

A History of Dashed Hopes

Education Reform, Special-Interest Power, and the Politics of Blocking

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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—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 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. 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

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).

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).

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. These kinds of dismal results prevail, moreover, even though the nation is 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 in 1960.⁹

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

This paper is an effort to provide some answers. In any exercise of this sort, the temptation is to revel in complexity—by pointing, for example, to the dynamics of historical and social processes, to the multitude of groups and key players, to the often accidental intersections of events, forces, and institutions. But my argument in this paper is that, in the case of American education, the key questions at issue actually have answers that are quite simple. Nothing fancy is required, beyond the primitive fundamentals that political scientists had available to them fifty years ago (although, granted, they didn't do much with them). The first of these fundamentals is the power of vested interests. The second is checks and balances. The combination is a formula for inertia, stagnation, and the inability of policy makers to bring about major changes in the governmental status quo, even when the system's performance is dreadful and the need for change dire.

In the American public school system, the vested interests are the teachers unions: the National Education Association, the American Federation of Teachers, and their state and local affiliates—which represent the system's key employees and are by far the most powerful groups in the politics of education. Their power over political outcomes is magnified, moreover, because they operate within a larger policy process that is filled with checks and balances—

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.

⁹ *Digest of Education Statistics: 2009* (Washington, D.C., National Center for Education Statistics, 2009). See Table 182.

which, quite by design, create veto points that make it exceedingly difficult for reformers to get major new legislation passed and correspondingly easy for opponents to block. 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.¹⁰

In virtually any area of American public policy, not just education, it is normal for vested interests to be powerful, normal for them to be able to block, normal for bold reforms to fail. But the same logic that tells us these things also tells us that major change *can* happen under certain conditions. Abnormal conditions. During these unusual times—due, for example, to a massively disruptive social change—the power of vested interests might be undermined, leaving them unable to block major change. There may also be unusual times during which checks and balances can be overcome to achieve huge reforms—for example, if a single party were to gain unified control of the national or a state government and its members were totally united behind a major reform agenda.¹¹

These conditions are rarely met, and in public education they have not been met (except in limited cases) over the last quarter century. Abnormal developments are underway, however—and for reasons I will explain, there is a solid basis for believing that major change *is* on the horizon as result of them, and that American education will be transformed for the better. But it won't happen right away. And by the time it does and all the cheering dies down, countless generations of American children will have been denied a quality education, and the nation will have been denied—forever—many of the contributions they could otherwise have made to its economy, society, and position in the world. Success will come, then, but at a terrible price.

The Rise of Union Power

The public school system began to emerge in roughly its present form a little over 100 years ago, an outgrowth of the Progressive movement to bureaucratize and professionalize American government. For most of its history, education was a union-free zone. Hardly any teachers belonged to unions, and there was no collective bargaining. The power-holders were the system's administrative professionals as well as the local school boards that appointed them. Many teachers across the country did belong to the NEA, which, even in the early decades of the 1900s, was widely recognized as the vanguard of the education establishment. But the NEA was a professional association controlled by administrators, and it was avowedly opposed to unions and collective bargaining.

Throughout this period of administrative hegemony, teachers had vested interests in their jobs, just as they do now. But they had no organized means of pursuing those interests, and they were essentially powerless. Some of the obstacles were political. Until the middle decades of

¹⁰ For a much more extensive treatment and documentation of this argument, see Moe, *Special Interest*.

¹¹ On the disruptive effects of abnormal events and their role in bringing about institutional change, see, e.g., Paul Pierson, *Placing Politics in Time* (Princeton University Press, 2004); E. E. Schattschneider, *The Semi-Sovereign People: A Realist's View of Democracy in America* (New York: Holt, Rinehart, and Winston, 1960); Karen Orren and Stephen Skowronek, *The Search for American Political Development* (Cambridge University Press, 2004).

the 1900s, labor law and political power were stacked against unions, particularly in the public sector; indeed, collective bargaining by public employees was often illegal. And then, of course, there were the usual collective action problems that plague large groups as they seek to get organized.¹²

The watershed event for *private sector* workers came with the adoption in 1935 of the National Labor Relations Act (NLRA), which was purposely designed to make union organizing and collective bargaining easier to achieve—through, for example, representation elections, exclusive representation, the duty to bargain, and penalties for unfair labor practices. The result was a surge of union membership. This surge, in turn, greatly enhanced the political power of private sector unions and gave the Democratic Party a valuable core of organized support.¹³

As time went on, the Democrats and the beefed-up union movement combined forces to push for similar labor laws in the states for *public sector* workers. Beginning with Wisconsin in 1959, most of the states (outside the South) adopted public-sector labor laws during the 1960s and 1970s, and these changes fueled dramatic increases in public-sector union membership and collective bargaining. They also triggered a wholesale transformation of the NEA, which, in competing with the AFT to represent the nation's teachers, turned itself into a union—and soon became the biggest union of *any type* in the country.¹⁴

There was nothing special about teachers or their work experiences that explained the sudden rise of their unions. Teachers got organized and gained collective bargaining rights at precisely the same time that police officers, fire fighters, nurses, bus drivers, and sanitation workers did—during the 1960s and 1970s. The percentage of teachers covered by collective bargaining soared from near zero in 1960 to 65 percent in 1978, and the system then settled into a new steady state. Bargaining coverage has remained virtually *unchanged* among teachers ever since: standing at 65 percent in 1993, 64 percent in 2000, 65 percent in 2004, and 63 percent in 2008. Membership levels have consistently been much higher, at about 79% (and stable).¹⁵

These figures are national averages. In the 24 states with the strongest labor laws—a group that includes almost all the heavily populated, industrial states (New York, California, Pennsylvania, et al.) and employs a little more than half of all the nation's teachers—the portion

¹² For a history of the early years of American education and the rise of the teachers unions, see, e.g. Marjorie Murphy, *Blackboard Unions* (Cornell University Press, 1990); Maurice Berube, *Teacher Politics* (New York: Greenwood Press, 1988); Myron Lieberman, *The Teacher Unions* (New York: Free Press, 1997); Stephen Cole, *The Unionization of Teachers: A Case Study of the UFT* (New York: Praeger Publishers, 1969).

¹³ See, for example, Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton University Press, 2002); William B. Gould IV, *A Primer on American Labor Law*, 4th ed. (MIT Press, 2004); Taylor Dark, *The Unions and the Democrats: An Enduring Alliance* (Cornell University Press, 1999).

¹⁴ On the rise of public sector unions, see Freeman, "Unionism Comes to the Public Sector"; Martin West, "Bargaining with Authority: The Political Origins of Public Sector Bargaining," paper presented at the 2008 Policy History conference, St. Louis, May 29–June 1, 2008; Joseph E. Slater, *Public Workers: Government Employee Unions, the Law, and the State, 1900–1962* (Cornell University Press, 2004); Richard B. Freeman and Casey Ichniowski, editors, *When Public Sector Employees Unionize* (University of Chicago Press, 1988); Benjamin Aaron, Joyce M. Majita, and James L. Stern, editors, *Public Sector Bargaining*, 2nd edition (Bureau of National Affairs, 1988). On the NEA becoming a union, see, e.g., A. M. West, *The National Education Association: The Power Base for Education* (New York: Free Press, 1980); Ronald D. Henderson, "Teacher Unions: Continuity and Change," in *Teacher Unions and Education Policy: Retrenchment or Reform?* edited by Ronald D. Henderson, Wayne J. Urban, and Paul Wolman (Amsterdam: Elsevier, 2004).

¹⁵ These figures are summarized in Moe, *Special Interest*, but are based on two sources: Gregory M. Saltzman, "Bargaining Laws as a Cause and Consequence of the Growth of Teacher Unionism," *Industrial and Labor Relations Review* 38, no. 3 (April 1985): 335–51; and the Schools and Staffing Survey, conducted at regular intervals by the National Center for Education Statistics.

of teachers now covered by collective bargaining is often close to 100 percent. In the 11 states that have somewhat less favorable labor laws, coverage tends to be in the 80 to 90 percent range. And in the remaining states—almost all of them southern or border states—that either prohibit collective bargaining by teachers or don’t have authorizing labor laws, bargaining coverage varies from zero to about 20 percent (with a few exceptions). Even in these “weak union” states, however, the local unions—backed by powerful national organizations with vast reserves of money and paid organizers—have managed to attract many teachers as members. In Alabama, there is virtually no collective bargaining, but 84 percent of teachers belong to unions. In Texas, collective bargaining is illegal, yet 65% of teachers are union members.¹⁶

By the early 1980s, the teachers unions reigned supreme as the most powerful force in American education: with millions of members, armies of political activists, enormous wealth for campaign contributions and lobbying, and more. The rise of union power transformed the world of American public education, creating what amounted to a new education system, one that has been in equilibrium now for roughly thirty years—and is vigorously protected from change by the very union power that created it. In many ways, this new American education system looks very much like the original system of school boards, superintendents, and local democracy bequeathed us by Progressive reformers nearly a century ago. But what the Progressives envisioned and put in place was a system run by professionals, not a system of union power that protects and promotes employee interests. This is a modern development, one with profound consequences that make the modern system qualitatively different from the one it replaced.

Along with this transformation came a great historical irony. The most influential call to reform in the annals of American education, *A Nation at Risk*, burst onto the scene at *precisely the same time* that the teachers unions were consolidating their power and the new system was coming into being. From the very beginning of the modern reform era, then, the proponents of change were butting their heads against a wall of union power and vested interests. They would continue to do exactly that—with little success—for the next quarter century.

Collective Bargaining and Ineffective Organization

The teachers unions have exercised their power over American education in two fundamental ways. They have exercised it from the top down, through politics. And they have exercised it from the bottom up, through collective bargaining. For the most part, my focus in this paper is on politics, and on how the unions have used their power in state and national policy making to stifle education reform. Yet it is impossible to understand the failures of modern reform era—and the larger role of the unions in bringing about those failures—without also paying attention to collective bargaining.

In the politics of education, the great power wielders are the NEA, the AFT, and their state affiliates. But teachers do not directly join these state and national unions. Teachers join *local* unions—and, having done so, are automatically enrolled in (and required to fund) the state and national unions. It is the local unions that attract the members, money, and activists that are the ingredients of union power. Their ability to attract these key resources is aided immensely

¹⁶ These figures are summarized in Moe, *Special Interest*, and taken from the Schools and Staffing Surveys of 2003-04 and 2007-08 (the two years are averaged to give more reliable numbers for each state). Note that a recent spate of reforms in Wisconsin, Ohio, Tennessee, and a few other states may change these numbers very slightly (depending on which prove enduring), but I am keeping the pre-2011 figures here because the laws were quite stable prior to 2011 and those were the laws that shaped union organization and coverage.

by collective bargaining—for this is what teachers care most about as union members and, thanks to state labor laws, it is what ties them securely to their unions and provides legal sanction and protection to their organizations. Were it not for collective bargaining and its protected legal status, the NEA, the AFT, and their state affiliates would not be nearly as *politically* powerful as they—and would usually be unable to stand in the way of education reform.¹⁷

This is one reason that collective bargaining has had a profound impact on the nation's reform experience. It is the unions' power base. But there is another impact that has been equally important: for as the unions have exercised their power in collective bargaining, they have imposed ineffective forms of organization on the schools—and thus deepened and exacerbated the very problems of ineffective organization that the reform movement has been trying to correct.

That the unions have been creators of ineffective organization should come as no surprise. It grows inevitably out of their own interests, which are simply *not the same* as the interests of children. Like all unions, they are in the business of promoting the occupational interests of their members by getting them better wages and benefits, protecting their jobs, expanding their rights in the workplace, and restricting managerial discretion. In collective bargaining, they do these things by winning favorable *rules*, written into legally binding contracts, that tell the districts how they must operate, how they must spend their money, how they must allocate their resources—especially teachers—and in general, what they can and cannot do in getting *organized* to educate children. In a typical contract, there are so many rules about so many subjects that it often takes well over 100 pages to spell them all out. The most recent contract for the Los Angeles school system is 349 pages long. Cleveland's is 277 pages.¹⁸

As collective bargaining has played out over several decades and many thousands of school districts, therefore, the teachers unions have heavily shaped the organization of the nation's entire public school system. Here are a few examples of contract rules that are quite common.¹⁹

(1) *Salary rules* that pay teachers on a formal schedule, based entirely on their seniority and formal credits—thus ensuring that pay has nothing to do with classroom performance, that good and bad teachers are paid the same, and that salary cannot be used as an incentive for productive behavior.

(2) *Transfer rules* that give senior teachers their choice of available jobs—thus making it impossible for districts to allocate teachers to the schools and classrooms where they can do the greatest good for children.

(3) *Layoff rules* that, during reductions in force, require teachers to be laid off in reverse order of seniority—thus ensuring that excellent teachers will be let go if they happen to have little seniority and that lousy teachers with lots of seniority will be kept on.

(4) *Evaluation rules* that set out countless onerous procedures that must be followed—involving monitoring, reporting, mentoring, etc.—if a teacher is rated as unsatisfactory, thus giving principals strong incentives to rate all teachers as satisfactory however awful they may be

¹⁷ For extensive survey-based evidence on the key role of collective bargaining and union locals to the organizational (and political) success of the unions, see chapter 3 of Moe, *Special Interest*.

¹⁸ For access to the contracts of the nation's largest school districts, see the website of the National Council on Teacher Quality at www.nctq.org/tr3/search.jsp.

¹⁹ For a more extensive discussion of these and other contract rules, as well as their implications for effective organization, see chapter 6 of Moe, *Special Interest*.

at their jobs. The best evidence is that 99 percent of all teachers nationwide are given satisfactory ratings.²⁰

(5) *Dismissal rules* that, together with evaluation rules and state tenure laws, spell out additional complicated, time-consuming, and costly procedures to be followed if a teacher is to be dismissed—thus making it virtually impossible to dismiss anyone. Studies suggest that it takes roughly two years, more than \$200,000, and hundreds of hours of administrator time just to dismiss one poorly performing teacher.²¹ And that it almost never happens.

These and countless other rules are designed to promote the job-related interests of teachers, not to create good schools. Indeed, from the standpoint of effective organization, they are simply perverse. Yet this is how America's schools are actually organized. There is a disconnect between what the public schools are supposed to do and how they are organized to do it—and this disconnect is a *built-in* feature of the modern American school system, a reflection of its underlying structure of power.

So why have the districts, in their negotiations with the unions, “agreed” to ineffective organization over these many years? Part of the answer is that the unions can inflict painful sanctions if they don't get the work rules they want. Another reason is that the work rules generally *don't cost the districts anything* in direct outlays (unlike wages and benefits). And another is that the districts, as public monopolies with a lock on kids and money regardless of their schools' performance, have had little incentive to stand up for effective organization.

The districts have also had little incentive for a political reason whose importance can hardly be exaggerated. School board members are elected, and the teachers unions are typically the most powerful force in their elections. As a result, many board members are union allies, others are reliably sympathetic to collective bargaining, and the rest have reason to fear that, if they cross the unions, their jobs are at stake. “Management,” then, is not independent of the unions. The unions help *select* “management,” and it tends to be biased in their favor. Private sector unions can only dream of such a thing.²²

Over the last decade, districts have had their spines stiffened a bit. The accountability movement has put them under pressure to raise achievement, and thus given them stronger incentives to fight for effective organization. The school choice movement has led (in certain cities, but not most) to the proliferation of charter schools, and thus to competition that has given families exit options and districts greater reason to resist debilitating union rules. And the financial crisis that began in 2008, compounded by the crushing obligations of teacher pensions and retiree health benefits, has forced districts to be more confrontational with their unions over money and organization. It has also put districts (and states) on the hot seat by bringing seniority rules under intense public scrutiny, as layoff situations have made the perversities of last-hired-first-fired arrangements a salient public issue.

Despite these developments, the districts remain fundamentally weak. They are weak for the reasons I outlined above. But they are also weak because they are up against highly restrictive labor contracts that have grown in length, complexity, and restrictiveness over the

²⁰ See, e.g., Daniel Weisberg, et al., *The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness*. (New Teacher Project, 2009).

²¹ See, e.g., the path-breaking detailed research of journalist Scott Reeder, which covers an 18 year period in the state of Illinois. Available on his web site at thehiddencostsoftenure.com

²² See Terry M. Moe, “Political Control and the Power of the Agent,” *Journal of Law, Economics, and Organization* 22 no. 1(Spring 2006): 1-29; Terry M. Moe, “Teachers Unions and School Board Elections,” in William G. Howell, *Beseiged: School Boards and the Future of Education Politics* (Brookings Institution Press, 2005); and Moe, *Special Interest*, chapter 4.

years and become deeply entrenched as the *institutional status quo*. The quest for effective organization calls for radical changes in that status quo—but these are changes that the unions powerfully resist and, because any such changes have to be bargained and agreed to, are in a position to *veto*. Few districts want to fight those fights. And no district wants a strike.²³

Where districts have been willing to fight for effective organization, it has almost always occurred in cities where mayors have taken control of the schools. Mayoral control is fairly rare. It began in Chicago in 1995, and spread to New York City, Cleveland, Boston, Washington, D.C., and a few smaller cities.²⁴ But where it has occurred, the shift in governance is potential trouble for unions. Mayors have bigger, more diverse constituencies than school board members do; they have many more political, administrative, and informational resources for wielding power; and they are more likely to be held personally responsible for results. An “education mayor” can be a force for reform in a way that schools boards rarely are.

It is no accident that the highest profile cases of districts fighting hard for effective organization came in New York City and Washington, D.C. Both had mayors totally committed to major change. And their appointed school chancellors, Joel Klein (in New York, 2002-08) and Michelle Rhee (in D.C., 2007-10), became national rock stars because, unlike almost all other superintendents in the country, they were willing to launch all-out assaults on restrictive work rules in the face of fierce union resistance, and they won important victories—especially far-reaching in Rhee’s case—on seniority, performance pay, and teacher evaluations.²⁵

These victories were remarkable, however, precisely because they were so unusual. They also took many years of agonizing struggle to achieve; they were enormously expensive (because the unions demanded huge pay increases to compensate for the work rule concessions); and the districts were still left a very long way from effective organization—burdened by tenure, the single salary schedule, seniority, and countless other union restrictions. The Rhee and Klein experiences testify to how difficult it is, even when all the ducks are in a row, to make even *partial* progress toward effective organization in just two districts.

Their victories, moreover, are inherently vulnerable. For reformist mayors are destined to leave office someday—but the unions will remain and so will their power. In Washington, D.C., it has already happened. Adrian Fenty lost his 2010 reelection bid, with the AFT and its union allies spending millions to defeat him, and Michelle Rhee soon had to resign. Fenty was replaced by Vincent Gray, the union-supported candidate—who is now in charge of implementing Rhee’s contract. In New York City, Joel Klein stepped down in 2010 after eight years of constant battles, and Mayor Michael Bloomberg will be leaving office at the end of 2013—at which point he will almost surely be succeeded by someone less committed to taking on the unions (and perhaps by someone who is a union ally), and Klein’s hard-fought victories may well be rolled back.

New York City and Washington, D.C., are best case scenarios. There are a few other districts where unusual changes are underway as well—for example, in Hillsborough County (FL), Memphis, and Pittsburgh, where heaps of money from the Gates Foundation have induced the unions to “collaborate” in teacher-evaluation reforms, and in New Haven where a “thin”

²³ On why districts are weak and why they have recently had greater incentive to fight back, see Moe, *Special Interest*, chapters 4 and 7.

²⁴ See, for example, Joseph Viteritti, ed., *When Mayors Take Charge: School Governance in the City* (Brookings, 2009); Jeffrey R. Henig and Wilbur C. Rich, eds., *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools* (Princeton University Press, 2004); Kenneth K. Wong, Francis X. Shen, Dorothea Anagnostopoulos, and Stacey Rutledge, *The Education Mayor: Improving America’s Schools* (Georgetown University Press, 2007).

²⁵ For detailed accounts of the labor clashes in both these city school districts, see Moe, *Special Interest*, chapter 7.

contract has been adopted.²⁶ But it is important not to generalize from outliers, and not to get swept up in the sensationalism of headlines.

The fact is, this nation has been trying to reform its schools since 1983. Nonetheless, in almost all districts around the country, the standard provisions of the traditional collective bargaining contract—and thus, the countless union-designed restrictions on school organization—remained the norm during the first decade of the 2000s. A coding of collective bargaining contracts in 35 large school districts, for example, comparing their provisions in 2000 to their provisions in 2010, shows that *virtually every single provision for every single district remained unchanged* over the ten year period.²⁷ Although a modicum of change may now be afoot (as I will discuss), the local picture for the last decade has been one of stability.

The teachers unions, needless to say, are not the only source of ineffective organization in America's public schools. The districts have done their share of damage too, particularly in the decades before accountability and charter schools gave them stronger incentives to boost student achievement. And state and national governments have added to the problem, imposing an avalanche of programs and rules that are often designed (via politics) with little attention to the requirements of effective performance.²⁸

Even so, the teachers unions stand out because the restrictions they impose bear directly on the role of *teachers*, and quality teaching is the single most significant determinant of student learning. Precisely because the unions are in the business of representing teachers, collective bargaining shapes the organization of schooling *to its very core*, and it ensures that this core is *ill-suited to effective performance*. The unions, moreover, are extraordinarily powerful not only at organizing the schools to suit their special interests, but also at vetoing the efforts of reformers to do something about it.

This is the reality of American education at the local level. It is a reality of ineffective organization created and protected by power.

The Politics of Blocking

By law and tradition, the public schools are governed mainly by the states. The enduring American myth is one of local control. But the school 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 local decisions are surely important, state governments are in a position to *set the basic structure* of

²⁶ See, e.g., “Gates Foundation Program Aimed at Schools,” *United Press International*, November 18, 2009, available at www.upi.com/Top_News/US/2009/11/18/Gates-Foundation-program-aimed-at-schools/UPI-46821258569176/; 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 Spurred 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; Stephen Sawchuk, “Teacher Contract Called Potential Model for Nation,” *Education Week*, October 28, 2009; Thomas W. Carroll, “New Haven’s Teacher Contract a Model? Not So Fast,” *Huffington Post*, October 21, 2009, available at www.huffingtonpost.com/thomas-w-carroll/new-havens-teacher-contra_b_328950.html; “Less Than ‘Courage’ in New Haven”; “The New Haven Model,” editorial, *New York Times*, October 29, 2009.

²⁷ Moe, *Special Interest*, chapter 6.

²⁸ See, e.g., John E. Chubb and Terry M. Moe, *Politics, Markets, and America’s Schools* (Brookings, 1990).

public education, and all the local players are constrained to act *within* that structure. The states can also fill in as many of the operational details as they want, including the work rules normally found in labor contracts. Any group that hopes to wield power over the public schools, therefore, needs to wield power in state politics. This is where the fundamentals are decided. This is where the real action is.²⁹

From the late 1800s until the mid-1900s, the states allowed for much local control. This was simply a choice, and over the last half century they have asserted their authority. In part, they were responding to court pressures for funding equalization, which called for shifts away from local property taxes toward more centralized (state) finance. It was also a response to the modern reform era, which put the public spotlight on academic performance and motivated states to take responsibility for improving the schools. States are now very active in controlling what the locals do. And state politics is where the powerful need to go—and win.

The national government has also gotten much more involved since mid-century. Its main vehicle has been the Elementary and Secondary Education Act (ESEA), first adopted in 1965, which authorizes a variety of programs—particularly for disadvantaged children—and funnels billions of dollars through the states to the districts. In 2002 the feds moved aggressively into the reform era with No Child Left Behind (NCLB): a ground-breaking revision of ESEA that created a nationwide system of school accountability (with much state discretion). To this day, the states continue to reign as the key authorities in public education. But national politics is more relevant than ever.³⁰

For the teachers unions, politics can be enormously advantageous, but it can also be enormously threatening. Governments (especially state governments) are in a position to adopt virtually *any* work rules, education programs, or funding arrangements they want for the public schools, and the decisions automatically apply to *all* districts and schools in their jurisdictions. When the unions are able to exercise political power, then, all these wonders can be made theirs. And so can the schools. The downside is that reformers can do the same: by pushing for accountability, school choice, pay for performance, and other reforms the unions find threatening—and turning them into the law of the land. In either case, the stakes are huge. So for the unions, getting involved in state and national politics is essential, and they have invested heavily in political organization.

For well over a quarter century, the NEA and the AFT have been the most powerful groups in the politics of education. No other groups have even been in the same ballpark. Since the unions first got established, they have had millions of members (today, roughly 4.5 million). They have had astounding sums of money coming in regularly (mainly from dues) for campaign contributions and lobbying. They have had well-educated activists manning the trenches—ringing doorbells, making phone calls—in every political district in the country. They have been able to orchestrate well-financed public relations and media campaigns anytime they wanted, on

²⁹ 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, Alyssa E. Lodewick, and Jeffrey R. Henig, eds., *To Educate a Nation: Federal and National Strategies of School Reform* (University of Kansas Press, 2007).

³⁰ On NCLB, the political lead-up to it, and the growing federal role in American education, see, for example, Patrick McGuinn, *No Child Left Behind and the Transformation of Federal Education Policy* (University of Kansas Press, 2006); Paul Manna, *School's In: Federalism and the National Education Agenda* (Georgetown University Press, 2006).

any topic or candidate. And their political organizations have blanketed the nation, allowing them to coordinate all these resources toward their political ends.³¹

Most aspects of the union power formula are difficult to quantify. But thanks to modern computer technology and reporting laws, good information is available on their political contributions. And the evidence vividly shows that the unions are political money machines of the first order. In national elections, despite the enormous numbers and diverse types of interest groups, the teachers unions were the *number one* contributors to candidates and parties during the period from 1989 to 2010—beating out the trial lawyers, the banks, the realtors, the Chamber of Commerce, and all others, and dwarfing other education groups, which don't even show up on the usual lists. In state elections, especially outside the South, their dominance is equally clear-cut: they are almost always among the very top contributors to candidates and parties, they regularly out-contribute general business associations, and in ballot campaigns they are consistently the political leaders and top contributors on their side of the issue—even on matters of taxing and spending that have nothing directly to do with education.³²

Superior power doesn't mean that the teachers unions always get the policies or the funding they want. The American system of checks and balances makes that impossible, because its multiple veto points ensure that shepherding new laws through the political process is extremely difficult. Proponents need to win victories at each and every step along the way in order to overcome all the hurdles. The flip side is that *blocking* new laws is a good deal easier, for opponents need to succeed at just *one* veto point in order to win. The American 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 the interest groups that want to keep things as they are. And this is how the teachers unions have used their political power to great effect in shaping the nation's schools: not by imposing every policy they want, but by blocking or weakening those they don't want. And thus by preventing true reform.³³

³¹ While policymakers and opinion leaders are increasingly recognizing that this is so, and indeed are increasingly vocal about it, academic scholarship (aside from my own) does not emphasize this theme at all. There are two reasons for this. The first is that education researchers and political scientists have barely studied the politics of education over the decades, and they have done even less to explore the political role of the teachers unions. The second is that, in recent years, scholars who *have* studied the politics of education have focused on the *national* politics of education, especially No Child Left Behind, and have rarely studied the *state-level* politics of education, where most of the important policy decisions about education are made. I should add that NCLB was the unions' single greatest defeat in the modern reform era and not at all representative of their overall influence. More generally, the teachers unions tend to be weaker at the national level than in most of the states, because more groups are involved in national issues, the issues are more salient to the public and get more media attention, and the unions are less politically advantaged. As a result, the academic literature on the politics of education has little to say about the state-level politics of education and is not a good basis for trying to understand the power of the teachers unions in education generally. It is, however, helpful for understanding the politics of NCLB and national developments. See, for example, McGuinn, *No Child Left Behind and the Transformation of Federal Education Policy*; Manna, *School's In*; Lee W. Anderson, *Congress and the Classroom: From the Cold War to "No Child Left Behind"* (Pennsylvania State University Press, 2007); Kaestle, Lodewick, and Henig, eds., *To Educate a Nation*; Elizabeth Debray and Carl Kaestle, *Politics, Ideology, and Education: Federal Policy during the Clinton and Bush Administrations* (Teachers College Press, 2006); Kevin Kosar, *Failing Grades: The Federal Politics of Education Standards* (Boulder, Colo.: Lynne Rienner Publishers, 2005); Lawrence McAndrews, *The Era of Education: The Presidents and the Schools, 1965–2001* (University of Illinois Press, 2008).

³² For data on contributions, see Moe, *Special Interest*, chapter 9. The national figures are from the Center for Responsive Politics, at www.opensecrets.org. The state figures are from the National Institute on Money in State Politics, at www.followthemoney.org.

³³ 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*

Throughout the modern reform era, the teachers unions have relied upon their alliance with the Democratic Party to gum up the reform process. This alliance makes good political sense, because both sides have much to gain from it. Democratic candidates receive almost all of the unions' substantial political contributions, their in-the-trenches manpower, and their public relations machinery for conducting electoral campaigns: resources that are enormously valuable. In return, the unions can usually count on the Democrats to go to bat for them in the policy process: by insisting on bigger budgets, higher salaries, job protections, and other union-favored objectives—and most important, by standing in the way of major reform. The teachers unions have been the raw power behind the politics of blocking. The Democrats have done the blocking.³⁴

Mainstream Reforms

In the wake of *A Nation at Risk*, the key drivers of reform during the 1980s were business groups and state governors. Deeply concerned about a faltering economy and the growing threat of international competition, business groups saw a mediocre education system as a big part of the problem. They demanded action and found allies in the nation's governors, who became the political leaders of the reform movement.

Early on, the ideas that gained the most traction were decidedly incremental: the schools could be improved by spending more money, raising teacher salaries, adopting more rigorous curricula, training teachers better, and making other changes that fit comfortably within the existing system. As a result, the education tsunami that swept across America in the early years after *A Nation at Risk* involved little that was threatening to the teachers unions. These were mainstream reforms, and the unions supported them. Indeed, they saw the new reform environment as a golden opportunity to push for spending and salary objectives that they had long yearned for anyway.³⁵

The problem was that these reforms did nothing to change the system itself: its structure, its incentives. They were essentially just rearranging the deck chairs.³⁶ National spending, for example, shot up by 74 percent between the 1982-83 and 1989-90 school years, providing

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 here 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).

³⁴ See Moe, *Special Interest*, chapters 9 and 10.

³⁵ For an excellent overview and assessment of the early reform era, including informative accounts of how the unions engaged in politics and blocked various reform efforts, see Thomas Toch, *In the Name of Excellence* (Oxford University Press, 1991). For a discussion of how the unions used the reform climate to pursue their traditional objectives, see, for example, Cindy Currence, “Teachers' Unions Bringing Reform Issues to Bargaining Table,” *Education Week*, May 15, 1985.

³⁶ For evidence on the efficacy of mainstream approaches to reform, see, e.g., Eric A. Hanushek, “The Failure of Input-Based Schooling,” *Economic Journal* 113 (2003): 64–98; Eric A. Hanushek and Steven Rivkin, “Teacher Quality,” in *Handbook of the Economics of Education*, edited by Eric A. Hanushek and Finis Welch, pp. 1051–78 (Amsterdam: Elsevier, 2006).

schools with 35 percent more money per student in real dollars.³⁷ Yet the money was to be spent by the same districts that had spent their money so unproductively in the past, and their incentives were as weak as ever. Teacher salaries were raised substantially across the board, increasing 52 percent during this same time period, for a gain of 17 percent in real dollars.³⁸ Yet bad teachers received the same salary increases as good teachers, no one was being held accountable for performance, and there was no connection whatever between salary and student achievement. Similar stories could be told for most other mainstream reforms.

This was a tumultuous time, and much bolder ideas—for school choice, pay for performance, testing of veteran teachers for competence, and more—were finding their way into policy debates. But precisely because these reforms were threatening to the traditional structure of jobs and work, the unions were staunchly opposed and used their political power to block. The level of sheer reformist activity triggered by *A Nation at Risk* was unprecedented and seemingly revolutionary, but in substance it was an inside-the-box affair, stifled by the politics of blocking.³⁹

As the 1980s came to an end, these early efforts had clearly failed—and increasingly, the talk among reformers was about transforming the system. It was about fundamental change.⁴⁰ The result was a surge in support for two major movements that soon took on political power of their own: the choice movement and the accountability movement. Even so, governments throughout the country continued to invest heavily in mainstream reforms. Indeed, the reforms they pursued during the 1990s—and most of the 2000s—were mostly the very *same* kinds of reforms they pursued during the 1980s. Over this entire period, the states persisted in trying to improve their schools through more spending, higher across-the-board salaries, stricter academic requirements, more teacher training, and the like—all with great fanfare, as though this time around these recycled efforts would pay off.⁴¹

A number of “new” mainstream reforms gained support and attention along the way. Of these, the most popular was class size reduction, which was heavily promoted by President Clinton via his effort to fund 100,000 new teachers for the public schools. 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.⁴² Needless to say, this is a reform the teachers unions strongly supported. 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 the other mainstream reforms, class size reduction has proved a disappointment. It does nothing to restructure the system, and there is no evidence that it brings big improvements in student learning, especially beyond the first few years of

³⁷ National Center on Education Statistics, *Digest of Education Statistics, 2008* (Washington: NCES, 2008).

³⁸ *Ibid.*

³⁹ For blow by blow accounts of many of these battles, see Toch, *In Search of Excellence*.

⁴⁰ See, e.g., Toch, *In Search of Excellence*; Jennifer A. O’Day and Marshall S. Smith, “Systemic School Reform and Educational Opportunity” in *Designing Coherent Education Policy: Improving the System*, edited by Susan Fuhrman, pp. 250–312 (San Francisco: Jossey-Bass, 1993).

⁴¹ See, e.g., David Tyack and Larry Cuban, *Tinkering toward Utopia*; Frederick Hess, *The Same Thing Over and Over Again*.

⁴² 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.

school. Worse, it is among the most expensive of all possible reforms and cannot be justified in terms of bang for the buck.⁴³

What is the problem here? Why, over the last quarter century, have the states invested so heavily in reforms that offer so little promise? The answer is that, in addition to having a superficial appeal that makes them an easy political sell, these reforms are not threatening to the teachers unions (or, for that matter, to their usual allies like the school districts and the education schools), and the unions don't use their political power to block. The political gates are swung open, and governments are allowed to take action in ways that fit comfortably with the status quo.

From the standpoint of politics and power, then, mainstream reforms are all pluses and no minuses. The only downside is that they don't work.

School Accountability

The ideas behind accountability have obvious merit. If the school system is to promote academic excellence, it must have clear standards defining what students need to know. It must test students to measure how well the standards are being met. And it must hold students, teachers, and administrators accountable for results—and give them incentives to do their very best—by attaching consequences to outcomes. Writ large, these are simply the principles of effective management that business leaders live by every day: setting goals, measuring performance, attaching consequences, and creating strong incentives.

As the 1980s drew to a disappointing close, accountability offered a path to fundamental change. And because it was essentially a demand for effective management that business leaders, governors, and the general public could readily understand, it attracted broad support. The teachers unions, however, saw it very differently. Historically, teachers had been granted autonomy behind classroom doors, and their pay and jobs had been secure regardless of how much their students learned. Why would they want to have new requirements thrust upon them, their performance seriously evaluated, real consequences attached to their performance, and their jobs made less secure? These were radical departures from a performance-is-irrelevant past, and the unions were opposed.⁴⁴

They weren't alone. They had allies among (some) school administrators, who saw it as a threat to their traditional autonomy; among (some) civil rights groups, concerned that testing could lead to high failure rates for minority kids; among certain experts, who claimed that tests are flawed and culturally biased; and among certain Republican policymakers, who wanted to protect local control.

Yet this wasn't much of a coalition, especially as time went on. Many school administrators came to *support* accountability, because it gave them new leverage for improving their schools. Key groups speaking for disadvantaged kids—Education Trust, for example—became adamant supporters of accountability. As opinion surveys consistently showed, most parents and citizens supported accountability as well. Most experts firmly believed that test

⁴³ 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).

⁴⁴ For a perspective on the how the politics of accountability has unfolded across states, see Lance T. Izumi and Williamson M. Evers, "State Accountability Systems," in *School Accountability*, edited by Williamson M. Evers and Herbert J. Walberg (Stanford, Calif.: Hoover Institution Press, 2002).

scores could be put to valid, reliable use. And many Republicans—although ideologically resistant to *national* accountability efforts during the 1990s—have come around on the need for governmental action and are convinced that, at least at the state level, schools and teachers need to be held accountable.⁴⁵

In addition, the various members of the anti-accountability coalition have long been grossly unequal in terms of numbers, organization, money, and political clout. Except when it comes to national vs. state accountability (which mobilizes Republican policy makers), the teachers unions really *are* the coalition. Without them, the whole thing would collapse in a heap, and the opposition to accountability (at the state level) would lack sufficient power to stand in the way of true reform. The anti-accountability movement is driven by union power.⁴⁶

From the beginning, the unions were in a position to block. Yet because this reform was so broadly popular, they opted for a more sophisticated course of action: to “support” accountability, participate in its design, and try to water down any components they found threatening. This was their approach throughout the 1990s, when many states actually adopted some form of accountability. And it continued during the 2000s, in the wake of *No Child Left Behind*.

A key part of the union strategy has been the embrace of stronger curriculum standards—which, in themselves, are not threatening to teachers. It is the *testing* and the *consequences for poor performance* that the unions have sought to weaken and render ineffectual.

The science of testing is by far the most sophisticated component of the academic field of education. From the unions’ standpoint, the problem with standardized tests is that they provide concrete evidence on the performance of schools and teachers, not just of students. If tests show that kids aren’t learning, the publicity will inevitably bring public complaints, pressures to improve—and consequences. A rigorous testing system, moreover, would quickly reveal that some teachers are much better than others and that some are very bad. Indeed, that is precisely what the research literature *does* reveal.⁴⁷ Were such information routinely available, there would be objective grounds for removing bad teachers from classrooms. There would be objective grounds for giving better teachers higher pay. Accountability would begin to have real teeth.

The unions, accordingly, have long acted to prevent test scores from being put to serious use in evaluating teacher (and school) performance.⁴⁸ In New York City, for example, Joel Klein

⁴⁵ Most accounts of the politics of education put too much emphasis on Republican resistance to accountability. The reason is that virtually all these accounts focus on politics at the national level rather than at the state level where most education policy of consequence is actually made. What Republicans *have* resisted is federal intrusion in state affairs. They have long been much more supportive of accountability at the state level, and that is where most of the action has taken place. For accounts of national politics and Republican resistance to violations of local control, see, for example, McGuinn, *No Child Left Behind and the Transformation of Federal Education Policy*; Manna, *School’s In*; and Debray and Kaestle, *Politics, Ideology, and Education*.

⁴⁶ On the unions’ centrality, see, for example, Joe Williams “Echo Chamber: The National Education Association’s Campaign against NCLB,” Education Sector, Connecting the Dots (July 2006) on EducationSector’s web site at www.educationsector.org/sites/default/files/publications/CTDNEADollarsWITH_CORRECTION_NOTE.pdf; David Hoff, “NEA Lobbies against NCLB,” *Education Week*, November 9, 2007; Vaishali Honawar, “New AFT Leader Vows to Bring Down NCLB Law,” *Education Week*, July 30, 2008. On the ambivalent role of civil rights groups, see, for example, Karla Scoon Reid, “Civil Rights Groups Split on NCLB,” *Education Week*, August 31, 2005.

⁴⁷ 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.”

⁴⁸ 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

sought to improve teacher quality by bringing student test scores to bear—along with much other relevant information—in evaluating new teachers for tenure. The United Federation of Teachers reacted by playing its trump card: it went directly to the state legislature and got its allies to enact a new law prohibiting any district in the state from using student test scores in the tenure evaluations of teachers. The information was available, but the unions had now made it illegal to take the information into account.⁴⁹

The New York case highlights the information challenge that unions are increasingly up against nationwide. The rise of information technology, particularly during the 2000s, 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 organizing their schools. Nothing could be more basic to school improvement than good information. Yet the unions see good information as a serious threat—because it gives states and districts the capacity to link the evaluation and pay of teachers to student performance.⁵⁰

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 in state data systems. And if they have lost on that score, they have pushed for laws that (as in New York) simply prohibit the linked data from being used in the evaluation or compensation of teachers. For many years, they were quite successful. Until Arne Duncan’s Race to the Top intervened, only eighteen states even had data systems that were capable of connecting teacher data to student data.⁵¹

The unions’ ultimate goal is not to fight test scores. With some form of accountability unavoidable, what they aim for is a system that has *no negative consequences*—so that no one loses a job, no one’s pay suffers, and no schools are shut down or reconstituted as a result of poor performance. The union attack on test scores is ultimately a means of trying to ensure that there is *no evidentiary basis* for such negative consequences. But it is the negative consequences that are truly threatening, not the test scores themselves.

The unions have been extraordinarily successful over the last two decades at blocking negative consequences. Even the most straightforward reforms have gone nowhere. It would have been a simple matter, for example, for states to relax or eliminate their tenure laws in order to make it easier—in conjunction with new data—to remove low-performing teachers from the classroom. But this obvious reform was rarely even considered, and virtually nothing was changed. An exception occurred in Georgia, when Democratic Governor Roy Barnes eliminated

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.

⁴⁹ See, e.g., Jennifer Medina, “Bill Would Bar Linking Class Test Scores to Tenure,” *New York Times*, March 18, 2008.

⁵⁰ For a more extensive discussion of these issues, see Moe and Chubb, *Liberating Learning*.

⁵¹ 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.

tenure for incoming teachers in 2000. But he was the exception that proved the rule: the state teachers union targeted him in the 2002 elections—and was widely credited with his defeat.⁵²

The story isn't much different for performance-based evaluations, performance-based pay, the reconstitution of failing schools, and other reforms that would put teeth into accountability. For the greater part of 20 years, as accountability systems were being adopted in state after state—and then, at the national level, in the form of NCLB—the specific reforms that promised to make accountability real and consequential were not adopted. Indeed, they were usually not even entertained as serious policy proposals. The politics of blocking was almost universally successful at ensuring that the states would have accountability systems that were *literally not designed to hold anyone accountable*.

The unions' blocking power is not uniform across the states. They tend to be weaker in the South, for instance, and that is why some of the pioneering efforts in accountability have come from states like Texas, North Carolina, and Kentucky. Their influence also tends to be weaker at the national level than at the state level, because national politicians have larger, more diverse constituencies and the unions have much more interest-group competition.

It was due to this relative disadvantage at the national level, plus the fact that the political stars happened to line up just right for reformers—a very unusual event, with key Democrats in Congress on board (backed by groups representing the disadvantaged)—that the unions lost control of the politics of No Child Left Behind. They were unable to block it, and failed to deflate its strict reliance on test scores in evaluating the “adequate yearly progress” of schools. No Child Left Behind was a watershed event, and the unions' biggest legislative defeat in the modern reform era.

But even in a losing cause, they scored important victories—in stipulating, for example, that nothing in NCLB would take priority over local collective bargaining contracts, and in eliminating private school vouchers for kids in failing public schools. Most important of all, they were able to ensure that NCLB was *almost devoid of enforceable consequences* when districts, schools, and teachers failed to do their jobs.⁵³

As of today, roughly a decade after NCLB went into effect, this nation has fifty-one different accountability systems, one for each state and the District of Columbia, that conform to national requirements but have their own standards, their own tests, and their own sets of (supposed) consequences and enforcement actions.⁵⁴ To call them accountability systems, though, is more a matter of symbol than a description of what they actually do. Although Race to the Top and other recent developments may be generating some positive movement, as I'll discuss, the current reality on the ground is that, when it comes to the basics of a true system of accountability, there's just not much there. Among other things,

—Tenure is virtually ironclad, and mediocre teachers stay in the classroom year after year even if their children learn absolutely nothing.

⁵² See, for example, Patrick McGuinn, “Ring the Bell for K–12 Tenure Reform” (Washington: Center for American Progress, February 2010); Linda Jacobson, “Georgia Reform Law Stirs Political Pot,” *Education Week*, September 20, 2000. James Salzer, “Teacher Vote at Center of Race,” *Atlanta Journal-Constitution*, June 20, 2010.

⁵³ See, for example, Julie Blair, “Unions' Positions Unheeded on ESEA,” *Education Week*, November 6, 2002; Joe Williams, “District Accountability: More Bark Than Bite?” In *No Remedy Left Behind: Lessons from a Half-Decade of NCLB*, edited by Frederick M. Hess and Chester E. Finn Jr. (Washington: AEI Press, 2007).

⁵⁴ The details of state accountability systems can be found on the website of the Council of Chief State School Officers at www.ccsso.org and the website of the Education Commission of the States at www.ecs.org. For overviews, see Evers and Walberg, *School Accountability*; Chubb, ed., *Within Our Reach*.

—Data on student performance are regularly collected, but rarely are they put to serious use in measuring the performance of teachers.

—Teacher pay continues to follow the traditional salary schedule and is rarely linked to how much students learn.

—Schools rarely suffer any sanctions (such as reconstitution) for failing to teach their children.

The design of these systems, moreover, is just the first stage of a political battle that never ends. Soon after NCLB was adopted, the NEA went to court to try to have it declared illegal and thus to block it after the fact.⁵⁵ Both unions, meantime, launched public relations campaigns that loudly criticized accountability—claiming that students are over-tested, teachers are teaching to the test, pay for performance is “a blatant attack on collective bargaining,”⁵⁶ and so on—to convince the American public that NCLB was fatally flawed.⁵⁷ And both put heavy pressure on their Democratic allies in hopes that, when the bill came up for reauthorization (originally scheduled for 2008), it could be permanently defeated or at least substantially weakened. As of late 2011, NCLB *still* has not been reauthorized—and, with the post-2010 rise of the Tea Party and a renewed Republican embrace of local control, which have (unintentionally) aided the unions’ cause, the near-term prospects for a serious, nationally guided system of accountability are quite grim. The more accountability becomes a state and local matter in future years, the better the unions will be able to keep it under control.

School Choice

School choice, like accountability, has obvious advantages. Most importantly, when parents have the right to choose, *they can leave bad schools*—an empowerment that is especially valuable to poor and minority children, who are often trapped in the worst schools in the country. Choice also shapes organizational incentives. The public schools have traditionally had their kids and money guaranteed, regardless of how well they perform—but with choice the guarantees evaporate. For if schools don’t do their jobs well, they are likely to lose children and resources. There are *consequences* for ineffective behavior, giving schools incentives to perform and innovate.⁵⁸

Choice was first proposed in the 1950s by economist Milton Friedman, who advocated private school vouchers and envisioned a free market in education. Yet the modern choice movement, which picked up steam around 1990 (when accountability did), is *not* about free markets. Proponents recognize that choice may give rise to problems and challenges—of equal access for kids, information for parents, transportation, accountability, auditing of funds, and

⁵⁵ Bess Keller, “NEA Files ‘No Child Left Behind’ Lawsuit,” *Education Week*, April 20, 2005.

⁵⁶ Dean Vogel, vice president of the California Teachers Association, quoted in Alyson Klein and David J. Hoff, “Unions Assail Teacher Ideas in NCLB Draft,” *Education Week*, September 19, 2007.

⁵⁷ On the union’s attack on NCLB reauthorization generally, see, for example, Vaishali Honowar, “NEA Opens Campaign to Rewrite Federal Education Law,” *Education Week*, July 12, 2006; Honowar, “New Aft Leader Vows to Bring Down NCLB Law”; Klein and Hoff, “Unions Assail Teacher Ideas in NCLB Draft.”

⁵⁸ On the benefits that school choice stands to offer, see, for example, Terry M. Moe, “Beyond the Free Market: The Structure of School Choice,” *Brigham Young University Law Review* Volume 2008 no. 2: 557-592; 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)..

more—and that government needs to play a key role in designing rules to address these issues. Their ideal is still transformative: they want to end the district monopoly, proliferate new options, and dramatically enhance incentives. But they are not seeking to remove government from public education.

To the teachers unions, however, any expansion of choice is deeply threatening. When families are given new options, the regular public schools lose children, and thus money and jobs, and this is the last thing the unions want to allow. Indeed, were choice widely adopted, it could well trigger a devastating plunge in union membership, resources, and power. So the unions do *not* want families to have alternatives to the schools where their members teach. This is true even if the families are the poorest in the nation, if the kids are trapped in schools that are chronically bad, and if they would obviously benefit from new options.

The teachers unions are the nation's leading opponents of choice, but they do have allies. The NAACP has long seen choice as a veiled opportunity for whites to flee blacks; it is also concerned about job protection, because urban school systems are a prime source of minority jobs. The ACLU and the People for the American Way see vouchers for private schools (many of them religious) as a dangerous breach in the "wall of separation" between church and state. Liberals tend to be supportive of government, suspicious of markets, and worried that the poor cannot make good choices for themselves. And Democratic officials—who do the actual blocking—tend to be liberal in beliefs and electorally dependent on the unions.⁵⁹

The choice movement has long been more anemic than its opponents. Unlike the accountability movement, moreover, it has never benefited from broad business support. A few well-heeled individuals (the late John Walton, for instance) have been big contributors, but most business leaders have seen education reform as a *management* problem (and thus an accountability problem), because management is what they do for a living. Throughout the 1980s, 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 power base necessary to take on the unions. To have any hope, the movement needed to broaden its constituency.⁶⁰

It did that by taking a left-hand turn from its libertarian roots. The signal event came in 1990, when frustrated parents in inner city Milwaukee rose up to demand vouchers as a means of escape from their abysmal public schools. With pivotal support from Wisconsin's Republican governor, Tommy Thompson, they won a surprising victory over furious union opposition. It was just a pilot limited to 1000 disadvantaged kids. But the choice movement got a big boost. And the nation got its first voucher program.⁶¹

⁵⁹ For a discussion of the political coalitions involved in the school choice issue, see Terry M. Moe, *Schools, Vouchers, and the American Public* (Brookings, 2001); Hubert Morken and Jo Renee Formicola, *The Politics of School Choice* (London: Rowman and Littlefield, 1999); Kenneth Godwin and Frank 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).

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*.

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).

Since 1990, choice advocates have focused on poor and minority families in urban areas. The modern arguments for vouchers have less to do with free markets than with social equity, and opinion polls have consistently shown that its greatest supporters are poor and minority parents.⁶²

Energized by this focus on the disadvantaged, voucher supporters have managed to eke out victories here and there despite all-out union opposition. The Milwaukee program has been vastly expanded, and there are now a number of other voucher programs as well—almost all of them quite small, some of them just recently adopted—for low income children in other parts of the country: in Cleveland, Washington, D.C., Ohio state, Louisiana, Indiana, and Racine (WI). There are also voucher programs for special needs children in Florida, Ohio, Utah, Georgia, Ohio, Oklahoma, and Louisiana. And there are voucher-like programs that, through tax credits and nonprofit foundations, provide scholarships for low-income children (Florida, Arizona, Indiana, Iowa, Pennsylvania, and Rhode Island), for special needs kids (Arizona, North Carolina), and children generally (Arizona, Georgia, Louisiana, Illinois, Iowa, Minnesota).⁶³

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.⁶⁴ 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.⁶⁵ 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).⁶⁶ 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.)⁶⁷ 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 191,000 children are receiving vouchers or tax-credit scholarships.*⁶⁸ 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 (20,189 in 2010–11), the Florida McKay scholarship program for special education kids (21,054 in 2010–11), the Arizona tax

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 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.

⁶⁴ Michele McNeil, "Utah Vouchers Rejected in Overwhelming Vote," *Education Week*, November 7, 2007.

⁶⁵ *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.

⁶⁶ 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.

⁶⁷ 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.

⁶⁸ Figures provided by the American Federation for Children at www.federationforchildren.com/existing-programs.

credit program (27,476 in 2010–11), the Florida tax credit program (32,946 in 2010–11), and the Pennsylvania tax credit program (42,339 in 2010–11).⁶⁹ Outside the larger programs, vouchers today 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 getting established in American education.⁷⁰

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 much more politically attractive middle ground. With charters they could support *public sector* choice for disadvantaged families (and other families too)—thus responding to their 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 remained in the public sector and 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 had changed the political equation and given choice a wider opening to break through.⁷¹ And the 1990s turned into America's charter decade. In 1990 charter schools

⁶⁹ www.floridaschoolchoice.org/information/mckay/www.stepupforstudents.org/.

⁷⁰ There is a research literature that studies the impact of vouchers on student achievement, but I don't explore it here because my focus is on the *politics* of vouchers. The teachers unions are opposed to vouchers for reasons that have nothing to do with these impacts or what the research might show, and to dwell on the research (and do it justice) would be a distraction from the political themes that need to be highlighted here. Suffice it to say that good studies of voucher impacts are methodologically very difficult to carry out, and partly for that reason the findings from this research—as from much educational research on other topics (like accountability)—are mixed. The best research, in my view, has been carried out by Paul Peterson and a number of colleagues based on random-assignment studies. They found that vouchers led to significant achievement gains for African American students, who are the most numerous in these programs, but that there were no comparable effects for Hispanic students (although it is unclear why). See William G. Howell and Paul E. Peterson, *The Education Gap: Vouchers and Urban Schools* (Brookings, 2002). There are also well-done studies indicating that, by threatening public schools with a loss of students and money, vouchers give rise to competitive pressures that increase achievement in the public schools. See, for example, Caroline Hoxby, "School Choice and School Competition: Evidence from the United States," *Swedish Economic Policy Review* 10 (2003): 9–65; also Rajashri Chakrabarti, "Impact of Voucher Design on Public School Performance: Evidence from Florida and Milwaukee Voucher Programs," Working Paper (Federal Reserve Bank of New York, 2005). There are also studies that tend to put these findings in question. In a detailed assessment of the research literature as a whole, David Figlio concludes, "The weight of the evidence indicates that vouchers lead to improvements in satisfaction for users; they may have positive test score benefits for some segments of the United States population; and there may be some positive spillovers to the overall public school population." See David Figlio, "Voucher Outcomes," in *Handbook of Research on School Choice*, edited by Berends and others, pp. 321–37. In another recent review, Patrick Wolf sums up his assessment by saying, "We know that parents are much more satisfied with their child's school if they have used a voucher to choose it. We know . . . that the effect of vouchers on student achievement tends to be positive; however, achievement impacts are not statistically significant for all students in all studies and they tend to require several years to materialize." (He does not look at competitive effects.) See Patrick J. Wolf, "School Voucher Programs: What the Research Says about Parental School Choice," *Brigham Young University Law Review* 2 (April 2008): 415–46.

⁷¹ On the politics of charters during the 1990s, see Nathan, *Charter Schools*; Finn, Manno, and Vanourek, *Charter Schools in Action*. See also 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); Lance D. Fusarelli, *The Political Dynamics of School Choice: Negotiating Contested Terrain* (New York: Palgrave Macmillan, 2003); Bryan Hassel, *The Charter School Challenge* (Brookings, 1999). For a

didn't exist. But 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 5000 regular public schools at the time). And by 2003 forty states (including Washington, D.C.) had adopted charter legislation, where it has remained as of late 2010.

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 chronically underperforming public schools. They spawned some stunningly effective schools for disadvantaged kids—most famously, the KIPP schools (which now number 99 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.⁷²

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, inevitably, 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 always 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.⁷³

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 generate constant claims,

rather typical news account of charter battles, see, for example, Raymond Hernandez, “Charter Schools Gaining Support,” *New York Times*, February 28, 1996.

⁷² In addition to the works on charter politics cited earlier, see, for example, Hill and Jochim, “Political Perspectives on School Choice.” See also the website of the Democrats for Education Reform at www.dfer.org/. 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): n.p.. 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.

⁷³ 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 quantitative study showing that strong unions are associated with weak charter laws (or no charter laws at all), see Christiana Stoddard and Sean P. Corcoran, “The Political Economy of School Choice: Support for Charter Schools across States ssion in Christiana Stoddard and Sean P. Corcoran, “Charter Politics,” *Education Next* 8, no. 2 (Spring 2008): 72–78. See also Francis X. Shen and Kenneth K. Wong, “Beyond Weak Law, Strong Law: Political Compromises and Legal Constraints on Charter School Laws,” paper presented for the 2006 annual meeting of the American Political Science Association, Philadelphia, August 31–September 3, 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 2010* (Washington: Center for Education Reform, 2010), available at www.edreform.com. See also National Alliance of Public Charter Schools, “State Charter Law Rankings Data Base” (Washington: National Alliance of Public Charter Schools, 2006–09), available at www.publiccharters.org/charterlaws.

reports, and studies attacking charter performance and aiming to shrink their popularity.⁷⁴ 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 the new legislation should be annulled.⁷⁵

In certain cities, the situation has gotten away from the unions, 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 now 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. (39 percent), Detroit (28 percent), Kansas City (38 percent), Dayton (30 percent), Gary (30 percent), St. Louis (29 percent), and a number of other urban districts, where they are clearly offering families many new choices and creating meaningful competition for the regular public schools.⁷⁶

Reformers have been far less successful, however, in the rest of the country. Ten states do not even have charter laws. And in those that do, there are actually very few charter schools and only small percentages of kids attend them. Here, for example, are a few “charter states” and their enrollment percentages: Connecticut (1 percent), Illinois (2 percent), Indiana (2.2 percent), Iowa (0.1 percent), Kansas (.9 percent), New Hampshire (0.5 percent), New Jersey (1.7 percent), New York (2.1 percent), Oklahoma (1.0 percent), and Tennessee (0.7 percent). Nationwide, *after 20 years of reformist effort*, there are only 5275 charter schools in a population of nearly 100,000 public schools; and they enroll only 3.7 percent of the nation’s public school children.⁷⁷

⁷⁴ Assessing the effects of charter schools on student performance is very difficult methodologically. So not surprisingly, the research literature is rather mixed—although in general it is positive. A 2009 national study by CREDO, a Stanford-based research organization, finds that, while 17 percent of charters outperformed their traditional public school counterparts, another 37 percent did not; the unions and other charter critics have been highlighting this study ever since. Although its methodology (which employs “matching”) is much more sophisticated than that of many earlier studies, it has been severely criticized by Caroline Hoxby on technical grounds. Hoxby soon released a study of her own, relying on randomization, showing (for the state of New York) that charters do significantly better than regular public schools. She has done several other studies in the past, on different samples, arriving at the same basic conclusion. For the relevant studies, see Caroline Hoxby, “Multiple Choice: Charter Performance in 16 States” (Stanford, Calif.: CREDO, June 2009); Caroline Hoxby, Sonali Murarka, and Jenny Kang, “How New York City’s Charter Schools Affect Achievement” (Cambridge, Mass.: New York City Charter Schools Evaluation Project, September 2009). The critiques and responses can be found at credo.stanford.edu/. See also the critique written by Nelson Smith of the National Alliance for Public Charter Schools, who notes—rightly, and importantly—that the CREDO results for charters turn positive for students have been in charters for more than one year. See Nelson Smith, “CREDO Report Reconsidered,” on his organization’s website at www.publiccharters.org/files/publications/CREDOReconsidered-final.pdf. For a review (written prior to the recent CREDO-Hoxby exchange) of a large number of studies on the impact of charters on achievement, see Bettie Teasley, “Charter School Outcomes,” in *Handbook of Research on School Choice*, edited by Berends and others, pp. 209–26. Echoing Nelson’s point about the time-and-experience element, she notes, “Older more established charter schools tend to produce stronger academic outcomes than their traditional public counterparts.” (p. 224). See also Berends, Springer, and Walberg, eds., *Charter School Outcomes*.

⁷⁵ See, e.g., Stephen Ohlemacher, “Ohio Educators File Federal Lawsuit; Teachers Union Deems Charters Illegal,” *Cleveland Plain Dealer*, June 10, 2004; Catherine Candinsky, “Charter Schools Face Another Lawsuit,” *Columbus Dispatch*, March 24, 2007.

⁷⁶ The figures in this paragraph are taken from the “dashboard” data compiled by the National Alliance for Public Charter Schools, available at <http://dashboard.publiccharters.org/dashboard/home>.

⁷⁷ Again, these figures are taken from the “dashboard” on the web site of the National Alliance of Public Charter Schools at <http://dashboard.publiccharters.org/dashboard/home>. For perceptive, informative accounts of the many difficulties faced by charters, see Hill, *Charter Schools against the Odds*.

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.⁷⁸ Nationwide, about 420,000 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.

The Future

Even under the best of circumstances, improving the nation's schools would be a complicated business. Yet the basic requirements of success are easy enough to understand. The first is that, at the local level, schools need to be organized as effectively as possible to promote student learning. The second is that, when state and national 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.

As long as the teachers unions remain powerful, however, these basic requirements cannot be met. At the local level, the unions use their power in collective bargaining to impose their own organization on the public schools, burying them in restrictive, special interest work rules that make no sense from the standpoint of effective schooling. In the policymaking process, where higher-level reform ideas are battled out, they use their power to block or weaken anything that threatens their interests, making it impossible for governments to correct for the system's pathologies and create organizations that are built for top-flight performance.

Is there any hope that, going forward, the nation's public schools—and the policymakers who govern them—can somehow overcome the problem of union power and successfully organize for effective performance? Under normal conditions, the answer would be no. The teachers unions have been enormously powerful for decades; they are powerful now; and aided by the checks and balances built into the political system, they are in a position to *use* that power to block any attempts to take their power away. This is the Catch-22 of power: you can't take away the power of powerful groups, because they will use their power to stop you.

Yet fortunately for the nation, these are *not* normal times. American education stands at a critical juncture. Due to an unusual confluence of events, the stars are lining up in a unique

⁷⁸ Stephen Brill, "Teachers Unions' Last Stand," *New York Times Sunday Magazine*, May 17, 2010.

⁷⁹ Data are from the "Reports" section of the National Alliance for Public Charter Schools' website at www.publiccharters.org/dashboard/home. This figure is from 2009-10, the most recent available.

configuration that augers well for major change. Two separate dynamics are at work. Both are already under way, but in their early stages.⁸⁰

Endogenous Change

The first is arising endogenously *within* the education system and its politics. More than at any other time in modern history, the teachers unions are now on the defensive: blamed for obstructing reform, defending bad teachers, imposing seniority rules, and in general, undermining the interests of kids and effective organization. Powerful groups are taking action against them. Why is this happening?

Part of the answer is that the unions have been caught in a perfect storm. The states are in financial crisis and need to take radical action. Public pensions and retiree health benefit programs are underfunded to the tune of trillions of dollars, heightening the need for action. And Republicans, propelled by huge gains in the 2010 elections, have come to power in key states—with Tea Partiers in their midst—emboldened to use the financial crisis as a vehicle for major change. This was the Republicans' opportunity to overcome the usual checks and balances, enact education reforms the teachers unions had long blocked—and go after collective bargaining itself, the unions' power base, which heretofore has been politically untouchable.

In several states—Wisconsin, Ohio, Indiana, Tennessee, Idaho, Florida—the Republicans followed through with gusto, passing legislation that (in varying combinations, depending on the state) dramatically limited the scope of collective bargaining, prohibited union collection of “agency fees” from nonmembers, eliminated the “dues check-off” by employers, required performance-based evaluations of teachers, chipped away at tenure and seniority, and more. These legislative victories were historically unprecedented. They also set off a massive counterassault by the unions on many fronts: they demonstrated in the streets, tried to block through the courts, launched recall campaigns against offending Republicans (succeeding with two Wisconsin senators), and pursued ballot measures to have the reforms overturned (succeeding in Ohio, negating the entire Republican victory). They are now gearing up for the 2012 elections—and for unending future battles to reverse the nightmare.⁸¹

It is tempting to think that reformers now have the upper hand. Yet the unions remain enormously powerful, and the perfect storm will pass. Yes, it has wreaked havoc, but only in a handful of Republican-controlled states. It is not a uniform, national phenomenon. And even in these states, the financial crisis will soon fade, the Democrats will eventually gain greater power, and the unions will find better opportunities for reversing their losses (although checks and balances will now work against them in these states, with Republicans in a position to block.)

⁸⁰ On critical junctures and how they figure into analyses of institutional change, see, for example, Paul Pierson and Theda Skocpol, “Historical Institutionalism in Contemporary Political Science,” in *Political Science: The State of the Discipline*, edited by Ira Katznelson and Helen V. Milner (New York: W. W. Norton, 2002); Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis* (Princeton University Press, 2004); and Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics In Latin America* (Princeton University Press, 1991).

⁸¹ See, e.g., Steven Greenhouse, “Ohio’s Anti-Union Law Is Tougher than Wisconsin’s,” *New York Times*, March 31, 2011; Richard Locker, “Tennessee Legislature Ok’s Ban of Teacher Bargaining,” *The Commercial Appeal*, Memphis, TN, May 20, 2011; Jennifer Epstein, “Idaho Ok’s Bill Limiting Bargaining,” *Politico*, March 8, 2011; “2011 United States Public Employee Protests,” *Wikipedia* at http://en.wikipedia.org/wiki/2011_United_States_public_employee_protests; Monica Davey, “Republicans Hold On To Wisconsin Senate after Recall Vote,” *New York Times*, August 9, 2011.

The Republican victories are historic. But the sheer drama surrounding them tends to distract from another set of political developments that are much more widespread and fundamental—and much more damaging, long term, to the teachers unions. These are developments that have been taking place among Democrats.

The teachers unions are losing their grip on the Democratic base. With many urban schools abysmally bad and staying that way, with accountability putting the spotlight on poor performance, and with school choice offering attractive opportunities for escape that the unions systematically snuff out, respected advocates for the disadvantaged are fed up. More than ever before, they are demanding real reform, and they are overtly critical of the unions for obstructing it. Moderate and liberal opinion leaders—writing in *Time*, *Newsweek*, and other major outlets—regularly excoriate the unions for putting job interests ahead of children. A new group (formed in 2007), the Democrats for Education Reform, has attracted a bevy of high-profile Democrats eager to distance their party from the teachers unions, and it is taking serious action—in elections, in the legislative process, in the media—to make it happen.⁸²

Energizing this new movement is a growing network of activists, many of them (it appears) moderates and liberals, who are increasingly occupying positions of influence within the education and political systems—and are openly critical of the unions for blocking reform. The most vibrant source of this activism is Teach for America, which began as a recruiter of Ivy League students into two-year teaching stints, but whose alumni—including Michelle Rhee—have gone on by the thousands to immerse themselves in the cause of reform.⁸³ Working side by side with these activists are well-heeled philanthropic foundations—the Gates Foundation, the Broad Foundation—that have poured big money into reforms (such as performance based evaluations and pay) the unions have long opposed but that the new activist community very much favors.⁸⁴

This ferment has barely touched most mainstream Democratic officeholders, who remain union allies. Yet during the 2008 presidential primaries, there was one Democratic candidate who did *not* toe the union line; and that candidate, Barack Obama, managed to win the nomination and become president (in an election season that barely paid attention to education).⁸⁵ In office, he and his secretary of education, Arne Duncan, have cast their lot with the new reformers—producing (among other things) the 2009-10 Race to the Top, in which

⁸² See, e.g., Steven Brill, *Class Warfare* (Simon and Schuster, 2011); Dana Goldstein, “The Democratic Education Divide,” *American Prospect*, August 25, 2008, available at www.prospect.org/cs/articles?article=the_democratic_education_divide;

Jonathan Alter, “Obama’s No-Brainer on Education,” *Newsweek*, July 12, 2008; “‘Potential Disruption?’ Ending D.C. School Vouchers Would Dash the Best Hopes of Hundreds of Children,” editorial, *Washington Post*, March 2, 2009; Evan Thomas and Pat Wingert, “Why We Must Fire Bad Teachers,” *Newsweek*, March 6, 2010; Nicholas Kristof, “Obama Takes on the Teacher Unions,” *New York Times*, March 10, 2009; Joe Klein, “Why We’re Failing Our Schools,” *Time*, January 28, 2010; and the Democrats for Education Reform website at www.dfer.org/about/principles/.

⁸³ For details on Teach for America, visit 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; Brill, *Class Warfare*; Steven Brill, “Teachers’ Unions’ Last Stand,” *New York Times Sunday Magazine*, May 18, 2010; Evan Thomas and Pat Wingert, “Why We Can’t Get Rid of Failing Teachers,” *Newsweek*, March 15, 2010.

⁸⁴ See, for example, Richard Lee Colvin, “The New Philanthropists,” *Education Next* (Fall 2005): 34–41. See also Frederick M. Hess, “The Challenge of Giving,” *Education Week*, January 18, 2006; “Gates Foundation Announces Expanded Education Grantmaking,” *Philanthropy News Digest*, November 13, 2008.

⁸⁵ For a reasonable account of the various candidates’ issue positions during the 2008 Democratic presidential primaries, see the OnTheIssues website at www.ontheissues.org/2008.htm. See also Associated Press, “Obama Unveils Plans for Education Reform,” *USA Today*, September 10, 2008.

states competed for shares of \$4.35 billion by embracing reforms that Obama and Duncan favored and the unions had traditionally opposed. Whether the resulting reforms have real bite or turn out to be more symbol than substance remains to be seen. But the sheer level of reformist activity was stunning, and the ball was clearly moved downfield, particularly in promoting performance-based evaluations of teachers and the data systems that make them possible.⁸⁶

As this snapshot can only suggest, a lot has been happening recently in the politics of American education. Over the last decade or so, the tide has begun to move against the teachers unions. As far as politics goes, this is the big educational story of our era. It is not, first and foremost, a story about the Republican victories in Wisconsin, Ohio, and a few other states. It is largely a story about the unions' eroding base of support base among Democrats. Without this support base, they lose. Everywhere.

Yet the erosion will only go so far. The reason is that, by their words and deeds, even these reformist Democrats—from Obama and Duncan on down—have made it clear that they believe in unions and collective bargaining, and they have no intention of taking action to limit collective bargaining or weaken the power of the unions. They are serious about improving the nation's schools. But they intend to do it collaboratively, and thus within an education system filled with powerful unions that must somehow be accommodated and made "part of the solution." This intention is reinforced by a brute political fact: the power of the Democratic Party itself is highly dependent on the power of the unions, and thus on the continuation of collective bargaining.⁸⁷

The political dynamic we are now witnessing in American education, then—an endogenous development that has emerged within the system itself—is not equipped to bring about major change. It is exciting. It is unprecedented. It is a very positive force that propels the education system in the right direction. But it is inherently limited, because it does very little to *reduce the power* of the teachers unions—and they will continue to use their power to prevent the schools from being effectively organized.

Something more is needed. Something that *does* reduce union power.

Exogenous Change

To get a sense of what that something might be and how it might work, let's take a step back and consider two instructive examples.

The first is New Orleans. This city's school district was for many years among the worst in the nation and showed no signs of being able to reform its way out. But then, in 2005, a cataclysm occurred: the entire education system and its protective power structure—including its powerful local union—were literally destroyed by an immense force from the outside. Hurricane Katrina was an *exogenous* development whose origin and timing had nothing to do with education, and it was extremely costly one in terms of life and property. But it also had a good side. For precisely because it was beyond anyone's control, it accomplished what nothing *within*

⁸⁶ See Brill, "Teachers Unions' Last Stand"; Andy Smarick, "The Full Story on Race to the Top," Education Stimulus Watch Special Report 3 (Washington: American Enterprise Institute, March 2010); Sam Dillon, "Eastern States Dominate in Winning School Grants," *New York Times*, August 24, 2010.

⁸⁷ For a detailed discussion of this widespread belief in "reform unionism"—what it is, why it exists, and why it is based on a fundamental misunderstanding of union behavior and what is possible—see Moe, *Special Interest*, chapter 8 (also chapter 10).

the education system had ever been able to accomplish before—by decimating established power and liberating forces of innovation that had long been completely stifled.

When state and local officials began reconstructing the schools, they were largely free of the usual constraints—and they consciously chose *not* to embrace unionization and collective bargaining, and more generally, *not* to rebuild their system along traditional lines. Instead, they moved toward a full-blown choice system filled with charter schools, where virtually all important decisions—about hiring, firing, evaluations, the allocation of resources—are made at the school level. As of 2011, all children in New Orleans choose their schools, 70 percent of them are in charters, and test scores are much improved. New Orleans is now unique among all American school districts. This is a city overflowing with new ideas, with young, energetic teachers and principals (many of them products of Teach for America), and with a sense that something important is happening there. And it is.⁸⁸

In *The Rise and Decline of Nations*, one of the great books of modern political economy, Mancur Olson argued (and marshaled evidence to show) that political systems frequently become ossified over time by entrenched interest groups—and that wars and other disasters, by destroying established power structures, can be *liberating* and can lead to the creation of dramatically new and improved institutions. The salient examples are Germany and Japan. Both were destroyed by World War II; and as they were destroyed, so were their old authoritarian institutions and established groups. Institution-builders were then much freer to depart from the institutional past, and both countries rose from the ashes to become democratic nations and market-based economies.⁸⁹

Katrina was very much like a war in its devastating effects. But exogenous events don't have to be like wars to have very similar corrosive effects on established institutions. Consider what happened, for example, to the United Auto Workers. During the middle decades of the 1900s, it was a powerhouse in American politics, a major force in the Democratic Party, and so successful in collective bargaining that its autoworkers became the elite of the working class. Its

⁸⁸ On New Orleans, its school history, and its post-Katrina reforms, see Stacey M. Childress, "Reforming New Orleans Schools after Katrina," Harvard Business School, Harvard University, July 2008; Erik W. Robelen, "New Orleans Schools Seize Post-Katrina Momentum," *Education Week*, August 25, 2010; Sarah Laskow, "Necessity Is the Mother of Invention," *Newsweek*, August 26, 2010; Paul Tough, "A Teachable Moment," *New York Times*, August 17, 2008; Walter Isaacson, "The Greatest Education Lab," *Time*, September 6, 2007; Adam Nossiter, "Against Odds, New Orleans Schools Fight Back," *New York Times*, April 30, 2008; Ron Schachter, "Fresh Chance for New Orleans Schools," *District Administration*, December 2006; Kathryn G. Newmark and Veronique De Rugy, "Hope after Katrina," *Education Next* Vol. 6, no.4 (Fall 2006). For data on charters in New Orleans, see National Alliance for Public Charter Schools, *A Growing Movement: America's Largest Charter Communities* (Washington: National Alliance for Public Charter Schools, November 2010), p. 5, available at www.publiccharters.org/files/publications/AllianceMarketShareReport_FINAL_Nov2010.pdf. New Orleans' burst of innovation appears to have had a marked impact on student achievement. As *Education Week* observes, "State achievement data at various grade levels show considerable gains, and growth that has outpaced the state as a whole. For example, the percentage of 4th graders scoring at the 'basic' level or above in reading rose from 43 percent in 2005 to 62 percent in 2010, and in math from 47 percent to 59 percent." (Note that, while some students and their families did not return to the district after Katrina, most did, and the demographics of the student population are basically the same as before.) Quote is from Robelen, "New Orleans Schools Seize Post-Katrina Momentum."

⁸⁹ Needless to say, the institution-builders in these cases were heavily influenced by the United States. So another way of telling this particular story is that the United States was much better able to create democratic political systems and market-based economies in post-war Germany and Japan because their prior institutions and power structures had been destroyed and were not able to resist and heavily constrain the new institutional forms. See Mancur Olson, Jr., *The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities* (New Haven: Yale University Press, 1984).

membership grew to 1.5 million in 1979, and the union seemed a permanent fixture in the American power structure.⁹⁰ But in the 1980s, the UAW's organizational base began to crumble in a slow, steady decline that has continued to the present day. The world economy was becoming globalized and far more competitive: a world-changing development that the UAW and the auto companies could not stop. American car sales fell. Employment fell. And the results have been devastating. UAW membership has plummeted 75 percent from its 1979 zenith. It is no longer a major power in American politics and no longer a major force in the Democratic Party. It is a pale reflection of its former self.⁹¹

Unlike Katrina, globalization occurred slowly over a long period of time. In most respects, it is not like a war. It is an incrementally emerging *shift in the environment*--but one so profound that it can corrode the power and survival of major institutional actors. In the context of American education, *this* is the kind of exogenous development that--when coupled with the endogenous political ferment in favor of reform--is destined to produce a drastic reduction in the power of the NEA and the AFT. For them, however, the agent of doom is not globalization. It is the worldwide revolution in information technology.

This revolution is among the most profoundly influential forces ever to sweep the planet. It is fast transforming the fundamentals of human society and, with its rooting in information and knowledge, there can be no doubt that it will transform the way students learn, teachers teach, and schools are organized. It is the future of American education--indeed, of world education.

Even today, with education technology in its early stages, online 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 giving them access--wherever they live, whatever their race or background--to a vast range of courses their own schools don't offer, and ultimately to the best the world can provide. By strategically substituting technology (which is cheap) for labor (which is very expensive), moreover, schools can be far more cost-effective than they are now, and thus provide far more education per dollar--which is clearly crucial as we enter an era of tight budgets.⁹²

Precisely because technology stands to have enormous impacts on jobs and money, the teachers unions find it threatening and, throughout the 2000s, they have used their political

⁹⁰ See, for example, Kevin Boyle, *The UAW and the Heyday of American Liberalism, 1946–1968* (Cornell University Press, 1995). For membership numbers over time, see “United Auto Workers,” on Wikipedia at en.wikipedia.org/wiki/United_Auto_Workers.

⁹¹ Much has been written on the decline of the American auto industry. Here and below, see, for example, Paul Ingrassia, *Crash Course: The American Automobile Industry's Road from Glory to Disaster* (New York: Random House, 2010); Micheline Maynard, *The End of Detroit: How the Big Three Lost Their Grip on the American Car Market* (New York: Broadway Business, 2004); Tanvir Orakzai, “U.S. Auto Industry Decline: Lessons from Ford and GM,” *American Chronicle*, July 8, 2010; Xiaohua Yang, *Globalization of the Automobile Industry* (Westport, Conn.: Praeger, 1995). For a broader perspective on competition and the declines of unions generally, see Barry T. Hirsch, “Sluggish Institutions in a Dynamic World: Can Unions and Industrial Competition Coexist?” IZA Discussion Paper 2930 (Forschungsinstitut zur Zukunft der Arbeit, Institute for the Study of Labor, July 2007); Henry S. Farber and Bruce Western, “Accounting for the Decline of Unions in the Private Sector, 1973–1998,” *Journal of Labor Research* 22, no. 3 (2001): 459–85.

⁹² On the enormous benefits of technology for education, see Terry M. Moe and John E. Chubb, *Liberating Learning: Technology, Politics, and the Future of American Education* (San Francisco: Jossey-Bass, 2009); 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).

power—in state legislatures, in the courts—to try to block its advance. But education technology is not a reform. It is not a new law. Reforms and laws are small things by comparison, and they can be blocked. 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.

The advance of technology—much like the advance of globalization—will then have dire consequences for established power. 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, attracting away students, money, and jobs. 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. The era of union hegemony will come to an end. A new era—and a new education system—will begin.⁹³

Conclusion

I didn't write this paper to gaze into the future and offer a solution to the problem of union power in American education. I wrote it to describe and document the problem as it has emerged and taken hold since the 1960s, and to try to understand it. As it happens, there are solid grounds for believing that there *is* a solution, at least over the long haul. But it is only a solution because of an accident of history. The accident is that we live in a very special time: the entire world is caught up in a historic revolution in information technology. This is a monster development, entirely beyond the realm of normal reform activity, that is being thrust upon the education system from the outside.

I think it is quite likely that, were it not for this bombshell from without, there would be no solution. Especially within a government of checks and balances, power is its own protection. Under normal conditions, the Catch-22 of union power guarantees the stability of the existing education system, along with the stability of union power itself. And normal conditions have prevailed, tenaciously and despite all the hullabaloo about reform, for well over a quarter century.

A lot has happened during this time, to be sure. But if we step back from it all, what do we see? We see a nation whose leaders have fully agreed that improving the public schools is absolutely critical to the economic and social well being of the country, and who have been willing to invest heavily to bring that improvement about. We also see an education system that has been protected from change—protected by the teachers unions: which, as vested interests, have a deep stake in the status quo however inadequate its performance.

⁹³ For an extensive analysis of technology, the political resistance to it, and its consequences for union power and the politics of education more generally, see Moe and Chubb, *Liberating Learning*, which is the basis for the argument I am making here, and also in *Special Interest*, chapter 10. Christensen, et al., *Disrupting Class*, and Peterson, *Saving Schools*, have much of value to say about technology and its transformative potential, but they do not deal with the politics of technology, with the fact that the unions have strong incentives to fight and block it, or with why the unions are destined to lose and to have their power undermined in the process. That, in large measure, is what *Liberating Learning* is about.

Their power has had enormous consequences. In collective bargaining, they have imposed bizarre forms of organization on the public schools that no one 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. It is also true for extremely simple, easy-to-accomplish reforms, such as getting bad teachers out of the classroom.

Fortunately, we are not in normal times anymore, and the winds of change are blowing. Technology aside, a dramatic shift in the political tides—notably, the ferment within the Democratic Party and the growing network of moderate and liberal activists—have given reformers considerably more clout in the policy process. These are exciting developments, and they may well grow in strength and intensity. But they still leave the teachers unions with enormous power—indeed, these new-wave reformers have no intention of undermining the unions’ power base—and, without a big boost from technology, they are unlikely to bring about anything like transformative change. More performance-based evaluations, more data, more charters: small victories for sanity that are beneficial and much-needed. But they are still small, and they need to be recognized for what they are

If technology delivers a true breakthrough, it won’t happen overnight. It will probably happen slowly, over a long period of time, and may take decades. That is little comfort to the children of today, who deserve much more than they are getting.

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, the United States has 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.