

# THE NETWORK FOR PUBLIC EDUCATION ACTION

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## Strengthening K-12 Education: A Submission to the Democratic Party for the 2016 Platform

### Executive Summary

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Public education is a pillar of our democracy. For the first time in our nation's history, it is under relentless attack. The Democratic Party has historically advocated for federal policies that promote equitable educational opportunities for all children, as well as policies that treat teachers as professionals. It is imperative that the platform spell out a clear and well-informed plan for K-12 education policy.

Here are five key principles that should be included in that platform.

1. **Eliminate High Stakes Testing:** Over-testing and the inappropriate use of those tests are wasting billions of taxpayer dollars on testing materials, test prep, and test remediation. High-stakes tests falsely and unfairly label students of color, students with disabilities, and English language learners as failures, as early as age eight, further disadvantaging them and subjecting them to ineffective turnaround reforms. Teachers and schools should not be rated or punished using test scores.

2. **Support Policies that Close the Opportunity Gap:** Provide extra resources for schools and districts that enroll students with the greatest needs. Do not close them based on test scores. Invest in early childhood education, lower class sizes, wraparound services and ample and well-qualified teaching and school support staff.

3. **Fully Fund the Individuals with Disabilities Education Act:** Increase IDEA funding of \$11.4 billion in 2015 to \$28.7 billion, providing states with more funds so that students with disabilities can receive the extra resources and services they need.

4. **Protect Student Privacy:** FERPA must be strengthened. Prohibit the commercial sharing and marketing of student data. Ensure that parents and students have full access to what data is collected, why it is collected and with whom it is shared.

5. **Adopt Federal Spending Policies that Support Public Education:** Reinvest in our teaching force. Teachers should have federal protection of their collective bargaining rights and there should be ample, funding for the profession. Ill-informed national and state policies have resulted in a national teacher shortage. Support early childhood education, enriched curriculum, and smaller class sizes. Prioritize federal money to support public education over charter school corporations.

The statement that follows expands upon these five principles. The Network for Public Education, which represents over 22,000 supporters, asks that you give it your serious consideration as you develop the Democratic Party platform.

### **Strengthening K-12 Education**

Public education is a pillar of our democracy. For the first time in our nation's history, it is under relentless attack. On June 1, 2016, in an editorial for the *Washington Post's Answersheet*, civil rights icon, James Meredith, declared this to be a "dark age" of American education.

*"I stand with groups like the Network for Public Education against education policy governed by the mass standardized testing of children; against the privatization of public education; against mass school closures to save money or to facilitate privatization; against the demonization and de-professionalization of teachers; and against for-profit management of public schools."*

Sixty years after the historic *Brown v. Board of Education* ruling, we have failed to make education equitable in this country. The practice of brokering the responsibility of educating our children to private operators for profit is a slap in the face to the sacrifice made by those who fought for integrated public schools that serve all children regardless of race, family wealth or disability. Right-wing philanthropy and many elected officials, including Democrats, have turned their back on this mission. The people who can fix our schools--educators, parents, students and communities--are held hostage by the school privatization movement.

Most states now allow the transfer of public funds to privately managed corporations through various means including: vouchers, education savings accounts, for-profit charters and online schools, and corporate charter chains with exorbitant salaries for executives as well as private opportunities for profit. Since 1991, there has been a fast-growing model of for-profit and not-for-profit corporate charter chains, often of dubious quality, that are enriching their owners, executives and operators with taxpayers' money while draining resources for democratically governed community public schools. Never before in our history have public schools been operated by for-profit entrepreneurs and non-educators. Federal policies, influenced by right-wing interests, wealthy financiers, foundations and big business, have furthered this attack.

To make matters worse, these privatization schemes are highly racialized. Schools are closed in primarily black and brown communities, where "school choice" is a mirage for the absence of choice; parents and educators who are robbed of the choice of a strong public school within walking distance of their homes. In cities like New Orleans, Newark and Chicago parents and students have waged courageous fights to protect their schools. They have engaged in boycotts, sit-ins, filing civil rights complaints, and hunger strikes—and yet the privatization movement continues.

And just as neighborhood schools are under attack, our nation's teachers have been subjected to unrelenting criticism for conditions beyond their control. They have been subjected to unproven evaluation systems, many judged by the test scores of students they never taught. Teachers are demoralized by low pay and poor working conditions. Veteran teachers are retiring early, and enrollments of new teachers have plummeted. We must restore respect for our teachers and for the profession.

The following policies will strengthen and improve our nation's educational system. They should be a part of the Democratic Party platform.

### **Eliminate High Stakes Testing**

Standardized high-stakes testing is not the answer to school improvement. Testing is a measure, not a remedy. The 2015 PDK/Gallup's annual education poll found that 64% of those polled believed that there was "too much emphasis on testing."

Over-testing and the inappropriate use of those tests are wasting billions of taxpayer dollars on testing materials, test prep, and test remediation, all provided by the same few vendors. Policies should:

- Enable parents to opt their children out of participating in standardized testing if they choose. Regulations should not penalize, poorly rate or mandate special interventions for schools or districts in which there are high rates of opt outs.
- Encourage states to develop multiple measure approaches to assessment, similar to the New York Performance Standards Consortium and the multiple measures approach of the International Baccalaureate.
- Reject annual testing. Substitute sampling similar to National Assessment of Educational Progress exams. Sampling is used in Finland, one of the most successful educational systems in the world.
- Encourage states to move from standardized tests created by testing corporations to those created by practicing educators and to use those assessments for diagnostic purposes to help students, teachers and schools improve.
- Reject the use of student test scores in teacher and principal evaluations. Support the evaluation of teachers by professionals, not by statistically unreliable student test scores, a practice that has been repeatedly rejected by researchers, including the American Statistical Association.
- Stop closing struggling schools based on test scores. Make sure that schools receive the resources, supervision and support that they need to improve.

### **The Opportunity Gap vs. The Achievement Gap**

Discussions of the achievement gap are used to justify increased standardized testing, scripted curriculum, zero tolerance discipline policies, and the privatization of public schools. Yet we fail to acknowledge the root cause: the 'Opportunity Gap' that exists between students of color, poverty, and those with special needs, as opposed to those

who come from well-resourced homes and communities. We need reforms that support disadvantaged and high-needs students, offer opportunities they have been denied, and interrupt the poverty-to-prison pipeline.

As the Seattle and California chapters of the NAACP have concluded, “Using standardized tests to label Black people and immigrants as lesser—while systematically underfunding their schools—has a long and ugly history. It is true we need accountability measures, but that should start with politicians being accountable to fully funding education and ending the opportunity gap.... The use of high-stakes tests has become part of the problem, rather than a solution.” Critical reforms should include:

- End the use of high-stakes standardized tests that falsely and unfairly label students of color, students with disabilities, and English language learners as failures, as early as age eight, further disadvantaging them and subjecting them to turnaround reforms that include the firing of their teachers, the closing of their schools, rote learning, scripted curriculum and a loss of electives in favor of unproven remedial courses.
- Oppose the closing of public schools based on test scores. Standardized test scores are predominantly a measure of family income rather than the quality of the schools. School closures have primarily targeted neighborhood schools in communities that are primarily black and/or Latino, damaging the fabric of those communities and stripping parents of democratic control of their schools.
- Support early childhood education. The differences in opportunity are especially acute for students of color and students in poverty before the start of formal education. Early childhood education lays the foundation for a strong K-12 education.
- Oppose “zero tolerance” and “no excuses” discipline policies that disproportionately affect students of color and male students. Create layers of support and restorative justice practices that help students and staff resolve conflicts peacefully, engage in self-reflection that promotes positive behavior, and foster respectful relationships and socio-emotional growth. At the same time, ensure that schools are safe environments for teachers and students.
- Provide extra resources for schools and districts that enroll students with the greatest needs, so that they can provide smaller classes and more one-on-one attention, similar to the Local Control Funding Formula approach in California.
- Require that every classroom be led by a teacher who is certified to teach and who is well-supported, especially during the first few years of teaching. Poorly trained and un-credentialed teachers are concentrated in the highest needs schools. Oppose alternative fast-track pathways and programs such as Teach for America that recruit novices for short term stints in schools that enroll primarily poor children. Disadvantaged children need experienced teachers to help close the opportunity gap.
- Require that schools be democratically governed by members of their community, not operated by mayors, governors, emergency managers, or corporations. School districts that are predominately poor and/or black are far more likely to be under mayoral control or receivership. Rather than improving these districts, tak-

ing control out of the hands of voters has too often led to a defunding and dismantling of their public schools. Local oversight is imperative.

- Support an increase in wrap-around services or full-service schools that serve as a community center for both education and health.

### **IDEA: Individuals with Disabilities Education Act**

It's time the federal government lives up to its promise. It should fully fund the Individuals with Disabilities Education Act, including:

1. Increase IDEA funding of \$11.4 billion in 2015 to \$28.7 billion, providing states with more funds so that students with disabilities can receive the extra resources and services they need.

### **Federal Education Spending**

The Democratic Party should support the following federal policies:

2. Provide funding so that all schools can offer competitive salaries to attract the best and most qualified staff. Federal policies should protect the collective bargaining rights of teachers. Unions help build a middle-class—and that benefits not only teachers but also the students they serve.
3. Provide funding for class size reduction, so that students can learn in classes no larger than 18 students per class in K-3, no more than 20 students in upper elementary and middle school classes, and no more than 25 students in high school classes. Smaller class sizes allow students to receive the individual attention they need to help them learn, keep them engaged and develop their critical thinking and creative abilities. Research has shown that students in classes with fewer than 18 students in Kindergarten through 3rd grade graduate from high school in higher numbers and are more likely to go to college, with the greatest gains being made by students who are economically disadvantaged and/or minorities.
4. Provide funding so schools are able to offer a full and rich curriculum to all children, including the arts, physical education, history, civics, foreign languages, literature, mathematics, and the sciences. Ensure there is funding for well-staffed school libraries.
5. Support early childhood education, because the achievement gap begins before the first day of school.
6. Support wraparound services for students, such as health clinics and after-school programs, as well as counselors and school nurses and nurse practitioners.
7. Prioritize federal money to support public education over charter school corporations. Federal funding is now creating a dual school system, which has been banned since 1954 by the U.S. Supreme Court's decision in *Brown v. the Board of Education*. Charter schools have become publicly funded private schools that are resulting in the destruction of democratically governed neighborhood schools. Nowhere in the world has this proven to be effective. It is stunting the improve-

ment of authentic public schools, and reducing the voice of black and Latino communities in school governance.

8. Require that any federal funding for charters prohibit for-profit management and require that such charters enroll the same proportions of high-need students with disabilities and English language learners as nearby public schools. Charters should be regularly monitored to prevent harsh disciplinary and suspension policies and should require open meetings of the board as well as financial transparency.

## **Student Privacy**

One of the most pressing issues in the educational landscape today is the protection of student privacy. Personal data is being increasingly outsourced to for-profit vendors and data-mined for commercial purposes. Nearly 40 states have passed new student privacy laws in the last few years, due to parental concerns. However, the public needs uniform federal protections to strengthen the federal law known as FERPA. After students reach age 18, these rights, including those related to notification and consent, should devolve to them. We advocate that students' privacy right policies should:

- Require that parents be notified in advance of any disclosure of personal student information to any persons, companies or organizations outside of the school or district. All disclosures to third parties should also require publicly available contracts and privacy policies that specify what types of data are to be disclosed for what purposes, and provide a date certain when the data will be destroyed.
- Prohibit the selling of personal student data. The use of student data for marketing purposes should be banned. No advertising should be allowed on instructional software or websites assigned to students by their schools.
- Require the encryption of personal data at motion and at rest, required training for all individuals with access to personal student data, audit logs, and security audits by an independent auditor. Passwords should be protected in the same manner as all other personal student information. There must be notification to parents of all breaches, and indemnification of the same. No "anonymized" or "de-identified" student information should be disclosed without verifiable safeguards to ensure data cannot be easily re-identified.
- Prohibit re-disclosures by vendors or any other third parties to additional individuals, sub-contractors, or organizations without parental notification and consent (or students, if they are 18 or older).
- Require that parents be allowed to see any data collected directly from their child by a school or a vendor, delete the data if it is in error, and opt out of further collection, unless that data is part of their child's educational records. Any data-mining for purpose of creating student profiles, even for educational purposes, must be done with full parental knowledge. Parental consent must be required for disclosure of personal data, especially for highly sensitive information such as their child's disabilities, health and disciplinary information.
- Specify parental notification and punitive fines if the school, district or third party violates the law, their contracts and/or privacy policies.

## **The Danger Posed by Venture Philanthropists and Big Business Interests**

The aggressive intervention of K-12 venture philanthropists and hedge-fund managers is undermining America's public schools. When Rupert Murdoch referred to K-12 education as a "500-billion-dollar industry waiting to be transformed," he made his view clear—our children's education is for sale. The CEO of EXXON, Rex Tillerson, referred to our nation's children as "defective products." The interjection of corporate values into public education has led to instability, wasted tax dollars and lack of progress. It creates a two-tiered system of haves and have-nots.

Nowhere is this clearer than with the unregulated growth of corporately managed charter schools. A 2015 study by Green, Baker, Joseph and Mead entitled *Are We Heading Toward a Charter School 'Bubble'? Lessons from the Subprime Mortgage Crisis* addresses the problem clearly: "Supporters of charter schools are using their popularity in black, urban communities to push for states to remove their charter cap restrictions and to allow multiple authorizers. At the same time, private investors are lobbying states to change their rules to encourage charter school growth. The result is what we describe as a policy 'bubble,' where the combination of multiple authorizers and a lack of oversight can end up creating an abundance of poor-performing schools in particular communities."

The popularity of charter schools derives not from their success—on average, they get the same results as public schools with many performing worse than the schools they replaced. Their popularity is derived from marketing and propaganda.

The Democratic Party has historically advocated for federal policies that promote equitable educational opportunities for all children as well as policies that treat teachers as professionals. It should do so again. Specifically, the platform of the Democratic Party should:

- Require that party candidates support public education in every community and commit to ensuring that every public school has the resources it needs for the children it serves.
- Expect candidates to oppose the oversized role of philanthropic organizations and hedge fund managers in promoting school policies.
- Expect candidates to clearly articulate their support and preference for democratically governed public schools that serve all of the children in their communities.

The Democratic Party has the opportunity to lead a national discussion on the challenges our K-12 schools are facing and the roadblocks to that success. It is imperative that the platform include a clear and well-informed plan for K-12 education policy. We expect that the Democratic Party will support a pro-public education agenda.