Article

The Color of Neoliberal Reform: A Critical Race Policy Analysis of School District Takeovers in Michigan

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Abstract

This critical case study analyzes Michigan's implementation of Public Act 4 (PA4), also known as the *emergency management* (EM) takeover law. PA4 grants the state control of school districts with dire budgetary problems. As most U.S. school districts are citywide, PA4 gives the state direct control over all the (previously locally controlled) schools in Detroit. We use tenets from critical race theory (CRT) and components from critical policy analysis (CPA) and offer a critical race policy analysis (CRPA) to explore racial power and privilege enacted by PA4, imposed upon Detroit.

Detroit and State Educational Takeover

This critical case study analyzes Michigan's implementation of Public Act 4 (PA4) in 2011, also known as an *emergency management* (EM) takeover law

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(Michigan Legislature, 2011). PA4 grants the state control of school districts with dire budgetary problems. As most U.S. school districts are citywide, PA4 gives the state direct control over all the (previously locally controlled) schools in the city. We use tenets from critical race theory (CRT) and components from critical policy analysis (CPA) to explore racial power and privilege enacted by PA4, using Detroit as an exemplar. We focus on Detroit because it is the largest urban city in Michigan and it is the city most linked to the historical origins of *Emergency Financial Management* (and later, simply EM) in Michigan. We begin by contextualizing Detroit and offering a brief historical analysis prior to PA4's application.

Next, we describe the racialized pattern of PA4's implementation. This is an analysis of PA4 law in Michigan in relationship to majority Black *urban* school districts (Lomotey & Milner, 2012; Milner & Lomotey, 2013). In this article, we will use PA4 and EM interchangeably. After reviewing the controversy concerning takeover policies like PA4, we present the salient concepts of CPA and CRT. Following these tenets, we analyze the imposing powers embedded within PA4. We then situate PA4 within the systemic neoliberal context in which EM laws like PA4 are developed and implemented. Our analysis suggests that PA4 is part of a punitive neoliberal disciplinary apparatus, implemented by a legislature and state committee steeped in conscious and unconscious racial fears and biases. We conclude that the law has been informed and driven by historically constructed and deeply held racialized fears and biases. Finally, we end the article with educational policy changes that can address disparities in the application of EM laws.

Historical Context of Detroit Michigan Leading up to PA4

Indeed, Detroit is plagued with well-known fiscal and academic problems. Detroit's fiscal crisis is dire and the dropout rates across Detroit Public Schools (DPS) are staggering. Budgetary issues have crippled DPS for decades (Arsen, Deluca, Ni, & Bates, 2016; Bowman, 2013; Khalifa, Douglas, & Venzant Chambers, 2016). Since the 1990s (and earlier forms of Michigan takeover laws, that is, PA72), DPS have run a budget deficit. Our analysis of PA4/EM law in Michigan reveals a historical pattern of deleterious systemic racialized practices packaged with *colorblind* discourses. PA4 empowered the government to appoint an EM "who has the authority to reshape academic programs, to nullify labor contracts, to open and close schools, and to sell district assets" (Arsen et al., 2016, p. 101). Interestingly, DPS was routinely always blamed for the budgetary shortfalls, despite years of commercial deindustrialization and public and state divestment in Detroit (Farley, Danziger, & Holzer, 2000; Sugrue, 2005). Almost in tandem with the

fiscal challenges, academic achievement was also poor for the vast majority of DPS schools, although some exemplary schools existed. Detroit has one of the lowest graduation rates among large urban U.S. cities (Khalifa et al., 2016). These educational and economic realities are significant and debilitating. However, these realities, as sobering as they are, are only part of the larger contextual crisis. Arsen et al.'s (2016) analysis found that districts taken over by EM/PA4 had significantly more African American and low-income students than similarly financially troubled Michigan districts with larger populations of White students. This discrepancy raises questions with regard to PA4's stated goal of fiscal stability.

Neoliberalization: Schooling and Detroit. Harvey (2009) described neoliberalism as a theory of political-economic practices within a state supported framework thought to liberate entrepreneurialism. The role of the state, within this framework, is to create and preserve a culture appropriate for this task. Harvey (2009) noted that neoliberalization entails significant *creative destruction*. This destruction includes, "prior institutional frameworks and powers (even challenging traditional forms of state sovereignty) but also divisions of labor, social relations, welfare provisions, technological mixes, ways of life and thought, reproductive activities, attachment to the land and habits of the heart" (p. 3). Carpenter, Diem, and Young (2014) in their CPA of educational policy finds a discursive shift to neoliberal ideology in educational policy and reform. This shift, they noted, displaced democratic values and shaped educational policy and reform. Furthermore, the authors find that neoliberalization of education was replacing traditional democratic values in education, and considered "as legitimate policy solutions for the problems facing public schools" (Carpenter et al., 2014, p. 1111).

Detroit, once considered a standardized model of education to which other cities should aspire (Mirel, 1999; Sugrue, 2005), is now in need of significant educational reform. This educational policy and reform need has been met with PA4 and its neoliberal ideologies, discourses, and praxis. Undoubtedly, the rapid decline in schooling in Detroit is linked to a broad historiography of Detroit that includes deindustrialization, divestment, and White flight. Ultimately, Detroit's Black populace filled the political vacuum left in the wake of these events (Baugh, 2011; Mirel, 1999). At first glance, a much easier explanation for State lawmakers in Lansing was that Black Detroit politicians, including its first Black Mayor Coleman Young, were irresponsible. However, Detroit's political-economic crises are a matter of historical construction that outdate Black leadership in Detroit. Furthermore, there is no consensus among scholars and economist "about either how to define fiscal stress or how to measure it" (Arsen et al., 2016, p. 103).

Nevertheless, this discourse of irresponsibility implicating Detroit's Black leadership lent to racially biased and baseless blame framing reasons for the condition of DPS. Once identifying the racialized application of PA4/EM and its emphasis upon unverifiable fiscal standards, a critical colorblind analysis of PA4 becomes privileged.

Historical divestment in Detroit. Prior research has established a link between integrated governance models, for example, takeovers, school finance, and academic achievement. However, scholars have noted that there is signifi-cant disagreement between proponents and opponents of these models (Carpenter, Diem, & Young, 2014; Carpenter & Diem, 2015; Henig, 2013; Hess & Meeks, 2013; Hopson, 2014; Kirst & Wirt, 2009; Trujillo, Hernán-dez, Jarrell, & Kissell, 2014; Wong & Shen, 2013). Carpenter et al. (2014) noted that there is "widespread disagreement concerning the appropriate-ness of using neoliberal ideology to guide educational policy reform" (p. 1129). The highlighted disagreements stem from the lack of empirical evidence supporting the ideological shift caused by neoliberalization.

Detroit's poor-performing schools and persistent deficits did not appear overnight. Neither can the blame be summarily assigned, solely, to the cur-rent educational leaders nor to those over the last couple of decades. Rather these current crises in Detroit are inextricably linked to Michigan's histori-cal divestment in Detroit's school district (Mirel, 1999). Detroit's crises are the result of more than 75 years of deindustrialization in the city along with a century of divestment in Detroit; largely, a result of the fearful White imaginative, paired with marginalizing and damaging Black narratives, birthed in a time period when the city "blackened" during the industrial migrations (Sugrue, 2005; Thomas, 1992; Wilkerson, 2010). This "blacken-ing" refers to the migration of African Americans from the south to Detroit in search of industrial jobs. From the advent of the first industrial migration Northward of Black autoworkers, the White imaginative casts majority African American cities such as Detroit as unruly, untamed, mismanaged, and dangerous (Avila, 2004).[1] Likewise, legal decisions (e.g., *Milliken vs. Bradley*, 1974) often supported regimes of White supremacy and served to codify and fossilize racial practices and understandings of earlier U.S. peri-ods (Baugh, 2011; Harris, 1992) . However, Detroit continues to suffer from these historical myths that framed Blacks, and many Whites have con-sciously or unconsciously accepted these frames of African Americans. This historical framing alludes to racialization's permanence in America's his-tory, or the ways in which racism is made normal through the White imaginative.

Contextualizing DPS.   Decades of discrimination endured by Black Detroiters has progressively inflicted what some may argue to be irreparable damage upon DPS (Khalifa et al., 2016). Sugrue's (2005) and Hartigan's (1999) analyses revealed that White imaginative understandings about Black Detroiters led to racial oppression, deplorable housing, a rapid shift from Black Detroiters working in high-paying auto industry jobs into low-paying jobs, and inequitable educational opportunities in Detroit. Essentially, decades of underinvestment/divestment coupled with marginalization of Black Detroit served as primary contributors to the existing financial crisis, including the financial health of DPS.

Inequitable funding

According to the Michigan Senate Fiscal Agency[2] website, the Michigan Legislature determines the basic dollar amount needed per pupil. For the 2014-2015 school year, the amount was estimated to be US$7,251 per pupil. However, beyond this basic amount, school funding in Michigan varies widely due to an 18-mill property tax on nonhomestead property. This structure allows significant disparities in per pupil school funding, based on the steep differences in urban and suburban property values. For example, in 2014-2015, the wealthy, largely White suburban district of Bloomfield Hills Schools received US$11,934 in per pupil funding, and DPS received US$7,296 (Pratt, 2016). Furthermore, after 6+ years in Detroit emergency managers "have been unable to eliminate budget deficits. Although they have reduced staffing and employee compensation, closed schools and privatized service delivery, they have been unable to increase student enrollment (and thus revenues) sufficiently to balance district budgets" (Arsen et al., 2016, p. 124).

As PA4's primary focus is to help cities overcome their accrued debts it is not surprising to find it invoked against schools in cities like Detroit, who have suffered from decades of divestment. Although Kristi Bowman (2013) "argued that state takeovers of school districts are the best" (p. 1) mechanisms to remedy districts in fiscal crises; she later conceded to Michigan's wrongheaded application of PA4. PA4 is thus, the latest instantiation of a takeover reform policy instituted in cities like Detroit with punitive impacts on urban schools and their students. However, PA4's pattern of implementation does not appear to be based only upon accrued debts; there appears to be additional intervening variables impacting this. PA4's thinly veiled racialized application exemplifies patterns of normalcy that refuses to interrogate oppressive laws and practices. Colorblind approaches are disrupted by the glaring discrepancies in how race determined what districts would be taken over. The historic and systemic patterns of PA4 application normalizes the perils of racialization and signifies colorblind tactics: lenses and analyses.

The Racialized Pattern of PA4's Implementation

Our critical race policy analysis of PA4 was motivated by its racialized pattern of implementation. As of 2015, only seven Michigan school districts and cities were taken over. Bowman's (2013) policy analysis of PA4 fails to mention the word *race* even once; which signals a colorblind analysis of PA4 and its implementation. Nevertheless, the demographics of the seven schools taken over are telling. According to the U.S. Census Bureau (2013), the demographics are as follows: Benton Harbor (89.2% African American and 7% White), Detroit (82.7% African American and 10.6% White), Flint (56.6% African American and 37.4% White), Pontiac (52.1% African American and 34.4% White), Allen Park (2.1% African American and 92.9% White, but the school board, due to steep monetary challenges, requested a takeover), Highland Park (93.5% African American and 3.2% White), and Muskegon Heights (78.3% African American and 16% White). Thus, out of the seven takeovers, only one, Allen Park, was not majority African American. In all, at least 43 Michigan school districts had operating deficits, and thus qualified for PA4 (Higgins, 2014).[3]

Given the history of racialized divestment recently exacerbated by PA4 (discussed later), it is possible Detroit and the other African American majority cities and school districts were selected because they had greater fiscal debt than those that had not been subjected to decades of racist policies. However, no EM has been placed in the predominantly 88.7% White Walled Lake School District (U.S. Census Bureau, 2013), which had an astounding debt of US$10 million. This US$10 million was virtually the same debt of the all-Black Highland Park[4] and Muskegon Heights.[5] There are a number of other predominantly White districts with similar debt. Moreover, no viable economic recovery plan was presented for Walled Lake School District. Thus, the only clearly discernable difference in Detroit and other cities and districts that fell into receivership was not their fiscal debt, but rather that they were majority African American.

Takeover Through EM Laws: Rescues or Punishments?

Municipal and state officials often see urban districts as problematic, and as an affront to municipal reforms such as gentrification initiatives designed to bring more money into city coffers (Anagnostopoulos & Rutledge, 2007; Carpenter, Diem, & Young, 2014; Lipman, 2011; Trujillo et al., 2014; Wong & Shen, 2013). In addition, EM laws are intended to rescue failing school systems from incompetent or negligent school leadership. Wong and Shen (2013) argued that takeovers were necessary because several years of local

school "reform did not produce satisfactory improvements in student performance" and that municipal leaders "can no longer afford an educational system . . .largely isolated from economic futures of their cities" (pp. 14-15). Others see states as using takeover policy to punish or sanction local school leaders, by wrestling authority from them. Trujillo et al. (2014) noted an example of forced inefficacy and public humiliation in Oakland. In 2003, the State of California had taken over the Oakland school district for fiscal insolvency in the amount of US$37 million. Nonetheless, when the state returned control to the local school board in 2009, the district's debt had increased to US$89 million. Under state control, the district hemorrhaged more than 17,000 students, as charter school enrollment expanded from 2,000 to 8,000 students. "By some accounts, the state appeared concerned more with advancing small schools and charters, and revamping central office services, than alleviating financial problems" (Trujillo et al., 2014, p. 899). Carpenter, Diem, & Young (2014) found that the "troubling" and imposing neoliberal ideological shift in education asks educators to "do more with the same or fewer resources, their performance is being evaluated through processes and based upon data that are not empirically or ethically sound," subsequently, these devalue, by design, relationships to the local school community (p. 1129).

Whether punishing or rescuing, existing studies question the effectiveness of takeover policies. Takeover policies such as EM and PA4 application in Michigan is a restrictive and punitive educational policy. Khalifa et al. (2016) noted that "[w]hile it is ostensibly colorblind and focuses on fiscal health, it has not gone unnoticed that PA4 has been used almost exclusively on districts with predominantly Black student populations" (p. 21). Given the ineffectiveness of takeover policies and PA4's disproportionate application to majority Black/urban cities like Detroit, we critically analyze PA4, using CRT tenets.

A CRT and CPA of PA4

This is a qualitative case study that used Critical Discourse Analysis (CDA) and CRT as methods (Flyvbjerg, 2011; Glesne, 2011; Yin, 2014). Flyvbjerg (2011) called the case study methodology complimentary to the repertoire of qualitative research tools. The policy analyzed for this case was PA4 or the EM law used to take over Michigan school districts in fiscal crisis. Also, an analysis of three studies of PA4 from three separate disciplines were analyzed. These studies include a legal standpoint (Bowman, 2013), a finance standpoint (Arsen et al., 2016), and a CPA (Khalifa et al., 2016). In addition, we analyzed other documents related to the implementation of PA4 including audio transcripts, and media reports from the educational, political, and legal arenas.

Despite of a general lukewarm reception of case study in many qualitative methodological circles (Flyvbjerg, 2011), Yin (2014) mentioned its favorable relationship when used with discourse analysis. Davies and Harré (1990) talk about discourse analysis in terms of *position* and the relative nature of being in another or the "other" persons position. For example, in feminist theory "the focus has been on the experience of contradictions as important sites for gaining an understanding of what it means to be a gendered person" (Davies & Harré, 1990, p. 47). We utilize CRT as a *theorizing method* to articulate new positions based on racialization (Anzaldúa, 1990; Delgado, 2012; Solórzano & Yosso, 2002). This case study allows us to view PA4, the district takeover law in Michigan, from another position. Similar to the feminist position of seeing things through being gendered, we see the application of PA4 through being racialized. Relevant components of CRT and CPA work in concert to highlight and problematize the application of takeover policy in Michigan. Thus, we highlight concepts of CPA and CRT that are relevant to our analysis of PA4 and its application.

Power, Privilege, and Exploitation

CPA seeks to identify power, privilege, and oppression embedded within policy decisions. CPA raises questions about the negative impact that a policy could have, particularly for urban people of color. According to Prunty (1985), using a critical lens to examine policies is beneficial for a number of reasons. First, using a critical lens helps disclose whose values and biases are being legitimized and whose are being marginalized. These values, though often unremarked and unanalyzed in policy analysis, are integral to policy (Stein, 2004).

Second, CPA seeks to highlight *how* a policy can support or violate the rights and undermine the power of particular groups (Prunty, 1985). CPA seeks to identify the elements of a policy that can lead to exploitation, imposition, or oppression of certain groups of people. In conducting CPA, Halpin (1994) urges one to

> avoid the risk of only telling a great deal about the fine-grain assumptive worlds of policy makers and the context of policies . . . instead explore the effects that certain policies have in terms of improving or making things worse. (pp. 198-199)

Thus, we analyze the effect that PA4 had on seven urban school districts in Detroit. In spite of political discourses claiming the opposite, the racialized application of PA4 is part of a long-standing history of systemic oppression against communities of color. The aim of this work seeks to highlight these inequities, aiding in the development of alternative solutions for more equitable policy decisions.

A Critical Race Policy Analysis

Merging tenets of CRT and components of CPA allows us to identify how policies can be selectively applied or not applied to Black and Brown communities in a way that works to sustain oppression and marginalization of these communities. Although CPA is a tool that examines how "policy" disparately impacts oppressed communities, CRT provides us with tools that center race. Four CRT concepts—racism as normal through the White imaginative, colorblindness, the historical analysis, and systemic analysis of racism—are pertinent to this inquiry. The initial CRT tenet used in our analysis of PA4 in Detroit is the ubiquitousness of racism, whereby racism is *normal*.

Racism as normal through the White imaginative. CRT begins with the premise that racism is normal, not unusual in American society (Aguayo, 2019; Bell, 2005; Delgado, 2012; Taylor, Gillborn, & Ladson-Billings, 2009). Legal-CRT scholars (Bell, 2005; Crenshaw, 2010; Delgado, 2012, 1995) maintain that racism has always existed and is fundamentally American. Furthermore, they argue that racism are building blocks to the legal framework of the United States, which, in one way or another, continually disadvantages minoritized populations. Derrick Bell (2005) noted that

> We must recognize and acknowledge (at least to ourselves) that our actions are not likely to lead to transcendent change and, despite our best efforts, may be of more help to the system we despise than to the victims of that system we are trying to help. (p. 192)

These systems, as indicated by Derrick Bell (2005) are indeed constructs of the White imaginative. In part, the White imaginative seeks to normalize a world where people of color—having been racialized and minoritized—are subordinate and inferior to people racialized as Whites. This normalization of the White imaginative has become systemic and an integral part of the engine of American society and its organizations and institutions.

Ricky Lee Allen (2004) elaborated on the White imaginative by stating that "Whites spend a lot of energy defending the myth that Whites are the model humans" (p. 126). This White imaginative, or Whiteness, then becomes the imagination of humanity; this imagination can and has been inherited (Allen, 2004; Lipsitz, 1998). Allen (2004) elaborated further that this White imaginative is accomplished by "normalizing social space in a way that perpetuates White power and privilege while also making it look like this is not what is happening" (p. 126). This normalization is achieved through the universalization of White standards and biases, which works to render racism ubiquitous and thereby invisible. The ubiquitousness of the

White imaginative has helped create a pervasive colorblind phenomenon. We underscore that the application of PA4 and the EM law in Michigan is indicative of the normalcy of racism. We have highlighted throughout this article the ways that EM and takeovers only occurred in the districts that were overwhelmingly Black (Arsen et al., 2016; Bowman, 2013; Khalifa et al., 2016). We have also pointed out that even in instances where financial crises and debt were equivalent in majority White districts and in districts that were majority Black, involuntary takeovers by EM only occurred in the majority Black districts.

Colorblindness.   Fundamental to the *founding* of America and throughout its history up to the Jim Crow era, America is marked by overt and blatant racism. Eduardo Bonilla-Silva (2010) and other analysts have labeled post-Civil Rights attitudes, discourses, and rhetoric that safeguard America's foundations and racial order as colorblind racism. Zeus Leonardo (2009) reminded us that regarding colorblind policies in education, "[s]uggesting that race does not matter does not necessarily make it so" (p. 64). Richard Milner (2007) found colorblindness prevalent in educational settings—a positionality that fails to consider racial and cultural contexts, which are significant in racialized and minoritized cities like Detroit. This oversight (intentional blinding) works to conceal the punitive disposition of neoliberal ideologies informing and shaping educational policies like (PA4) in Detroit. Milner (2007) argued that "in education research, the adoption and practice of color-blind and culture-blind research epistemologies and approaches can potentially lead to the dangers of exploitation and misrepresentation of individuals and communities of color" (p. 392). Bowman's (2013) failure to mention race in her analysis of PA4 and EM in Michigan is peculiar. Her argument for state takeovers is tempered by the debacle that occurred in Michigan. She concluded that states learn from Michigan by not giving *too much* "help." Although Bowman (2013) does not mention race or quantify any racial statistics, she does mention three districts in Michigan with the highest percentage of Black students that were taken over. "Detroit, Highland park, and Muskegon Heights faced fiscal crisis" (Bowman, 2013, p. 18). Detroit (82.7% African American and 10.6% White), Highland Park (93.5% African American and 3.2% White), and Muskegon Heights (78.3% African American and 16% White) (U.S. Census Bureau, 2013), Bowman (2013) concluded that Detroit, Highland park, and Muskegon Heights "needed outside help" but received too much; furthermore, "other states would be wise to learn from Michigan's legislative and political story" (p. 18-19). Bowman's (2013) colorblind analysis of PA4 and EM in Michigan acts as an ahistorical normalization of racialization and racism. Our analysis of PA4 resists ahistoricity by historicizing Detroit's racialized presence and present.

Historical analysis. Critical race theorists seek to make visible and recognize the historical and continuing impact of racism, and how it plagues our society. CRT theorists examine and center histories of oppression around people of color. Their aim revolves around tracing the part that racism has played in the *historical* development of current conditions (Delgado, 2012; Taylor et al., 2009). Michael Omi and Howard Winant (1994) noted that even a cursory glance of American history reveals an extremely color-conscious society. They argue that racism has been the hallmark of America since its inception; "race has been a profound determinant of one's political rights, one's location in the labor market, indeed one's sense of 'identity'" (Omi & Winant, 1994, p. 8). Edward Taylor et al. (2009) contended that a "common occurrence in discussions about race is a tendency not only to render the complex simply, but to disregard the historical conflict in which it was spawned" (p. 7). Thus, our historical analysis is useful in considering how PA4, its discourses, and analyses related to it are perceived as neutral, but in reality are—systemically—applied in harmful ways in Detroit. Indeed, historical perspectives deeply inform our understandings of the development of current conditions and their systematic processes; therefore, we must incorporate *systemic* perspectives into our analysis.

Systemic analysis. CRT scholars consider the systemic context in their analyses, particularly systemic racist articulations (Bell, 2005, 1992; Feagin, 2006). It is widely accepted among social scientists and scholars that race is a social construct (Leonardo, 2009; Omi & Winant, 1994). Furthermore, racial constructs entail social realities, which produce and reproduce real affects and effects upon all those racialized: Black, Brown, and White, and so on. Bonilla-Silva (2010) stated that throughout America's history that this racial construct and its social structure has "awarded systemic privileges to Europeans (the people who became 'White') over non-Europeans (the people who became '*nonWhite*')" (p. 9). In general, these constructs and structures are the result of considerable disagreement regarding racial matters and conceptions of racism, due in part because "for most Whites racism is prejudice, for most people of color racism is systemic or institutionalized" (Bonilla-Silva, 2010, p. 8). The disagreements are further exacerbated due to essentialist arguments applied to an oft-changing phenomenon of racialization, categorization, and temporary shifts in power. For example, Blacks (and other people of color) are noted to reproduce the types of systemic and institutional practices of racism that people of color have historically lamented against Whites in power (Khalifa, 2015). Thomas (1992) "found that Black Detroiters, who had comfortably settled before the mass industrial migration northward between 1915 and 1945, had great disdain for the recently settled,

uneducated, Southern Blacks who later came north for industrial jobs" (Khalifa, 2015. p. 3).

Racialization and/or essentialist arguments?

Racial imagery is central to the organization of the modern world. At what cost regions and countries export their goods, whose voices are listened to at international gatherings, who bombs and who is bombed, who gets what jobs, housing, access to health care and education, what cultural activities are subsidized and sold, in what terms they are validated—these are all inextricable from racial imagery. (Dyer, 1997, p. 1)

Richard Dyer (1997) alluded to the White imaginative as representational of the construction of White Western culture. Hazel Carby (1992) argued that everyone is constructed within the social order of the White imaginative and acknowledging that helps "to make visible what is rendered invisible when viewed as the normative state of existence" (p. 12). Beneficiaries of the White imaginative are those who openly profess its supremacy, those who do so silently and those that claim neutrality. Nonetheless, clear racialized markers in American history are both unmistakable and irrefutable; yet, just as irrefutable is the realization that our conceptualization of the White imaginative can easily be countered and will be refuted. Typing versus stereotyping people is different by definition, stereotypes represent people as essential and fixed in nature (Dyer, 1997; Hall, Evans, & Nixon, 2013). However, we are aware that representation of racialization as it pertains to Detroit and its types used here can be identified as reductionist and essentialist. We accept this reality as we deem it not only suitable, but critical.

Strategic essentialism. Despite inherent shortcomings of essentialist arguments, key components of these concepts are valuable to our analysis of PA4 application in Michigan and the predominantly Black city of Detroit. Furthermore, the concept of *strategic essentialism* is useful to account for pitfalls of essentialist binaries and constructs (e.g., White, *non-White*; Sharp, 2008). Furthermore, racial dynamics are far more nuanced than essentialized Black versus White binaries; racialization is a complex phenomenon of shifting and moving targets (Omi & Winant, 1994). Furthermore, we acknowledge that representations of Black culture and identity—and for that matter western White culture and identity—are not monolithic and diverge along lines of economics, education, religion and various kinds of values, morals, and dispositions. Particularly for Black culture these differences can be identified as rooted in diasporic differentiations related to southern states, or Caribbean islands of origins, and so on. However, the historical record is clear. The types of treatment that

Blacks and others deemed *non-White* have endured due to the White imaginative are both lengthy and devastating, to say the least.

Ambiguity and the White imaginative. The White imaginative defines and represents itself and its adherents as the default humans (Dyer, 1997) of which bell hooks (1992) calls a myth. It is our opinion that to refrain from engaging in the collective and racialized history of the United States due to specific examples, or merely identifying Whites as *just human*, is dangerous. The danger lies in the White imaginative maintaining a powerful ambivalence in the face of a violent history (Dyer, 1997; hooks, 1992). In particular, it is disingenuous to discuss Detroit and the application of PA4 and not contextualize Detroit's marked racialized history. As such, those that ascribe and embrace the White imaginative are often offended when they are raced, because "Raced people can't do that—they can only speak for their race" (Dyer, 1997, p. 2). Furthermore, refusing to enter discussions established upon racialization contributes to the ubiquity and invisibility that Whiteness thrives in and seeks to maintain.

We critically analyze PA4 focusing upon power and privilege but we are particularly sensitive to the relevancy of CRT (the systemic analysis, the historical and colorblindness contexts, and, most importantly, the ubiquitous, invisible existence of racism). We begin with a description of the power relations embedded in PA4 and their discriminatory effects upon the Black citizens of Detroit.

The Case Analysis of PA4 Application to DPS

In accordance to the tenets of CPA and CRT, we have already described the historical context, focusing on power, privilege, and exploitation, in which PA4 was applied to Detroit (and other Black/minoritized cities and districts), describing the racialized pattern of PA4's implementation. Next, critical analysis is applied to power relations enacted by PA4's application. Following our analysis of the power relations enacted by PA4, we describe how it fits into a systemic context of neoliberalism. Finally, we present the implications of our analysis and make suggestions regarding ways in which future policies might address crises resulting from decades even centuries of racism.

Marginalizing and Disenfranchising Power Relations Embedded in PA4 Policy

In this section, we first discuss PA4's introduction as compared with how it was later used. We then describe the power relations embedded in PA4 that constrict democracy for the citizens in the school districts and cities to which

it is applied. Similar to PA72 (another EM law that predated PA4) that targeted local government entities, Michigan's PA4 focuses on fiscal problems:

> To safeguard and assure the fiscal accountability of units of local government, including school districts; to preserve the capacity of units of local government to provide or cause to be provided necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government and the provision of services by units of local government, including school districts (State of Michigan, Legislature: PA4, p. 1).[6]

However, PA4 was used to set up an entirely separate, statewide school district called the *Education Achievement Authority* (EAA). The EAA was originally designated to take over the worst 5% of Michigan *schools that* were experiencing academic failure across the state.

In sum, applied to Detroit, PA4 has had a lasting negative impact on local residents in the following ways: (a) they lost sovereignty and control of their schools; (b) they lost their collective bargaining rights; and (c) the academic achievement of students is neither a central focus nor has improved since the takeovers began. Ostensibly, PA4's discursive colorblind omission of race or specific link to urban areas provides it with a racially neutral *appearance*. Given this context, we also highlight that PA4, as a colorblind state policy, is not abnormal. Rather, it is a neoliberal reform and thus part of a global and national punitive ideology that systematically imposes upon minoritized communities and further exacerbates marginalization (Khalifa et al., 2016).

Discussion of Implications: Why "Hasn't Anybody Noticed That?"

PA4, Part of a Systemic Racist Disciplinary Apparatus

> How come all of the jurisdictions put under *Emergency Management* are majority *African American*? Has anybody noticed that? There seems to be a racial aspect, a racial component of the application of this law. (Thompson, 2012)

John Conyers, U.S. Congressman of 47 years, representing Detroit posed these questions about the racialized application of EM practices imposed upon Detroit. With these questions in mind, Michigan Radio Journalist Sarah Cwiek, in 2011, assessed that "Detroit is the laboratory for state school reform effort." In this section, we discuss the implications of our critical race policy analysis of PA4 as applied to Detroit discussed. Our discussion of the implications is shaped by the questions: Why has the governor and other state

authorities not cared, noticed, brought attention to, or sought to redress the racialized pattern of PA4's implementation? When examining a state-mandated policy made by a body of largely White politicians and a White governor, applied predominantly in cities and school districts that are between 80% to 90% Black, how could one not have questions about its racialized implementation in cities like Detroit? How could state and city authorities not notice the selectively racial implementation of PA4? Our use of CRT and CPA answers these questions by suggesting that a systemically racist disciplinary apparatus exists and is the result of a neoliberal colorblind policy discourse, which invisiblizes race, while in practice punishing people of color. We then present our suggested policy changes to takeover laws such as PA4. Our article concludes with a discussion of the need to resist colorblind neoliberal educational policies.

A Systemically Racist Disciplinary Apparatus

Most legislatures and state authorities in Michigan have been White. Through either an inadvertent or purposeful lens of Whiteness, these authorities continue to develop, interpret, and apply laws in ways consistent with their own understandings, which are inherently disadvantageous for African Americans in Detroit. Avila (2004) found that the monomaniacal focus on fixing urban fiscal problems (theoretically resulting from White flight) is actually based on the White imaginative, stereotypes, and fears. These racial stereotypes and biases influence people's decisions and policies in invisiblized and unconscious ways (Harris, 1992). Lipman (2011) found that the hegemonic gaze filtered through the White imaginary, demonizes and pathologizes Black and Latinx communities and schools. Likewise, in Detroit, Alec Gibbs (Maynard, 2014), a civil rights attorney involved in multiple adjudications concerning takeovers, argued that such takeover policies and laws are the direct outgrowth of fears that Whites had of living in close proximity to Black Detroit residents. Our contention is that the White imaginative has deeply informed policymaking in Michigan, and particularly those policies that are intended to impact Detroit. These biases can become visible when using CRT tenets as a lens to critically examine the disciplinary apparatus of educational and legal systems as presented by educational and legal scholars and historians (Alexander, 2012; Baugh, 2011; Bell, 2005; Gregory, Skiba, & Noguera, 2010; Moore, 2008).

For example, in 2012, the U.S. Department of Education and the Office of Civil Rights released a study—based on 85% of the students in the United States, representing 72,000 schools—that highlighted deeply racist trends in school discipline data. Among the study's many findings were discoveries

that African American students suffered disparate rates of suspension when compared with their White peers. Although Black students only comprised 18% of student populations, they represented between 35% and 46% of school suspensions depending on the frequency of suspensions (U.S. Office of Civil Rights). Furthermore, their suspensions were even yet much higher in the ill-defined offense categories and, thus, even more open to being constructed through the biases and values of the perceiver. These categories included unclear offenses such as *disrespect, insubordination*, and *dress code violations* rather than overt offenses such as fighting. Given the now documented school to prison pipeline (Moore, 2008) and its relation to the White imaginative conceptions of Blacks (Alexander, 2012), it is not surprising to find that fears based on the White imaginative also drive policy implementation such as PA4.

Racism as Normal and Systemic

Our analysis of PA4's implementation in Detroit strongly suggests that the racist application of disciplinary apparatus is systemic, encompassing not just individuals, but their cities and schools. As a part of a larger racist punitive system (Khalifa et al., 2016), PA4 summarily aligns with the racialized application of *school rules* used to disproportionately suspend Black and Latinx students (Gregory et al., 2010) and the racialized application of the laws used to *disproportionately imprison* Black and Latinx men and boys (Alexander, 2012). Black school districts and their administrators are inequitably punished through EM laws like PA4. In such a systemically racist disciplinary apparatus, the racialized pattern of implementation does not stand out as abnormal. For example, when PA4 is selectively implemented in African American majority cities, it is likely to seem normal and taken for granted, especially for White state authorities. Thus, those implementing PA4 do not question the very obvious racial pattern of its application. Much like the (dis)placement of bodies, the lens of Whiteness and the White imaginative normalizes the disproportionate punishment of Black and Brown cities, their educational leaders, their teachers, and their students. Furthermore, their White children, cities, teachers, and educational leaders are unlikely to bear the disenfranchising and marginalizing brunt of neoliberal policies like PA4.

> The patterning of racial advantage and inequity is structured in domination and its continuation represents a form of tacit intentionality on the part of White power holders and policy-makers. It is in this sense that education policy is an act of White supremacy. . .the most dangerous form of "White supremacy" is

not the obvious and extreme fascistic posturing of small neo-Nazi groups, but rather the taken-for-granted routine privileging of White interests that goes unremarked in the political mainstream. (Gillborn, 2005, p. 2)

Therefore, Whites, enacting Whiteness and living through the White imaginative, are unlikely to object to the changes of local power relations immanent in this marginalizing law, as it supports their privileges wrought from the White imaginative.

Suggested Policy Changes

Based upon our critical race policy analysis, we suggest implementation of the following policy changes to state policies that pertain to school districts:

- Policies should not be colorblind, but rather seek to understand and respect the local cultures and values.
- Assessment of schools, school districts, and cities must take into account the historical development of current conditions.
- Policy effectiveness must have a racial evaluation component that ardently and subjectively examines ways in which laws disproportionately impact communities of color.
- The selection of local school administrators must remain in the hands of the local community.
- For school districts and cities, which have suffered from the effects of past racist policies, reparations, rather than punitive measures, must be quantified to the extent possible, and provided.
- School districts assessments must be based upon qualitative, rather than purely quantitative aspects such as test scores and fiscal debts. For example, school climate must be considered, the degree of inclusion in student activities is important, parent voice is crucial, and so on.

Actionable Response: Resisting Colorblind Neoliberal Reform

This article challenges colorblindness, which is discursively attached to neoliberal policy and fundamental to its implementation and practice. Indeed, policy makers, residents, and educators would do better to remember Detroit's deeply racialized history, and to reject the colorblind neoliberal impulse that seems to pervade Michigan law makers' reform strategies as emanated by EM and PA4. In other words, if the takeover is strictly based on a district's fiscal health, why forget the historical and recent economic policy and divestment in Detroit, and its deleterious impact on DPS's current fiscal

emergency? We are not, of course, arguing that Detroit should not maintain responsible financial practices. Furthermore, we draw attention to the fact that other Whiter districts in Michigan with similar debt and fiscal concerns as Detroit did not have PA4 imposed upon them. It is misleading and convenient to forget the reasons that led to the current fiscal crisis in Detroit. Moreover, these historical causes should be acknowledged and remedied, not punished. To blame the current Detroiters only further reifies White fears of Urban Blacks, and allows Whites—the White imaginative; its discourses, policies, constructs, practices, and purveyors—to absolve themselves of their very deep role in and responsibility to the crisis.

Furthermore, our analysis suggests some private interests are benefiting from the application of this law. For example, while Detroit schools have been aggressively closed (according to the DPS website, closing more than 150 schools since 2005), charter schools have been rapidly growing in Detroit. There is mounting evidence that the same suburbs that sought to keep Blacks out with *Milliken v. Bradley* are now aggressively seeking to recruit Black Detroit bodies into districts and charter schools because of financial benefits with per pupil funding. This *new* approach—to opportunistically bring Black bodies in, even if momentarily, to reap financial gain for the district—is exploitative for Black Detroiters. This is especially true given the dismal performance of these charter schools. The new charter era essentially began the erosion of the district and its community's capacity to influence the direction schools would take to educate their children. Low charter school performance is significant because it has been one of the primary neoliberal reforms that intended to challenge or supplant local schools. And indeed, the rapid growth in charter schools have had a very deep impact on student enrollment in DPS; many Detroit parents who did not leave for the suburbs turned toward charter schools, and the numbers of charter schools skyrocketed since they were allowed in the early 1990s. Charter school growth in Detroit has been exponential, with the growth being from 50% up to 200% in a single year[7]—with virtually all of the students being former DPS students (Khalifa et al., 2016). In fact, there are currently 128 charter schools in Detroit, with dozens more in inner ring suburbs.[8] But the performance of the majority of these charter schools has been dismal for Black children (Khalifa et al., 2016). For example, a series of exposes made national news suggesting that at least 75% of all state public schools outperformed the nearest charter schools. Other researchers have found that privatized charter schools are exploitative toward Black people and space, and through neoliberal, capitalist behaviors harm Black children (Binelli, 2017, Buras, 2011).

Such privatizing reforms, which were promoted and upheld by the same lawmakers responsible for PA72 and PA4, all rest on the same premises—Black

Detroiters are not capable of successfully educating their own children. Therefore, those enacting Whiteness, through the White imaginative, have been commissioned to do it for them. Whether through EM, intensely establishing charter schools, or recruiting Blacks students to suburban Detroit, the impact is often the same: placing education of Black children in the hands of outside interests, who arguably have an even worse (than Detroit) track record of educating these children. By using EM to takeover and modify curriculum, places the responsibility of cultural responsive and community-based schooling in the hands of people who have not demonstrated an interest in such critical issues (Khalifa et al., 2016). And by eliminating the process of voting for school board members, Detroiters have been disenfranchised and been denied one of the basic tenets of democracy. The ability to decide who will represent their perspectives has been removed.

Similarly, charter schools are a step toward the privatization of schools for profit (McDonald, 2005). And the charter schools in Detroit have had a very low performance[9]; low academic performance in Detroit charters, along with the removal of parents' democratic rights to be represented by an elected school board, is essentially a double-punishment for Black families in Detroit. The democratic rights have been removed in favor of reforms but those very reforms worsen the conditions. Black families in Detroit lost twice!

Given the change in power relations mandated by PA4, its racialized application disenfranchises local African American citizens, which highlights an important aspect of democracy. Here, voting rights are particularly important, because in a democracy it is through voting that one chooses whose cultural values will be embedded in policies. In this instance, the Black vote is essential. The White imaginative, and its infusion of neoliberal policy such as PA4, is helping to erode hard fought rights (e.g., voting rights and similar rights related to a democracy) for African Americans. Abusive, racialized takeover policies against urban districts and cities like Detroit are not uncommon (Johnson, 2013; Trujillo et al., 2014; Wright, 2017). Sugrue (2005), among other scholars, has suggested that states historically implemented racially biased laws against communities of color, particularly as it relates to finance (Alemán, 2007). Although racialized laws are often drafted in ways that do not explicitly mention race, they are applied in the same ways that explicitly racist laws were once used. As many scholars suggests, PA4 and other neoliberal punitive policies are simply a modern form of racial domination against communities of color like Detroit (Harris, 1992; Hopson, 2014; Johnson, 2013; Khalifa et al., 2016; Trujillo et al., 2014; Wright, 2017). Thus, we suggest policy and procedure changes that eliminate neoliberal colorblind approaches and encourage a more democratic process to educational decision making.

If these policy changes are made through more democratic processes, we may begin to see academic (and fiscal) improvement in Detroit and other African American cities and school districts that have suffered from historic divestment, and continue to be demonized by a hegemonic color-blind neoliberal form of Whiteness that invisiblizes racist practices and policy.

Declaration of Conflicting Interests

Funding

Notes

1. And other Black cities such as: Inkster, Ecorse and River Rouge, Flint, Saginaw, Benton Harbor, Muskegon Heights, Highland Park, and Detroit.
2. See http://www.senate.michigan.gov/sfa/
3. See, for example, http://www.freep.com/story/news/local/michigan/2014/09/11/more-than-50-school-districts-and-charters-operating-with-a-deficit/15447541/
4. See, for example, http://www.mlive.com/education/index.ssf/2012/06/emergency_manager_recommends_h.html
5. See http://www.mlive.com/news/muskegon/index.ssf/2012/07/muskegon_heights_school_debt_i.html
6. See https://www.legislature.mi.gov/documents/2011-2012/publicact/htm/2011-PA-0004.htm
7. Michigan Gambled on Charter Schools. Its Children Lost. The New York Times. Retrieved from https://www.nytimes.com/2017/09/05/magazine/michigan-gambled-on-charter-schools-its-children-lost.html
8. See http://www.greatschools.org/michigan/detroit/schools/?st=charter
9. See https://www.nytimes.com/2017/09/05/magazine/michigan-gambled-on-charter-schools-its-children-lost.html

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