

Report For Texas Efficiency Litigation

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I have been asked by the Efficiency Intervenors in the current Texas School Finance Lawsuit to answer two questions: 1.) Is the Texas system of public free schools efficient? 2.) In my expert opinion, what changes would make the system efficient?

My answer to the first question is no. The Texas school system, like the school systems in every other state in the nation, is simply not organized to be effective or efficient. All these school systems are organized in ways that literally make no sense in terms of what is required to provide children with the best education possible.

My answer to the second question is that several reforms would help to move the Texas system toward greater efficiency:

- Eliminate labor laws and personnel rules that promote inefficiency.
- Reduce the power of teachers unions, so that the educational interests of children can take priority over the job interests of adults.
- Encourage school choice by authorizing a proliferation of new options to the regular public schools and freeing up the supply side.
- Promote the advance of online learning. Technology is the future of American (and Texas) education—and the key to huge efficiency gains.
- Require accountability systems that actually hold teachers and schools accountable for teaching students what they need to know—with consequences for poor performance.

Introduction

I have been studying the American public school system for some 30 years, focusing—and writing extensively—on the organization and performance of the system as a whole, its politics, and efforts to bring about meaningful reform. I have not focused on Texas per se, but the fact is that the school systems in every state in the nation are organized along very similar—almost identical—lines; they are shaped by the same political forces; and they share the same fundamental problems that reformers have been grappling with for decades. My assessment of the Texas system, then, is based on my extensive research on the American system generally, and on features and problems that are common across the states, Texas included.

The failure of reform

Shortly after taking office as President Barack Obama’s secretary of education, Arne Duncan was blunt in assessing the nation’s public schools and the challenge that lay before him. “It’s obvious the system’s broken,” he said. “Let’s admit it’s broken, let’s admit it’s dysfunctional, and let’s do something dramatically different, and let’s do it now. But don’t just tinker about the edges. Don’t just play with it. Let’s fix the thing.”¹

Such calls for major change in the American public school system are hardly unusual. The broad consensus among policymakers and opinion leaders—Democrat and Republican, liberal and conservative, from all corners of the country, including Texas—is that the public schools are not providing the nation’s children, particularly its poor and minority children, with the quality education so necessary for a modern world of global competition and advancing technology, and that something desperately needs to be done about it.²

This consensus, however, has been the political norm for over a quarter century. It first emerged in the wake of the most famous educational report ever issued, *A Nation at Risk*, which warned in 1983 of a “rising tide of mediocrity” in America’s public schools and convinced policymakers of the dire need for action. The result, in the decades since, has been a whirlwind of reform that has left no state untouched, bringing change upon change to the laws, programs, structures, and curricula that govern their public education systems, as well as countless billions of extra dollars to carry the changes out.³

All this activity might seem to be the sign of a well-functioning democracy, one

¹ Quoted in Gilbert Cruz, “Can Arne Duncan (and \$5 Billion) Fix America’s Schools?” *Time*, September 14, 2009.

² See, for example, “A Stagnant Nation: Why American Students Are Still at Risk,” ED in ’08, the Strong American Schools Project, April 2008 (media.herald-dispatch.com/advertising/pdf/050908-Stagnant_Nation_Executive_Summary.pdf); Paul E. Peterson, ed., *Our Schools and Our Future: Are We Still at Risk?* (Stanford, Calif.: Hoover Institution Press, 2003).

³ President’s Commission on Excellence in Education, *A Nation at Risk: The Imperative for Educational Reform* (Washington: U.S. Department of Education, 1983). See also Thomas Toch, *In the Name of Excellence* (Oxford University Press, 1991).

that recognizes social problems and dedicates itself to solving them. But pull away the curtain and the picture is not nearly so pretty. The reforms of the last few decades, despite all the fanfare and lofty language surrounding them, have been incremental, weak, and ineffective in practice. The nation is constantly busy with education reforms not because it is responsibly addressing social problems, but because it never actually solves them and they never go away. The modern history of American education reform is a history of dashed hopes—and continuing demands, like those of Arne Duncan, for *more* reforms that will finally, at long last, bring real improvements. This is what keeps the never-ending “education reform era” alive and kicking: not democracy, not responsibility, but failure.⁴

The evidence of failure is all around us. Other experts will, I’m sure, provide detailed evidence on the performance of children in Texas. But here is what the data look like from around the country—arising from education systems that, in all fundamental respects, are very much like your own.

Scores on the National Assessment of Educational Progress (NAEP) indicate that achievement growth over the last thirty-five years has been modest—indeed, virtually nil for seventeen year olds—and that most of our children simply do not know what they need to know.⁵ The 2009 NAEP study of reading proficiency among eighth graders, for example, showed that just 16 percent were proficient in Chicago, 10 percent in Baltimore City, and 7 percent in Detroit.⁶ Worse, huge numbers of American kids never even make it through high school. The most recent figures show that the graduation rate is just 41 percent in Los Angeles, 46 percent in Albuquerque, and 48 percent in Philadelphia and Milwaukee.⁷ Not surprisingly given these appalling numbers, the achievement gap between white children and minority children has remained a yawning gulf, and reforms have done little to close it; on the 2009 NAEP exam, black 17 year olds—those who were still in school—scored at about the same level as white 13 years olds in reading.⁸ Just imagine what the gap would have been had all the dropouts been included.

Why has the modern era of education reform been such a disappointment? Why has a nation so publicly dedicated to the dramatic improvement of its schools continually pulled up short, year after year: embracing weak reforms unsuited to the challenge and refusing to pursue bolder approaches that are consciously designed to throw off the

⁴ For copious evidence on the failures of the American reform era, see Terry M. Moe, *Special Interest: Teachers Unions and America’s Public Schools* (Brookings Institution Press, 2011).

⁵ See National Center for Education Statistics, *NAEP 2008 Trends in Academic Progress: Reading 1971-2008, Mathematics 1973-2008* (Washington: National Center for Education Statistics, 2009, available on the NCES website at nces.ed.gov/nationsreportcard/pdf/main2008/2009479.pdf). For a deeper analysis of the trends with breakdowns by ethnic groups, see Terry M. Moe and John E. Chubb, *Liberating Learning: Technology, Politics, and the Future of American Education* (Jossey-Bass, 2009).

⁶ National Center for Education Statistics, “The Nation’s Report Card: Trial Urban District Assessment Reading 2009,” on the web site of the NCES at nces.ed.gov/nationsreportcard/pubs/dst2009/2010459.asp.

⁷ “Graduation by the Numbers: Diplomas Count,” *Education Week*, June 10, 2010.

⁸ The achievement data are available on the website of the National Center for Education Statistics from various NAEP publications (nces.ed.gov/pubsearch/getpubcats.asp?sid=031#), but can be accessed directly using the NAEP “Data Explorer” tool (nces.ed.gov/nationsreportcard/naepdata/). It has been true in the past that black seventeen year olds also scored about the same as white thirteen year olds in math, but the math scores were recently rescaled for seventeen year olds, so a simple comparison across the two age groups is no longer possible.

shackles of the past? In the realm of American public education, these are the questions of our time.

Power, vested interests, and the politics of blocking

The temptation is to pursue an analysis fraught with complexity and detail—by exploring, for example, the dynamics of historical processes, a multitude of groups and players, and the intersections of events, forces, and institutions. All of these things are of course relevant. But the fact is, in American education—and in Texas education—there are certain fundamentals at work that are actually quite simple, and that go a long way toward explaining the obstacles to productive change.

The first of these fundamentals is the entrenched power of vested interests. In the American public school system—and in the Texas public school system—the key vested interests are the teachers unions: the National Education Association, the American Federation of Teachers, and their state and local affiliates.⁹ They represent the system’s most critical employees—individuals with a vested interest in their jobs—and, although they are by no means all-powerful, they are by far the most powerful groups in the politics of education and carry enormous weight in shaping how the schools are organized to do their work.

Their influence takes two forms. They shape the schools from the bottom up, through local collective bargaining activities—or in Texas, where formal collective bargaining is illegal, through political pressure on local school boards—that allow them to put their distinctive imprint on virtually every aspect of school organization, particularly those dealing with the crucial roles of teachers. They also shape the schools from the top down, through political activities that give them unrivaled influence over the laws and regulations imposed on public education by government, and that allow them to block or weaken governmental reforms they find threatening. In combining bottom-up and top-down influence, and in combining them as potently as they do, the teachers unions are unique among all actors in the educational arena. It is difficult to overstate how extensive a role they play in making the public schools what they are—and in preventing them from being something different.¹⁰

In addition to the vested interests that are powerfully represented by the teachers unions, a second fundamental feature of the modern education system needs highlighting. This is that the public schools are embedded in a larger political system famously designed around checks and balances. In important respects, checks and balances are a positive feature of American government. But in the context of education reform, they serve to *magnify* the power of the teachers unions (and other players, such as the school

⁹ In Texas stakeholder unions are commonly referred to as “associations.” Throughout this paper, the term “unions” is intended to be synonymous with “associations” as for political purposes their function is exactly the same as that of unions in other states.

¹⁰ See Terry M. Moe, “Teachers Unions and the Public Schools,” in *A Primer on America’s Schools*, edited by Terry M. Moe (Stanford, Calif.: Hoover Institution Press, 2001); Terry M. Moe, “The Politics of the Status Quo,” in *Our Schools and Our Future*, edited by Peterson; Terry M. Moe, “Union Power and the Education of Children,” in *Collective Bargaining in Education: Negotiating Change in Today’s Schools*, edited by Jane Hannaway and Andrew Rotherhan (Harvard Education Press, 2006); Myron Lieberman, *The Teacher Unions* (New York: Free Press, 1997); Peter Brimlow, *The Worm in the Apple* (New York: HarperCollins, 2003).

districts, that often seek to resist change). The reason is that checks and balances create veto points that make it exceedingly difficult for reformers to get major new policies passed and correspondingly easy for opponents to block.

In the typical state legislature, for example, a proposed bill must make it past committees and floor votes in each house of the legislature; it must be approved in identical form by each; it may be threatened along the way by various parliamentary roadblocks and maneuvers; and if it makes it past all these hurdles, it can still be vetoed by the executive (and later challenged in the courts). For a reform group to get a favored policy enacted into law, then, it must win political victories at *each and every step along the way*, which is quite difficult. For a group to block a policy it opposes, in contrast, it needs to succeed at *just one* of the many veto points in order to win, which is obviously much easier. The American political system is literally designed, therefore, to make blocking—and thus defending the status quo—far easier than taking positive action. The advantage always goes to interest groups that want to keep things as they are.¹¹

The teachers unions have been masters of the politics of blocking for the past quarter century. Major reform is threatening to their vested interests in the existing system, and they have used their formidable power—leveraged by checks and balances—to repel, weaken, and render ineffective the efforts of reformers to bring real change. This is the basic story of the modern reform era. The rest is detail.¹²

I should add, finally, that the teachers unions don't do this because they want to prevent the schools from improving. They surely would like to see the schools perform at higher levels. And they don't do it because they lack concern for children. They surely want kids to learn and thrive and prosper. They are not “bad guys” with malevolent motives, and I am not trying to demonize or scapegoat them here. The problem is that their behavior is inherently rooted in the *job interests* of their members—and these interests are *not the same* as the interests of children. As a result, the actions they take to defend the job interests of their members often lead them to do things that are not good for kids. They don't intend it. But it does happen, as collateral damage when they pursue their own interests.

And it happens a lot. It happens when they promote job protections and restrictive work rules in the organization of schooling. And it happens in the politics of school reform—for almost any reform of real consequence, from school choice to school accountability to online learning, is inevitably going to unsettle the jobs, security,

11. These features of American government are well known. For a theoretical treatment of how veto points and veto politics shape the making (and not making) of public policy, see George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton University Press, 2002). Political scientists have written quite a bit about the obstacles to change and the stickiness of the status quo. My emphasis in this book is on veto points, but there are other explanations for status quo biases as well—often having to do with the power of interest groups, vested interests, and their capacity for preventing change. See, for example, Paul Pierson, “When Effect Becomes Cause,” *World Politics* 45, no. 4 (July 1993): 595–628; Paul Pierson, *Placing Politics in Time* (Princeton University Press, 2004); Carter Wilson, “Policy Regimes and Policy Change,” *Journal of Public Policy* 20, no. 3 (1995): 247–74; E. E. Schattschneider, *The Semi-Sovereign People: A Realist's View of Democracy in America* (New York: Holt, Rinehart, and Winston, 1960); Theodore Lowi, *The End of Liberalism: Ideology, Policy, and the Crisis of Public Authority* (New York: Norton, 1969); Karen Orren and Stephen Skowronek, *The Search for American Political Development* (Cambridge University Press, 2004).

¹² For a much more extensive treatment and documentation of this argument, see Moe, *Special Interest*.

autonomy, and working conditions of teachers, and the unions therefore find them threatening to the fundamental interests they are committed to protect.

There is nothing unusual about this sort of thing, needless to say. In *all* areas of politics and policy, not just in public education, special interest groups are active and powerful in pushing for policies that advance their interests—but also, and with the great leverage afforded them by checks and balances, in opposing and blocking the policies that threaten them. When the teachers unions oppose reform, then, they are simply behaving normally. They are doing what all interest groups do when their interests are threatened. Unfortunately, it has profound—and unavoidably negative—consequences for the organization and performance of schools, and for the well being of children.¹³

Local control and effective schools

Even under the best of circumstances, bringing significant improvement to the public schools would be a complicated business. No knowledgeable person would suggest otherwise. Yet the basic requirements of success are easy enough to understand. The first is that, at the local level, schools need to be organized in the most effective ways possible to promote student learning. The second is that, when higher-level policy decisions are made about the structure and operation of the larger school system— and thus about accountability, choice, pay for performance, credentialing, tenure, or anything else— these decisions too need to be based on what is best for children and effective organization. Yet at both levels of government, politics and power are in the driver’s seat, and they favor the vested interests. Not the interests of kids or effective schools.

Consider what happens at the local level. Americans have long believed that local government is close to the people and a faithful reflection of what they want. But in the realm of education, where local school boards have governing authority over the public schools, this is far from the truth.

A big reason is that school board members—the “employers” who have authority over the local schools—are elected. And the teachers unions tend to be the most powerful, best organized, and most active interest groups in these local elections. As a

13. For quantitative studies of the unions’ impact on student achievement, see, e.g., Caroline M. Hoxby (1996). How Teachers Unions Affect Education Production. *Quarterly Journal of Economics* 111 no.3, 671-718; and Terry M. Moe, (2009) Collective Bargaining and the Performance of the Public Schools. *American Journal of Political Science* 53, 156-174. For an assessment of the larger literature—which is mixed in findings, and also in the quality of its research—see the discussion in Moe, *Special Interest*, chapter 6. On the teachers unions’ power more generally, see Terry M. Moe, “Teachers Unions and the Public Schools”; also Terry M. Moe, “Union Power and the Education of Children,” in *Collective Bargaining in Education: Negotiating Change in Today’s Schools*, edited by Jane Hannaway and Andrew J. Rotherham (Harvard Education Press, 2006); Terry M. Moe and John E. Chubb, *Liberating Learning: Technology, Politics, and the Future of American Education* (San Francisco: Jossey-Bass, 2998); Terry M. Moe, “The Politics of the Status Quo,” in *Our Schools and Our Future: Are We Still at Risk?* edited by Paul E. Peterson (Stanford, Calif.: Hoover Press, 2003); Terry M. Moe, “Politics, Control, and the Future of School Accountability,” in *Leave No Child Behind? The Politics and Practices of School Accountability*, edited by Paul E. Peterson and Martin West (Brookings, 2003). See also Lieberman, *The Teachers Unions*; Peter Brimelow, *The Worm in the Apple: How the Teachers Unions Are Destroying American Education* (New York: HarperCollins, 2003); G. Gregory Moe, *Power Grab: How the National Education Association Is Betraying Our Children* (Washington: Regnery Publishing, 1999).

result, they can often literally select the “employers” they will be dealing with, and thus choose the very people who will have the authority to make the key personnel decisions—not just about wages and benefits, but about all aspects of teachers assignments, transfers, layoffs, duties, and the like—that make up the organization of schools. This is true in general. But it is especially true in the many school districts that have off-cycle elections, where citizen turnout tends to be extremely low (often in the 10% range) and studies—one of them of Texas—have shown that union influence over outcomes (salaries) is magnified in such settings.¹⁴

While the stereotype is that the teachers unions are weak in the states without collective bargaining, this is far from the reality on the ground. In Texas, for example, a full 65% of teachers belong to unions, and the unions in the larger cities—Dallas, Houston, Fort Worth, San Antonio, and so on—are especially big and politically active. Even though they technically cannot engage in formal collective bargaining processes that lead to legally binding contracts, they can use their political power to lobby, pressure, and negotiate for the same job-related objectives that unions elsewhere pursue. And the school board members they are dealing with are often people of their own choosing, or who fear their electoral power, and are thus highly sensitive to what they are demanding. What happens in these contexts, then, is still the exercise of union power on behalf of job interests, and what it leads to are district policies and regulations that tend to give greater weight to employee job interests than a laser-like commitment to the interests of children would require.

These problems are compounded because the districts, unlike business firms in the private sector, have no serious competition and are not threatened by loss of “business” if their costs go up or their organizations are hindered by restrictive work rules. In normal economic times, then, the teachers unions know they are not putting their agencies or jobs at risk by pressuring for all they can get—however costly, however disabling to productivity. They may need to scale back their demands, of course, when times are bad and governments have no money; and the economic downturn that began in 2008 has brought about just such a situation. But in general, and even in bad times, they are far less disciplined by considerations of cost, efficiency, and competition than unions in the private sector are. And the same is true of the districts themselves: they can “afford” to be inefficient, and to give in to union demands, because they aren’t going to lose kids or money as a consequence.

The state-level policy process

The public schools are government agencies. Virtually everything about them is subject to the authority of local, state, and national governments—and public officials in all of these governments make their decisions through the political process. The public schools are therefore the *products* of politics. This means that, because politics is driven by power, the schools are inevitably the products of political power.

By law and tradition, the public schools are governed mainly by the states. The enduring American myth is one of “local control” through school districts. But the school

¹⁴ Sarah F. Anzia, “Election Timing and the Electoral Influence of Interest Groups,” *Journal of Politics* (forthcoming 2011); Sarah F. Anzia, “The Election Timing Effect: Evidence From a Natural Experiment in Texas,” *Forthcoming, Quarterly Journal of Political Science*.

districts are actually state creations, and all of their essential features—their boundaries, their organizations, their funding, their programs, their involvement (or not) in collective bargaining—are subject to state authority. So while it is quite true that local decisions are important to what happens in the schools, state governments are in a position to set the basic structure of public education, and all the local players are constrained to act within that structure. The states are also able to fill in as many of the operational details as they might want—including the work rules normally found in labor contracts.

Small wonder, then, that the teachers unions are highly organized at the state level in all fifty states, and perpetually mobilized for political action. This is where the fundamentals are decided, where the real action is—and this is true in every state in the country. It is especially true, however, in states like Texas that don't have collective bargaining: for in those states, the unions can't rely on local labor contracts to sink favorable personnel rules into legal concrete, and state law becomes all the more attractive a means of pursuing their interests and imposing them on the local schools.¹⁵

That said, the most consequential ways that the unions exercise their power at the state level is not by getting the policies they want written into law—although they surely do that—but rather by blocking or weakening the policies they don't want. And thus by standing in the way of real reform.

Why would state legislators and governors allow that to happen? The answer is the same as at the local level: the unions are powerful, and politicians respond to power as they make key decisions about the schools. The sources of union power are straightforward. They have over four million members nationwide; they have enormous reservoirs of money for campaign contributions—and in almost all states, are among the very top contributors of all types; they have hundreds of thousands of activists who ring door bells, make phone calls, and get out the vote in virtually every political district; they have lobbying organizations in every state capital; they have massive public relations capabilities that can be employed for any issue or candidate; and much more.¹⁶

With all these weapons in their arsenal, the teachers unions are by far the most powerful interest groups in the politics of education. And they use their power to get their political allies—most of them Democrats—to do their bidding in the policy process. By and large, this is the story of the modern reform era: the unions have used their power to pressure for the defeat or watering down of reform—and the Democrats have cast the official votes on their behalf, using their positions of authority to see that real reform doesn't happen.

Dimensions of Ineffective Organization

Because of pathologies in the policy making processes of both state and local governments, special interests—mainly, the job interests represented by unions—have had a major influence on the organization of the public schools. They are not organized

15. For basic information on the structure of American education and on the division of authority among local, state, and national governments and officials, see, for example, Michael W. Kirst and Frederick M. Wirt, *The Political Dynamics of American Education*, 4th ed. (Richmond, Calif.: McCutchan, 2009); Carl F. Kaestle and Alyssa E. Lodewick, eds., *To Educate a Nation: Federal and National Strategies of School Reform* (University of Kansas Press, 2007).

¹⁶ For detail on the sources of union power, see Moe, *Special Interest*, especially chapter 10.

to be effective. They are organized to reflect and favor the interests of powerful groups. Many examples could be given. Here are just a few.

The single salary schedule

The typical salary schedule is a grid, with rows (“steps”) representing a teacher’s seniority within the district, and columns (“lanes”) representing the teacher’s educational degrees and extra educational credits (for example, from college courses or professional development classes). Any given teacher can easily and automatically be placed somewhere within the grid, in a box that specifies—by rule—exactly what the teacher’s salary is.¹⁷

From the standpoint of what is best for children, these salary rules *make no sense at all*. Research has long shown that, beyond the first several years, a teacher’s seniority makes no difference for student achievement. In particular, teachers are *not* more effective at promoting student achievement as they gain additional experience. Similarly, research has consistently shown that simply having a master’s degree, or accumulating additional course or professional development credits, does not make teachers more effective in the classroom.¹⁸ As a result, districts have compensation systems that are literally not designed to promote student achievement—and they are wasting millions of dollars that could be productively spent in other ways. According to researchers Roza and Miller, the unnecessary salary bump that school districts dole out for master’s degrees alone cumulates to some \$8.6 billion a year across the nation as a whole.¹⁹

The single salary schedule is a formula for stagnation. It guarantees that good, mediocre, and bad teachers are all paid the same, and it ensures that this prime source of incentives—which plays such a key role throughout the private sector—is almost entirely absent in the public schools. The compensation system gives teachers no incentive whatever to become better teachers, but instead gives them strong, compelling incentives to spend their precious time and money pursuing credentials that, while unnecessary for better performance, are the keys to getting higher salaries. This is bad for the organization as a whole. But it is especially bad for teachers who are truly talented. A study by Hoxby and Leigh has shown that the system’s failure to reward talent has been a major factor over the years in pushing talented women out of public education and into other professions where their talent is rewarded.²⁰

¹⁷. The single salary schedule is not an invention of the unions. It was an outgrowth of Progressivism and used by many districts well before the unions came to power, in the days when their monopolies were secure and they had little to worry about if their compensation systems were inefficient and unproductive. In the years since, the unions have embraced the single salary schedule as their own and fought to keep it. The districts, meanwhile, have recently come under intense pressure to perform, and have shown growing interest in exploring ways that salaries can be used much more flexibly to promote the productivity of schools.

¹⁸. See, for example, Eric A. Hanushek and Steven G. Rivkin, “Teacher Quality,” in *Handbook of the Economics of Education*, edited by Eric A. Hanushek and Finis Welch (Amsterdam: Elsevier, 2006).

¹⁹. Marguerite Roza and Raegen Miller, “Separation of Degrees: State-by-State Analysis of Teacher Compensation for Master’s Degrees” (University of Washington, Center on Reinventing Public Education, July 2009).

²⁰. Caroline M. Hoxby and Andrew Leigh, “Pulled Away or Pushed Out? Explaining the Decline of Teacher Aptitude in the United States,” *American Economic Review* 94, no. 2 (May 2004): 236–40.

Most generally, the single salary schedule weakens the prospects for effective management, making it impossible for administrators to reward productive behavior, to attract high-quality teachers—especially in shortage subjects like math and science—and to make sure that good teachers can be induced to teach (and stay) at disadvantaged schools, where they are clearly needed most (and are least likely to be found). District leaders *must* be able to do these things if they are to organize their districts for student achievement. The functions are absolutely basic, having to do with their control over the district’s single most important resource: its teachers. Yet because of formal restrictions on how teachers must be paid, they are denied these essential tools of leadership. They are expected to lead with their hands tied behind their backs.

Why not pay for performance?

Teaching aside, performance pay is quite common among professionals. About three-fourths of all salaried workers in the private sector are covered by some sort of performance pay and are not simply placed on lockstep salary schedules.²¹ Performance incentives are also often used in both private and charter schools, so there is nothing about education per se that makes them difficult to employ.²² In fact, student learning can be directly measured, teacher behavior in the classroom can be directly observed, and research has shown that the variation in teacher effectiveness, even within individual schools, is often quite dramatic.²³

If teacher pay were to depend (just in part) on performance in the classroom, good teachers could be paid more than bad ones. By rewarding productive behavior, such a system would then do two things: it would give teachers incentives to perform at high levels, and it would generate a dynamic of “selective attraction” in which high-quality people would be more attracted to teaching—knowing they will be rewarded for their productivity—and low-quality people would be less attracted and less likely to stay.

There are many ways of designing pay-for-performance systems. These days it is common for them to involve value-added measures of student achievement (which are the changes in test scores over a given year, or perhaps averaged over two or three years), additional measures (such as classroom observation) that go beyond test scores, and adjustments for student background. Exactly how these things come into play can vary quite a bit from one design to another; and research will surely show that some are more effective than others. But it is only reasonable to think that, with well-intentioned designs

21. See, for example, G. G. Milkovich and J. M. Newman, *Compensation*, 8th ed. (New Delhi: Tata McGraw-Hill, 2005).

22. See, for example, Michael J. Podgursky, “Teams versus Bureaucracies: Personnel Policy, Wage Setting, and Teacher Quality in Traditional Public, Charter, and Private Schools,” in *Charter School Outcomes*, edited by Mark Barends, Matthew G. Springer, and Herbert J. Walberg (New York: Lawrence Erlbaum Associates, 2007).

23. See, for example, Hanushek and Rivkin, “Teacher Quality”; Steven Rivkin, Eric A. Hanushek, and John F. Kain, “Teachers, Schools, and Academic Achievement,” *Econometrica* 73, no. 2 (March 2005): 417–58; William L. Sanders and Sandra P. Horn, “Research Findings from the Tennessee Value-Added Assessment System (TVAAS) Data Base: Implications for Educational Evaluation and Research,” *Journal of Personnel Evaluation in Education* 12, no. 3 (1998): 247–56.

that are modified over time with experience and new information, performance pay can help raise the quality of teaching.²⁴

The teachers unions have traditionally been opposed to performance pay.²⁵ What they strive for is a world of professional sameness, in which all teachers with the same experience and educational credentials are paid the same and all teachers see themselves as doing the same job and having the same interests.

During the 1980s and 1990s, pay for performance was actively discussed as a policy option. Indeed, it was proposed in *A Nation at Risk* and a number of subsequent reports. But it went nowhere in the political process. The unions regularly used their power to block it. The political dynamics have been changing on this issue over the last decade. Political support for performance pay has picked up considerably among policymakers and reformers, and modest progress has actually been made. But “modest” is the key word here, because the unions continue to resist.²⁶

Prior to *Race to the Top*, various states had adopted programs that encouraged districts to embrace some version of pay for performance. Most often, these departures from the single salary schedule didn’t amount to much. But sometimes they did. The most innovative programs were in Florida, Texas, and Minnesota, states that, not coincidentally, were led at the time of adoption by Republican governors with substantial Republican support in the state legislatures. (The Republicans controlled both houses in Florida and Texas and one house in Minnesota). Even in these three states, the pay plans

24. For overviews, see Michael J. Podgursky and Matthew G. Springer, “Teacher Performance Pay: A Review,” *Journal of Policy Analysis and Management* 26, no. 4 (2007): 909–49. Also Robin Chait and Reagen Miller, “Paying Teachers for Results: A Summary of Research to Inform the Design of Pay for Performance Programs for High-Poverty Schools” (Washington: Center for American Progress, 2009). For overviews of experiments under way to assess the effectiveness of different pay-for-performance designs, see Michael J. Podgursky and Matthew G. Springer, “Market and Performance Based Reforms of Teacher Compensation: A Review of Recent Practices, Policies, and Research,” paper prepared for the PEPG conference, Merit Pay: Will It Work? Is It Politically Viable? Harvard University, Kennedy School of Government, Cambridge, Mass., June 3–4, 2010. A recent experiment in Nashville came up with much-publicized negative results, showing that teachers who received bonuses for exemplary student learning gains did not perform better than teachers who didn’t receive bonuses. This is just one experiment of a particular bonus program, though, and says nothing about the selective-attraction dimension of pay for performance, which is crucial to its overall impact. It does remind us, though, as I’ve said, that there are many ways to design these programs, some work better than others, and the challenge over time is to build on research and experience to arrive at systems that work effectively. See Matthew G. Springer and others, *Teacher Pay for Performance: Experimental Evidence from the Project on Incentives in Teaching* (Vanderbilt University, National Center on Performance Incentives, September 2010).

25. In its 2010–11 resolutions, for example, the NEA states, “Any additional compensation beyond a single salary schedule must not be based on education employee evaluation, student performance, or attendance” (F-10). It also states, “Performance pay schedules, such as merit pay or any other system based on an evaluation of an education employee’s performance, are inappropriate” (F-9). See National Education Association, “2010–11 NEA Resolutions,” on the NEA’s website at www.nea.org/assets/docs/resolutions-document-2010-2011.pdf.

26. On the politics of union blocking efforts—which have been quite successful—see Stuart Buck and Jay P. Greene, “Blocking, Diluting, and Co-Opting Merit Pay,” paper presented at the PEPG conference Merit Pay: Will It Work? Is It Politically Viable? Harvard University, Kennedy School of Government, June 3–4, 2010. On the rising support for pay for performance (prior to *Race to the Top*), see, for example, Vaishali Honawar, “Teacher Performance Pay Plans Expand across U.S.,” *Washington Times*, April 10, 2009; Vaishali Honawar, “Merit Pay Gaining Bipartisan Favor in Federal Arena,” *Education Week*, August 1, 2007; Lynn Olson, “Teacher Pay Experiments Mounting amid Debate,” *Education Week*, October 3, 2007.

that passed were essentially a foot in the door: the school districts were allowed to decide for themselves whether to participate, and most chose not to. In Florida, for example, just eight of sixty-seven districts participated. In Minnesota, moreover, the details of any pay plan had to be hammered out through bargaining with the local unions, which hardly favored serious innovation. Still, when districts did participate—induced, in many cases, by the extra money—each program required that performance be measured (at least in part) by student test score gains, and thus that there be a connection between a teacher’s pay and how much students learn in the classroom.²⁷

These plans were the result of state legislation. But pay for performance has also been advanced through innovations at the district level. The most notable is in Washington, D.C., where Michelle Rhee engaged in a fierce battle for more than two years with her local union and eventually won the nation’s boldest departure yet from the single salary schedule. Precisely because she was so successful, however, she also *lost her job*, and it’s unclear what will happen to that pay plan going forward, now that the union’s allies are in charge of the district. Other notable innovations in performance pay have been adopted (prior to Race to the Top) in Denver, Houston, Minneapolis, and New York City—and, with the inducement of enormous grants from the Bill and Melinda Gates Foundation, in Memphis, Pittsburgh, and Hillsborough County. Of these, the standouts are Houston, which has put strong emphasis on student gain scores (and does not have collective bargaining), and Memphis and Hillsborough County, which have done the same in collaboration with their unions in order to get the Gates money.²⁸

Perspective is of the essence here. Yes, these are pioneering moves toward a more sensible system of teacher compensation. And some movement is much better than none. Even so, these are changes *at the margins*. Worse, and it’s hard to emphasize this enough, *they have taken almost three decades to achieve*. When all the cheering dies down, the reality is that, in thousands upon thousands of districts throughout this country, salary schedules and across-the-board raises are the norm. The status quo prevails, and it is well

27. On these programs, see, for example, Paula Vu, “States Venture into Teacher Performance,” *Stateline*, October 9, 2007, available at www.stateline.org/live/details/story?contentId=246599; Center for Educator Compensation Reform, “Texas State-Level Pay for Performance Programs: Overview and Discussion” (Washington: Center for Educator Compensation Reform, August 2007), available at www.cedr.ed.gov/guides/summaries/TexasCaseSummary.pdf; Minnesota, Office of the Legislative Auditor, “Q Comp: Quality Compensation for Teachers” (St. Paul: State of Minnesota, Office of the Legislative Auditor, February 2009), available at www.auditor.leg.state.mn.us/ped/pedrep/qcompsum.pdf; Dorie Turner, “States Push to Pay Teachers Based on Performance,” *USA Today*, April 8, 2010.

28. On Houston, see Center for Educator Compensation Reform, “Performance Pay in Houston” (Washington: Center for Educator Compensation Reform, December 2008), at www.cedr.ed.gov/guides/summaries/HoustonCaseSummary.pdf. Regarding recipients of the Gates Foundation grant, I have not put Pittsburgh in the same category as Memphis and Hillsborough County because its pay-for-performance plan is designed to give bonuses to teachers in low-performing schools and to teachers working in teams; it is not a general plan for all teachers. For information on all three plans, see Bloomberg Businessweek, “Bill Gates’ Latest Mission: Fixing America’s Schools,” *msnbc*, July 17, 2010; Nick Anderson, “Gates Foundation Playing Pivotal Role in Changes for Education System,” *Washington Post*, July 12, 2010; Tom Marshall, “Hillsborough Hires 100 Peer Evaluators for Its \$100 Million Gates Reforms,” *St. Petersburg Times*, April 20, 2010; Tom Marshall, “Hillsborough School Board Get First Look Monday at New Teacher Evaluation by Gates Grant,” *St. Petersburg Times*, May 14, 2010; Karamagi Rujumba, “Bill Gates Lauds City’s Steps to Improve Schools,” *Pittsburgh Post-Gazette*, July 11, 2010; Jane Roberts, “Memphis Teachers Union OKs Contract with Raises,” *Commercial Appeal*, February 17, 2010.

protected. As a result, the American education system has been almost entirely unable to use pay as an effective tool for boosting teacher quality. Good teachers and bad teachers are paid the same. Performance incentives are weak. Selection effects work in exactly the wrong way, with high-quality people turned off by a profession that doesn't reward productivity and low-quality people finding it a good deal. And across-the-board pay raises—which are extraordinarily expensive and can't possibly be very large—do nothing to change any of this. They simply perpetuate the sameness. On this critical issue, as on so many others, the teachers unions have used their political power to block or weaken changes that simply make good sense.²⁹

Nonevaluation, nondismissal, and the protection of mediocrity

Needless to say, job security is the unions' number one mission, and they have succeeded over the years in being able to win a dense, multilevel network of formal rules to protect all teachers from dismissal—and even from serious evaluation.

The most basic rules are state tenure laws, which set out procedures that must be followed if a teacher is to be dismissed. These procedures tend to be complicated, involve multiple steps and appeals, and entail a great deal of time and expense for any district leader who tries to dismiss someone. Moreover, because attempts to dismiss a teacher are based on performance evaluations, the states have also passed laws that deal in depth with the local evaluation process—often specifying what forms and criteria are to be used, who is to do the evaluating, how often, what other participants must be involved, whether a remediation program must be set up pursuant to an unsatisfactory rating, what the remediation program must consist of, and what steps must be followed if the unsatisfactory

But are there enough bad teachers in the classroom, so that rules of this sort actually create problems for schools and kids? The answer is yes. Indeed, teachers themselves are quick to say as much. In one Public Agenda survey, 58 percent of teachers said that, in their districts, tenure does not necessarily mean that a teacher has worked hard and proved herself to be good (only 28 percent said the opposite), and a full 79 percent indicated that at least a few teachers in their own schools fail to do a good job and are just going through the motions.³⁰ In another Public Agenda survey, superintendents and principals were asked to rate various ideas for improving the nation's schools, and both gave their *top* rating to reforms “making it much easier to remove bad teachers—even those who have tenure.”³¹

There is plenty of other evidence, as well, that the “bad teacher” problem is a serious one. In 2004, for instance, Pennsylvania gave many of its veteran teachers basic

29. See, for example, Ann Bradley, “DC Unions Assail Plan to Tie Pay to Student Achievement,” *Education Week*, April 19, 1995; Alyson Klein and David J. Hoff, “Unions Assail Teacher Ideas in NCLB Draft,” *Education Week*, September 19, 2007; also Toch, *In the Name of Excellence*; Olson, “Teacher-Pay Experiments Mounting amid Debate.”

30. Steve Farkas, Jean Johnson, and Ann Duffett, with Leslie Moye and Jackie Vine, *Stand by Me: What Teachers Really Think about Unions, Merit Pay, and Other Professional Matters* (New York: Public Agenda, 2003).

31. Steve Farkas, Jean Johnson, Ann Duffett, and Tony Folenio, with Patrick Foley, *Trying to Stay Ahead of the Game: Superintendents and Principals Talk about School Leadership* (New York: Public Agenda, 2001), pp. 27–28.

tests of competence in the subject matters they were teaching. Half of the middle-school teachers in Philadelphia—and a stunning two-thirds of the middle-school math teachers—failed their competency test. How are the kids in Philadelphia supposed to learn math if their own teachers don't know math?³²

Writ large, the bad-teacher problem is enormously consequential for the entire nation. As economist Eric Hanushek has shown, “if we could replace the bottom 5 – 10 percent of teachers with an average teacher— not a superstar— we could dramatically improve student achievement. The U.S. could move from below average in international comparisons to near the top.”³³ These educational effects, in turn, would generate “astounding improvements in the well being of U.S. citizens. The present value of future increments to GDP in the U.S. would amount to \$102 trillion.”³⁴

Yet any administrators who attempt to dismiss a teacher are embarking on a process that is destined to be extremely costly, time-consuming—and risky. The unions ensure that. Having laid the groundwork with a thicket of procedures, they provide teachers with expert legal defense by an army of labor lawyers who know the system inside and out and who aggressively represent anyone whose performance has been questioned, even the most obviously incompetent. One expert in labor law sizes it up this way: “When you try to fire a bad teacher, it’s all about procedure. Rarely will the union lawyer argue that a particular teacher facing dismissal was good at his or her job. They will argue that not all the procedures were followed correctly.”³⁵ And they will often win, leaving bad teachers in the classroom. As one union lawyer wryly observes, “If I’m representing them, it’s impossible to get them out. It’s impossible. Unless they commit a lewd act. Not that I want them on the job, as a private citizen, but as an advocate . . . I will give it my absolute best defense, and I will save the job.”³⁶

The logic of the situation is inescapable: for administrators throughout the public school system, as it is currently organized, there is no point in even *trying* to get bad teachers out of the classroom. As the New Teacher Project observes, based on its own research, “School administrators appear to be deterred from pursuing remediation and dismissal because they view the dismissal process as overly time consuming and cumbersome, and the outcome for those who do invest the time in the process is uncertain.”³⁷ The rational solution for school principals, given the enormous costs and

³² Bess Keller, “Phila. Middle School Teachers Fail ‘Highly Qualified’ Tests,” *Education Week* 23, no. 30 (April 7, 2004): 9.

³³ Eric A. Hanushek, “There Is No War on Teachers,” *Wall Street Journal*, October 19, 2010. Moe, Terry M. (2011-04-01). *Special Interest: Teachers Unions and America's Public Schools* (Kindle Location 8821). Brookings Institution Press. Kindle Edition.

³⁴ The \$ 102 trillion figure is measured over the lifetime of the generation born in 2010. Quote is from Eric A. Hanushek, “Economic Aspects of Improving Teacher Quality,” PEPG Working Paper 10-13, prepared for the Program on Education Policy and Governance (PEPG) conference Merit Pay: Will It Work? Is It Politically Viable? Harvard University, Kennedy School, Cambridge, Mass., June 3-4, 2010. Research referred to is Eric A. Hanushek and Ludgar Woessmann, “The High Cost of Low Educational Performance: The Long-Run Economic Impact of Improving PISA Outcomes” (Paris: Organization for Economic Cooperation and Development, 2010).

³⁵ Quoted in Scott Reeder, “School Boards Lose Power to Fire Poor Teachers,” in *The Hidden Costs of Tenure: Why Are Failing Teachers Getting a Passing Grade?* (Small Newspaper Group, 2005), available at thehiddencostsoftenure.com.

³⁶ Farkas, Johnson, and Duffett, *Stand by Me*, p. 21.

³⁷ Weisberg and others, “The Widget Effect.” The quote is from p. 17.

hassles involved, is clearly *not to go down that path at all*. One consequence, of course, is that bad teachers are almost never dismissed. Another is that, in order to avoid getting on the path from the outset, principals have strong incentives to make a mockery of the teacher evaluation process by giving virtually all teachers—including the incompetent and mediocre ones—satisfactory evaluations. This simply guarantees that virtually all junior teachers ultimately get tenure and that, once tenured, almost no one ever gets fired. Everyone is doing a “good job.” Even in schools that are demonstrably horrible.

Data on teacher evaluations and dismissals have traditionally been very hard to come by, and until recently the whole subject had been shrouded by a conspiracy of silence among educators and policymakers. But a few years ago an Illinois news reporter, Scott Reeder, broke new ground by launching a massive research project based on 18 years of data from every one of Illinois’ 876 school districts. This research now stands as the single most in-depth study of teacher dismissals yet conducted. Here are its major findings:³⁸

—The average cost of a dismissal case during this time period was at least \$219,000, a forbidding figure that nonetheless understates the actual cost, because 44 percent of the cases were still pending at the time.

—Over the eighteen years, fully 93 percent of Illinois school districts never even attempted to fire a teacher with tenure.

—In their formal teacher evaluations over the last decade, 83 percent of Illinois school districts never gave a tenured teacher an unsatisfactory rating.

—More specifically, Illinois principals spent well over 1 million hours during the last decade carrying out some 477,000 evaluations, just 513 of which resulted in unsatisfactory ratings. This means that 99.9 percent of all tenured teachers in the state received satisfactory evaluations.

—Out of roughly 95,000 tenured teachers throughout the state, an average of only seven a year were dismissed over the entire eighteen-year period, and of the seven only two were dismissed for poor performance. (The rest were due to misconduct.)

In 2009 the New Teacher Project came out with its own study, “The Widget Effect,” which got far greater attention in the national media and hit like a bombshell. Its findings were entirely in line with Reeder’s:³⁹

In districts that use binary evaluation ratings (generally “satisfactory” or “unsatisfactory”), more than 99 percent of teachers receive the satisfactory rating. Districts that use a broader range of rating options do little better . . . 94 percent of teachers receive one of the top two ratings and less than 1 percent are rated unsatisfactory . . . At least half of the districts studied have not dismissed a single nonprobationary teacher for poor performance in the past five years.

Other recent studies—of New York City, Seattle, Los Angeles, Hartford—point to exactly the same conclusions: 99% receive satisfactory evaluations, almost no one is ever dismissed.⁴⁰

³⁸ See his various articles, which are listed on thehiddencostsofsoftenure.com.

³⁹ *Ibid.*, p. 6.

⁴⁰ See “Teacher Protection Racket,” editorial, *USA Today*, July 17, 2008, p. 8A. NCTQ, “Human Capital in Seattle Public Schools,” p. 7; NCTQ, “Human Capital in Hartford Public Schools” (Washington: NCTQ,

This is a truly national problem—for it is simply the way the nation’s public schools are organized. However bad the teachers, their jobs are secure. Indeed, however bad the teachers, they are assured of getting satisfactory ratings—in a massive nationwide charade that has nothing to do with true teacher competence and that wastes millions upon millions of administrator hours in meaningless evaluations. By any stretch of the imagination, is this the kind of personnel system that well-intentioned people would design to provide kids with the best education possible? Obviously not. But it is what power and politics have given us.

Why not real performance evaluations—and serious efforts to remove bad teachers?

Standardized tests have been used for many decades in American education to measure what students are learning, and they do a fine job of that.⁴¹ Traditionally, however, test results were not used to evaluate schools or teachers, were not made public, and usually did not even have consequences for students. The accountability movement has tried to change all this—against union opposition. In general, teachers unions disparage standardized tests as inadequate measures of student performance and call instead for broader criteria—course grades, portfolios of student work, graduation rates, parental involvement, and more—that would make assessments far more flexible, complicated, and subjective, and much less dependent on hard, specific measures of how much students are actually learning.⁴²

From the standpoint of union interests, the problem with standardized tests is that they don’t just measure the performance of students. They also provide concrete evidence on the performance of schools—and *teachers*—and threaten to generate all sorts of problems that the unions are keen to avoid. If the scores show that kids aren’t learning, the publicity will inevitably give rise to public complaints and pressures to improve, and the accountability system may require consequences of various kinds. Test scores are especially threatening, moreover, because any system that puts them to rigorous use would quickly reveal (after appropriate controls for student background characteristics and the like) that some teachers are much better than others and some are very bad. Indeed, that is precisely what the research literature does reveal.⁴³ Were such information routinely collected and readily available, it would be much more difficult for policymakers to embrace the myth that somehow all teachers are the same, that they all have a right to be in the classroom, and that they should all be paid equally. There would be objective grounds for removing bad teachers from classrooms. There would be

2009), p. 6. Jason Song, “Failure Gets a Pass: Firing Tenured Teachers Can Be a Costly and Tortuous Task,” *Los Angeles Times*, May 3, 2009.

41. See, for example, Richard Phelps, *Defending Standardized Testing* (Mahwah, N.J.: Lawrence Erlbaum Associates, 2005).

42. See, for example, National Education Association, “Testing Plus: Real Accountability with Real Results” (Washington: NEA, 2001), available at www.fairtest.org/testing-plus-real-accountability-real-results; also Vaishali Honawar, “NEA Opens Campaign to Rewrite Federal Education Law,” *Education Week*, July 12, 2006.

43. Hanushek and Rivkin, “Teacher Quality”; Rivkin, Hanushek, and Kain, “Teachers, Schools, and Academic Achievement”; Sanders and Horn, “Research Findings from the Tennessee Value-Added Assessment System (TVAAS) Data Base.”

objective grounds for giving better teachers higher pay. Accountability would begin to have real teeth.

The unions want to make sure that these things don't happen, and they have traditionally taken strong political action to try to prevent student test scores from being put to use in evaluating teacher (and school) performance.⁴⁴ One egregious but telling example: when the New York City school district attempted to use student test scores as one measure—of many—in assessing teachers for tenure, the United Federation of Teachers succeeded in getting the legislature to pass a new law that prohibited *any district in the state* from using student test scores in the tenure evaluations of teachers. The information was available on how much students were actually learning in their classes, but the unions—with a little help from their allies in the legislature—made it illegal to take the information into account.⁴⁵

New York City is but a microcosm of the information challenge that unions are increasingly up against—and fighting—nationwide. The rise of information technology has dramatically enhanced the ability of state governments to collect data on students, schools, teachers, finances, and other aspects of the education system; to store all this information in “data warehouses”; and to employ it in better managing their schools and promoting student achievement. Virtually all states are doing these things as part of their overall accountability efforts. Nothing could be more basic to school improvement than good information. Yet the unions see good information as a serious threat, because these modern data systems can readily be designed to *link* teachers to the students in their classes—and thus to provide objective and continually updated measures of teacher performance. With this kind of information, states and districts would have the potential to transform the fundamentals of teacher evaluation, teacher pay, and the entire personnel system: tying these things much more closely to student learning. Which is precisely what the unions don't want.⁴⁶

The unions cannot stop the rise of technology more generally, but they have used their political power to stifle its contributions to public education. In legislatures around the country—Texas, Colorado, California, and elsewhere—they have fought these data battles over and over again. They have pressured policymakers not to authorize teacher identifiers that can be linked to student identifiers, arguing that teacher and student data sets need to be kept entirely separate. If they have lost on that score, they have pushed for laws that (as in New York) simply prohibit the use of student test score data in the evaluation or compensation of teachers. For a long time, they were quite successful. Until

44. The unions argue that, when schools and teachers perform poorly, they should be provided with additional resources, support, and training. In what it calls its “positive agenda” for NCLB reform—a good label for it, as it is an agenda entirely lacking in sanctions—the NEA says, “Schools that fail to close achievement gaps after receiving additional financial resources, technical assistance, and other supports should be subject to supportive interventions.” No sanctions, no jobs put at risk, just support. It also says that, when measures of student achievement are employed, they “should be used as a guide to revise instructional practices and curriculum, to provide individual assistance to students, and to provide appropriate professional development to teachers and other educators. They should not be used to penalize schools or teachers.” See National Education Association, *ESEA: It's Time for a Change; NEA's Positive Agenda for the ESEA Reauthorization* (Washington: NEA, July 2006), available at www.nea.org/esea/posagendaexecsum.html.

45. Jennifer Medina, “Bill Would Bar Linking Class Test Scores to Tenure,” *New York Times*, March 18, 2008.

46. For a more extensive discussion of these issues, see Moe and Chubb, *Liberating Learning*.

Arne Duncan's Race to the Top intervened to change the landscape, only eighteen states even had systems that were capable of linking student data to teacher data.⁴⁷

The unions' fight against test scores and data warehouses may be a losing battle, but their resistance has for decades prevented the nation from simply putting objective information to reasonable use in trying to improve the public schools. For all this time, the unions have essentially won by delaying the inevitable—and along the way, ensuring that their members all get satisfactory evaluations and have safe, protected jobs.

In recent years, thanks to Race to the Top, the financial crisis, a growing support for reform among elements within the Democratic party, and reformist pressures originating from sources like the Gates Foundation and Teach for America, the unions have increasingly been on the defensive and backed into making concessions—in some districts (e.g., Hillsborough County FL, Memphis, Pittsburgh) and states (e.g., Florida)—on performance-based evaluations and pay. But progress so far has been modest and incremental. And we have to remember: the United States has been trying to reform its schools through efficiency-promoting reforms *for thirty years*. What reformers have achieved are but small victories for sanity, finally making a bit of headway on organizational practices that are simply common sense and should have been adopted long, long ago. The stunning thing about modern times is that everyone is now cheering about this, seeing it as a radical new development. Doing what makes sense has become a revolutionary act.

Mainstream reforms: spending, class size, certification

Sensible reforms that threaten the traditional job security and lockstep pay schedules of teachers have been resisted and weakened by the teachers unions for decades. But they haven't opposed all reforms. Indeed, there are some reforms that they have strongly supported: those that are compatible with the job interests of their members. Not surprisingly, these reforms have proven to be quite common over the past decades—for when politicians choose to go down these mainstream paths, the usual obstacles to reform are removed, and the political gates are swung open. The only problem is that *these mainstream reforms don't work*.

(1) More spending. The unions and other establishment groups—the school districts, notably—are very much in favor of increased spending on the public schools. Most of the money goes to hire more teachers, to pay them higher salaries and benefits, and, unavoidably, to make the unions themselves bigger, wealthier, and more powerful. As a means of improving the schools, however, there has never been any credible basis for this spending strategy—for there is no evidence that more money leads to significant achievement gains. On the contrary, there is every reason to believe that, with schools organized as ineffectively as they are, any increase in funding would simply be spent in unproductive ways—which, it appears, is exactly what has happened as school budgets have soared. The nation is now spending more than twice as much on education—per student, adjusted for inflation—as it spent in 1970, and more than three times as much as

47. Data Quality Campaign, “2007 NCEA State P–12 Data Collection Survey Results: State of the Nation” (Washington: Data Quality Campaign, 2007), available at www.dataqualitycampaign.org/survey_results/state_of_nation.cfm.

in 1960. With little to show for it. Nonetheless, the unions and their allies continue to press for more money. And “adequacy” lawsuits have tried to force states—sometimes with great success—to dramatically increase spending, based on the specious claim that vastly more money is required if children are to get an adequate education.⁴⁸

(2) Class size reduction. This broadly popular reform was heavily promoted by President Clinton via his effort to fund 100,000 new teachers for the public schools, and it was aggressively pursued in a number of states as well: notably in California, which was the pioneer in 1996, and in Florida, where voters passed a statewide initiative in 2002 requiring drastic reductions in class size.⁴⁹ Texas, too, has legal limits on class size (in the early grades). Needless to say, this is a reform the teachers unions strongly support. Teachers like the reduction in workload, and it can only be carried out by hiring lots more of them, which adds to union membership rolls (and power). But like all the other mainstream reforms, class size reduction is a disappointment. It does nothing to restructure the system, it does nothing to improve the quality of teachers—a bad teacher in a smaller class is still a bad teacher—and there is no evidence that it works to bring about big improvements in student learning, especially beyond the first few years of school. Worse, it is among the most expensive of all possible reforms, it prevents resources from being spent in other, more productive ways, and it cannot be justified in terms of bang for the buck.⁵⁰

(3) Strengthened teacher certification. A standard argument of mainstream reformers is that teacher certification should be made “more rigorous.” This sounds good, and, taking law and medicine as models, it might seem to promote teacher professionalism. But the fact is, the traditional education school approach to certification, which the states have long relied upon to ensure teacher quality, has never been shown to boost student learning.⁵¹ Many states have adopted alternative certification programs over the years, but the point of these programs is simply to allow districts greater flexibility in hiring new teachers who initially lack certification. These new hires, however, must eventually *get* certified by fulfilling a vast array of traditional requirements, and most of the old costs and hurdles are still there dissuading potential candidates from entering the field, especially those who are high in quality and likely to have attractive opportunities in other lines of work.⁵²

48. See Eric A. Hanushek, “The Failure of Input-Based Schooling,” *Economic Journal* 113 (2003): 64–98. See also Digest of Education Statistics: 2009 (Washington, D.C.: National Center for Education Statistics), Table 182. On adequacy lawsuits, see Eric A. Hanushek and Alfred A. Lindseth, *Schoolhouses, Courthouses, and Statehouses* (Princeton, N.J.: Princeton University Press).

49. See “Clinton Plan: 100,000 More Teachers, Smaller Class Sizes,” *Education Week*, February 4, 1998; Ann Bradley, “Plan for Smaller Classes Sets Off Hiring Spree in Calif.,” *Education Week*, September 4, 1996; Alan Richards, “Florida Debates How to Shrink Class Sizes,” *Education Week*, February 5, 2003.

50. See, for example, Hanushek, “The Failure of Input-Based Schooling”; Eric Hanushek, “Evidence, Politics, and the Class Size Debate,” in *The Class Size Debate*, edited by Lawrence Mishel and Richard Rothstein (Washington: Economic Policy Institute, 2002).

51. Kate Walsh, “Teacher Certification Reconsidered: Stumbling for Quality” (Abel Foundation, 2001), available at www.abell.org/pubsitems/ed_cert_1101.pdf. See also Kane, Rockoff, and Staiger, “What Does Certification Tell Us about Teacher Effectiveness?”; Hanushek, “The Failure of Input-Based Schooling”; Debra Viadero, “Draw Called over Routes to Teaching,” *Education Week*, May 12, 2010; Arthur Levine, *Educating School Teachers* (Washington: Education Schools Project, 2006).

52. See Frederick M. Hess, “Tear Down This Wall: The Case for a Radical Overhaul of Teacher Certification,” Progressive Policy Institute 21st Century Schools Project (November 2001), available at

The most exciting development in the realm of alternative certification is not a governmental reform at all. It is the rise of Teach for America (TFA), a privately funded organization that, beginning in 1990 and growing like gangbusters ever since, has recruited, trained, and placed thousands of the nation's elite college students to teach in the most disadvantaged public schools.⁵³ Anyone interested in resolving the teacher-quality problems of the public schools would have to see TFA as an obvious gold mine of talent. Research has shown, moreover, that despite their lack of experience in the classroom, TFA teachers perform at least as well as their more experienced colleagues, especially in math and science.⁵⁴ Yet for the teachers unions, Teach for America is not a gold mine at all. It is a threat, and it has been treated as one—in part because the success of TFA candidates is graphic evidence that education schools and all the other traditional barriers to entry are simply unnecessary. So the unions have pressured the districts not to hire TFA grads and taken every opportunity to talk it down. According to John Wilson, executive director of the NEA, Teach for America hurts children by bringing “the least prepared and the least experienced teachers” into the schools. “What they’re doing to poor children,” he says, “is malpractice.”⁵⁵

School Choice

School choice has provoked more conflict than any other education reform, accountability included. This might seem surprising. Who could object to letting parents choose where their kids go to school?

The benefits of choice are pretty obvious. When parents have the right to choose, they can seek out better options for their kids. This means, most importantly, that they can leave bad schools, and that children can no longer be trapped in schools that fail to educate them. The power to leave is especially valuable to children who are poor and minority, because they are disproportionately stuck in the nation's very worst schools—which, year by year, crush their opportunities for good careers and productive futures.

There is another key dimension to choice as well. When families are denied the right to choose, their public schools can take them for granted. The schools have a

www.ppionline.org/documents/teacher_certification.pdf. Also Walsh and Jacobs, “Alternative Certification Isn’t Alternative.”

53. For basic information on the program, see its website at www.teachforamerica.org.

54. For details on Teach for America, see www.teachforamerica.org/. See also Lucia Graves, “The Evolution of Teach for America,” *U.S. News and World Report*, October 17, 2008; “Eight Questions for Wendy Kopp,” *The Economist*, April 3, 2010. For studies of TFA’s effectiveness, see Zeyu Xu, Jane Hannaway, and Colin Taylor, *Making a Difference: The Effects of Teach for America in High School* (Washington: Urban Institute, 2008); George H. Noell and Kristin A. Gansle, *Teach for America Teachers’ Contribution to Student Achievement in Louisiana in Grades 4–9: 2004–2005 to 2006–2007* (Louisiana State University, 2009); Paul T. Decker, Daniel P. Mayer, and Steven Glazerman, *The Effects of Teach for American on Students* (New York: Mathematica, 2004); Gary Henry and Charles Thompson, “Impacts of Teacher Preparation on Student Test Scores in North Carolina: Teacher Portals” (University of North Carolina, Carolina Institute for Public Policy, 2010); Kane, Rockoff, and Staiger, “What Does Certification Tell Us about Teacher Effectiveness?”; Julien Vasquez Heilig and Su Jin Jez, “Teach for America: A Review of the Evidence” (East Lansing, Mich.: Great Lakes Center for Education Research and Practice, 2010).

55. Greg Toppo, “Teach for America: Elite Corps or Costing Older Teachers Jobs?” *USA Today*, July 29, 2009.

guaranteed clientele and a guaranteed pot of money; and if they do a bad job of educating children, nothing happens. When choice enters the equation, however, the guarantees evaporate. All schools are put on notice that, if they don't do their jobs well, they are likely to lose children and resources. Because of choice, then, there are consequences for bad behavior—just as there are (or would be) with a true system of accountability. These consequences give the schools greater incentives to perform and innovate. They also help to ensure that, if bad schools don't respond to those incentives and if they continue their unproductive ways, they are likely to wither on the vine for lack of support.⁵⁶

To the teachers unions, however, choice is deeply threatening. In fact, it is much *more* threatening than accountability is. When families are able to seek out new options—charter schools, for example, or possibly (with the help of vouchers or tax credits) private schools—the regular public schools lose children and money, and thus jobs. From a societal standpoint, this is not a problem at all. There would simply be more kids getting educated in charters and private schools, and the money and jobs would follow the kids. As they should. The regular public schools would lose money and jobs, but they would also have fewer kids to educate.

Yet this kind of sensible shift is the last thing the unions want to see happen—because the regular public schools are unionized, and charters and private schools (with rare exceptions) are not. When it comes to school choice, then, the unions are deadly serious about keeping the lid on. They do *not* want families to have alternatives to the schools where their members teach. This is true regardless of who the families and kids are. It is even true if the families are the poorest in the nation, if the kids are trapped in public schools that are abysmally bad, and if they would obviously benefit from a wider array of choices.

The teachers unions portray themselves as champions of the disadvantaged, dedicated to providing poor kids with the best educations possible. And in terms of the personal values of union leaders and activists, this may well be true. But when poor kids want to leave the regular public schools—and thus, when they threaten jobs—the unions' fundamental interests take priority, and they do everything they can to prevent the exodus. What this means, in the reality of politics, is that when reformers try to expand school choice, the unions will marshal their political power to try to stop them. This, in fact, is what they have been doing for decades. And because their power is very real, they have done it with considerable success. That is why true school choice remains so limited within the American public school system.⁵⁷

The teachers unions are its main political opponents. As in other matters of reform, they are the ones that spend most of the money and mobilize most of the troops. But they also have important allies, most notable among them Democratic elected

56. On the benefits that school choice stands to offer, see, for example, Moe, "Beyond the Free Market: The Structure of School Choice"; Chubb and Moe, *Politics, Markets, and America's Schools*; Andrew J. Coulson, *Market Education* (New Brunswick, N.J.: Transaction Publishers, 1999); Milton Friedman, *Capitalism and Freedom* (University of Chicago Press, 1962); John E. Coons and Stephen D. Sugarman, *Education by Choice: The Case for Family Control* (University of California Press, 1979).

⁵⁷ For considerable evidence on the unions' political opposition to school choice, see Moe, *Special Interest*, especially chapter 9.

officials—who tend to be electorally dependent on union power, willing to support them on key issues, and well positioned to play pivotal roles in the politics of blocking.⁵⁸

Vouchers, Tax Credits, and Scholarships for the Disadvantaged

Choice was first proposed in the mid-1950s by economist Milton Friedman. He pioneered the idea of a voucher system, in which governments would provide families with vouchers that would pay for their kids to attend the private schools of their choice. While this idea attracted attention over the next few decades and while other, less radical ideas for public school choice — magnet schools, for instance — made their appearance during the 1970s, the movement didn't pick up steam until the 1980's, when *A Nation at Risk* set the stage for coast-to-coast reform.⁵⁹

Other factors were at work too. This was a time when top-down approaches to government were falling into disrepute worldwide for their heavy bureaucracy and inefficiency and when policymakers everywhere — from the United States to Western and Eastern Europe to South America to China — began turning to more market-based approaches to economic and social policy. Meantime, the Reagan administration held power in Washington, and its commitment to market-based reforms — along with its willingness in politics to cross swords with the teachers unions — led it to champion school choice and to nurture a nationwide network of activists for the cause.

But conservatism and an appreciation of markets were not enough to overcome the blocking power of the union-led coalition. Nor, stereotypes aside, could the political clout of business be counted upon to even the balance. Although well-heeled individuals sometimes played prominent roles in the choice movement (and still do), most business leaders tend to think about education reform in terms of management problems, because management is essentially what they do for a living and what they see as the key to effective organization. They are naturally inclined to be ardent supporters of accountability — which is simply a top-down approach to better management — but not to be ardent supporters of choice (or markets and competition more generally). Throughout the 1980's, as a result, the choice movement was fueled by conservative activists, churches, private schools, parent groups, and the like — an enthusiastic lot, but hardly the kind of institutional power base necessary to take on the teachers unions and make progress. To do that, the movement needed to broaden its constituency and its agenda.⁶⁰

58. For a more detailed discussion of the political coalitions involved in the school choice issue, see Moe, *Schools, Vouchers, and the American Public*; Hubert Morken and Jo Renee Formicola, *The Politics of School Choice* (London: Rowman and Littlefield, 1999); Godwin and Kemerer, *School Choice Tradeoffs*; Paul T. Hill and Ashley E. Jochim, "Political Perspectives on School Choice," in *Handbook of Research on School Choice*, edited by Mark Berends, Matthew G. Springer, Dale Ballou, and Herbert J. Walberg, pp. 3–18 (New York: Routledge, 2009).

⁵⁹ Milton Friedman, "The Role of Government in Education," in *Economics and the Public Interest*, edited by Robert A. Solow (Rutgers University Press, 1955); Friedman, *Capitalism and Freedom*. For information on the history of school choice, see Coulson, *Market Education*.

⁶⁰ For historical perspective, see Coulson, *Market Education*; Chester E. Finn Jr., *Troublemaker: A Personal History of School Reform since Sputnik* (Princeton University Press, 2008). See also, for a different historical slant, Cookson, *School Choice*; Henig, *Rethinking School Choice*.

Which it did, by taking a left-hand turn from its libertarian roots. The signal event came in 1990, when parents in inner city Milwaukee — where the public schools were abominable— rose up to demand vouchers as a means of escaping to better options in the private sector. They were vigorously opposed by the teachers unions and their allies, and the political lineup couldn't have been more potently symbolic: the unions unleashed their full arsenal of weapons to prevent poor parents from getting their kids out of failing schools. But the urban poor had effective grassroots leaders — notable among them Polly Williams and Howard Fuller — and by entering into a coalition with conservatives and the state's Republican governor, Tommy Thompson, they were able to achieve a surprising victory. It was a limited one: a pilot program in which no more than 1,000 disadvantaged kids could qualify for vouchers, and religious schools were disallowed. But the choice movement got a huge boost. And the nation got its first voucher program.⁶¹

Since 1990, choice advocates have focused most of their reform efforts on poor and minority families in the inner cities. The modern arguments for vouchers have less to do with free markets than with social equity. They also have less to do with theory than with the commonsense notion that disadvantaged kids should never be forced to attend failing schools and that they should be given as many attractive educational opportunities as possible.

This shift toward equity has expanded the constituency for choice, with public opinion polls consistently showing (then and now) that its greatest supporters are poor and minority parents.⁶² The shift to equity has also put Democrats in an awkward position. They are the party of the poor and the disadvantaged, but in the realm of public education, unlike virtually every other area of public policy, they have found themselves fighting against their own constituents — and, in particular, fighting against poor parents who are simply trying to get their kids out of terrible schools. The contradiction is palpable. But it is something many Democrats do because they “must”: the teachers unions are extraordinarily powerful and poor people aren't.

For the unions, it is all about protecting their fundamental interests, and they have been quite successful at it. When voucher proposals have appeared as ballot initiatives, the unions have poured millions of dollars into advertising campaigns to convince voters that vouchers will destroy the public schools, leading in each case (there have been ten of them, going back about twenty years) to defeats for choice.⁶³ The unions' bread and butter, however, has been in the state legislatures and the U.S. Congress, the main forums in which the nation's key education policies get designed and adopted. In these policymaking settings — where the Democrats have faithfully cast the official votes — the unions have done a masterful job, year after year, of preventing voucher proposals

⁶¹ On the Milwaukee voucher plan, see John F. Witte, *The Market Approach to Education* (Princeton University Press, 2000); Moe, *Schools, Vouchers, and the American Public*; Patrick Wolf, “The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Third Year Reports,” SCDP Milwaukee Evaluation Report 4 (University of Arkansas, Department of Education Reform, April 2010).

⁶² See, for example, William G. Howell, Paul E. Peterson, and Martin R. West, “The 2009 Education Next-PEPG Survey of Public Opinion,” *Education Next*, November 23, 2009, available at educationnext.org/files/pepg2009.pdf. See also Moe, *Schools, Vouchers, and the American Public*.

⁶³ See, for example, Mark Walsh, “Voucher Initiatives Defeated in Calif, Mich.,” *Education Week*, November 15, 2000.

from becoming law. Even in Texas, where the unions are weaker than in other states, they have been strong enough to ensure that nothing at all has ever passed.⁶⁴

Despite all the blocking, choice advocates have managed to eke out victories. They won major expansions of the original Milwaukee voucher program. They also won a number of new voucher programs (almost all of them quite small) in states and districts around the country—programs for low income children in Cleveland, Washington, D.C., Indiana, and Louisiana; programs for kids in low performing schools in Florida, Ohio, and Colorado; programs for kids in special education in Florida, Arizona, Utah, Georgia, Ohio, and Oklahoma; and even a program for all kids statewide in Utah. In addition, they enacted voucher-like programs that, through tax credits and nonprofit foundations, provide scholarships for low-income children (Florida, Indiana, Iowa, Louisiana, Pennsylvania, Rhode Island) and children generally (Arizona, Georgia).⁶⁵

Yet the battles never really end, because the unions would like to have all voucher and tax credit programs eliminated. When Utah’s legislature passed a voucher bill in 2007, the unions overturned it by putting it on the ballot and spending heavily to defeat it.⁶⁶ They attacked the Milwaukee and Cleveland programs for years in the courts, leading eventually to the landmark *Zelman* decision in 2002, which ruled (in a union loss) that including religious schools in a voucher program is constitutional.⁶⁷ They got the courts to invalidate the Colorado voucher program and one of the three Florida voucher programs, and to challenge and create uncertainty for others as well (such as the Arizona program for special needs kids).⁶⁸ When the Democrats gained control of both Congress and the presidency in 2008, they dutifully took swift action to kill the Washington, D.C., voucher program for disadvantaged kids (which supporters were able to reinstate in 2010 as part of a high-stakes budget deal.)⁶⁹ And these are just the gory highlights.

The voucher programs left standing (for now) are impressive victories given the opposition. Even so, they are hardly transformative changes. Of roughly 50 million public school students in this country, only about 210,000 children are receiving vouchers

⁶⁴ See, for example, Karen Diegmuller, “Despite Defeat, Choice Bill Likely to Resurface in Pa.,” *Education Week*, January 8, 1992; Drew Lindsay, “Grassroots Lobbying Kills Ariz. Voucher Proposals,” *Education Week*, April 26, 1995; John Gehring, “Voucher Battles Head to State Capitals,” *Education Week*, July 10, 2002; Alan Richard, “School Choice Loses Legislative Momentum,” *Education Week*, June 8, 2005.

⁶⁵ See, for example, Witte, *The Market Approach to Education*; Drew Lindsay, “Wisconsin, Ohio Back Vouchers for Religious Schools,” *Education Week*, July 12, 1995; Jessica L. Sandham, “Florida Oks 1st Statewide Voucher Plan,” *Education Week*, May 5, 1999. For an overview of voucher plans across the nation, see Friedman Foundation, *The ABC’s of School Choice, 2011 Edition*, available at www.friedmanfoundation.org. See also the website of the American Federation for Children at www.federationforchildren.com/existing-programs.

⁶⁶ Michele McNeil, “Utah Vouchers Rejected in Overwhelming Vote,” *Education Week*, November 7, 2007.

⁶⁷ *Zelman v. Simmons-Harris*, 536 U.S. 639, 652 (2002); David Stout, “Public Money Can Pay Religious-School Tuition, Court Rules,” *New York Times*, June 27, 2002.

⁶⁸ See, for example, Marianne D. Hurst, “Colo. Supreme Court Strikes Down Voucher Law,” *Education Week*, June 29, 2004; Alan Richard, “Fla. Court: Vouchers Unconstitutional,” *Education Week*, January 11, 2006; Pat Kossan, “Ariz. School Voucher Programs Ruled Unconstitutional,” *Arizona Republic*, May 16, 2008.

⁶⁹ Sam Dillon, “Democrats Limit Future Financing for Washington Voucher Program,” *New York Times*, February 27, 2009; “Presumed Dead: Politics Is Driving the Destruction of the District’s School Voucher Program,” editorial, *Washington Post*, April 11, 2009.

or tax-credit scholarships. This is a drop in the bucket. And most of these enrollments are due to just a few (relatively) large programs: the Milwaukee voucher program (23,198 in 2011-12), the Florida McKay scholarship program for special education kids (22,861 in 2011-12), the Arizona tax credit program (25,343 in 2011-12), the Florida tax credit program (37,998 in 2011-12), and the Pennsylvania tax credit program (40,876 in 2011-12).⁷⁰

Outside the larger programs, and notwithstanding important recent victories for the choice movement—new voucher programs in Indiana and Louisiana that are destined to grow considerably in the years ahead (assuming they aren't overturned or limited by opponents)—the fact is that vouchers today still provide little choice, little competition for the local public schools, and they do little to change incentives. The bottom line is that the teachers unions have been extremely successful at preventing vouchers (or tax credits) from altering the educational status quo.⁷¹

Charter schools

The idea of vouchers is an old one. The other seminal idea for expanding choice came along much later—again, around 1990. This was the idea of charter schools: public schools of choice that would operate independent of district control and most state regulations. For many reformers, especially the more liberal and Democratic, charters offered a politically attractive middle ground. With charters they could support *public sector* choice for disadvantaged families (and other families too)—thus responding to the demands for new options—and at the same time, they could appease the unions by opposing vouchers and burdening charters with a host of restrictions. The unions, for their part, preferred charters to vouchers, because charters were potentially easier for them to control through politics. The threat, however, was much the same: charters allow kids to leave the regular public schools, taking money and jobs with them—and the unions did *not* want to see charters expand and take root.

Still, charters changed the political equation and gave choice a wider opening. And the 1990s turned into America's charter decade. In 1991 Minnesota adopted the first charter school law (authorizing just 8 schools statewide), followed by California in 1992 (with a ceiling of just 100 charters in a state with some 7000 regular public schools at the time). And by 2003 forty states (including Washington, D.C.) had adopted charter legislation, where it has remained.⁷²

As the dominoes were falling, charters became the most widely accepted approach to school choice in American education. They grew increasingly popular with parents and students, especially in urban areas with underperforming public schools.

⁷⁰ Figures are from the web site of the American Federation for Children at www.federationforchildren.com/existing-programs.

⁷¹ There is a research literature on the impact of vouchers on student achievement, but I don't explore it here because my focus is on the politics of blocking—and union opposition has nothing to do with what the research does or doesn't show. On the research, see the discussion in Moe (2008). See also Howell and Peterson (2002), Wolf (2008), and Figlio (2009).

⁷² See, e.g., Chester E. Finn, Bruno V.Manno, and Gregg Vanourek, *Charter Schools in Action*. Princeton, N.J.: Princeton University Press; Michael Mintrom, *Policy Entrepreneurs and School Choice* (Georgetown University Press, 2000); Hubert Morken and Jo Renee Formicola, *The Politics of School Choice* (New York: Rowman and Littlefield, 1999).

They spawned some stunningly effective schools for disadvantaged kids—most famously, the KIPP schools (which now number 109 nationwide). They gained considerable positive attention in the media and were featured in widely seen films (such as *Waiting for Superman*). They attracted support from prominent Democrats—including, during the 1990s, President Bill Clinton and Vice President Al Gore. And in recent years, President Barack Obama and his secretary of education, Arne Duncan, have been more than vocal, making charter reform a key part of their Race to the Top.⁷³

These are important developments. Yet throughout this time, the teachers unions fought to keep charters weak, and they continued to work through their Democratic allies—who talked a better game of charter “support” than they actually played. The result was legislation often high on symbolism and weak on substance. Among the usual restrictions: stunningly low ceilings on the number of charters allowed statewide, lower per-pupil funding than the regular public schools (an average of 23%), districts as the sole chartering authorities (because they have incentives to refuse), no charter access to district buildings, and no seed money to fund initial organization. The unions haven’t won every restriction they wanted. But restrictive charter bills are the norm; and the result is that almost all charter systems have been designed, quite purposely, to provide families with very little choice and the public schools with very little competition.⁷⁴

Once these programs are in place, moreover, the unions try to weaken them further and bring them down. One line of attack is through public relations: they regularly generate claims, reports, and studies attacking charter performance and aiming to shrink their popularity.⁷⁵ Another line of attack is through the courts, where the unions have taken action—in New York, New Jersey, Minnesota, Ohio, and elsewhere—to argue that charter schools violate state constitutions and that charter legislation should be annulled.⁷⁶

In certain cities, the situation has gotten away from them and charters have made impressive gains. In New Orleans, where the school system was destroyed by Katrina in 2005 and reformers gained the upper hand, charters enroll a stunning 70 percent of students. This is obviously an unusual situation. The charter “market share” is also quite high, however, in Washington, D.C. (41 percent), Detroit (34 percent), Kansas City (38 percent), Dayton (30 percent), Gary (31 percent), St. Louis (31 percent), and a number of

⁷³ For survey results on the popularity of charters among citizens, especially minorities, see William Howell, Paul E. Peterson, and Martin West, “Meeting of the Minds,” *Education Next* 11, no. 1 (Winter 2011). For news accounts, see Elizabeth Green, “How New Generation of Reformers Target Democrats on Education Reform,” *New York Sun*, May 31, 2007; David J. Hoff, “Key Democrat’s Plan Would Boost Charter Schools,” *Education Week*, March 19, 2008.

⁷⁴ See the works cited earlier on the politics of charters. See also Paul T. Hill, *Charter Schools against the Odds* (Stanford, Calif.: Hoover Institution Press, 2006). For a comprehensive overview of state charter laws and assessments of their strengths and weaknesses, see Center for Education Reform, *Charter School Laws across the States 2012*, on the Center’s web site at <http://www.edreform.com/2012/04/02/2012-charter-laws/>.

⁷⁵ See Diana Jean Schemo, “Charter Schools Trail in Results, U.S. Data Reveal,” *New York Times*, August 17, 2004; F. Howard Nelson, Bella Rosenberg, and Nancy Van Meter, *Charter School Achievement on the 2003 National Assessment of Educational Progress* (Washington: American Federation of Teachers, 2004).

⁷⁶ See, e.g., Stephen Ohlemacher, “Ohio Educators File Federal Lawsuit; Teachers Union Deems Charters Illegal,” *Cleveland Plain Dealer*, June 10, 2004.

other urban districts, where they are clearly offering families many new choices and creating meaningful competition for the regular public schools.⁷⁷

Reformers have been far less successful in the rest of the country. Ten states do not even have charter laws. And in those that do, there are very few charter schools and only small percentages of kids attend them. Here are a few “charter states” and their enrollment percentages: Connecticut (1.1 percent), Iowa (0.1 percent), Kansas (.6 percent), New Hampshire (0.6 percent), New Jersey (1.9 percent), New York (2.3 percent), Oklahoma (1.4 percent), and Tennessee (1.0 percent). Nationwide, after 20 years of reformist effort, there are only 5611 charter schools in a population of some 97,000 public schools, and they enroll only 4.2 percent of the nation’s public school children.⁷⁸

Tiny enrollments are no indication of what families want for their children. Most charters have long waiting lists of children eager to get in. In Harlem, for instance, charter schools are enormously popular, enrolling 20 percent of local public school kids; but many more are clamoring to get in and can’t, because there aren’t nearly enough charters to take them. In the spring of 2010, some 14,000 Harlem children submitted applications for just 2,700 open slots, and more than 11,000 were turned away (Brill, 2010). Nationwide, about 610,000 children are on wait lists, hoping to get into schools that don’t have room to take them.⁷⁹ The demand for charters far outstrips the supply.

With forty states having adopted charter laws, it is natural to think that charters must be making great progress almost everywhere, but this is very far from the truth. Most charter laws are filled with restrictions that are designed to limit the spread of charters and to keep enrollments down. And that’s exactly what they do. The real winner here is not the charter movement or the countless families who desperately want new alternatives for their kids. The real winner is the politics of blocking.

Technology

The worldwide revolution in information technology is one of the most profoundly influential forces ever to sweep the planet, and it is fast transforming the fundamentals of human society. Computers and their progeny have made communication and social networking—among anyone, anywhere—virtually instantaneous and costless, put vast storehouses of information and research within reach of everyone, dramatically boosted the prospects of cooperation and collective action, internationalized the cultures of insulated nations, and in countless other ways transformed how human beings interact with one another and gain information.⁸⁰

There can be little doubt that technology has the capacity to revolutionize the way students learn. It could hardly be otherwise. Information and knowledge are fundamental to what education is all about—to what it means, in fact, for people to become

⁷⁷ The figures are for 2011-12 and taken from the “dashboard” data compiled by the National Alliance for Public Charter Schools, available at <http://dashboard.publiccharters.org/dashboard/home>.

⁷⁸ The figures are for 2011-12 and taken from the “dashboard” data compiled by the National Alliance for Public Charter Schools, available at <http://dashboard.publiccharters.org/dashboard/home>.

⁷⁹ As of 2011-12. Figure is from the “dashboard” data compiled by the National Alliance for Public Charter Schools, available at <http://dashboard.publiccharters.org/dashboard/home>.

⁸⁰. See, for example, Thomas L. Friedman, *The World Is Flat: A Brief History of the Twenty-First Century* (New York: Farrar, Straus, and Giroux: 2006).

educated—and it would be impossible for the information revolution to unfold and *not* have profound implications for how children can be educated and how schools and teachers can more productively do their jobs.

In a recent book, *Liberating Learning: Technology, Politics, and the Future of American Education*, John Chubb and I argue in some detail that the revolution in information technology is destined to transform the nation’s schools in the coming decades, and we show how and why it will happen.⁸¹

At the level of students and schools, what technology has to offer is astounding. Even today, with education technology in its early stages, curricula can be customized to the learning styles and life situations of individual students, giving them instant feedback on how well they are doing, providing them with remedial work when they need it, allowing them to move at their own pace (and thus move ahead quickly if they are able), and giving them access—whether they live in Appalachia or downtown Detroit or anywhere—to a vast range of courses their own schools don’t offer, and ultimately to the best the world can provide. Education can be freed from geography and from social class: wherever students are and whoever they are, they can have access to these riches. And they can do it through programs that—whether all-virtual or (as will surely be the norm) hybrids of traditional schooling and online learning—allow for intensive interaction with teachers and other students, allow parents to be much more fully involved and informed, generate reams of data on how students are actually doing, and are much more cost-effective and far less labor-intensive than the way education is traditionally organized.⁸²

Precisely because technology has the capacity to transform the core components of schooling, it is disruptive to the jobs, routines, and resources that define the status quo. When children take some or all of their courses online, for example, their teachers and schools can (in principle) be anywhere—outside the district, outside the state, even outside the country. The clear prospect is that, if more and more kids are allowed to do this, jobs and money will flow out of the regular public schools. Moreover, computer-based learning requires many fewer teachers per student, because technology can be substituted for labor in the learning process, and this too translates into a reduction in jobs and money for the regular public schools and the people who work in them.

When technology is fully harnessed to do what it can do, then, it is deeply threatening to the teachers unions as well as to most school districts. They are fine with computer labs in the regular public schools. They are fine with kids doing research on the Internet. They are even fine with online coursework—if they control and staff it. But the full advantages of technology can barely be tapped within these institutional constraints. And as innovators push out the boundaries of what is possible, offering students and families a dazzling array of exciting new options in the cybersphere, the unions’ tolerance of the information age evaporates. They are not fine with these things. They want to stop them—and keep the genie in the bottle.

⁸¹. Terry M. Moe and John E. Chubb, *Liberating Learning: Technology, Politics, and the Future of American Education* (San Francisco: Jossey-Bass, 2009).

⁸². On the enormous benefits of technology for education, see, in addition to *Liberating Learning*, see Clayton Christensen, Curtis W. Johnson, and Michael B. Horn, *Disrupting Class: How Disruptive Innovation Will Change the Way the World Learns* (New York: McGraw-Hill, 2008); Paul E. Peterson, *Saving Schools* (Harvard Education Press, 2010); Office of Educational Technology, “Transforming American Education: Learning Powered by Technology” (Washington: U.S. Department of Education, March 2010).

Which brings us back, once again, to the politics of blocking. In basic respects, the political story is the same as ever. Technology is but the latest threat to union interests and the traditional system, the latest source of reform whose fires they seek to put out. As such, it faces the same political obstacles that education reforms of all types have been up against, and largely defeated by, for decades. The obvious expectation—other things being equal—is that technology, like choice and accountability before it, should have the wind taken out of its sails in the political process. Why should technology be any different?

But that is the remarkable thing. Technology *is* different. Unlike accountability or choice, it is much more than an education reform. It is a social force more profound and pervasive in its worldwide influence than almost any other in human history. Its origins are entirely *outside* the education system, it is transforming virtually every aspect of social life in the United States and around the world, and it is basically *beyond anyone's control*.

Education technology is a tsunami that is only now beginning to swell, and it will hit the American public school system with full force over the next decade and those to follow. Long term, the teachers unions can't stop it. It is much bigger and more powerful than they are—and, if reformers, judges, and state legislators recognize its vast benefits and take steps to encourage its advance, the revolution will happen sooner rather than later. And kids will benefit sooner rather than later.

As technology advances, it will also have profound effects on the politics of education. And on power. For there will be a growing substitution of technology for labor, and thus a steep decline in the number of teachers (and union members) per student; a dispersion of the teaching labor force, which will no longer be so geographically concentrated in districts (because online teachers can be anywhere); and a proliferation of new online providers and choice options that attract students, money, and jobs away from the regular, unionized schools. All of these developments will dramatically undermine the membership and financial resources of the unions, and thus their political power. Increasingly, they will be *unable to block*, and the political gates will swing open—enabling policy makers to pursue whatever reforms seem to work best for kids, from the high tech to the simplest and most obvious: like getting bad teachers out of the classroom.

Like no other development, the rise of technology stands to transform the nation's public schools—and to usher in a new era in which the schools are actually organized for the benefit of children. Imagine that.

Conclusion

The revolution that technology promises may take decades to be fully realized. In the meantime, many children are setting in classrooms and learning nothing. Or at least not nearly enough. These kids have only one opportunity to get a good education—right now—and a good education is essential if they are to have productive careers, build promising futures, and contribute to the economic and social well being of the nation as a whole. As the minutes tick by and the years drag on, they are being denied the educations they so desperately need and have a right to. Lives are being ruined. Generations are

being lost. In a globalized world of competition, high technology, and demanding work requirements—for independence, autonomy, creativity—kids without good educations are increasingly left behind. And their nations are left behind too. This was precisely the concern that motivated *A Nation at Risk* in 1983. The very same worry is at least as pressing today, despite decades of effort to do something about it.

Why are America's schools organized in ways that are so clearly unsuited to effective education? Why have the education system proven so resistant to change and so difficult to improve? These are the kinds of questions, along with many others, that naturally arise when we try to comprehend the reality in which we live.

The answers to these questions have a lot to do with the teachers unions. It is a fact that they are incredibly powerful, far more so than any other groups with a stake in public education. And it is abundantly clear that the job interests that drive their behavior, and are woven into the fabric of their own organizations and leadership, prompt them to *use* their power in ways that often come into conflict with what is best for kids and schools.

In collective bargaining, they impose bizarre forms of organization on the public schools that no one in their right mind would favor if they were simply concerned with what works best for children. The schools are organized mainly to benefit the adults who work there. In the political process, the unions block or weaken reforms they find threatening, however helpful those reforms might be for schools and kids. This is obviously true for major and eminently sensible reforms, such as accountability and choice, which, if seriously pursued, would bring fundamental change to the system. But it is also true for extremely simple, easy-to-accomplish reforms, such as getting bad teachers out of the classroom.

Think about this last point for a moment. Why is it, after a quarter century of “reform,” that the nation has done almost nothing to get bad teachers out of the classroom? What possible excuse could there be for inaction on something so incredibly basic and obvious? There isn't any excuse. There is only a reason: the teachers unions are extraordinarily powerful, and they are in the business of protecting the jobs of their members. That kids lose out when bad teachers remain in the classroom is just collateral damage, a cost of doing business.

Children should always come first. But in America's system of public education, governed as it is by power and special interests, they simply do not. And in the near term, they will not. As things now stand, we have an education system that is not organized to be effective for children, can't be productively reformed in their best interests, and is powerfully protected to ensure that the interests of adults prevail. This is our reality. And in the realm of public education, it is the great dilemma of our time.