

### Superhero School Reform Heading Your Way • Now Playing in Newark, NJ

Winter 2010

By Stan Karp



Illustration: Michael Duffy

Long before director Davis Guggenheim jumped out of a phone booth in his Superman costume, I spent three decades as a high school teacher in Paterson, one of New Jersey's poorest cities. Paterson had its own 15 minutes of school reform fame in the 1980s, thanks to Principal Joe Clark, whose bullhorn and baseball bat were featured in another superhero school movie, Lean on Me, a sanitized version of Clark's reign of error at Eastside High School.

Watching this year's rise to fame of Michelle Rhee, the former Washington, D.C., schools chancellor who is one of the heroes of Guggenheim's *Waiting for "Superman,"* I was struck by how the targets had changed. Clark's baseball bat was aimed at the young black males who were demonized as a criminal element in the schoolyard. Rhee's weapon was a broom to sweep away all those lousy teachers and their unions.

But what hasn't changed is the images and simplistic rhetoric to public education in ways that pi

Across the country, *Waiting for "Superman"* has mobilized celebrity star power for an education "reform" campaign that is destabilizing even relatively success generating tremendous upheaval in struggling ones.

The now-familiar buzzwords are charter schools, merit pay, choice, and account borrow a phrase from the Democrats for Education Reform (DFER), a political millionaires that is a chief architect of the campaign, is to "burst the dam" that h education and its \$600 billion annual expenditures from unchecked commercia

In New Jersey, an odd alliance of Oprah Winfrey, Facebook billionaire Mark Zuckerberg, and "rock star mayor" Cory Booker has put Newark in the forefront of model ed reform. But the campaign is headed for a district near you, if it hasn't are high. "I don't think it will kill public education," the dean of Seton Hall Univer Human Services told a New Jersey columnist. "But it already has maimed it."

#### 'Superman' Lands in New Jersey

*Superman* landed in New Jersey last September during a two-week media circus that included the premiere of the film; two over-the-top Oprah episodes filled with self-congratulatory hype from Rhee, Guggenheim, and Bill Gates; and an appearance by Secretary of Education Arne Duncan, who tried (and failed) to explain why the release of the film was "a Rosa Parks moment." This all led up to the bizarre spectacle of Oprah announcing from Chicago on national TV a \$100 million donation from Facebook founder Mark Zuckerberg to fund a "takeover" of the Newark public schools by Mayor Cory Booker.

Booker, a longtime proponent of private school vouchers and a member of the DFER national advisory board who has been instrumental in moving the Democrats to the right on education issues, was on hand to accept the gift along with Chris Christie, the most anti-public education governor New Jersey has ever had. In less than a year, Christie, a Karl Rove protégé and rising star in the Republican Party, has presided over \$1.2 billion in cuts to state school aid while pounding teachers and their unions as greedy, overpaid public employees responsible for the state's fiscal problems. When Oprah asked Zuckerberg why he chose Newark, he said, "I believe in these guys."

For Christie, Zuckerberg's gift was a chance to change the conversation after weeks of embarrassing criticism for sabotaging New Jersey's \$400 million Race to the Top application. At the last minute, Christie had scrapped a deal his education commissioner Bret Schundler worked out with the New Jersey Education Association (in which Schundler said the state conceded "almost nothing"). It later came out that Christie "said he didn't care about the money," because there was no way he was going to cooperate with the NJEA. When New Jersey eventually lost \$400 million by three points, Christie clumsily tried to cover up the details and fired Schundler as a scapegoat.

Zuckerberg's donation did help Christie change the topic—even though it was less than the governor's combined budget cuts to the city. Spread out over five years, the grant, even when matched, will amount to about 4 percent of the district's \$900 million annual budget. It also raises a host of legal and public accountability issues.

The day after Oprah's TV extravaganza, Guggenheim, Zuckerberg, Booker, and Christie all came to Newark for a special screening of *Waiting for "Superman."* The event was held at the New Jersey Performing Arts Center, one block from the offices of the Education Law Center (ELC) where I work. ELC is one of the nation's leading advocacy groups supporting equity in school funding and won a series of landmark court decisions requiring the state to increase aid to the poorest urban districts (more below). It represents more than 300,000 students and their families in New Jersey's urban districts, including Newark.

In response to Oprah's announcement, reporters asked ELC Executive Director David Sciarra about the governance arrangement for Newark schools, which have been under state control since 1995. Sciarra

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**GOOD STUFF**

explained there was no legal basis in New Jersey for mayoral control. Neither the mayor nor the governor could make policy or spending decisions for the school district since the takeover law invested that authority in the state commissioner of education and the local advisory board. It also outlined a clear process for restoring control to a locally elected school board, which had been moving steadily forward until Zuckerberg and his checkbook arrived.

### 'I'm Coming'

This legal analysis did not sit well with Gov. Christie, who was the featured speaker at the *Waiting for "Superman"* showing. Sounding more like Clint Eastwood's Dirty Harry than Superman, Christie declared: "You just watched that film and so did I. . . . I'm going to fight as hard as I can against those who believe that that is the status quo we're protecting. . . . There is nothing more important to the future of our state and the future of our country than this fight, because this is the fight that will define all of the other fights—the fight for America to remain a dominant force for good in the world."

He continued with a veiled threat for ELC: "I have a message for the lawyers who have made a lifetime out of suing us into failure: I'm coming."

With the film as backdrop and Guggenheim in the room, Christie hammered home his message that public education was failing because of bad teachers protected by their unions—which, in fact, is the central message of the film. The governor echoed themes he has promoted across the state and the country: Charters, vouchers, merit pay, and eliminating tenure constitute the urgent reform agenda not only in struggling urban districts, but everywhere.

A week later Christie made a campaign-type stop at a New Jersey charter school with another *Superman* star, Geoffrey Canada, CEO of the Harlem Children's Zone (HCZ). They spoke at Elysian Charter School in Hoboken, a successful school that stands out as the charter with the largest disparity in the state between the number of high-needs students served by the school and the much higher number in the host district. Christie used the occasion to promote legislation that would allow for-profit charter companies to expand into New Jersey and provide \$360 million in tax credits for private tuition vouchers.

Canada was there to support the governor's "reform agenda." When Christie asked him to explain why HCZ's widely praised model of cradle-to-college supports works, Canada did not highlight the expanded social services, class sizes under 15 with two certified teachers, extended school days, or 11-month school years. He did not explain that HCZ receives two-thirds of its funding from private sources or that, like all the highly selective, privately subsidized charter schools featured in Guggenheim's film, Canada's Promise Academies spend considerably more than the public schools around them. Instead, Canada said, "We fire people who don't work for our kids." (He didn't add that sometimes the people he fires are the students. Several years ago an entire class of 7th graders was dismissed for poor academic performance.)

"I love this guy," said the governor.

### A 'Wretched' System?

By conventional measures, New Jersey's public schools are among the most successful in the nation. It has the highest high school graduation rate and ranks in the top five states in every grade and subject tested by the National Assessment of Educational Progress (NAEP). It is one of the few states where test score gaps among student subgroups have closed in recent years. As Linda Darling-Hammond summarized:

Today, New Jersey, a state where 45 percent of students are of color, ranks first in the nation in writing performance on NAEP and among the top five states in every other subject area. . . . Taking demographics into account, New Jersey is arguably the highest achieving state in the nation. It has cut its achievement gap in half over the last decade, and its African American and Hispanic students outscore the average student in California. And it did so in a state that is considered a strong teachers' union state, a factor that many reformers believe is reason one why systemic improvement cannot happen.

New Jersey is also near the top in both educational investment and the equitable distribution of those resources. The court decisions won by ELC in what's known as the Abbott case produced the highest funding levels in the country for poor urban districts. For 10 years, roughly between 1998 and 2008, some 30 urban districts received per-pupil parity with the richest suburban districts in a state that ranked at or near the top in school spending. They also received extra funding for supplemental programs including full-day, high-quality preschool, extended school days and years, concentrated early literacy programs, a multibillion-dollar program of school construction, and an unprecedented set of health and social service supports.

The Abbott districts were the only place in the United States where the kind of supplemental supports now universally praised in the Harlem Children's Zone—which, as noted above, gets two-thirds of its funding from private sources—were mandated for all high-needs students and sustained, at least for a while, with public dollars.

As a result of these mandates, more than 40,000 3- and 4-year-olds now attend the highest quality pre-K program in the country (which Christie called "babysitting" during his election campaign). Fourth-grade test score gaps have narrowed significantly, and New Jersey has some of the nation's highest graduation rates for African American and Hispanic students, despite persistent gaps with white and Asian students. There are problematic aspects to each of these statistics, but they are not small accomplishments.

To be sure, there have been problems, including ongoing implementation and accountability issues. The court decisions did not undo New Jersey's pervasive racial and class segregation, leaving some to debate whether Abbott was the *Brown v. Board of Education* of school funding cases or more like *Plessy v. Ferguson*, a kind of reparations for a system of separate and unequal education that remains intact even as the reparations disappear. Although many Abbott schools and districts made impressive gains, others did not, and the state never conducted the systematic evaluation that might explain the differences.

Still, Abbott led to major progress after decades of separate and unequal schooling, and it was a sharp setback when first Democratic Gov. Jon Corzine and then his successor Christie responded to growing state budget pressures by moving to dismantle the Abbott programs.

Christie, however, has gone much further, linking his attacks on urban schools to efforts to drive down the cost of public education statewide. While the governor has repeatedly called Newark schools "an obscenity" and Abbott a "failure," his spokesman declared the entire system "wretched." "The NAEP rankings are irrelevant," an administration aide said. "We should not take solace in the fact that we score well in a wretched system that fails to adequately teach such a high percentage of children."

Even wrapped in the gloss of Guggenheim's pseudo-documentary, it's clear that Christie's education agenda is mainly about reducing spending, cutting the cost of teacher salaries and benefits, shifting state aid from urban to suburban districts, and

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privatizing public services. He balanced his first budget by rolling back a millionaire's tax and cutting virtually every education and social program in the state budget—except state aid for charter schools. He has proposed paying for his merit pay plans with savings from firing low-rated teachers, and sees the mostly nonunion, less stable, and cheaper charter school teaching staff as a model for reducing costs.

"You are masters at doing more with less." Christie told the state's charter association last spring, and less is clearly the point. Andrew Rotherham, another former DFER board member and prominent proponent of neoliberal education reform, told the *Wall Street Journal* that Christie is "onto something big—that the huge cost for public schools is no longer sustainable."

"New Jersey is the canary in the coal mine," added Frederick Hess, education policy director at the American Enterprise Institute for Public Policy Research.

### 'Bursting the Dam'

DFER and its allies have spent years putting in place the dynamite charges it hopes will soon "burst the dam" and open the way to fundamentally changing the landscape of U.S. public education. A recent DFER strategy paper, subtitled *Why the Next 24 Months Are Critical for Education Reform Politics*, describes the explicit targets as the "special interests (primarily but not limited to teachers' unions)" that "are able to assert de facto veto power over the kinds of changes that could fundamentally alter the way education is delivered in our communities." But, in fact, the "dam" consists of the public, nonprofit character of public schools, their control by local boards of education and districts, their funding by public dollars, and their accountability, however imperfect, to some degree of democratic oversight and decision-making. It also includes decades of effort, and at times fierce struggle, to hold schools, districts, and states accountable to mandates requiring equal access to a free public education for all children. These are the structures DFER & Co. want to replace with a market-based, consumer-driven system. Merit pay, charters, tenure reform, and mayoral control are steps along the way. As DFER sees it, "Change must be pushed at all levels and all across the map in order to make the most of current opportunity for reform."

Additional clues about where this policy train is headed come from Andy Smarick, one of Christie's newly installed assistant education commissioners. Smarick is a former George W. Bush education official who served as a policy analyst for the American Enterprise and Fordham institutes, where he proposed replacing "failing schools" and districts with market-based reforms inspired by the corporate world. He came to New Jersey because, he said, "I'm especially excited to get to lend a hand to the effort to improve Newark's schools. The city has a set of superb charter organizations, a remarkably strong nonprofit support infrastructure, and a hard-charging mayor."

Smarick's signature ideas are that investing in low-performing schools is a "waste of human capital" and that charters are "the wave of the future." He has written that "our relentless preoccupation with improving the worst schools actually inhibits the development of a healthy urban public education industry." Key to developing this "industry" is the rapid expansion of charter schools and government subsidies for private and religious schools. To clear the way for innovation, Smarick says schools that do not meet the test scores targets in the federal No Child Left Behind law should be given "only one option . . . closure."

Smarick does not see charters as a vehicle for improving existing schools and districts or even a compatible coexisting sector. "Chartering's potential extends far beyond the role of stepchild or assistant to districts," he says. "The only course that is sustainable, for both chartering and urban education, embraces a third, more expansive view of the movement's future: Replace the district-based system in America's large cities with fluid, self-improving systems of charter schools. The system is the issue. The solution isn't an improved traditional district; it's an entirely different delivery system for public education: systems of chartered schools."

This kind of radical right-wing social engineering is based on free market myths like the power of "churn": "The churn caused by closures isn't something to be feared," says Smarick. "On the contrary, it's a familiar prerequisite for industry health. . . . Churn generates new ideas, ensures responsiveness, facilitates needed change, and empowers the best to do more. . . . New entrants not only fill gaps, they also have a tendency to better reflect current market conditions. They are also far likelier to introduce innovations: Google, Facebook, and Twitter were not products of long-standing firms."

This market mythology overlooks the substantial record of charter school failure and, at times, malpractice and corruption. It sees schools not as outposts of local democracy or centers of civic activity, but as disposable franchises that come and go as the market "churns," disrupting communities and families who are viewed as consumers, not the collective citizen-managers of a public institution. The trendy references to Google and Facebook obscure less benign corporate "innovations" introduced by the likes of Halliburton, Enron, BP, and Blackwater.

Turmoil in Christie's education department has led to speculation that Smarick may follow his former boss and also make an early exit. But his blueprint still bears attention:

Here, in short, is one road map for chartering's way forward: First, commit to drastically increasing the charter market share in a few select communities until it is the dominant system and the district is reduced to a secondary provider. The target should be 75 percent.

Second, choose the target communities wisely. Each should begin with a solid charter base (at least 5 percent market share), a policy environment that will enable growth (fair funding, nondistrict authorizers, and no legislated caps), and a favorable political environment (friendly elected officials and editorial boards, a positive experience with charters to date, and unorganized opposition).

Third, secure proven operators to open new schools. To the greatest extent possible, growth should be driven by replicating successful local charters and recruiting high-performing operators from other areas.

Fourth, engage key allies like Teach for America, New Leaders for New Schools, and national and local foundations to ensure the effort has the human and financial capital needed.

Last, commit to rigorously assessing charter performance in each community and working with authorizers to close the charters that fail to significantly improve student achievement.

In total, these strategies should lead to rapid, high-quality charter growth and the development of a public school marketplace marked by parental choice.

Something like this scenario is now playing out in Newark—with eerie echoes of Michelle Rhee's recent tenure in D.C. Twelve percent of Newark students are already enrolled in charters. A few of these schools are high performing, but most are struggling at or below the levels of the district's public schools, despite enrolling fewer numbers of the highest needs students.

Although the narrative of Newark school failure has been used to drive Christie's agenda, the reality is much more mixed. Progress

in some Newark schools has been remarkable, while in others poor school performance persists amidst concentrated poverty rates of 80 percent or more. For example, in the narrow test scores terms in which sound bite school progress is usually measured, Newark cut the urban/suburban gap in half between 2000 and 2008 at 4th grade and reduced the math gap at 11th grade by 25 percent; language arts gaps remained unchanged. The district is also the site of some promising reform efforts, including an ambitious Global Village project initiated by the national Broader Bolder Approach and led by Pedro Noguera. The effort links seven neighborhood schools in a comprehensive inside/outside strategy of supplemental services and school-based change.

### 'Chartering' Newark

Nevertheless, Booker and Christie support rapid charter expansion in Newark fueled by the same foundations and "key allies" mentioned in Smarick's scenario with large infusions of money from hedge fund managers, national and local foundations, and now Zuckerberg.

Booker, however, has also been forced to draw some cautionary lessons from the recent defeat of his friend, D.C. Mayor Adrian Fenty, whose loss in a September primary was seen as a vote of no confidence in Rhee and led to her early exit as chancellor. Rhee was rejected by a voter revolt against her dictatorial style and often arbitrary decisions to close schools, fire teachers, and impose top-down reforms that wowed business leaders but brought mostly turmoil and disruption to school communities. Like Joel Klein in New York, Rhee's claims of success are based on illusory test score gains that evaporate upon close inspection. But ultimately it was her inability to convince the city's voters and parents that her business model reforms served their best interests that led to her sudden political defeat. "Cooperation, collaboration, and consensus-building are way overrated," Rhee once said. D.C. voters didn't agree.

On Nov. 1, with the help of DFER's newly formed New Jersey chapter and \$1 million in private funds, Booker launched the Partnership for Education in Newark, designed to mobilize local support for his education plans. A two-month campaign of "relentless outreach," including community meetings and door-to-door canvassing, is supposed to lead to a set of reform recommendations in January. But longtime local activists are skeptical and have started their own Coalition for Effective Newark Public Schools to press for changes for which they have been fighting for years: adequate resources, student-centered curriculum, better prepared teachers, partnerships with parents, and "new standards of accountability and new practices to assure fairness for educators, and success for all children." Many believe the plans for the Facebook millions have already been drawn up behind closed doors. "The only question," said one former member of the local advisory board, "is how much more privatization will go on."

### The Uses of 'Failure'

Using the failures of public education in high-poverty urban communities as an opening for a broader policy of disinvestment and privatization has become a key link in the market reformers' campaign. Moreover, the narrative of public education as a failing system has been strengthened in recent years by shifting national policies away from the federal government's historic role as a promoter of access and equity in public education through support for things like integration, Title I funding for high-poverty schools, and services for students with special needs, to a very different and less equitable set of mandates promoting high-stakes testing, the closing or "reconstituting" of schools, and the distribution of federal funds through competitive grants to "winners" at the expense of "losers." These policies, embodied in No Child Left Behind and Race to the Top, have helped to erode the common ground a universal system of democratic public education needs to survive.

As Christie himself has said, "This is an incredibly special moment in American history, where you have Republicans in New Jersey agreeing with a Democratic president on how to get reform."

If public education is in crisis today, however, it is not because of generalized failure. In some respects it's the nation's most successful democratic institution and has done far more to reduce inequality and offer hope and opportunity than the country's financial, economic, political, and media institutions.

But its Achilles' heel—which in fact is the Achilles' heel of the whole society—is acute racial and class inequality. And although this inequality once spurred a clarion call to expand government and public sector programs to address it, today a massively well-financed set of campaigns, groups, and projects is driving an agenda that flies the banner of reform but promotes proposals that are likely to do for education what market reform has done for health care, housing, and employment: produce fabulous profits for a few and unequal access for the many. *Waiting for "Superman"* is not only blind to this agenda, it also presents some of its key architects as heroes.

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