THE RIGHT WING’S PLANS TO DESTROY PUBLIC SCHOOLING:
Why defending public schools from corporate attacks matters to all of us

by Prof. Gordon Lafer

The corporate agenda for education reform has advanced by fits and starts and through trial and error over the last decade, experimenting with a variety of means for achieving reform, uncertain whether charters or vouchers represent the best model for remaking education. Sometimes significant disagreements arose between competing corporate groups. Yet running through this history is a clear and consistent focus on a few key priorities broadly shared by all the corporate lobbies. They aim to replace public oversight with privately run schools, to downgrade the standards of teaching as a profession, to narrow curricula for most students, and to use for-profit digital products for a significant portion of the school day. In addition to all this, they aim to dissolve both the institution of education as a public good and the very idea of education as an entitlement of citizens that the government is responsible for providing.

Privatization—come hell or high water

In short, what was accomplished by hurricane in New Orleans is being pursued elsewhere by legislation. The path to privatization is increasingly straightforward: use standardized tests to declare poor schools “persistently failing”; put these under the control of a special, unelected authority; and then have that authority replace the public schools with charters. In its most ambitious version, this takeover strategy is being forced on tens of schools at a time. In 2011, both Tennessee and Michigan created special districts to take over low-scoring schools; in both cases, the superintendent was specifically authorized to replace public schools with charters. In 2014–2015, corporate lobbyists and Wisconsin legislators promoted bills to bypass the middle step and simply require that low-performing public schools be replaced by privately run charters. Since test scores are primarily a function of poverty, it’s no surprise that 80 percent of Tennessee’s schools targeted for privatization

(continued on page 2)
The Attack on Public Schools (continued)

are in Memphis, nor that the Michigan and Wisconsin bills focus, respectively, on Detroit and Milwaukee.

Recently, corporate-backed advocates have begun insisting that no public authority whatsoever should be responsible for running schools. Neerav Kingsland, CEO of New Schools for New Orleans, warns that superintendents “must not succumb to the temptation to improve schools through better direct operation. Rather, [they] . . . must humbly acknowledge that a marketplace of school operators will . . . out-perform even the best direct-run system.”

Reed Hastings, the CEO of Netflix and now an education entrepreneur, similarly suggests that the role of elected school boards be limited to “bringing to town more and more charter school networks. Sort of like a Chamber of Commerce would to develop business.”

Thus, what “slum clearance” did for the real estate industry in the 1960s and 1970s, high-stakes testing will do for the charter industry: wipe away large swathes of public schools, enabling private operators to grow, not school by school, but twenty or thirty schools at a time.

Replacing experienced teachers with software

The fastest-growing sector of the for-profit charter industry is online. However, the market for entirely virtual schools is limited, particularly in poor cities, where fewer parents can serve as the stay-at-home tutors required to supplement online modules. Investors thus face a contradiction: the greatest opportunity for charter school growth is in poor cities, but this is also where wholly online schools are least likely to flourish. The solution has appeared in the emergence of “blended learning” schools, where students attend physical schools but spend a portion of their day online. One of the exemplars of this model is the Rocketship Company, based in Silicon Valley with additional schools in Milwaukee, Nashville, and Washington, D.C.; the president of the Metropolitan Milwaukee Association of Commerce (MMAC) sits on Rocketship’s board, and the company’s model was upheld both in Milwaukee and by ALEC affiliates nationally as a model for what should replace troubled public schools.

Rocketship’s model is based on four principles. First, the company cuts costs by replacing teachers with technology. Starting in kindergarten, students spend one-quarter of their class time in teacherless computer labs, using video game-based math and reading applications. The company has voiced hopes of increasing digital instruction to as much as 50 percent of student learning time.

Second, Rocketship relies on a corps of young, inexperienced, and low-cost teachers. Teacher turnover is dramatic—approaching 30 percent in 2012–2013—but the company contracts with Teach for America to supply a continuous stream of replacements.

Third, the school has narrowed its curriculum to a near-exclusive focus on math and reading. Since both Rocketship’s marketing strategy and teachers’ salaries are based on reading and math scores, other topics are treated as inessential. There are no dedicated social studies or science classes, and the schools have no music classes, no foreign languages, no guidance counselors, and no libraries.

Finally, Rocketship maintains a relentless focus on teaching to the test. Students take standardized tests every eight weeks; following each, the staff spends a full day revising lesson plans with an eye to improving scores. Rocketship boasts of its “backwards mapping” pedagogy—starting with test standards and then developing lesson plans to meet them. Rocketship is, as near as possible, all-test-prep all-the-time.

The Rocketship model points to a critical distinction in the role of technology. Students in privileged schools often make extensive use of technology. But while these students are encouraged to be active users of technology—writing code, editing films, recording music, and designing graphics—Rocketship’s students are passive users of technology, essentially plugged into video game-based applications designed to drill them for upcoming tests.

Rocketship itself is nonprofit, but its operation blurs the line between profit and nonprofit. For instance, Rocketship has received generous funding from both Reed Hastings and a fund headed by the venture capital executive John Doerr. In turn, Doerr and Hastings are among the primary investors in DreamBox—a for-profit math application that Rocketship uses in its computer labs. The U.S. Department of Education reviewed DreamBox in December 2013, concluding that it has “no discernible effects on mathematics achievement.” After Rocketship-commissioned consultants offered further data, the DOE upgraded its assessment of DreamBox to
education as a public right. When Michigan took control of a Detroit-area school district in 2012 and hired a private charter company to run the entire district, the American Civil Liberties Union filed a class-action suit alleging that the state was abandoning its responsibility to provide a decent education to Michigan children. In response, the Snyder administration argued that once it contracted with the private operator, the government no longer bore responsibility for guaranteeing any particular quality of education. Ultimately, the state appeals court went even further than the governor, ruling that—regardless of privatization—the state has no constitutional obligation to provide students any particular standard of education. The full ramifications of this decision are not yet clear, but it opens a legal door to the final unraveling of public schooling.

Elementary and secondary schooling in the U.S. is the country’s last remaining socialist enterprise…. The way to privatize schooling is to give parents … vouchers, with which to pay tuition at the K-12 schools of their choice…. Pilot voucher programs for the urban poor will lead the way to statewide universal voucher plans. Soon, most government schools will be converted into private schools or simply close their doors. Eventually, middle- and upper-income families will no longer expect or need tax-financed assistance to pay for the education of their children, leading to further steps toward complete privatization…. This is a battle we should win…. But in the short term, there will be many defeats caused by teacher union opposition.

—Joseph Bast, president, Heartland Institute (ALEC affiliate)

It is clear what venture capitalists and hedge fund investors hope to get out of education reform; so too for Republican strategists looking to defund unions. More broadly, and for those corporate organizations that have no direct financial stake in the industry, the dismantling of education may—whether consciously or not—play a central function in lowering expectations and accustomed the public to make do with conditions of increased inequality.

Education is the one remaining public good to which most Americans still believe we are entitled by right of citizenship; destroying it through privatization may have far-reaching ramifications in erasing the commonsense consensus for using progressive taxation to provide universal services. There is nothing more personal to most adults than their children, and the experience of gradually coming to accept larger and still larger classes, further cutbacks in art, language, and science, with spotter instruction from more poorly trained teachers, has a deeply personal effect.

In addition, education itself is intrinsically linked to expectations. Apart from conveying knowledge, school also conveys powerful messages of what is expected of students and what they should expect of themselves. Traditionally, part of the role of teachers is to encourage students to raise their sights, to aim higher to gain a greater sense of their own capacities, and to be bolder in what they hope to accomplish in life. If the role of teachers is scaled back to test preparation, delivering lessons based on nationally marketed curricular products, and limited to a few narrowly defined subjects,
instructors come to convey the opposite: don’t think too much of yourselves; we don’t think it’s worth investing too much in you.

The corporate curriculum—making America quiet again

In this sense, it may be meaningful that some of the states most often held up as exemplars of corporate reform have also been leaders in the political censorship of school materials that might encourage populist mobilization against the economic elite. ALEC’s Founding Philosophy and Principles Act calls on all states to institute mandatory civics courses stressing core principles including small government, “freedom of individual enterprise,” and “limitations on government power to tax.” Florida embodied this spirit in a 2006 law requiring that only “factual” history be taught in school, defined to include “the nature and importance of free enterprise.” Arizona in 2012 shut down the teaching of Mexican American Studies in Tucson high schools, banning any courses that “promote resentment of a particular race or class of people”; the law’s author complained that ethnic studies was teaching students resentment toward “the white power structure.” Finally, in Indiana, Governor Mitch Daniels instituted a systemwide overhaul of the state’s teacher-training standards with the sole motive of removing Howard Zinn’s A People’s History of the United States from the curriculum.

It was the tradesmen who came to the legislature to plead the cause of public education, for they realized that their sons and their daughters would forever remain slaves to an industrial machine unless given equal opportunity for education with the sons and daughters of the wealthy.

—Horace Mann

Long ago an adviser to Presidents Nixon and Reagan noted the pitfalls that could come from educating working-class students in a time of economic scarcity. “We are in danger of producing an educated proletariat,” he warned. “We have to be selective about who we allow to go through higher education. If not, we will have a large number of highly trained and unemployed people.” No one since has spoken this logic out loud. Yet, whether consciously or not, for those at the top of the economy it may still be true that, in periods of long-term decline, the last thing you want is a lot of well-educated poor people. Thus for reasons of social strategy as well as financial interest, the dismantling of public education may serve the broader corporate aim of accelerating inequality while forestalling populist backlash…. Why ALEC and its allies attack teachers and teachers unions

The corporate lobbies’ proposals to replace public schools with privately run charters are presented as a needed response to “failure.” Yet by supporting reduced school funding and opposing economic policies that make it easier for families to work their way out of poverty, these organizations are helping create the conditions most likely to ensure failure. Indeed, the business lobbies appear to be in the position of first helping to create educational failure and then proposing to sweep in and solve the problem through privatization.

Understanding the corporate agenda also helps make sense of the myriad attacks on teachers’ unions seen in states across the country. It is telling that while teachers have been attacked as overpaid, restrictions on collective bargaining have not aimed at their ability to negotiate wages or benefits. Instead, they have overwhelmingly focused on the right of teachers to voice proposals regarding standards of educational quality. In both Indiana and Idaho, for instance, lawmakers prohibited teachers from bargaining over class size, technology, professional development, performance evaluations, or curriculum—anything but wages and benefits. Michigan’s law adds the privatization of school services to the list of topics forbidden from negotiations.

At the heart of the offensive against teachers’ unions is the idea that teachers are selfish, placing their own interests ahead of their students’. But the legislative record suggests just the opposite.

In the fall of 2010, the Florida education advisor and charter champion Patricia Levesque advised reformers that they needed to “spread” the teachers’ union thin by introducing a plethora of antiunion bills. It didn’t matter so much whether those items passed or failed; by occupying the attention and energy of union leaders, they would enable more important items such as charter expansion to fly through the legislature “under the radar.” In 2015, the chairman of the Oklahoma Republican Party likewise argued that teachers should be banned from paying union dues through their employers’ electronic payroll system not because union economic demands were too high but because they were “blocking” some of the most important education reforms . . . such as school choice.

If only unions restricted their concern to their own wages and benefits, they might be less subject to attack. The primary cause for antiunion animus from the corporate lobbies, it appears, is not that teachers’ wages are unaffordable but that they represent the primary political obstacle standing in the way of the unbridled triumph of corporate education reform.
The teachers’ strikes of 2018: Pushing back against the corporate education agenda

In the past year, teachers in multiple states took the public by surprise by engaging in mass strikes. Notably, the strikes occurred not in places thought of as traditional union strongholds, but in “right to work” states dominated by corporate-funded politicians, including some at the leading edge of attacks on teacher unions and privatization of schooling. In West Virginia, Oklahoma, Kentucky and Arizona teachers walked out not only over demands for improved pay and benefits but also calling for smaller class sizes, newer textbooks, less teaching to the test, better teacher training and more librarians, school nurses and social workers.

In all these states, teachers rose up not only in the narrow mission of unions looking out for their members’ livelihoods, but also in defense of the broader mission of safeguarding the quality of students’ education and the professional standards of teaching as a craft. These strikes won some and lost some of the goals they set out to achieve, and it’s too early to know how these movements will play out. But the strikes clearly outlined the battle over public education, as a non-partisan struggle being fought in all fifty states.

Professor Lafer teaches at the University of Oregon and has worked as a union organizer, as a research associate at the Economic Policy Institute and as senior labor policy advisor for the U.S. House of Representatives’ Committee on Education and Labor. This article is an excerpt (updated by the author) from The One Percent Solution, on the right wing’s campaign, led by ALEC and its allies, to roll back the rights of the rest of us. Copies available through Powell’s Books or Amazon (a member of ALEC until 2012).

Northwest Unions at the Cutting Edge

A FSCME Local 88’s members in Multnomah County and the UAW’s members at the University of Washington have won the right to grieve disputes involving workplace microaggressions under their union contracts. Because microaggressions are not currently stand-alone violations of Title VII, grievances can be more effective in fighting a common form of workplace bias.

We will be focusing on how we can win similar rights at other workplaces, particularly in the public sector in the post-Janus world, in a hot topics workshop at the Convention on Sunday, November 4th at 1 pm. Leading the discussion will be Barbara J. Diamond, an NLG member, filmmaker, and union lawyer, and Marina Moro, organizer, both of whom have worked as equity trainers for their union clients. Get copies of the contract provisions and learn how to identify and counteract microaggressions.

Resisting Austerity: What the Teacher Strikes Mean for Workers, Students and Our Communities

The enemies of public education—including ALEC, the religious right, the Tea Party, and privatizers of all stripes—have been trying to starve public schools and destroy teachers’ unions for the last quarter of a century. Politicians from both parties who depend on the support of the financial sector have been eager to privatize and cut funding for public education across the country.

This attack on public education has taken many forms: from cutting taxes as part of the campaign to “drown the government in a bathtub” and using test results to punish the students and teachers who need help the most, to siphoning off tax funds to support unaccountable charter schools and reconfiguring education to champion software-based distant learning in a way that desskills teachers and cheats students of a real education.

Now, teachers are striking back. In the last year we’ve seen teachers across red and purple states wage some of the most exciting and innovative workplace actions of our time. Tens of thousands of teachers are fighting back not just on behalf of themselves, but against the austerity measures that have been starving public education. The West Virginia teachers’ successful strike and the similar campaigns it has inspired in other states have shown how to fight for public education and public employees’ rights, while organizing public support for public education—which remains strong, despite years of right-wing propaganda. (continued on page 6)
Resisting Austerity (continued)

The Labor & Employment Committee will be presenting a workshop at this year’s Convention featuring activists who have been working on these issues for years. This panel aims not only to educate our members on the critical issues we face, but to engage Guild members in the political and legal fight back against these attacks. Our panelists include

- **Michelle Burton**, a long-time public school librarian in Durham who has been active organizing other teachers in North Carolina, sits on the board of the Durham Association of Educators and is a member of the Organize 2020 Caucus, the social justice caucus of the North Carolina Association of Educators. She and other members of DAE led the way in shutting down the Durham School District, the first school system in North Carolina to close as part of the May 16 teacher walk-out. She will discuss the lessons learned through her organizing work and its links to wider struggles.

- **Christine Campbell**, President of AFT-West Virginia, who has long advocated for raising the education profession and empowering educators with a voice at the national, state, and local level, will describe both the pressures that led to teachers’ successful strike and the work that still must be done to secure those gains.

- **Gordon Lafer**, Professor at the University of Oregon and author of a number of articles on the attack on public education and public sector unions, including *Do Poor Kids Deserve Lower-Quality Education Than Rich Kids? Evaluating School Privatization Proposals in Milwaukee, Wisconsin* (Economic Policy Institute, 2014) and *Breaking Point: The Cost of Charter Schools for Public School Districts* (In The Public Interest, 2018). Lafer’s most recent book is *The One Percent Solution: How Corporations Are Remaking America, One State at a Time* (Cornell University Press, 2017). He will address the attack by ALEC and its allies on public education and what can be done to resist it.

- **Sabrina Joy Stevens**, a teacher-turned-writer and advocate and the Senior Manager of Campaign and Digital Strategies for the National Women’s Law Center, with a background as a communications strategist, organizer, and trainer for a variety of grassroots campaigns, organizations, and unions, will speak on the battles against privatization and inequity in education, as well as the social inequality and economic injustice that holds children and families back.

Join us on Saturday, November 3rd at 9 am to hear from those who have made a difference in this critical fight for the future of public education and democracy in all fifty states.

Reports from the Chapters—Los Angeles

by Ben O’Donnell

The Workers Rights Committee in Los Angeles has created a twenty-four page booklet for workers and their representatives that provides an overview of California workplace rights in everyday English and Spanish. We took our inspiration from a similar know-your-rights booklet that the New York City Chapter has produced.

Workers in California have some of the strongest protections in the nation, yet those protections are often trampled upon because workers do not know about them or are not able to enforce them. We have produced this booklet to aid those organizations—workers’ centers, unions and legal advocacy groups—that represent those workers in organizing to enforce the law.

Starting with the minimum wage and overtime, the booklet clarifies the laws workers need to know in order to empower themselves and their co-workers. In concise summaries, the booklet covers Wage & Hour, Benefits, Discrimination & Harassment, Reasonable Accommodation, Worker’s Compensation, Workplace Safety, Union Rights, Misclassification, and the Rights of Immigrant Workers.

We are taking steps to distribute the booklet through workers centers and similar organizations. Recognizing that our handbook is only the first step, we are also creating a network of lawyers and law students who can offer training on these issues.

While this booklet is California-specific, it can be adapted for other states as well. Please contact our Chapter’s Executive Director, Kath Rogers, at kath@nlg-la.org if you are interested in ordering copies of the booklet for you or your organization to distribute.

Our Chapter is also planning a workshop next month on the California Supreme Court’s *Dynamex* decision, which rewrites the standard for distinguishing employees from independent contractors for a wide range of California wage and hour claims. This new ABC test, similar to the test used in other states, such as Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Vermont and Virginia, could make it easier for thousands of misclassified workers get the minimum rights the law has promised.

Finally, our Chapter has partnered with the Koreatown Immigrant Workers Alliance (KIWA) to support KIWA’s Worker Empowerment Clinic, a free, weekly legal clinic for workers with employment-related disputes. The WEC is notable because KIWA is committed to using remedies beyond the court system, such as petitions, pickets, and delegations, where appropriate, to help workers achieve justice faster than they would through administrative agencies or the courts.
¡CUBA SI!
20th Anniversary L&E Cuba Delegation 3/15–24/19

The Labor & Employment Committee has been sponsoring research delegations to Cuba, including both an international conference and a bilateral (Cuba-US) professional research program, since 2000. We will be returning in mid-March 2019 for the 20th Annual Bilateral Professional Research Project and the 12th International Conference on Labor Rights.

We will depart Havana March 16 for a multi-day visit to the ecological treasure Pinar del Rio (or Sancti Spiritus), where we will visit Cuban workplaces and interview workers, union leaders and labor lawyers. This bilateral exchange will be co-hosted by the Labor Law Society of the National Union of Cuban Jurists (UNJC) and the Cuban Workers Central (CTC).

We return to Havana March 20 for the International Conference, which will bring together lawyers and labor activists from all corners of the hemisphere, allowing participants to build links in the global chain to fight back against the ongoing assault on workers’ human rights. The 2019 Conference will cover a wide range of issues of immediate importance, including

- Labor Rights in the 21st century.
- The right to social inclusion.
- Articulating a program in defense of workers’ rights as the Latin American Social-Labor Charter.
- Labor law reforms and their impact on workers’ civil and economic rights.
- The working class, the labor movement, threats to union freedom of association and collective bargaining in the 21st century.
- The right to information and the participation of workers in business management.
- Workplace health and safety and the prevention of risks at work. Toxic substances in the world of work.
- Autonomous (self-employed) workers and production and service cooperatives, their protection.
- Migrant workers and the defense of their human rights.
- Human trafficking in work settings.
- Procedures to solve labor conflicts.

The Conference is endorsed by the Latin American Association of Labor Lawyers (ALAL), the Brazilian Association of Labor Lawyers (ABAL), and the Association of Labor Lawyers of Argentina (AALA).

And on top of all this the tour gives you the opportunity—which may become even harder to obtain in the future, given the barrage of threats coming from the White House—to make strong and enduring friendships with our fellow Guild members on the delegation. You need to register by January 1, 2019—don’t delay!

For more information and to register, please contact:
Mayra Alonso, Marazul Charters, Inc.
1 Marine Plaza, Suite 302, North Bergen, NJ 07047
malonso@marazul.com 1-800-223-5334 (Phone)
1-201-319-8970 (Fax)       1-201-319-1054 x 16

You can learn more about our past delegations by going to http://www.nlg-laboremploy-comm.org/Intl_Cuba_Research.php. Join us!

Attacks on the Labor Movement in the Americas and the Fight Back

The global campaign against workers rights and progressive movements has been especially severe in the Americas. We will be addressing the significant repression brought against the labor movements in the Americas and the resistance to it at a Convention workshop on Friday, November 2nd at 9:30 am. Developing a fight back strategy is essential.

The Guild’s International Labor Justice Working Group, which draws its members from both the Labor & Employment and International Committees, is cosponsoring this workshop with the Association of Labor Lawyers of Latin America and the Canadian Association of Labour Lawyers/ACAMS. Our speakers will include:

- Luisa Fernanda Gomez Duque, President, Asociación Laboral de America Latina (ALAL)
- Guillermo Ferriol Molina, President of the Cuban Labor Law Society
- Marie-Claude St-Amant, representative of the Canadian Association of Labour Lawyers/Association Canadienne des Avocats du Mouvement Syndical (CALL/ACAMS)
- Ashwini Sukthankar, Director of International Campaigns UNITE/HERE

Join us in an important discussion of labor’s strategies to advance workers’ rights.

http://www.nlglaboremploy-comm.org/
The Labor & Employment Committee is now accepting applications for our Mentorship Program. The program is a great opportunity for law students, recent graduates, and new legal workers to learn from experienced labor & employment attorneys and legal workers and vice versa.

We are also seeking volunteer mentors! If you are interested in being either a mentor or mentee, please contact Angela Cornell at abc49@cornell.edu or Setareh Ghandehari at nlglabor@gmail.com.

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**MENTORS NEEDED**

The Labor & Employment Committee is proud to announce that we have a new enthusiastic group of student leaders! To accommodate such a large interest among students, we have formed a Student Committee. Join us in welcoming our new group! The members are as follows:

**Student Representatives:**
- Leticia Chavez, Golden Gate School of Law, 2L
- Queen Arsem-O’Malley, Northeastern School of Law, 3L
- Patrick Foote, Chicago-Kent School of Law, 2L

**Student Members:**
- Andi Pla, University of Oregon School of Law, 2L
- Christopher Zatratz, City University of New York School of Law, 3L
- Amina Malik, University of the District of Columbia School of Law, 3L
- James Escobedo, Roger-Williams University School of Law, 3L
- Matthew Lutwen, Cornell School of Law, 3L

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