

May 23, 2022

Commissioner Jeffrey C. Riley
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148-4906

Re: Opposition to Receivership of Boston Public Schools

Dear Commissioner Riley:

On behalf of our client communities, Lawyers For Civil Rights writes to oppose any Department of Elementary and Secondary Education (DESE) effort to place Boston Public Schools (BPS) into receivership. No realistic progress projection for BPS can justify the risk of harm that state control poses to Boston's communities of color.

Researchers studying school district takeovers by states across the country have found that, overall, there is no evidence that takeovers foster academic improvement.¹ Massachusetts is not an exception. A recent *Boston Globe* analysis of longstanding receivership programs in Lawrence, Holyoke, and Southbridge concluded that “the state has failed to meet almost all its stated goals.”² Despite years of state control in these districts – which are all majority minority – graduation rates are below average relative to similar districts, math scores have been stagnant (at below average levels in Holyoke and Southbridge), and college enrollment has fallen.³ These programs' successes are often possible absent state control. For example, although Lawrence's receivership showed initial progress on MCAS scores, experts have found that those gains are largely attributable to so-called “acceleration academies,” which exist outside receivership.⁴

Academic shortcomings aren't the only problem in receivership districts. Among other things, Holyoke has had issues retaining teachers;⁵ Lawrence residents have protested school conditions;⁶ and Southbridge has struggled with both low teacher diversity⁷ and high student

¹ Beth E. Schueler & Joshua Bleiberg, *Evaluating Education Governance: Does State Takeover of School Districts Affect Student Achievement?* 20 (Annenberg Institute at Brown University, EdWorking Paper No. 21-411, 2021), <https://www.edworkingpapers.com/sites/default/files/ai21-411.pdf>.

² Bianca Vázquez Toness & Christopher Huffaker, *School takeovers by the state haven't worked, Globe analysis shows*, BOS. GLOBE (May 15, 2022), https://www.bostonglobe.com/2022/05/15/metro/school-takeovers-by-state-havent-worked-globe-analysis-shows/?p1=BGSearch_Advanced_Results.

³ *See id.*

⁴ *See id.*

⁵ *See* Dusty Christensen, *Teacher retention remains a challenge under receivership in Holyoke*, DAILY HAMPSHIRE GAZETTE (April 29, 2020), <https://www.gazettenet.com/Teacher-staff-turnover-under-Holyoke-state-receivership-33169476>.

⁶ *See* Emily Sweeney & Breanne Kovatch, ‘Enough is enough’: Lawrence grapples with reports of fighting among students, BOS. GLOBE (Oct. 18, 2021), <https://www.bostonglobe.com/2021/10/18/metro/teachers-staff-hold-rally-against-violence-lawrence-high-school/?p1=Article Inline Text Link>.

⁷ *See* S. O'Connell, *Rethinking school colors*, TELEGRAM & GAZETTE (Oct. 26, 2019), <https://www.telegram.com/story/news/local/east-valley/2019/10/27/efforts-underway-to-increase-teacher-diversity-in-local-schools/2437504007/>.

absenteeism, including a 47.7% chronic absenteeism rate in 2020-2021.⁸ The state's track record in Lawrence, Holyoke, and Southbridge bodes poorly for future receiverships in Massachusetts.

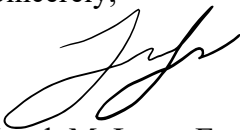
A BPS receivership would also harm communities of color by further marginalizing them in the school governance process. As you know, Boston currently has a mayor-appointed school committee, which keeps voters one step removed from committee selection. That could change soon, though, as the city council is considering a home rule petition seeking to implement an elected school committee.⁹ The city council's proposal would create a thirteen-member committee by 2026 including nine members elected by city council districts.¹⁰ This would empower minority groups – who make up greater proportions of various city council districts than they do of the city as a whole – by providing more direct control of committee membership.

State-appointed receivers typically assume the powers of the local school committee and thereby eliminate community control of schools.¹¹ Thus, if the state takes over BPS, communities of color would end up with even less say than they have in the current system, which itself might be changing. This is particularly problematic given the historical context – outlined by political scientist Domingo Morel – showing that increases in minority political power, specifically among the Black community, are associated with an increased likelihood of state takeover.¹²

Receivership is not the answer for BPS. It's unlikely to produce measurable academic improvement and will disempower communities of color. Certainly, BPS is not beyond reproach. The district's struggles are well documented and must be addressed. Instead of pursuing receivership, DESE should seek to collaborate with Mayor Michelle Wu and the school committee to implement systemic change, particularly to support students of color.

All stakeholders should cooperate to: reduce leadership turnover, increase teacher diversity, expand acceleration academies, foster tech equity and close the digital divide, and improve evidence-based literacy instruction. Such steps would advance equal educational opportunity in BPS while preserving community control. Collaboration, not takeover, is the best path forward.

Sincerely,



Jacob M. Love, Esq.
Lawyers for Civil Rights

⁸ Mass. Dep't of Elementary and Secondary Edu., *2020-21 (End of Year) Attendance Report (District) – All Students*, DOE.MASS.EDU, <https://profiles.doe.mass.edu/statereport/attendance.aspx> (last visited May 22, 2022).

⁹ See Marie Szaniszlo, *Work to begin on Boston's home rule petition for an elected school committee*, BOS. HERALD (April 13, 2022), <https://www.bostonherald.com/2022/04/13/work-to-begin-on-bostons-home-rule-petition-for-an-elected-school-committee/>.

¹⁰ See Elected School Committee HRP, available at <https://www.boston.gov/sites/default/files/file/2022/03/Docket%20%230187%20Reorganization%20School%20Committee%20HRP%20%281%29.pdf>.

¹¹ See Vázquez Toness & Huffaker *supra* note 2.

¹² See DOMINGO MOREL, TAKEOVER: RACE, EDUCATION, AND AMERICAN DEMOCRACY 13 (2018).

cc: Mayor Michelle Wu
Boston School Committee
Massachusetts Board of Elementary and Secondary Education