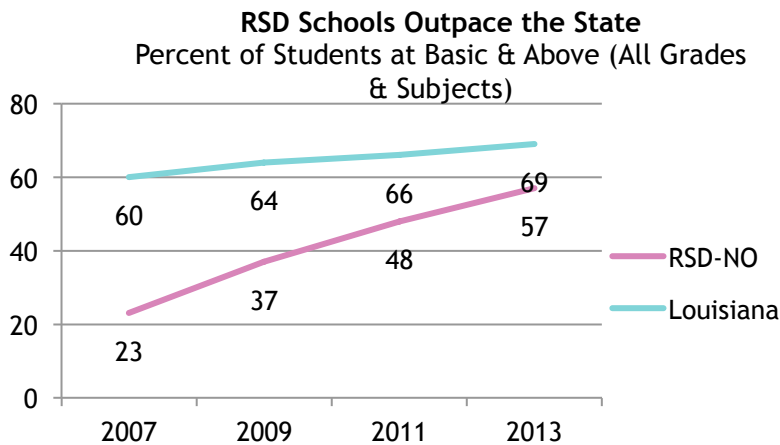


Based on evidence from New Orleans and elsewhere, at his 2013 National Alliance for Public Charter Schools conference keynote, Secretary Arne Duncan made clear that he believes that “high-performing charters have irrefutably demonstrated that low-income children can and do achieve at high levels.” Secretary Duncan has frequently praised the work being done in New Orleans, calling the progress here “remarkable” and “stunning.” New Orleans, he said, has shown “no complacency” in its strive to transform all low-performing schools.

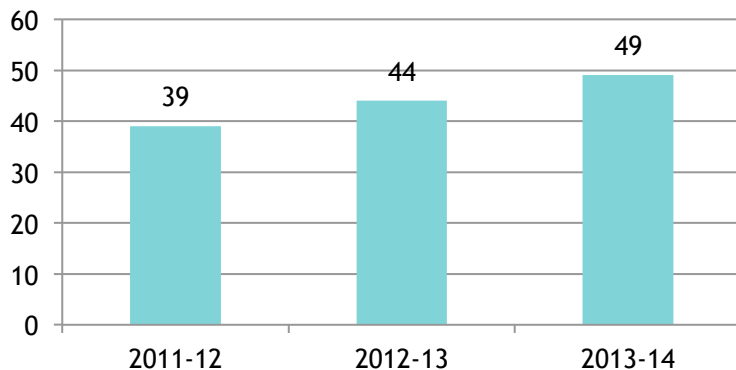
Recently, former President Bill Clinton, in a September 2014 speech before a group of noted philanthropists, indicated that states need to invest in what works in education, “For example, New Orleans has better schools than it had before Hurricane Katrina, and it’s the only public school [district] in America where 100 percent of the schools are charter schools.” He cautioned, however, that reforms should not stop at authorizing charter schools but should extend to “keep the original bargain, which was if they weren’t outperforming the public model, they weren’t supposed to get their charter renewed.” The willingness of the LDE and RSD to quickly transform failing schools, charter or traditional, is what has contributed to the incredible gains seen in New Orleans’ schools.

**RSD Schools Today**

The success of the charter schools at turning around failing schools and raising student achievement has been independently supported by the research of the Center for Research on Education Outcomes (CREDO) at Stanford University. CREDO was selected as the independent evaluator for Louisiana’s i3 grant and has been a leader in researching the effectiveness of charter schools. In its 2013 study on charter schools in Louisiana, CREDO found “positive impacts from attending a [New Orleans] charter for students in poverty (unlike in the overall state), for Black and Hispanic students, special education students, and students who repeat a grade.” Additionally, “the results for the charter students in New Orleans show that they are growing even more by comparison to their [traditional public school] counterparts.”



### More Students Prepared for College & Careers Percent of 12th Graders Scoring 18+ on the ACT



### Ensuring Equity of Access to High-Performing Schools

In addition to creating a diverse portfolio of high-performing schools through the turnaround strategy, the RSD is also committed to ensuring all families have equitable access to these schools and other public schools in the city. A student's zip code should not determine her access to a high quality school of a family's choosing and the only way to achieve this is to allow students to attend schools without regard to where they live. Since 2006, students have had this right but it alone is insufficient. True school choice for families requires policies and an enrollment process that allows for equitable access to school options.

Before 2012, finding a school for your child to attend meant travelling around the city, inquiring about the availability of seats at individual schools and completing multiple, different applications. For parents without reliable transportation or the ability to take time off from work, real choice did not exist, and in fact, a student could be left without a seat at any school.

The OneApp process, established by the RSD in 2012, created a fair, transparent mechanism to increase access to schools for families. The process offers parents the opportunity to submit a single application to apply to any of 76 schools, encompassing 91 programs, across the city. The Recovery School District operates a process that matches families to schools of their choice that is blind to family income, prior student performance, and student ability. By participating in this process, families in New Orleans are guaranteed a seat in a participating school of their choice.

However, the complainants do have one point correct-- families in Orleans do not have equitable access to all schools within the city. Not all schools governed by the Orleans Parish School Board participate in OneApp, and those that are not participating are also the highest performing schools in the city. The exclusion of some of the city's top-ranked schools from OneApp has ensured that only parents with the means to go through multiple, individual admissions processes have access to those schools. This is made clear when considering the characteristics of the students served by schools in OneApp versus not in OneApp. The seven non-OneApp schools serve substantially fewer African American, minority, and poor students.

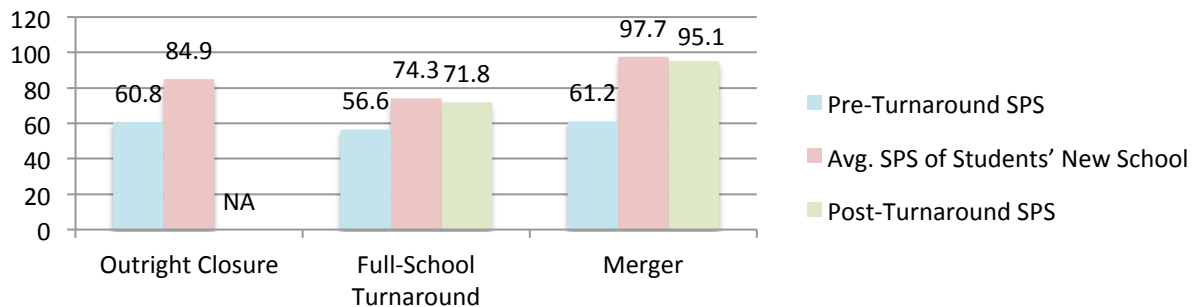


	African American	Minority	Free/Reduced Lunch
One App Schools	91.4%	96.7%	91.0%
Non-OneApp Schools	57.8%	70.8%	50.3%

Unfortunately, neither the RSD nor the Louisiana Department of Education has the legal authority to require these top-performing schools to join OneApp. It is certainly not a state or RSD policy that has resulted in these schools not participating in OneApp, but the resistance of the schools themselves. Indeed, in 2012 BESE approved a policy requiring all state authorized charter schools in Orleans Parish participate in OneApp, resulting in the participation five new high-performing charter schools. The RSD continues to work toward a day when those schools join voluntarily, understanding the importance of equitable access to high-quality schools for our neediest students.

**Prioritizing Students and Families**

Finally, the RSD takes very seriously the impact of school closure on families and students. Closure and transformation decisions are not made lightly but only when there is complete confidence that there are better, higher-quality options for families to select from. Since 2009, the RSD has closed or transformed 44 schools, and has seen a steady increase in performance over that same time period. Students leaving closed schools on average enrolled in new schools with School Performance Scores that were 24.1 points higher than their former school.



The RSD has always served a population of students in New Orleans that is almost completely African-American and our efforts have been aimed solely at improving their educational opportunities. The information provided in this letter, along with the enclosed information request and documents, will make clear that the closure of the schools mentioned in the complaint was a part of a broader charter transformation strategy that has been proven to increase educational opportunities for minority students in New Orleans.



Should you have any questions about the information provided, or need any additional information, please reach out to Joan Hunt, Executive Counsel, at [joan.hunt@la.gov](mailto:joan.hunt@la.gov).

Regards,

A handwritten signature in black ink, appearing to read "Patrick Dobard", with a long horizontal flourish extending to the right.

Patrick Dobard  
Superintendent