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ABSTRACT

SB 4: Texas Charter Schools and the Politics of Competence

By

Ana Wandless

The dissertation is a qualitative inquiry into the vexed state of public education reform in the contemporary United States. It focuses on the introduction of charter schools as reform instruments, the emergence of a widely-celebrated chain of college preparatory charters, and internal conflicts within the Texas charter school community that were enacted in 2007 with a proposed piece of charter school reform legislation, Senate Bill 4. Drawing on interviews with administrators, observations of schools and association meetings, analysis of media and policy documents and public testimony from the Texas legislature, it describes contemporary cultural anxieties about the competencies of present and future citizens. The dissertation is structured in the form of four observational essays. The method involved in the writing is to enter into dialogue with the cultural discourses preceding, produced by, or trailing along in the wake of the public debate over SB 4. It works to tease out the implications and interconnections gathered in the field, including representations produced for other, more straightforwardly informative purposes, in order to provoke new ways of thinking about them. The first essay is based on interview-based research I conducted with school administrators in San Antonio. It begins with an assessment of a similar study of public school reform conducted by anthropologists in North Carolina that is more straightforwardly informed by critical theory and an oppositional moral stance to
neoliberalism and offers in the place of critique a more humble account of my own fieldwork in San Antonio that was not motivated by clear cut moral certainties. The second is based on media representations of charter schools, educational assessments, and the widely-celebrated and discussed KIPP network of schools and seeks to situate the debate over SB 4 within a broader national context of public debate on the problem of education reform. The third essay continues to probe the sources of KIPP’s broad popular appeal through observations of daily activities at one of its middle school campuses. The final essay returns to the public testimony on SB 4 to problematize what appear to be simple solutions to immensely complicated problems.
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This is dedicated to my parents, John Finlow and Margarita Maria, and to the memory of my big brother Albert.
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Chapter One

Introduction: The Texas Challenge

I.

On May 8, 2007 a group of Texas public school students travelled to Austin and stayed up all night in order to give lawmakers their opinions on a proposed piece of legislation. Most of them were there to testify against the bill, which threatened to close some of their schools. Only one student appeared to testify in favor of Senate Bill 4, which was known as the “Champion Charter Schools Act.”

She was a young Latina from the Rio Grande River Valley region of Texas. She spoke eloquently and to the point. She told the committee about her hopes for the future, about her college plans and career aspirations. She told them about the school she attends that she has come to Austin to represent. She told them about the long hours she attends school, from 7:30 a.m. to 4 p.m. She told them about all the Advanced Placement classes she takes, how hard they are, how much homework she has to do, and how much she nevertheless loves her school. She told them that she is able to call her teachers at home, and that they push all of their students to succeed because “failure is not an option at this school.”¹ She explained that she was the only student from her school who came to testify because her classmates were at home preparing for their AP exams the next day. Despite her youth, she was in every way an admirable, credible speaker.

Later that early morning, some adults stood up to testify in favor of the proposed bill. They were parents, teachers, school administrators, and responsible members of

¹ Audio recordings of the House testimony can be found at http://www.house.state.tx.us/committees/broadcasts.php?session=80&committeeCode=400. I was not actually present at the public meetings for SB 4, but transcribed the proceedings from the audio recordings available online.
their communities. One prominent charter school administrator named Mike Feinberg echoed the young student from the Valley when he claimed to be representing the students from the famous school he founded in Houston, who could not make it to Austin that night because they were in bed at the time, as they should be, "dreaming of college and reaching the American dream." Altogether, 34 adults testified in favor of the bill. They supported the bill, in part, because it included provisions that would have rewarded the schools they represented financially for their academic successes. Like the young woman from the Valley and Mike Feinberg, many claimed to be speaking on behalf of others students not present, who were represented as ethical exemplars of hoped-for future citizens of Texas:

And finally the third reason we need this bill is for students like Patty Hernandez. Patty was valedictorian of our first graduating class of seniors in 2001. She was the first in her family to graduate from high school, she went to Stanford University on a full ride, her parents had finished 8th grade. She goes to Stanford for 4 years, studies medieval literature, while there realizes that many of the custodial staff on campus don’t speak English, so she gets together with her and a group of her friends and starts a tutorial program so they can start tutoring them. When? At midnight, when all of the custodial staff gets off work. She takes her junior year, studies abroad in Oxford. Mind you this is a girl whose parents had finished 8th grade, she had never been outside of the city of Houston till she had come to YES [Youth Engaged in Service]. She graduates from Stanford with a degree in medieval literature, she has all kinds of opportunities in front of her as a bilingual female, the first in her family to graduate from college, and what does she decide to do? Come back to Houston. Now she’s teaching 7th grade at YES Prep. She is teaching the next generation of kids that without something like YES would never have had access to those kinds of opportunities. What this bill does is allows us to have more Patty Hernandezes all over the city, all over the state that have that desire and that will but need these resources that are included in this provision.²

² This particular quote was taken from the public testimony given in the Senate on February 20, 2007, which can be found at http://www.senate.state.tx.us/avarchive/?yr=2007&mo=02. Unless specifically indicated or made obvious by surrounding text, I choose to leave the speakers quoted anonymous, although their specific identities are available on the recordings as a matter of public record.
More frequently, though, they represented those students in the language of social
demography. They spoke on “behalf of 285 predominantly low-income Hispanic kids,”
for kids who come from a neighborhood “where the high school graduation rate is less
than 50 percent, in some cases less than 30 percent, where 80 percent [are] children of
color, 72 percent [are] from low income families, and 44 percent do not speak English
when they first come to our program.” They described their accomplishments
numerically as well: “Our students have a 94 percent graduation rate, and 88 percent of
those go to college...100 percent of our students have passed the TAKS reading test, since
the TAKS program was initiated five years ago.” They spoke statistics - the language of
the state - so fluently that in response to one educator’s testimony a legislator was heard
to reply, “Thank you. Good numbers.”

Several adults insisted that the successes they have achieved with their low-
inecome minority students are based on practices that are so commonsensical that anybody
could, in theory, put them into practice. They spoke with a sense of moral certainty that
they had found the model of action that could effectively link the thriving of previously
marginalized individuals to the thriving of the population. The spoke of a simple formula
for success: “it’s a longer school day, it’s higher expectations, it’s extra tutoring, it’s a
college track for every single student.” The phrase “it’s not rocket science” was used so
frequently that one legislator was led to wonder aloud, “Where does anybody do rocket
science?” This was an apt question, given that the force of their logical appeal was
based on the assertion, supported and verified by good data and hard numbers, that their
educational practices could work anywhere, from the Valley to inner city Houston to
suburban Dallas, and with nearly anybody. They left after they testified, so the room started to empty as the night went on and stretched into morning, and those in favor of the bill were not around to hear the testimony of the 24 who were against it.

Some of these young people testifying against SB 4, like the young woman from the Valley, also spoke eloquently and to the point. Others rambled and were misinformed and did not exactly present themselves as credible persons whose opinions should be taken into account by lawmakers:

Before I went to Excels I was failing most of my classes, I just wasn’t motivated to do anything, just sit at home, do whatever. And then I pretty much got told that I should leave school because of my grades, so I went to Excels, and now I’m ready to go to college. Actually, I have an aspiration to go to college. And if any of the Excels were shut down, I’d pretty much not go to school. (Pause) That’s it, probably.

Some were students who had previously been incarcerated, not only once but multiple times. They did not like going to traditional public schools and had been truants. They had failed repeatedly and were on the verge of dropping out. They did not have good numbers to support their arguments. But what their appeals lacked in ethos and logos they more than made up for in pathos. More than one broke into tears as they gave their testimony. Some spoke vaguely and darkly about family problems and abuses, mental and physical illnesses, and deep depressions that not only prevented them from doing well in school, but often threatened their very lives.

Others were more specific: She was a varsity cheerleader, an A-B student, and a highly ranked track runner who was shunned at school after she became pregnant. He was an honor student who started skipping school to care for a brother who was suffering from seizures. She was an honor student who began to rebel in high school against
overly protective parents, and ended up pregnant in jail. He had to work to pay for the hospital bills for his mother's congestive heart failure treatment. She was kicked out of her parents' house at the age of eleven, addicted to meth and living in a car and pregnant as a teenager. She was a 17 year old recovering addict-alcoholic who had been scolded all her life for talking too much. He was a former gangbanger and drug dealer who was arrested for trying to shoot someone on school grounds. He was the breadwinner for his household with parents who could not work: a mother with severe fibromyalgia and a father who ripped and herniated his small intestine when a car fell on him. She was a diabetic who fell behind in school after repeated hospitalizations. She was the daughter of a single mother who fell behind in school because her family was constantly moving. He was very small and got bullied and was too afraid to go to school. He had ADHD and bipolar disorder and had classmates at his old school who would routinely pick on him for the fun of seeing him become enraged. Most of them were deeply damaged in some way, and had been on the edge of not only dropping out of school, but of falling into a more permanent darkness.

The legislation ultimately failed. It failed not because its opponents persuaded the majority of lawmakers to change their positions through their rhetorical appeals, whether ethical, logical, or emotional. Rather, they were able to block its passage through strategy and timing: they persuaded one lawmaker to call a point of order on the bill at a crucial moment on the House floor. Despite their ultimate failure to pass the bill, the vast majority of Texas legislators, both Republican and Democrat, were in favor of it. The Legislature and the Texas Education Agency had become increasingly frustrated with
embarrassing and widely publicized scandals at some Texas charter schools and they were eager to pass a law that would make it easier to shut them down if they repeatedly failed to raise their test scores or maintain their financial integrity. At the same time they wanted to reward the lauded and equally publicized successes of a group of academically rigorous charter schools dedicated to sending low-income minority kids to college. They were so anxious to shut down failing schools and reward successful ones that they were apparently willing to sacrifice a small group of schools that presumably were less concerned with sending kids to college than with literally saving their lives:

Before she became valedictorian she didn’t pass the TAKS test the first time for us. She wanted out of the gang she was into so she could finish school. She was pregnant, and the gang beatings she would have to take would certainly cause a miscarriage. So her sister took the beating for her, she finished school and graduated first in her class. Her mother sold her to a drug dealer for 40 dollars. She came to us at 19 wanting to finish school. She had jumped off a two story balcony clutching the baby she held from a gang rape and she escaped from her captor. A friend told her we could help. I don’t want to compete with other public schools or IB or college preparatory or blue ribbon schools. I choose to compete with prisons and funeral homes.

By supporting SB 4, it was as if Texas lawmakers were implicitly saying: better for our citizens to be dead than to be fools. It is not enough for citizens to simply survive; they must also be smart, they must also be achievers, they must also thrive. This sentiment does not belong to lawmakers and educators alone, but is connected to a more widely shared set of values that shape contemporary forms of human life. The conflict enacted in the testimony given on the late night and early morning of May 8,
2007 reveals a tension and begs a question that is not simply educational, but more broadly cultural: why do we fear foolishness more than we fear death?³

The following dissertation is an inquiry into how public education is defined, contested, and reformed as a political and social problem in the contemporary United States, in a society that has taken on the responsibility to educate all its citizens, but cannot agree on the means. The conflict over SB 4, the introduction of charter schools as reform instruments for a troubled public school system, and the emergence of a widely celebrated group of college-prep charter schools are presented as screens onto which cultural anxieties about the cognitive capacities of present and future people are cast. I offer no definitive answers to the questions posed here, nor do I offer any reforms. I wish to avoid cause and effect arguments, rhetorics of judgment and finger-pointing, and forms of criticism that attempt to show that the implementation of some policy, inevitably aligned with my own values and sentiments, will inevitably lead to some greater public good. At the outset, I would only suggest that the central question bears repeating: why do we fear our own and others’ foolishness and incompetence more than we fear other, arguably more fearful states? It bears repeating because perhaps the answer (or rather, the remedy) lies in our willingness to take the question seriously.

II.

Is Enlightenment strong enough to contain, repel, or calm the permanent insurrection of stupidity? At this point in our shared experience of history it may be time to contemplate getting off the thought drug, powerful and tempting as it

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³ I employ the first person plural here not to suggest that this fear is universal, nor even that it is dominant in the United States’ competitive cultural scene (the fear of death and the decay of the body is certainly more urgent to those who shape their lives around diet, exercise, and health regimes, for example), but rather to indicate that it is a fear I share with those who are the focus of this inquiry.
is, that allows equivalences to be made between education and decency, humanism and justice.\footnote{Ronnell 2002: 24.}

One step towards a possible response to this question is to ask another: How is it currently even possible to ask the question in the first place? The support for SB 4 flows from an assumption that it is both possible and necessary to make (nearly) everyone well-educated and intelligent. This assumption, while latently present in long standing strains of American democratic thought that idealize the indefinitely perfectible and self-governing human, has only recently gained more explicit cultural currency, and only recently become an object of explicit technical governmental reform. It underlies many contemporary discourses, both popular and serious, which insist that education, knowledge and intelligence can function as protective buffers against an uncertain future. Connected to this insistence is an underlying survivalist mentality that suspects if we don’t know things, if we don’t know how to think critically and plan rationally, we are bound to make serious errors with serious widespread consequences. Contemporary disasters, both natural and manmade, from Hurricane Katrina to 9/11 to the conflict in Iraq, are widely interpreted as failures of both collective and individual intelligence. In these serious and popular discourses, intelligence and survival are coupled; intelligence is vital, necessary to not only the flourishing, but the very continuation of human life itself. And along with the news of the latest disaster and the ongoing analyses of its causes, calls for education reform grow more frequent, varied, and insistent.

As ubiquitous as these sentiments are, there have been counter-discourses, recent and powerful enough to cast complicating shadows over the seemingly straightforward
project of spreading universal intelligence. Take the 1994 publication of Hernstein and Murray's *The Bell Curve* as an example. This was a widely read and debated survival of old racialized hereditarian science that darkly predicted a future society stratified by intelligence. It predicted that an increasingly isolated but affluent cognitive elite will emerge and will have to deal with an unruly cognitively deficient underclass. The quality of life of the cognitive underclass will rapidly deteriorate while the security of the more intelligent class will be threatened. The bestseller reframed a centuries-old suspicion of the racial other as mentally deficient into a modern democratic nightmare in which that incompetent other is not merely an isolated primitive, but has infiltrated the very body politic of modernity, now multiplying like so many malignant cells.

As old as this story is, it has a new contemporary resonance in changing demographics. *The Bell Curve* assembled a seemingly impressive array of numbers to issue a warning that the less intelligent reproduce more abundantly than the shrewder and more rational classes. They are not prudent, it warned; they are too erratic and slothful for family planning, they are mating like rabbits and taking over the world with their numbers, crowding the aisles of the grocery stores with their screaming children who they are likely to strike in public without any embarrassment. An alternate dystopia of race and class wars looms: not of a human race destroyed by collective stupidity, but regretfully reproduced through stupidity. On one hand, stupidity is equated with near-certain death and destruction; on the other, with the messy, uncivilized abundance of vitality itself.
But these are hyperbolic and sensationalist narratives, the kind that the shrewder classes are inclined to believe are fed to the stereotypically dumb masses who are willing consumers of pseudo-sciences that insult their intelligence. Despite the still-recent memory of the publishing phenomenon that was *The Bell Curve*, the racialized, old eugenicist discourse on intelligence that it reproduced is almost completely absent from currently dominant education policy debates. It seems that the debate on heritable intelligence is no longer on the level of serious, truth-producing discourses which are the focus of current analyses of biopolitics and the anthropology of the contemporary politicization of human forms of life.⁵ There are no serious comments in the mainstream education reform community made about the possibility of stupidity being a biological disease, whether curable or incurable, along the lines of those made recently by DNA discoverer James Watson.⁶ Charles Murray, the one surviving co-author of *The Bell Curve*, occasionally tries to revive this dying discourse, as he did recently in a Wall Street Journal op-ed piece criticizing No Child Left Behind legislation for attempting the impossible by trying to bring all students to Math and English proficiency.⁷ His position that large swaths of the population are naturally uneducable is routinely rebuked and dismissed by commentators active on the education reform front no less influential than

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⁵ Rabinow and Rose 2003: 2 and 18.

⁶ In a UK documentary Watson urged molecular biologists to develop gene therapies to cure stupidity, saying “If you are really stupid, I would call that a disease. The lower 10 percent who really have difficulty, even in elementary school, what’s the cause of it? A lot of people would say, ‘Well, poverty, things like that.’ It probably isn’t. So I’d like to get rid of that, to help the lower 10 percent.” See Bhattacharya 2003.

⁷ Murray 2006.
No Child Left Behind architect Sandy Kress, and even those from supposedly conservative think tanks like the Fordham Foundation and the Manhattan Institute. Nearly all of the “leading edge” education reform movements of the past several decades are based on the assumption that nearly all children are educable and can indeed achieve a “good life.” The data that matters in these movements are not the results of mass intelligence tests, like those administered to the Army recruits during World War I, but measures of educational achievement, of content-specific competencies actually learned, rather than an abstracted internal state defined as “intelligence.” In these narrower fields, within policy and academic circles where more sober minds rule, other stories are told that are based on hard numbers and good data. These, too, are also demographic stories, and as such, they carry the aura of contemporary omens. They allow us to look into the future, and to decide if we are strong and wise enough to try to change it.

III.

In Texas, the nominal fieldsite for the following dissertation, the most prominent demographic storyteller is Dr. Steven Murdock. Murdock fills the position of Texas State Demographer, an office created especially for him in 2001. He may as well be dubbed the Texas State Prophet, as that is the role he plays in state politics. For over 25 years, Steve Murdock has been making hundreds of PowerPoint presentations to business and civic leaders, reformers, educators, and politicians. At these presentations, he recites a litany of statistics describing future demographic trends in Texas: Texas grew 22.8 percent from 1990-2000 and is one of the ten fastest growing states in the country, second

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only to California in population increase. Texas is one of the most diverse states in the nation and will only become more diverse as the non-Anglo population grows at a faster rate than the Anglo. The Texas population is aging as a result of the increased longevity of the baby boomer generation; by 2040, one in five Texans will be over the age of 65. The majority of those elders will be Anglo, while the majority of young people will be non-Anglo. As a result, “issues related to older persons are more likely to affect Anglo populations, and those related to children to affect non-Anglo populations.”

Texas is experiencing the emergence of a “new numerical majority” that is larger, both younger and older, more diverse, more stratified, and more complex. If current socioeconomic trends persist, average incomes will decline. Poverty rates will increase. Demands for human services will rise dramatically. Food stamp recipients will increase 220.7 percent and Medicaid recipients by 181.9 percent. The prison population will rise substantially. The demand for state-supported social services will rapidly expand just as the tax base is eroding as a result of declining fortunes, crippling the state’s ability to pay for even basic services. Against its own dominant political wisdom, Texas will have to vastly expand the apparatus of the welfare state, and it will not be able to pay for it. The new majority will be a marginality.

Toward the end of his presentations, Steve Murdock describes “alternative futures,” or possible scenarios in which Texas might be able to avoid a decline into crippling poverty and social stratification by altering the direction of persisting demographic trends. His presentations invariably end with this modest and unassuming

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number-cruncher striking as close to an evangelical posture as he can manage as he urges his audience to throw their efforts into educating Texas minority youth. He begins to quote George Bernard Shaw, saying “the mark of a truly educated man is to be moved deeply by statistics.” He reminds his audience of the godly origins of population science, saying “Demography is a divine calling. We know this because there is a book of Numbers in the Bible, and it’s all about the census.”

He presents himself not as an ideologue or even an educator, but as a pragmatist, a believer in good data as the basis for sound decision making. Demographically speaking, the single most important variable that affects almost all others and has the potential to reverse Texas’ declining fortunes is raising the educational attainment levels of non-Anglo youth. Recognizing this and acting on it require a rearrangement of what one might call the traditional Texas values of Murdock’s audience, and while Murdock is careful to avoid ideological implication, he never fails to remind his audience that “if we forget we are one Texas, we do so to our own detriment. Our fates are intertwined.”

When I began paying attention to the politics of education reform in Texas some seven years ago, the one constant reference I heard coming from the mouths of reformers was Steve Murdock’s numbers. Since then, Texas has become a “minority majority” state a few years shy of Murdock’s earlier 2008 projection, meaning its Anglo population has grown smaller in proportion to its non-Anglo population. According to statistical projections, the rest of the United States will too become minority majority by 2040. The

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10 Sager 2006. Murdock has recently been tapped by George W. Bush to direct the next U.S. Census, an appointment that has incited a general response of pleasant surprise, given that Murdock is actually quite well-qualified to do the job.

Anglo-American population will be outnumbered by Latinos, African-Americans, Asian-Americans, and "others." Murdock insists that this is not a startling or unusual predicament. The United States, by 2040, will simply start to resemble the rest of the world.\footnote{Bernstein 2005.}

These statistics are startling to many older Anglo Texans, who tend to make up the majority of Murdock's audience although they no longer represent the demographic majority of Texas. Over the years, reactions have varied. When Murdock first started making his presentations over 25 years ago, he says that very few people believed him. People believe him now, but some say there is nothing we can do to change our demographic fate. While there are many fatalists who say they are going to wall themselves off and do their best to ignore the future, others imagine alternative futures, and their numbers have been increasing in recent years. Eclectic reformist groups have been multiplying since the early 1980s, when H. Ross Perot led an overhaul of Texas' public education system, all charging themselves with the task of reforming and improving not just public education in general, but the education of minorities in particular. Steve Murdock has been heard. His credibility has grown over the years because of his willingness to say what people do not want to hear in such a way that he challenges the status quo without appearing to be in opposition to it.\footnote{Interview 9/16/04. Murdock was one of the first people I interviewed for this research. It was a telephone interview that went very badly, and mostly consisted of Murdock insisting to me that he is not a lackey for Rick Perry or any other member of the Republican Party although I never meant to suggest that he was. This is an indication of how very sensitive he is about the ways his numbers can be misused and made to fit questionable and illiberal social narratives of \textit{The Bell Curve} and the anti-immigration varieties. He avoids this by an insistence on hard-headed realism: "It's not so much that I'm advocating plurality, it is a reality that there will be a plurality," he says. In this sense his position, and the reformist actions that flow from it, mark a distinct departure from conventional identity politics and the old essentialisms of "the culture wars."}
In “Describing the Future,” Nikolas Luhmann writes of the emergence of a modern imagination of the self-improving future that replaced an overly determined biological concept of humanity:

The concept of humankind as a species of nature was replaced by a double concept of the subject that acquires more latitude for individuals: through the concept of the subject that acquires the world for itself according to its own methods and through the concept of the population that improves itself by selection on an individual level with the result that only the strongest, prettiest, most well adjusted have a chance in the future.\(^{14}\)

This particular story about the free person that survives and thrives through his own capable efforts has long been at work in Texas in the glorification of the social darwinist rugged individual. But Steve Murdock’s numbers show that the second half of this “double concept of the subject” has become problematic; it could be that the population may not “improve itself” by selection, and the present-day smartest, prettiest, most well-adjusted are going to have to try to change it. This is not to say that Anglos are stronger, prettier, and more well-adjusted than non-Anglos, but that they have come to be represented as such through socioeconomic statistics, and many in Texas and elsewhere still understand themselves that way. The point is to show that the confidence that accompanies this understanding, and the orientations towards the present and future that go a long with it, are becoming more and more problematic. Steve Murdock’s audiences are confronted with a problematic self-description of their society and its future. It is a self-description that evokes either “embarrassment” or fear and induces a disposition for reform.\(^{15}\) It is a self-description that reveals the shape of the future as contingent, that is,


\(^{15}\) Luhmann ibid.: 66.
as dependent on decisions and actions made in the present. For Luhmann, and for Murdock, even the decision not to act, the decision to wall oneself off in some suburban gated community, constitutes an action that effects the shape of things to come:

“Decision making is possible only if and insofar as what will happen is uncertain.”

Steve Murdock’s statistics tell us that what we do in the present matters and choice is obligatory, but the problem is that choice is generally understood as a matter of individual will. It is unclear how individual choices may aggregate with such momentum that a demographic disaster may be averted. Murdock is that peculiar kind of contemporary expert who wants his data to be wrong. He wants his data to be used as a lever of reform that convinces people that their choices in the present matter, that nothing is inevitable, and that people can change themselves and the shape of the future consciously, both at the individual and the population level, if they but allow themselves to be “moved deeply by statistics.”

IV.

According to John Dewey’s social psychology, directed social reform may be effected by manipulating the interplay between “non-functioning impulses” and habits, particularly under conditions of rapid change “when habits become ill adapted to their environment.” It is not surprising then, that reformers frequently focus their efforts on children, whose habits are still unformed. But this also accounts for the shifting habits and attitudes of adult reformers, such as those in Texas, who might have never considered the need to care about the education of poor minority children before the possibility arose

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16 Luhmann ibid.: 67.
that their way of life might be threatened should they continue to ignore them. Dewey
locates the “disposition for reform” in the frequent conflicts among ingrained habits
which are characteristic of complexly differentiated societies, in which “different
institutions foster antagonistic impulses and form contrary dispositions.”17 The conflict
revealed by Steve Murdock’s statistics is reflected in the dilemma of liberalism more
generally, which attempts to strike a balance between governing too much and governing
too little. In Texas, the conflict that provokes reform is manifested not only in cultural
and political values: in between a firmly entrenched cultural commitment to market
values and an opposition to welfarism and big government on one hand, and an emerging
concern for the education and fates of minorities on the other.

The conflict is also built into the very modes of inscription that are used to
represent the problem in the first place, in the way that marginality is statistically
represented as an object of intervention and reform. In The Practice of Everyday Life,
Michel de Certeau describes contemporary marginality as the pervasive and
ungeneralizable “cultural activity of the non-producers of culture, an activity that is
unsigned, unreadable, and unsymbolized.”18 The new “marginal majority” is not limited
to what are still known as minority groups and is not characterized by homogeneous
activities, identities, or tendencies that can be represented by statistical investigations. In
this way it differs from the marginality imagined in Murdock’s statistical representations,
which is characterized by two relatively homogeneous characteristics-ethnic minority and
low income status-and leaves out all the other ways citizens may become marginalized,

such as, for example, the many ways the students testifying against SB 4 are marginalized. Nevertheless, in this currently dominant socio-demographic discourse, minority status is defined by ethnic status and income and education level. The reformers motivated by these numbers err only insofar as they understand the problem of education as being limited to a strictly defined and delimited marginal population.

The problem is not simply representational, but it is temporal as well. It is the problem of long range planning to change future demographic trends colliding with the imperative temporal focus on the near future in the political economy of fast capitalism, which is mediated by measurements of risk and returns on investment that support the impression that the future is calculable and therefore manageable, subject to rational planning and control. In the field of education, this impression is supported by a testing and accountability system that attempts to measure the results, the successes and failures, of the educational process in predictable, standardized, relatively short-term units. The accountability system currently in place neither captures the nuances of marginality, nor does it encourage a mode of thinking that could imagine a way out of the crisis as it is currently imagined, whether by the discourses of disaster or demography.

Education is indeed always a problem, and seems to perpetually be in the midst of a crisis, and it is difficult to imagine how it could not be. If modern reformist projects, or governmentalities, are obliged to operate on both the individual and the population level, then education may be the governmentality par excellence. Since it works on children,
it need not be embarrassed by how the work of changing individual behavior presents a challenge to our cherished notions of liberty, and it can easily convince itself that this work on the young raw material of the present will have a direct effect on the future. It has long relied on standardized mass measures of behavior, and while these have always inspired controversy, the education system is nonetheless unable to do without them. But most important perhaps is its demographic connection to nearly every other potential site of governmental intervention: if one governs effectively in the field of education and teaches people how to take care of themselves, one need not be too concerned with governing in other fields.

More than most modern bureaucratically organized institutions, education fosters the "antagonistic impulses" that give birth to reform. Education is inherently self-critical and selective and at the same time universalist and idealistic. Like the discourse of social criticism more generally, educational discourse sets reality as deficient. Education is necessarily normative; it deals with the process of changing human beings into persons that can be communicated with and counted on. It is a practical discourse. It must be able to arrange classrooms in such a way that students do not bump into each other too much, in such a way that three year olds will not be tempted to bite each other too much. It must be able to introduce pedagogical materials in the most coherent and understandable way possible. It must be able to break activities and ideas down into their smallest communicable sequences and units. It is an evaluative discourse. It must be able to provide evidence of its successes and failures. It must be able to discern, from a student's writings and communications, that something has been learned although it
cannot seek to literally enter into a student’s brain and sort through the contents. It must be content with the representations of learning, through homework, quizzes, test scores, college acceptance, because it cannot ultimately judge the value of its work at the end of a student’s life as on some sort of grand secular Judgment Day.

Educational discourse must be practical, compromising, and communicable. But it must also be idealistic. It must be hortatory. It must motivate, cajole, persuade, and inspire. It must convince its audience that hours, days, years of work and drudgery will offer a reward in some free and fulfilling life to come, even though, in a society that institutionalizes “lifelong learning,” that free life never comes. It must use rhetoric to persuade a captive and sometimes (or usually) unwilling audience. When the audience remains unconvinced, it can frequently take the tone of the absurd. It invites parody and self-parody, rolled eyes and snickers from the back of the classroom. But it must also inspire the pedagogues at the front of the classroom that despite the fact that they can have no secure knowledge that what they are teaching is being learned (and not only learned, but put to good use...teachers are like Deweyan optimistic pragmatists wherein efficacy is the test of truth, but they can only hope that it will only be good truth and their smart students will, in fact, go on to do good things with their smarts), they are nonetheless able to assure themselves that they are engaged in a great, noble pursuit, without which the world would surely crumble into ruin, like a dystopia where all the children have disappeared and human hope has been replaced by despair. They must be able to reassure themselves that they are making a difference, shaping lives, creating the future, leaving no child behind.
But as much as it lifts up, educational discourse must also be used to bring down: to draw attention to flaws, deficiencies, gaps that need to be remediated. Like Foucault’s prison, the school produces its own failures and cannot do otherwise. The achievement gap must be erased. Johnny can’t read and he certainly needs to. Joanie must be brought up to grade level. Educational discourse is a critical discourse, and selective. Students either pass or fail. As much as we would like to think that no child will be left behind someday, the failures define the passes. Harvard is defined by its exclusivity. Tests are designed with a failure rate in mind. Luhmann wrote that “there is no idealism that can ignore the following experience: pedagogical criteria cannot be realized without selection.” Oddly, this selectivity is a result of education’s potential universalism--if education were limited to small, select, relatively homogeneous groups, its success, while not assured, would surely be more likely. But in a society that has taken on the responsibility to motivate all individuals, education must deal with endless plurality of personality, background, temperament, ability, motivation, and it must fashion a normative environment for all this plurality with at least a modicum of expectations about the standards of success or failure, despite the romantic and progressive notion that every child is an individual and must be allowed to just be herself.

Education must not only reckon with individual differences within its immediate institutional environments, but it must also reckon with the education of everyone else, from the school in the richer district across town to the performance of Japanese students on the other side of the globe. Education must be able to put everyone on par with

20 Foucault 1995.

21 Luhmann and Schorr 2000: 15.
everyone else for the sake of making comparisons. So teachers must not only be concerned with their immediate pedagogical environment, with the arrangement of chairs, worksheets, and bulletin boards, but with many distant environments known to them through test scores and graduation rates and other forms of quantitative representation. They are put under immense pressure to conform to the distant representation. They sometimes discover ways to orient their immediate practice to the efficient production of good numbers; they may indeed be moved deeply by statistics towards the future, as their students most assuredly are, but they may not be moved in the manner that was intended.

V.

Education is a field that invites continual problematization, which beyond individuals’ experiences with their own children or their own students, can only be registered in public and political consciousness through statistics. The contemporary fear of foolishness, ignorance, incompetence, and stupidity has been reflected in anxiety over the quality of public education in the United States for well over half a century, ever since the results of mass intelligence and educational tests started to be widely publicized. In 1954 Hannah Arendt wrote an essay on “The Crisis in Education.” At the time the crisis about which she wrote appeared strikingly similar to the one we still apparently face today, of “a constantly progressing decline of elementary standards throughout the entire school system.” She observed that it was “difficult to take a crisis in education as seriously as it deserves,” when compared to other, more immediately vital political
problems produced by the "profound malaise" and revolutionary turmoils of modernity.\textsuperscript{22} The questions provoked by the conflict over SB 4 forces us to reexamine Arendt’s complaint, and perhaps even to reverse her earlier suspicion: it is clear that the crisis in education is taken seriously today. But could it be that we have started to take the crisis of the decline of educational standards \textit{more} seriously than it deserves when it takes precedence over urgent necessities of some of our most marginalized and threatened young people? How did this reversal come about?

Arendt invites the reader to take advantage of the opportunity a crisis provokes to go beyond prejudices and commonplaces and to reflect upon the essential problem which gives birth to the crisis in the first place, which is birth itself, or rather the human condition of \textit{natality}: the fact that human beings are born into a world that they must continually work to both preserve and renew. The concept of natality is central to Arendt’s political thought; it goes well beyond a relevance to education and provides a buttress against Heideggerian nihilism. Natality is “the human capacity to act on the world in ways that are unexpected.”\textsuperscript{23} It is the condition which makes action possible, and along with plurality or the differences between humans, it provides the possibility and “the predicament from which politics must start.” She invites us to take the crisis as an opportunity to engage in thought on the shape of new humans to come, emergent and unforeseen. We must not assume that the new already exists, as something already accomplished and assured. The refusal to embrace the unanticipated character of natality produces the illusions that either we are bound to repeat and reproduce only what has

\textsuperscript{22} in Arendt 1993: 174.

\textsuperscript{23} Ibid.
come before, or that elders can directly shape the new through their own educative and coercive force of will. The new cannot be produced through the blueprints, plans and reforms of the elders. It is necessarily surprising, miraculous, unforeseen: “The new always happens against the overwhelming odds of statistical laws and their probability, which for all practical, everyday purposes amounts to certainty; the new therefore always appears in the guise of a miracle. The fact that man is capable of action means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable.”24

In America, the crisis provoking reflection is most acute and raises to the level of the political because America is a land of newcomers of a particular kind: immigrants, who must be taught English in school as a second language. In a land of immigrants the school must “assume functions which in a nation-state would be performed as a matter of course in the home.”25 As an immigrant nation America is imbued with a “pathos of the new,” or a trust in the potential perfectibility of all humans, even the most common and uninstructed. This pathos, while seemingly emancipatory, also carries potential dangers when carried into the political realm. It results not only in the use of education as a political instrument, but in an understanding of politics as educative. This is dangerous because while in education one deals with newcomers who are lesser in knowledge and competence, in politics one, in theory, interacts with one’s equals and peers and assumes all the risks of persuasion and potential failure: “Education can play no part in politics,

because in politics we always have to deal with those who are already educated."  

Whether or not they are, in fact, already educated, we must treat them as if they are. An understanding of politics as educative leads to a political paternalism, based on a relationship of assumed inequality between the governors and the governed.

A second danger is the extension of the political into the educational sphere, which was evident at the time in what Arendt regarded as an uncritical enthusiasm for progressivism in American education. She regarded progressivism as an attempt to extend the essentially political relation of assumed equality among citizens to an improper presumption of equality between “young and old, between the gifted and ungifted, finally between children and adults, particularly between pupils and teachers,” which “can be accomplished only at the cost of the teacher’s authority and at the expense of the gifted among the students.”  

She calls progressivism a failure of common sense, although she goes well beyond the standard and well-worn critique that it leads to a “dumbing down” of what should be a serious-minded and rigorous academic curriculum. The problem with equalizing relations between elders and children is greater than its consequences for the proper study of grammar and mathematics; it also rejects what in other societies or other times would have been a taken-for-granted assumption that children and adults exist in the world together by creating a bounded child’s world, isolated from adults, with its own norms and conventions, in which children are subjected not to the authority of their elders, but to the authority of other children, to the tyrannical

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26 Arendt ibid: 177.
27 Arendt ibid.: 180.
“authority of the majority,” thereby training them in the passive subjection to the will of the faceless, untrustworthy authority of the masses.28

The fear of the “tyrannical majority” is of course a common political problem, one that has in the past century been assuaged by the promotion of a meritocracy in which an the unwise masses are governed by an elite of talent and intellect. The extension of education beyond the wealthier classes and the idea of “equality of opportunity” is supposed to temper what still remains of the elitism of a meritocracy.29 In America equality of opportunity was taken much more seriously than in Europe, where

28 Although Arendt perhaps gives too much credit to progressive education’s role in contributing to the modern invention of a separate sphere of childhood. The chronicle of this longer historical process is Phillipe Aries’ *Centuries of Childhood*, which traces the emergence of modern childhood along with the co-emergence of the family, the private sphere, education, and the concepts of class and race. The promotion of mass education was the catalyst, leading to the moralization of the family and the withdrawal of the family into a private zone of uniformity, the separation of the child from society, the division of types of children and types of families into types of classes, the emergence of techniques of population control and birth control and varieties of Malthusianism, all of which “appear as manifestations of the same intolerance towards variety, the same insistence on uniformity.” (Aries 1962: 415) In the Middle Ages, prior to this partitioning, ages and classes were mixed together in a messy collective existence: “The movement of collective life carried along in a single torrent all ages and classes, leaving nobody any time for solitude and privacy. In these crowded, collective existences there was no room for a private sector. The family fulfilled a function; it ensured the transmission of life, property and names; but it did not penetrate very far into human sensibility.” (411) There was no need for mass formal education and no thought given to the idea that there should be a transitional period between childhood and adulthood. Medieval moral reformers promoted the interest in education, challenging the Church’s position that the only refuge from the crowded pagan world was monastic retreat by attempting a “positive moralization of society” through education. A new way of life was born, “halfway between secular life and monastic life,” and along with it new forms of confinement and division: of young from old, rich from poor, masters from novices. (174) An interest in education as an engine for the positive secular moralization has never subsided, but its newer, and particularly American (since the U.S. is a nation of immigrants), articulation is to use education to remix and reform a collective and diverse society, albeit one somewhat less messy, purified by a higher intellectual formation.

29 The idea of the meritocracy is of course not so straightforward. It is criticized as the mystifying ideology of the ruling classes who, in many cases, are not more fit to govern. David Westbrook’s apology for transnational capitalism (a quasi-polity he dubs “the city of gold”) includes an apology for the elitism of the meritocracy as at least being better than the older ways of organizing social hierarchies: “The university-based meritocracy of the City of Gold is different, however, from a traditional class system. Status based upon a degree is objective, based upon talent, or perhaps moral, based on intelligence. Really. Or at least it is objective, and moral enough to be considered fair in contrast to the advantages of birth, titles of nobility and such, that have been widely felt to be unfair.” (Westbrook 2004: 207) He identifies a more pressing problem with the idea of the meritocracy that is generally overlooked by critics claiming that it is unfair: it cannot serve as an “explicit political ideology for City of Gold, no matter how important it is in fact” since a polity organized by markets is necessarily indifferent to the moral qualities of the person with money.
students were sorted by examination into academic and non-academic tracks early on. In America, by contrast, “such an almost physical division of the children into gifted and ungifted would be considered intolerable.” That, however, was 1954. Today, a new solution to the problem of equality in a meritocracy is being promoted that preserves the trust in the “indefinite perfectibility” of the common American along with the secular faith in the reformable new, but at the same time reasserts the authority of the teacher (and along with it, the authority of authority) and the meritocratic view that it is best to be gifted. The new American solution, represented by the proponents of SB 4, also does not appear on the surface to countenance the early sorting and separation of the gifted from the ungifted; instead it takes seriously the hope and the expectation that everyone could become gifted.

Arendt surely would have approved to this solution. It puts into practice what she regards as the proper relation between newcomers and oldtimers:

Insofar as the child is not yet acquainted with the world, he must be gradually introduced to it; insofar as he is new, care must be taken that this new thing comes to fruition in relation to the world as it is. In any case, however, the educators here stand in relation to the young as representatives of a world for which they must assume responsibility although they themselves did not make it, and even though they may, secretly or openly, wish it were other than it is. This responsibility is not arbitrarily imposed upon educators; it is implicit in the fact that they young are introduced by adults into a continuously changing world. Anyone who refuses to assume joint responsibility for the world should not have children and must not be allowed to take part in educating them.31

Take, for example, the slogan of KIPP, one of the college prep charter schools that supported SB 4. The motto “No Excuses” defines both a particular relationship between

30 Arendt ibid.: 180.
31 Arendt ibid.: 189.
teachers and students and an ethos for the entire network of schools to follow. "No Excuses" is to KIPP's professional ethic what a stance against "the soft bigotry of low expectations" was to No Child Left Behind. It promotes the firm expectation that adults will take full responsibility for children's learning by refusing to accept the excuses that are commonly made about why many low-income minority kids do not perform as well in school as middle and upper class white children.

This is a solution that produces a new set of problems, problems that complicate even further Arendt's prescient observations on the dangers involved when the school performs functions which would ordinarily be performed in the home. The remedial function these schools have taken upon themselves to perform is no longer limited to linguistic education and the teaching of English, but of overcoming what is considered to be the "environmental deficits" in a child's home life that might contribute to his failure at school, which have been identified and publicized by a growing body of sociological and educational research over the past several decades. It is no longer language, or only language that many children need to learn in school; they must also "learn how to learn" in a way that more privileged children learn implicitly in their home lives.

A dangerous solution, indeed: it exacerbates the tendency Arendt most deplored in modern politics, the elevation and valuation of the "sheer life" of the individual and the family over the "good life" of citizens in the polis. On the surface it would seem that policy debates in education are all about bios, the storied, particularly

32 The "No Excuses" motto, as well as "There are no shortcuts," another slogan employed by KIPP, were coined by award-winning Los Angeles elementary school teacher Rafe Esquith, known for leading his students in the performance of Shakespeare's plays. Another Esquith technique borrowed by KIPP is the practice of keeping students in school for longer hours. See Esquith 2003 and 2007.
human life of the citizen rather than zoe, the "bare life" of the species. 33 But once you get into projects that seek to enter the household through the child in order to assure future individual fitness for schooling you find yourself in the murky realm of the biopolitical that Foucault and others have designated as that space in which "life itself" becomes the object of politics. 34 One of the reasons education is not a terribly sexy subject for biopolitical analysis (as compared to, say reproductive technologies or genetics) is that it is generally quite a stretch to say that education is literally a matter of life and death. Outside of school shooting incidents, this continues to be true, although it has become the case that education is taken up as an urgent political problem when it is shown to be an urgent economic problem (as in the case of Steve Murdock's statistics), and so life enters politics via education indirectly, through the back door of the oikos.

VI.

Public schools occupy an ambiguous space in between the obscurity of the home and the transparent light of the public. A few years after the publication of "A Crisis in Education," Hannah Arendt published another essay on education entitled "Reflections on Little Rock," at a time when this ambiguity was being brought to light, so to speak, through the traumatic integration of Arkansas public schools after Brown vs. the Board of Education. 35 In it, she argued that the forced integration of public schools was a misguided strategy for the civil rights movement. She argued that civil rights leaders should instead concentrate their efforts on more basic concerns, starting in the private

34 Foucault 1978.
sphere by attempting to reverse prohibitions against interracial marriages. The federally enforced integration of schools was inappropriate, she argued, because it amounted to a politicization of children before the time when they were properly prepared to handle political conflict as adults. Her argument, however, was complicated by the fact that public schools are political institutions insofar as they are charged by the state to prepare future citizens for participation in democratic public life. But they are also, according to Arendt's own schema, closely aligned with the private sphere as supplemental sites for the raising of children outside the home, and social institutions as both settings for vocational preparation and as sites of social normalization. Central to her complaint against the desegregation strategy was her assessment of the proper role of discrimination in each sphere: it has no place in the political or public sphere, which is based on the assumed formal equality of citizens; but discrimination is appropriate in the private and the social spheres; in the private sphere, parents have a right to raise their own children "as they see fit." In society, people have the right to associate "with their own kind" if they so prefer. In arguing against federally enforced integration, Arendt essentially assigned priority to the private and social functions of schooling, although clearly, this prioritization remains problematic.

Public education is a complex hybrid of these three spheres-the private, the public and the social-and 50 years after Brown vs. the Board of Education much of the contention over public education in the United States can still broadly be interpreted in these terms, and are, quite vigorously and on a day-to-day basis in Texas. Here, educational administrators and reformers have been rearranging the uneasy compromise and balance the public school system has maintained between its private, social, and
public functions. The particular focus of this research is charter schools and the school choice movement, which rearrange the relationship between these spheres in various different ways. One of the goals of this research is to reinterpret the meaning and function of charter schools in relation to the broader contested role of public education in a democracy because they have been too easily characterized as straightforward instantiations of neoliberal reform—and depending on whether you are for or against the magic of the market, this is interpreted as a good or a bad thing. Debates on charter schools and the promotion of school choice tend to be sharply polarized. Champions of the school choice movement put too much faith in the market metaphor, which is particularly problematic when applied to the field of education. But on the other hand, critics of school choice are also guilty of putting too much emphasis on the necessary purity of public schools as public, when in fact they have always been thoroughly hybrid institutions, polluted by socioeconomic distinctions while at the same time struggling to maintain a facade of public equality.

Charter schools, first appearing in the 1990s, are public schools operated by private organizations, usually nonprofits, through a contractual relationship with the state. In exchange for less funding, charter schools are subject to less regulation. They are justified by the argument that the consumers of education, when freed from bureaucratic constraints, will behave like rational actors who are motivated to choose academically successful schools, spurring competition and innovation that will increase levels of academic attainment for all. The notion of accountability is a key element in the argument in favor of this form of partial privatization; instead of being held accountable to the complex rules and regulations of a bloated bureaucracy, charter school educators are instead supposed to be directly accountable to students and parents, who can vote with their feet and transfer to another school if they are not satisfied. Additionally, they are also supposed to be held to the same academic standards as traditional public schools.
The most obvious difficulty reality presents to the neoliberal model is that children are not autonomous and rational; the school is, to a large extent, the place where their autonomy and rationality is supposed to be fostered. The methodological individualism of neoliberalism meets its limits here, so much so that even Milton Friedman, an early theorist of school choice, begrudgingly pushes the limit of autonomy back to a social unit in his book *Capitalism and Freedom* when he writes that "As liberals, we take the freedom of the individual, or perhaps the family, as our ultimate goal in judging social arrangements." Consequently, there is a confusion in the school choice movement between the idea that choice empowers parents to decide what is best for their children and the idea that every child has individual needs that should be served. Public schools do provide opportunities for individual meritocratic mobility, but this has not been the case at the level of statistical aggregates; rather, public schools, at the population level, have continued to exacerbate social class and ethnic divisions based on family background, a tendency recorded by demographers such as Steve Murdock. The nationwide reform trend represented by the No Child Left Behind Act focuses on compelling schools to mind the socioeconomic gap in ways they have not been required to do so before, by meeting a standard of Adequate Yearly Progress that takes account of the academic progress of separate subgroups. Recent educational research, consequently, is increasingly focused on designing research that "corrects" for family background; that is, if an educational method does not work equally well in the inner city as it does in a white suburb, it will not make the cut as qualifying as a "best practice." Politically, it is as if education reform is a mechanism through which the attempt is being made to transform the *de jure* equality of the public sphere-the formal and artificial equality of citizens-into a *de facto* equality of uniform competence.

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36 Friedman 1962: 12.
Consequently, this is forcing many educators to reassess the value of the arms-length relationship public school systems have maintained with the family and the private sphere, which is beginning to become strained in the No Child Left Behind era. An example from a meeting I attended early in my research illustrates this tension. In 2004, the United States Department of Education produced a “Declaration of Rights” for parents of English language learners. It seems that many minority and low-income parents were either unaware or not taking advantage of provisions in the No Child Left Behind Act that allowed them to transfer to other schools if their school failed to make Adequate Yearly Progress for two years in a row. The Department of Education wanted these parents to know that they had a choice. They convened a task force of faith-based leaders to distribute information to parents about their right to choose in churches. Then-Secretary of Education Rod Paige announced the new initiative at Trinity Baptist Church in San Antonio, in an affluent historic neighborhood near Trinity University. Despite the odd choice of location given the audience they were trying to reach, the church was nearly full.

Rod Paige was joined by church leaders, superintendents of San Antonio-area schools, and Latino recording artist Jon Secada, an immigrant from Cuba who learned English in Miami public schools. Like at most events of this kind, the talk was about the future. Rod Paige told the audience that in 10 to 15 years, every other person in Texas will be Latino. He said that education is a civil right, and that closing the achievement gap is the single biggest civil rights issue facing the nation. The audience applauded when he declared that in the United States, we are all elite. He said that no society has ever attempted to educate all of its children, “but this is the U.S.A.”
The superintendent of the San Antonio Independent School District introduced Rod Paige. He informed the parents in the audience that they were the ones responsible for their children's education. He said they had a responsibility to be vocal, concerned, informed, and involved in their schools. They should be communicating with teachers and administrators, they should pay close attention to their schools' accountability ratings and they should be informed about current education laws. In short, he was making a plea for these parents to become more like assertive middle class parents. An SAISD teacher sitting next to me snorted in disbelief. She said that at her school, the teachers are told by the administration on a daily basis to keep the parents as far away from the school and the classroom as possible. As far as the teachers are concerned, the students don’t exist after they walk out of the classroom. I asked her why. “We can’t control the parents,” she said. “We can only control what goes on in the classroom.”

Many charter schools, operating in smaller, more isolated and less regulated public niches, have begun to abandon the “blank slate” model, and frequently deploy pedagogies that are more morally all-encompassing. Thus we have another difficulty with the neoliberal ideal type in education; rather than creating markets of autonomous, distinct schools with autonomous consumers in which services are provided in an orderly and efficient manner, the school choice movement actually manifests an intensification of moral intervention into the lives and actions of their consumers, namely students and their families.

Many charter schools employ strategies to intensify parents' participation in their children's education. Many conduct routine home visits, and encourage or require that parents volunteer at the schools. Some employ private-school style discipline and corporal punishment that require the consent of parents. Others require participation in
parenting or literacy classes. The philosophy of one charter school I visited in Dallas is that by the time a child reaches kindergarten, they are already a product of their environment, so they have to try to reach the child as early as possible. So they reach even farther back into the private sphere than most—all the way to the womb—with a privately funded outreach program that targets pregnant mothers in its neighborhood and teaches them about the effect prenatal nutrition has on cognitive development. One of the most celebrated trends within the charter school movement is the emergence of academically rigorous college prep schools targeted at inner-city kids that require the parents, students and teachers to sign “Commitment to Excellence” contracts which detail their responsibilities and promises to each other. Others are less aggressive and interventionist, and simply offer kids and families opportunities to move into smaller schools where people are more like them—whether that means that they speak Spanish or they are connected to their church or their pedagogical focus appeals to them or, most controversially perhaps, that they are all at a more uniformly low academic level.

The conflict over SB 4 involves these two very different kinds of charter schools that have emerged: the highly interventionist college prep schools that require the signing of contracts and what are now known as “dropout recovery” schools that target “at risk” students. In my research, I have been following the reform activities of several statewide organizations that advocate for charter schools, and have found the biggest tensions within the movement to be between schools that serve what could be called disadvantaged populations but have both very different ways of defining their students’ disadvantages and very different understandings of what it means to be held accountable for their students’ education.

Prominent among the rigorous, academically oriented schools are the KIPP schools. These are part of a well known national chain that started in Texas and has been registering outstanding success with low income minority populations on both state
standardized tests and nationally normed tests. In addition to requiring the signing of contracts, they employ other strategies to get their students into college. (And they expect all of them to go to college...there's no admission within the culture of the school that some people are well served by going to college and others are not.) These include: much longer hours in school; 7:30-5 on weekdays, some Saturdays and three weeks during summer are required; access to teachers after school hours-teachers are required to carry cell phones and be available to take calls from students or parents until 10 p.m.

The attitudes of some educators at less-rigorous charter schools towards these high-standard schools range between guarded suspicion and professional resentment. They admit that their results are impressive; but they feel that any school that does not take anybody who walks in the door and makes people sign a contract to get in is not truly public. Not only are they not truly public; they are elitist, not because they serve affluent students, but because they have high academic standards which some consider to be unattainable by all students. Likewise, the leaders of the high-performing schools are frustrated to have to share the charter school title with so many underperforming schools. Administrators from these schools expressed immense frustration with the indignity of being lumped together with the less competent. One of my interlocutors, an administrator at a college prep charter, put it this way:

We actually have a really hard time being a charter school in [this city], because the vast majority of charter schools in this city aren’t good. And they are failing kids academically, with kids flunking, and also, they’re just not learning. They’re not taking advantage of the freedoms they have to do things differently, and they’re not actually doing things differently, they’re creating plain old schools, but just under a different title. They might add in paddling, or they might add in some sort of math focus that doesn’t really exist and I’ve been to a lot of them, and it’s very disturbing, actually, and I don’t like it.\footnote{Interview 9/25/05.}

He admits, however, that they do catch a lot of kids who would otherwise fall through the
cracks of a large public school system, and help them feel a lot better about themselves
than they would if they were dropouts, but argues that this is almost worse than the
alternative:

They blow sunshine up their ass, they tell the kids that they’re smart and they’re
great readers and they’re wonderful people, but they don’t actually, they’re never
challenged with something that they have to accomplish, they never have to read
something that’s actually hard, they’re never pushed, and so because of that, you
know what, they could’ve been smart, if you taught ‘em, but they’re not.

And, on the other side of town, the administrator of a vocational charter high school had
the following criticism of his own school’s position within the broader movement:

You get all of these charters schools that are above average in the state
accountability system, saying, hey, if we’re ever going to get the respect of the
legislature we’ve got to move ourselves up and create an organization separate
from all the others and make the requirements to get in that difficult to let the
legislators know that we’re to be treated differently, because we got such a bad
rap as a regular charter school. And that’s fine, except the distinguishing thing in
that group is that they’re above academically acceptable, they’re recognized or
exemplary. So that was your ticket of admission to this group. I’m not in this
group. And the reason we’re not in the group, we’re getting kids at the tail end of
the system and it’s pretty, it’s impossible in my view.38

This administrator’s school has an emphasis on vocational, remedial, and character
education. Students work on a self-paced individualized curriculum that allows them to
make up credits they fell behind on in their previous school, have the option of working
half a day, and participate in a program of character education based on the Book of
Virtues. This administrator was not only frustrated with being excluded from the
organization of elite charters, but of also being “lumped together” with what he felt were
bad schools. To him, bad schools were not the ones who do not reach for the highest

38 Interview 8/15/05.
standards, since his own school does not reach for the highest standards, but the schools that exhibited fiscal and administrative irresponsibility; to him, accountability means reaching acceptable standards and having good management. I asked him how you distinguish good schools from bad schools, since according to the numbers, good ones sometimes look like bad ones:

One, you look at growth. I'm convinced if you do a good job, if you have good pedagogy, if you have a good staff, the kids will come. If you're mismanaged, if you’re turnover rate is high, the staff turnover rate is high, the kids are getting inferior education, certainly soon the word spreads with parents, and you don't continue to grow. So one factor is, you develop quality early on and the community knows about it and then [Texas Education Agency] knows about it. We are always on time with our reporting. If you interview anyone at the TEA, almost from the janitor all the way up, if you mention our name, what will come is quality, they know we do a good job. Our reports are always on time, we've always been at least academically acceptable, one year because of a technicality we weren't but we appealed that but lost the appeal. But since that point in 99 we've been academically acceptable since then. But, I think charter schools make a decision early on that leads to all the things I'm describing even though you may not be at the top pier academically.

The conflict enacted in SB 4 drew on the ambiguity highlighted in this administrator's dilemma. In practical terms, it is the problem of accountability. The issue of accountability in public education is so problematic because the conduct and competence of adults is directly tied to the conduct and competence of other people's children. The politics of accountability in education is a politics of numbers, but it is also a politics of achievement. It concerns not just the matter of how knowledge and skills should be quantified, but the matter of how much knowledge and skills future citizens should all be reasonably expected to possess. The ideal typic model of school choice assumes the necessity for a quantified measurement of academic achievement. Consequently, almost all of the research done on charter schools has as its goal the
determination of whether or not this particular reform raises academic achievement. This research misses the boat on how accountability is practiced on the ground on several counts. The biggest problem with the research on effectiveness is that it assumes that everybody uses schools for the same thing, that is, for the development and improvement of students’ academic skills and competencies. But part of what charter schools are allowing is a differentiation of schools according to other, more social functions-the association of like with like. There are technical problems as well. In Texas at least, there is a large loophole in the state accountability system that allows charter schools to self-designate as alternative educational facilities, which allows them to bypass the public school rating system. While only a very small percentage of schools within traditional districts are designated as alternative campuses, about half of the charter schools in Texas carry that designation. But that is the least problematic because it merely amounts to a policy glitch, which the state education agency is currently working to change. There are additionally efforts being made by some charter school educators to formulate an accountability system specifically for charter schools which includes a measurement of growth rather than an absolute standard, so that if a ninth grader advances from a third grade to a seventh grade reading level in the space of two years, his school won’t be penalized if he fails the state test. There are also efforts to include a measure of multiple at-riskness, since currently schools are only allowed to enter one indicator designating a child as at-risk in the public education information system. These problems seem merely empirical, but they are both normative and empirical, since they carry with them assumptions about what can be reasonably expected of an at risk child.
There are other problems of a more purely normative sort that have to do with expectations about how and what children should learn, what effect the measurement of learning has on the learning process, and whether or not public accountability in education is indeed appropriate at all. For example, most of us are probably familiar with the liberal and progressive criticism of the current accountability paradigm and its emphasis on high-stakes testing for its negative effects on what is perceived to be actual educational achievement, which is deemed to be immeasurable. In this discourse, accountability and the rigid enforcement of standards through high stakes testing represents the pollution of the academic by the economic. I would argue that a more pressing concern according to the schema I borrow from Arendt, is the problematic attempt to make not-yet-citizens accountable for their “knowledge and skills” in the same manner as adults would be expected to take responsibility for their actions. The educator I referred to in the vocational school may not possess a philosophy of education similar to mine or to the college prep charter school educators, but he is, by all accounts, a responsible adult who is doing his duty to the state in a reasonably responsible manner. What the case of charter schools demonstrates is that achievement-whether purely academic or impurely economistic - may or may not be the most immediate goal for students, parents, or their educators. But for the state, it seems, failure is not an option.

VII.

From the Fall of 2004 to the Summer of 2007 I conducted fieldwork on the topic of public education reform in Texas. That fieldwork, initially imagined in quite broad terms, eventually focused on the ethics and politics of what is known as “school choice movement” in a focused, but by no means exhaustive, number of sites. The fieldwork consisted of loosely structured interviews, primarily with charter school administrators, observations of the meetings of the statewide charter school association and other public
meetings, observations of daily school activities at a KIPP middle school campus conducted over a three month period, and the collection of documents about charter schools and school choice, including media accounts, academic studies, policy analyses, think tank publications, online debates, government documents, and a variety of other forms of public information.

The dissertation is structured in the form of four observational essays, each drawing on separate sources of data, and each reflecting on particular kinds of anxieties, dissatisfactions, and possible solutions to the problems of the present via education. These essays owe to the tradition of ethnographic writing a perspective based on intersubjective witnessing, but like many of the “messy texts” produced after anthropology’s period of self-examination in the eighties, they do not pretend to describe a holistic entity. The method involved in the writing is to enter into dialogue with the cultural forms and discourses preceding, produced by, or trailing along in the wake of the public debate enacted in the conflict over SB 4. It works to tease out the implications and interconnections gathered in the field, including representations produced for other, more straightforwardly informative purposes, in order to provoke new ways of thinking about them.

Chapter Two is based on the primarily interview-based research I conducted with school administrators in San Antonio, which is where the majority of the research occurred and also happens to be my hometown. It begins with an assessment of a related study of public school reform conducted by a team of anthropologists in North Carolina

that is more straightforwardly informed by critical theory and an oppositional moral stance to neoliberalism and offers in the place of critique a somewhat more humble account of my own fieldwork in San Antonio that was not motivated by clearly defined moral certainties. Chapter Three is based on media representations of charter schools, educational assessments, and KIPP and seeks to situate the debate over SB 4 within a broader national context of public debate and discussion on the problem of education reform. Like most anthropological research conducted in the present, I had to contend with a multitude of prior representations related to my topic of study, some more or less hidden in plain view in archives, public records, and niche publications, and others more highly visible in widely circulated forms of media. I became an uncomfortably obsessed consumer of media related to my topic of study and suffered from information overload. Chapter Three narrates my own efforts to glean some significance from this buzzing confusion, and to understand the remarkable celebration of the KIPP charter schools as the potential saviors of the problems plaguing public education. Chapter Four continues to probe the sources of KIPP's broad popular appeal through observations of daily activities at one of its middle school campuses. Finally, Chapter Five returns to the public testimony on SB 4 to problematize what appear to be simple solutions to immensely complicated problems.
Chapter Two:

Keep San Antonio Lame

I.

"This article argues that the neoliberal renaissance of the 1980s marketized education, with distinctly negative social consequences." So begins a 2002 article published in *Anthropology and Education Quarterly*. By marketization, the authors mean that education has been influenced by the principles of deregulation, competition, and stratification. The negative social consequences of marketization have been the erosion of democratic participation and equity. They admit that capitalist forms have long influenced schooling, but that nonetheless the current period is characterized by an intensification of business influence and corporate rhetoric on education. They observe that a distinguishing characteristic of this rhetoric is an unproblematic celebration of choice in schooling that figures parents and students as consumers who are imagined as universal subjects that are "equally informed, politically connected, and capable of securing for their own children the best education." Along with the unqualified promotion of choice and the outsourcing of school functions to private enterprise, we are witnessing the "radical expansion of testing" that impoverishes the educational experience, particularly for poor and minority students. Marketization has encouraged a subtle shift in the perception of the uses of schools, to be revealed in the ethnographic research presented in the article that focuses on local education policy debates in two counties in North Carolina. The research focuses in particular on local elites’ promotion

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40 Bartlett et. al. 2002: 5.
41 Ibid: 6.
of education for economic growth, and decries the elevation of economic uses of education over other uses Americans have had for public schools: "individual intellectual character development, the formation of an informed and patriotic citizenry, the expansion of social mobility, and the creation of a socially more just society." The privileging of market discourse in education is interpreted as ideological and supportive of elite interests.

The type of social criticism performed in this article is well-worn, and has been repeated in many different contexts and disciplines beyond anthropology and education. Its common feature is the characterization of neoliberal discourse and practices as part of a creeping monolithic hegemony that threatens values that ought to be held dear if human beings are to thrive and survive. That is, it unproblematically portrays any program that could be characterized as neoliberal as both distinctly negative and ideologically motivated. Citing curriculum and critical theorist Michael Apple, the authors identify the lineage of recent educational reforms as a heterogeneous and decentered cultural alignment of economic modernizers, working class authoritarian populists, neoconservatives, and self-interested middle class professionals. But immediately after listing this diverse socio-cultural assemblage they refer to the neoliberal renaissance as the result of conscious engineering by the Right, as a crisis "manufactured" by common-minded conservatives. On the same page they recount the promotion of the strikingly similar education policies of the first President Bush and President Clinton. They conclude the section with the summary: "Hence, in the 1980s, a group with very

42 Ibid.

43 Berliner and Biddle 1995.
particular economic and political interests blamed recently integrated public schools for national economic insecurity." In short, the authors characterize an assortment of diverse actors, working at different times and places across a vast national expanse, as a single group with singular economic and political interests. This type of subject-centered analysis implies that the consequences of policies are intentional, so that even Democratic modernizers like North Carolina governor James Hunt intended to resegregate schools by implementing school choice programs.

But what is most striking about the appearance of this portrayal from a group of anthropologists is the sense of surprise they display that their interlocutors do not interpret the world in the same way they do, through the lens of university-trained critical discourse analysts. The American middle classes, the group from which their interlocuters are drawn, are presented as cultural dupes, sublimating their anxieties over an economy in decline through an ever-more zealous commitment to the coercions of capitalist discipline:

Remarkably, the uncertainty did not cause the middle class to question their support for a neoliberal economic system; instead, it disciplined them to accept more fully to rush to remain competitive, seek more training, work harder and longer, and reserve for themselves resources generating upward mobility that suddenly seemed sharply limited.45 They are taken aback by the number of people they interacted with during their fieldwork who thought that education produced economic growth: "a surprisingly large number of people expressed a belief that good schools are necessary to attract businesses and maintain a healthy economy." At the same time, their white middle class interlocuters are

44 Ibid: 11.
characterized as ideological maskers, strategically employing a discourse of community and identity to “euphemistically camouflage acts of institutional racism,” ignoring the history of inequality in the school system. So too did the discourse of high standards and quality serve to naturalize the advantages enjoyed by white students. Their interlocutors are criticized for using schools for purposes other than pure character and critical consciousness formation through a sort of selective communitarianism that displays an awareness of prejudices such as racism only within “limited, interpersonal (rather than structural) frame.”

The regional history of public schooling they provide, however, shows that schools never were sacred spaces for the complete democratic development of a critically informed citizenry. In their historical account of the founding of a town school in Halifax county during the early 20th century, they recount how textile magnates offered “business education and industrial-arts classes and a future white labor pool.” These early schools were also segregated, and the groundwork for the continued racialization of school district was laid. The only place a democratic impulse in education appears in this story is when the federal government coerces the schools to integrate. When the schools were forcibly integrated by federal mandate, whites fled to private schools. The same thing happened in in Durham County: “However, by the late 1980s the chasm of disparity between city and county schools prompted the state legislature to threaten a takeover.”

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46 Ibid: 11.
Their account tries to have it both ways: it tells quite plainly the compromised and messy history of public education in the United States and at the same time argues that the true meaning and use of public schools are ideologically pure. When their interlocuters do express an attachment to democratic purposes of schooling, they do so in an unprincipled way, mixing “the democratic discourse of citizenship and the economic discourse of productivity” by claiming that the purpose of schools is to turn students into “productive citizens,” which furthermore implies that students are “products of state structures.”

They do not consider the possibility that their interlocuters may in fact have it right in their assumption that public education is the brute imposition of a state structure that works to produce both economic productivity and a pacified citizenry in tandem. It is the observers in this study who insist on a purity that never existed. They write that the goal of ethnographies of school policy is to “historically contextualize” and “denaturalize” economic discourses of education by “implicitly comparing the current moment to a time when people imagined other purposes for education.” But this comparison is so implicit that it comes across as a utopian fantasy, having no basis in the historical record that they do present.

One part of the problem with academic criticism of this kind is that it assumes a complicity with its interlocuters that may or may not exist. It assumes that the comportment of critical intellectuals, who have developed their capacities through the education system in a particular way, is or ought to be universal. Most academic studies of education assume the endpoint for the educative process to be the formation of the

50 Ibid: 19.
educated person-rational, autonomous, reflective, critical, and self-assured - and so to be unproblematically encompassed within the ethos of the usually university-educated person conducting the study. The problem is that instances of educational institutions producing university-educated critical thinkers are more the exception than the rule, and for the overwhelming majority of would-be, current, and former students, education and schools are for something else entirely.

In his genealogy of popular schooling, Ian Hunter labels the tradition from which the perspective of academic critique is formed “liberal humanism.” He traces its formation in educational thought as a type of criticism that expects schools to provide individuals with the capacity for full self-realization. This goal for education differs from the statist goal of forming citizens with a common knowledge of their national government and heritage and the economic goal of cultivating baseline skills like numeracy, literacy and trainability. The statist and economic goals of education are governmental; that is, they can be tested, measured and visualized at both the individual and population level and can be made amenable to technical intervention. The liberal humanist goals are immeasurable, referring to properties that are strictly individual and subjective. Hunter argues that this goal (of the maximization and universalization of personal self-realization) is “the ‘ethical telos’ of a definite and limited spiritual discipline or practice of the self, one that misunderstands the limits of its own disciplinary reality by writing itself large as humanity, history, and the moral personality.”

52 Hunter 1994: 98.
up as the point of view from which to criticize other uses of schooling, it produces such oddities as American anthropologists, once known for their interest in understanding the "native point of view," describing their American interlocuters as if they were errant deviants.

David Westbrook has observed that this form of social criticism is connected to a conservatism that attempts to preserve some cherished past or treasured origins that the critic would like to see survive the onslaught of historical change:

Social criticism tells stories, always already begun, which if continued will destroy the meanings we have constructed. A coming must also be a going-to say that a situation has come to mean something is also to say that the same situation no longer means what it once did...Insofar as we are fond of the way of life in which we grew up-and because it made us who we are, we have to have a certain respect for it, whatever might be said against it from the outside-then we will tend to view such change as a bad thing, and we may even speak of dehumanization. Social criticism tends to rest, if only implicitly, on a sense of dislocation, a sense of losing a pattern of meaning, along with the past in which such meaning was formed. Social criticism is always, at bottom a charge of impiety, betrayal, leaving home.53

In conversation with anthropologists George Marcus and Doug Holmes, Westbrook has commented that social criticism produces a tragic discourse that is distanced and analytical and ignores or sweeps under the rug the surprising, the unexpected, or the simply incongruous oddities of the contemporary. He advocates in its place the sort of perspective developed through humbler forms of ethnographic investigation that are "intimate, synthetic, and comic."54 Similarly, in Attitudes Toward History, Kenneth Burke compares comedy to tragedy and writes that while both warn against the dangers


54 Ibid.
of pride to humanity, comedy focuses on how the roots of pride can be found in foolishness rather than maliciousness. The comic perspective, then, highlights the contingency of human experience rather than an understanding of events as borne of either good or bad intentions. It is a charitable attitude, stressing acceptance, without, like tragedy, magnifying or heroizing the human. It draws attention to the unintended consequences of human action, to the insight that “people know what they do; they frequently know why they do what they do; but what they don’t know is what they do does.” As Burke writes:

The progress of humane enlightenment can go no further than in picturing people not as vicious, but as mistaken. When you add that people are necessarily mistaken, that all people are exposed to situations in which they must act as fools, then every insight contains its own special kind of blindness, you complete the comic circle, returning again to the lesson of humility that underlies great tragedy. The audience, from its vantage point, sees the operation of errors that the characters of the play cannot see; thus seeing from two angles, it is chastened by dramatic irony; it is admonished to remember that when intelligence means wisdom (in contrast with the modern tendency to look upon intelligence as merely a coefficient of power for heightening our ability to get things, be they good things or bad), it requires fear, resignation, a sense of limits, as an important ingredient.

This chapter narrates part of my own efforts to take this sort of perspective seriously as a basis for inquiry.

II.

Just to go off script, my three year old asked me this morning, why do you work so hard Daddy? And I can honestly tell her it’s because of lack of facilities funding. She’ll get it in a few years. To cut to the chase, we had to raise or borrow over 400,000 dollars to rehab the building that we’re currently in. So in

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56 Burke 1984: 41.
addition to being the director of development, I was also the project manager on this redevelopment. So facilities funding would be the key to being able to focus on our core responsibilities. Our kids are 90 percent low income, 95 percent are Hispanic inner city kids from San Antonio. I'm sure a lot of you are familiar with the work of Dr. Steven Murdock. San Antonio is a 15 year predictor for Texas, and Texas is a fifteen year predictor for the country, so as we do in San Antonio, so goes the rest of the country. So I think it's really important that we support facilities funding so we're able to support what we do well. Just for example on this recent TAKS test we got 100 percent on writing, so I just thank you for your support.⁵⁷

In 2004, Steve Murdock moved his Texas State Data Center from Texas A & M to the University of Texas at San Antonio. The local newspaper has frequently quoted him over the years referring to San Antonio as a “living laboratory” because its demographic makeup reflects the projected future demographic makeup of Texas and the United States.

It seems to be a future that very few people want. Among the largest U.S. cities, San Antonio is known and often ridiculed as one of the poorest, least well educated, and least cool. The city of the future, when it's not stuck obstinately in the past, seems to move entirely too slowly to even keep up with the present. In recent years, lifestyle magazines have ranked San Antonio among the least fashionable, drunkest, and most obese of American cities. The radio is filled with oldies, hard rock, and tejano. Technology, fashion, and lifestyle trends all seem to arrive in town a few years too late. Transplants from Austin and California who moved here for the cheap real estate complain about the lack of a scene. AT&T, one of its largest corporate citizens, recently moved 700 of its highest paid executives to Dallas because apparently it could no longer afford the delays at the flyover airport. Even San Antonio’s most recent economic advancement—the locally hyped and heralded acquisition of a new Toyota Tundra plant—

⁵⁷ Director of Development for KIPP Aspire Academy in San Antonio, testifying in favor of SB 4.
seems oddly anachronistic. It hearkens back to an industrial economy that never really flourished here, and manufactures a product that is slowly losing economic value as the global economy stumbles headlong into a post-oil-boom-era. Only a year and a half after opening, the Toyota plant is already scaling back production of its full-sized Tundra pickup trucks to make up for dwindling demand. It’s a shame they didn’t open a Prius hybrid plant instead, but as Governor Rick Perry consoled the San Antonio Chamber of Commerce: “You can’t put a bale of hay in the back of a Prius.” But many of the natives here don’t mind the relegation of San Antonio to peripheral status in the new global competition for urban prestige. If San Antonio is one of the fattest cities, it is also one of the most recession-proof. If incomes are low, so are unemployment rates. San Antonio is spoiled with the amenities of a large city and a low cost of living, a slowed-down lifestyle, and a laid-back ethos. Happy, friendly, and unaffected, most of us don’t even know we’re living in a laboratory.

A few years ago, a cheeky young San Antonio artist started making t-shirts and bumper stickers imprinted with what has now become an unofficial city slogan. “Keep San Antonio Lame,” printed in ugly white block lettering against a plain black background, with a crude rendering of the Alamo where the ‘A’ in ‘LAME’ should be, was intended to be a gently ironic rejoinder to the “Keep Austin Weird” slogan of our neighbors to the north. According to the artist, “Keep San Antonio Lame” is a “movement which requires no effort.” It’s a friendly middle finger raised to a culture of anxious striving, a satiric embrace of the city’s long standing inferiority complex.
My hipster musician friend Will once told me that he wanted one of the Keep San Antonio Lame t-shirts so he could wear it in Austin and have a laugh with his friends. Before he gave up on this town and moved back to Austin, we used to meet for drinks on occasional Monday nights at the bar in the revolving restaurant at the top of the Tower of the Americas in HemisFair Park downtown, because it was one of the few places in San Antonio that he actually liked. Sipping martinis and overlooking the skyline from a height of 750 feet, he said "it almost feels like you’re in a real city." I told him he can’t wear a Keep San Antonio Lame t-shirt because he really does think San Antonio is lame: "You can’t wear the t-shirt unless you love San Antonio exactly the way it is. I think what you really want is a t-shirt that says "Keep Will Weird." Besides, I told him, the t-shirts are all sold out and the artist hasn’t gotten around to making more. He likes to take it easy. Sometimes it’s hard to tell if San Antonio’s complacency is subversive or simply lazy.

The Tower of the Americas was constructed for a mini-World’s Fair that opened in downtown San Antonio in 1968. HemisFair ’68 commemorated the 250th anniversary of the city’s founding, but presented San Antonio as a city of the future, uniquely situated at the "Confluence of Civilizations of the Americas." A massive new convention center complex of 96 acres was constructed on the ruins of one of the city’s oldest neighborhoods that was once part of the original Alamo mission settlement. The housing was declared substandard and the neighborhood declared a blighted slum so that federal urban renewal money could be drawn. Churches, schools, and hundreds of homes were razed. Several hundred residents had to be relocated.
The organizers of the fair wanted to awaken a sleeping city. They wanted to introduce San Antonio to the world, and to learn about the world in the process. They wanted to both publicize and speed up the modernization of San Antonio and capitalize on its position at the crossroads of Latin America and the United States. Congressman Henry B. Gonzalez and a local businessman started the project and the fundraising campaign and organized the support of a team of like-minded local leaders. They raised 6 million dollars in 6 months and passed a 30 million dollar bond. The federal urban renewal funds brought in another 12.5 million dollars. The Tower of Americas, designed by architects O’Neil Ford and Boone Powell, was erected as a monument to the foresight, ambition and determination of modernizing San Antonians. The Paseo del Rio Riverwalk, San Antonio’s most distinctive urban public space that was envisioned as a “slow and lazy” refuge from “the hustle and bustle of street level modern city life,” was extended and new hotels were constructed. The Hilton Palacio del Rio was noted for its architectural distinction as the first structure to be built with concrete modular construction. Each of the rooms, already furnished complete with Gideon Bibles, were lifted by cranes, one by one, and stacked like toy blocks.

The fair opened inauspiciously just two days after the assassination of Martin Luther King, Jr. First Lady Lady Bird Johnson and Texas Governor John Connally both attended the opening ceremonies and both received death threats. 35 nations participated.


59 The full quote by Riverwalk architect Robert H.H. Hugman speaks to San Antonio’s persistently (or stubbornly) relaxed quality: “The greatest need for the future is to not go modern in architectural styles, but to guard jealously the river tempo, slow and lazy, in complete contrast with the hustle and bustle of street level modern city life.”
The most popular attraction was a performance at the Mexican pavilion by the Voladores de Papantla. Four to five times a day, five indios would ascend a 114-foot pole. One would stand on top of the pole on a 20 inch disk and play the flute while the other four would dive, fastened by ropes tied around their waists, and “fly” down in slowly expanding circles as the ropes unwound. When the Voladores returned to the ground, they would reenact the sacrifice of a bare-breasted “ceremonial virgin.”

HemisFair ’68 lost 6 million dollars. It was the first World’s Fair to lose money. Most of the people visiting came from Texas and Bexar county, and less than 4 percent were foreigners. The city did not plan what it would do with the property after the fair. According to Tower architect Boone Powell, “The city had inherited the fairgrounds and didn’t even know where the fuse boxes were or how to operate the cite. So it was a mess, an unholy mess.” Twenty years later, a local news station would report that hundreds of HemisFair typewriters disappeared within days of the closing. Fair signs showed up in mysterious places around town, and expensive artwork was destroyed and taken to the city dump. The Tower of the Americas continued to operate as a tourist destination. The largest presentation pavilions, constructed for Texas and the United States, were converted into the Institute for Texan Cultures and the John H. Wood, Jr. Federal Courthouse. But much of the original fair site was long neglected. Tourists, wandering in from the Riverwalk, got lost on the abandoned fairgrounds.

A year after the fair closed the city considered a proposal to construct a new University of Texas campus on the then still-abandoned fairgrounds. Locating the new

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61 Quoted in “HemisFair 1968-1988.”
UT campus in HemisFair Park would have drawn residents downtown and made the university more easily accessible to the city’s lower income inner city population. But business and political leaders blocked the proposal and instead voted to build the new UT campus in the sprawling suburbs on the predominantly Anglo northwest fringe of the city. Downtown development continued to be oriented toward the promotion of tourism, as a series of highways were constructed encircling and protecting the central core from nearby low-income neighborhoods. Such lack of foresight was nothing new among San Antonio’s power elite; HemisFair ’68, while hyped as a visionary, forward-looking project, did little to remediate the business and political community’s long standing narrowness of interests. In the years immediately following World War II, the city’s leaders repeatedly turned down industrial manufacturing opportunities because they feared the social instability that would be fostered by union labor and higher wages for the city’s working classes. Instead they focused economic development efforts on expanding the city’s military bases and on promoting the low-wage, low-skill service industry of ethnic and historic-themed tourism. With characteristic slowness, San Antonio moved “from its preindustrial origins to a postindustrial service center—all without the brutal messiness of industrialization.”

The city’s laggard leadership fostered an anachronistic and contradictory form of “regressive multiculturalism”: a “culturally inclusive but materially exclusive...celebration of cultural diversity that maintains the existing disparities in material wealth.” San Antonio’s regressive multiculturalism had been status quo for

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63 de Oliver 2005: 47.
many years, long before the emergence of identity politics in the 60’s; in this sense San Antonio indeed was a harbinger of things to come. The city was long romanticized and promoted as a bastion of authentic Mexican hospitality, as a friendly and generous receiver of strangers, since the days that it served as a commercial outpost to transient cattle drivers during the 1800s. At that time local businessmen promoted the city as a health resort to consumptives due to its dry, warm climate and abundance of the healing gas “ozone.” This morbid but lucrative form of environmental tourism, according to local historian Char Miller, was based on “bad science” and a faulty logic of environmental determinism; most of the visiting consumptives died in San Antonio despite its apparently salubrious environment. Furthermore, the TB tourist industry introduced a significant public health threat, particularly to the city’s poorer inhabitants who lived in crowded unsanitized neighborhoods and worked as caregivers to visiting consumptives. Local businessmen continued to promote this dying industry even after concerned medical professionals began publicizing alarmingly high tuberculosis rates.

At least one observer was not convinced by the local hype. O. Henry wrote a darkly cynical fictionalized take on San Antonio’s TB tourist industry in 1904. “A Fog in Santone” tells of a young Memphis man sojourn ing in San Antonio who has been given three months to live. He is one of three thousand invalids who have “come from far and wide, for here, among these contracted river-sliced streets, the goddess Ozone has elected to linger.” On an uncharacteristically damp and foggy night, he wanders the streets of the city collecting morphine tablets from different drug clerks, intending to commit suicide. Along the way he encounters various locals who “chant the sanitary saga of Santone,”
trying to convince him that the aggravating foggy weather is anomalous, and the city
cannot be blamed if it hastened the deaths of any among the three thousand:

Purest atmosphere, sir, on earth! You might think from the river winding through
our town that we are malarial, but, no, sir! Repeated experiments made both by
the Government and local experts show that our air contains nothing
deleterious—nothing but ozone, sir, pure ozone. Litmus tests made all along the
river show—but you can read it all in the prospectuses; or the Santonian will
recite it for you, word by word.

We may achieve climate, but weather is thrust upon us. Santone, then, cannot be
blamed for this cold grey fog that came and kissed the lips of the three thousand,
and then delivered them to the cross.64

The weather is current; the climate, a long-term average. As they say, “climate is
what you expect; weather is what you get.” The notion that climate may be “achieved”
is a relatively recent one, based on the patient accumulation and examination of long-
term statistical averages, which in retrospect may reveal some connection between the
natural environment and human action so as to be used as a basis for future planning.65
Yet even with the systematic observation of statistical regularities, weather and climate
are the result of so many innumerable and complex interactions, that it is difficult to
isolate independent variables of cause and effect, if not impossible to identify stable
agents of responsible action. So then, it would seem, San Antonio could not be blamed
for the deaths of its consumptive visitors, just as in recent years the city and its leadership
could not be blamed for the apparent lameness of its economy, which has long depended
on a mutually collective ignorance and evasion of moral responsibility. Consider then-
Mayor Bill Thornton’s blunt comment in 1997, made when promoting tax abatements

64 Henry 1912: 101.
65 Hacking 1990.
for a new downtown hotel that would increase the city’s already overflowing coffers of low-skill, low-wage jobs: “Unfortunately, there is a great number of adults in our community that are defined as functionally illiterate.” He added that it was “naive to expect much of San Antonio’s workforce to step into management or technical positions.”\(^{66}\) If the city was once celebrated for its beneficent environment, it was at the same time disparaged for its “human resources.” The city’s power elite had always tended toward the self serving understanding that the functional illiteracy of a segment of the population was something merely thrust upon them rather than achieved, a natural and expected state of affairs that could never really be remedied.

III.

During the 2005 79th session of the Texas Legislature, Governor Rick Perry designated public education finance reform as an emergency. Texas lawmakers were charged with the task of revising the education system’s reliance on property taxes and the unpopular practice called “Robin Hood” of property-rich school districts sharing money with property-poor school districts. They were unable to do so during the regular session, and Governor Perry had to call a total of three special sessions of the Legislature devoted to school finance reform. The Texas legislature had attempted to reform public education finance six times since 2003. By 2005, the situation had become urgent. It seems that public schools could not raise enough money to keep up with inflation and the rising costs of increasingly hard-to-educate students. In November 2005 the Texas Supreme Court had declared the then-current system unconstitutional, citing the research

of Dr. Steven Murdock as evidence of the urgency of the situation. To underscore his resolve, Rick Perry vetoed the Texas Education Agency’s funding for 2006-2007 so that Texas public schools would be shut down, and promised not to restore funding unless an education finance reform bill was passed. The schools never did get shut down.

That same year, a group of self-described “soccer moms” in Arlington formed a political action committee to support new political candidates. They were fed up with the Texas legislature’s failure to support public schools. They were disgruntled by the repeated efforts of some legislators to pass publicly-funded private school vouchers. They did not believe that taxpayer money should be used to send children to private schools. They supported Republicans. They supported Democrats. They supported any candidate that would be willing to support public schools. They did not have a lot of money, but they did have a lot of volunteer soccer moms. Their opponents had a lot of money coming from a San Antonio millionaire named James Leininger, who had been privately funding vouchers for students from the Edgewood Independent School District on San Antonio’s west side since 1998. He called them scholarships. He had been trying for a few years to drum up support for vouchers through focused research and political advocacy. An example: In 1996, a research organization founded by James Leininger issued a press release. They had conducted an analysis of the results of the Texas Assessment of Academic Skills. They found that more than half of Hispanic students in the San Antonio area failed at least one component of the test. They had not yet calculated the failure rate for Anglos, but they estimated that it must be at least 10 points lower. They convened a citizen’s task force to investigate why minority students fare
worse than Anglos on standardized tests. They hoped that their figures would produce
"some focused public outrage." When focused public outrage failed to convince the
legislature to start providing public money for the private education of minorities,
Leininger decided to start paying their tuition himself. His scholarship program was
evervisioned as a 10 year experiment. The goals of the experiment were twofold: to gauge
the response of the Edgewood community when offered a free way out of failing public
schools, and to lay the groundwork for legislative reform that moves toward full public
funding of private school vouchers.

In 2004 I drove to the west side to talk to a man named John who started a private
school attended by children receiving scholarships from James Leininger's organization.
Intending to study the politics of education reform in Texas, I had drawn up a list of
organizations, and Leininger's nonprofit was the first to respond to my inquiries. As John
walked me through the small school, he mentioned that the building that houses it used to
be a bar. A woman once brought her child there to go to school and started to cry when
she walked through the door. Her husband had been shot in that bar years earlier.

In 1994, John said, a woman came to his Christian fellowship in the northern
suburbs on the other side of town and told them that the Lord wanted them to start a
school. They prayed for three years. They said "Lord, if you want us to start a school,
that's fine. Show us when, show us where, show us how." The inspiration came before
the opportunity arose. The Lord had to get them out from behind the walls, to put things
in motion, to break into movement what was in danger of becoming immobile: "The

67 Dilanian 1996.
current term to address it is, you know, get outside of the box.” Then in the Fall of 1997, they sensed a challenge and a transition being prepared. People were shifting. Some were moving away, some were giving up on their faith, others were seeking greater levels of discipleship. The Lord started telling a core group of the faithful that he was headed towards the inner city, “and it was like he was looking back at us, saying, are you coming or not?” They didn’t know what he was talking about. They prayed, asked, listened, and made themselves ready to obey.

John asked the Lord: “Inner city or christian school-which one is it?” He said it was like the Lord wouldn’t answer him: “And by answer I mean that impression in your heart, the way by which you know that you’re doing the right thing, you feel so good about it. It’s like when I went back to church when I was in college. I went back to church, I said “This feels good, I don’t know why it feels so good.” And when I was doing other things, “This feels bad, and I don’t know why it feels so bad.” It’s really simpler than we make it, you know.” And there was a sense in which the words were just repeated one more time: “Inner city. Christian school.” He just had to put the words together, and the meaning became clear.68

John prayed with his fellowship for three years and in 1997 things started coming together. In December they met a man from Dublin, Texas. He had been writing curriculum for a Christian publishing house and had started a charter school for at-risk kids. He introduced them to a pastor from Galveston who ran three private schools and agreed to come to San Antonio to help them start a school. A couple who worked at Sea

68 Interview 12/21/04.
World, as an accountant and a biologist, agreed to help. Another woman in their fellowship had a degree in Special Education but had no need to use it until her husband left her alone with four children. This was something she had no choice about; with her husband leaving her with four kids she had no choice but to live a life of faith. John too was compelled to live a life of faith. Faith is something you have to use when you don’t want to, he says, when things are uncertain and you don’t know what you’re doing or why. It makes you uncomfortable. For over 30 years, he had been trying to avoid working with kids, and it seemed like every job he had, he was led to do what he didn’t want to do. He calls himself a failure.

When I visited John’s school on the west side in 2004, I already knew that it was housed in a former bar. I already knew that the name of the bar was Chino’s Dugout. I had already read an article in the Texas Observer that was critical of James Leininger’s voucher program in Edgewood. I was already well versed in the left-wing critique of the illiberal authoritarianism of the “religious right” and the threat it poses to democratic politics. I already knew the response expected from a person of my training, background, and political and philosophical leanings when confronted with someone associated with the religious right: damning, dismissive critique. I had already seen a video produced by the Texas Freedom Network, an organization in Austin started by former governor Ann Richard’s daughter, that was also critical of vouchers and the schools that had started on the west side for students accepting James Leininger’s scholarships. Toward the end of the video, the camera pans across a humble building with bars on the windows. The

69 Mandell 1999.
footage appears to have been shot from the window of a moving car. A voiceover, in an obviously derisive tone, says that one of these schools is housed in a “former bar” and is run by “two former amusement-park operators.”

I asked John about parental involvement in his school and ended up hearing stories of children praying for and healing their elders, of old women bending and jumping where they hadn’t bent and jumped for over 10 years. John said “Now, you didn’t ask about that. That isn’t what you’re looking for, okay? See, that is what God is building and why he has us at work.” He continued to talk for almost three hours, telling me things that I wasn’t looking for. I had already done my research. I had already spoken to the director of James Leininger’s scholarship program. I had already been to their parent meetings. I had already interviewed several of about twenty parents who agreed to be interviewed. I worried over the rest who wouldn’t be interviewed and the limitations of a research model based on articulate and expressive subjects and the willingness of others to speak for themselves, even as I was confronted with a person who was all too willing to speak for himself. I was bewildered, and started looking for a way out.

John began to talk about 1968, a year I had already come to associate with revolutionary upheaval. He told me that 1968 marked the beginning of a 40 year period of transformation. Three events in 1968 initiated God’s plan for the renewal of the west side of San Antonio. First was the Edgewood lawsuit, provoked when 400 Edgewood High School students marched to their administrators’ offices and demanded better.

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70 Texas Freedom Network 2000.
teachers and better school facilities. That same year, some of their parents filed the first of several lawsuits that would eventually reach the United States Supreme Court demanding equalized funding for Texas school districts, which led to the “Robin Hood” scheme of public education funding. Second was a charismatic revival in the Catholic Church that swept through San Antonio’s poor neighborhoods. Third was the erection of the 750-foot Tower of the Americas downtown for the World’s Fair that was supposed to turn San Antonio into a world-class city. 1998 marked a thirty-year milestone when James Leininger started offering scholarships to Edgewood schoolchildren. The funds for the scholarship program were scheduled to run out in 2008, at the end of the 40 years. By that time Leininger’s organization hoped that the Legislature would pass a publicly-funded voucher program.

1968 marked the beginning of a movement for justice in this area, and God is on the side of justice: “God, if you will, has put this money to say, you cried out for equal education and real opportunity...special funding has been provided. Now, it’s your choice. The opportunity is there. If you say no to it, then you have no more right to be mad about things being unfair.” He understands why the people in Austin who made the video and people at Edgewood ISD are so negative. It is an indication that they feel threatened. The system is scared. Change is scary, because it forces people to have to live by faith. It is no longer an issue of public versus private, but of faith versus fear in the face of change: “There’s space and room for the people: give me your rich, your bright, those longing to wear uniforms, right? That kind of school. There’s room for that group. Those that want to flee the crumbling public school and those bad influences.
Which of course is crazy because there is no safe place away from temptation and bad influences. The garden itself was invaded by a snake. See, the only safe place is a captured heart, a safe heart, somebody who from the heart has already decided the issue.”

The 40-year transformation of San Antonio, John told me, is part of a much longer period of transformation going back 250 years with San Antonio’s founding as a missionary settlement which is itself a small iteration of a much broader movement. He spoke of the civilization of the wild frontiers of the south and of the Second Great Awakening; of wild, screaming manifestations; of drunken sots becoming useful citizens. He apologized for giving me material I don’t need.

I was starting to get used to finding what I wasn’t looking for. I was beginning to get lost in a world of opinion, in a category of thought that I could not yet appreciate, that “does not know, but asks why we think we know; [that] speculates in categories of ignorance.”

I had already spoken on the phone to a man who was involved in another Christian school on the west side who had been quoted in the newspaper saying vigorous and enthusiastic things about his school and vouchers. He told me a very different story from the one published in the media and made many impassioned and pointed complaints about vouchers and charters schools and said that people who got involved with them are only interested in imposing their religions on others or making money or both. He went on to defend the value of public schools even as he dismissed their programs for Gifted and Talented students for giving a select few (including his own daughter) access to perks.

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and extras that are denied to all. He resents it and he taught his kids to resent it even though they benefit from it.

I discovered that I went to high school with John's daughters when he told me that he, like the Lord, was not opposed to public schools: "The Lord has always been on the cutting edge...He's into vouchers and he's into public school, he's into home-school and he's into charter school...Wherever the limitation of one is, He'll find another way."

John's daughters, like me, were good honors students. But they were more well-adjusted than I was; they actually liked our school and thrived there, and would go on to assist their father in his Christian school on the west side. We went to a large public high school in the expansive northern suburbs of the city known locally as Loopland, which begins outside of inner Loop 410 and now stretches out beyond outer Loop 1604, where the University of Texas at San Antonio campus was built. Everybody in San Antonio knows that the "white flight" of families from the inner city to the suburbs that has been taking place over the past several decades is motivated, or at least justified, by the comparative quality and higher test scores of Northside public schools over those in inner city districts. Loopland has witnessed explosive growth over the past twenty years. Much of this growth is occurring directly over the environmentally sensitive recharge zone of the Edwards Aquifer, which is the major water source for the city and south central Texas. Loopland is the most highly educated segment of the city.

72 Although, in a recent ethnography of gated communities conducted partially in San Antonio's northern suburbs, Setha Low finds fear of crime to be a more dominant factor motivating the flight from inner cities. (Low 2003) It should also be noted that "white flight" might be an overstatement; San Antonio is considerably more integrated than many other U.S. cities, since it is the largest U.S. city with a predominantly Latino population, and in recent years the northern suburbs have become more populated by Latino families.
My consternation didn’t begin on that morning I spent on the west side, but several weeks earlier, in an office center in the Medical Center on the north side as the director of James Leininger’s scholarship organization subtly attempted to gauge what side of the school choice fence I fell on. First she asked if I had read much about the CEO (Children’s Educational Opportunity) Foundation. I said, sure, I did a media archive search. She then described school choice as a really complicated, heated issue. I agreed, and told her that this was the point where I thought my project could contribute; that because the education debates are so politicized, a lot of what is published about them are just caricatures of differing positions, and what I want to do is describe the human stories behind different positions, since people’s motives for standing on one side or the other are always shaped by particular life experiences. She appreciated this comment, and described herself (and her organization in general) as being on the receiving end of the human side of the issue. She began to describe the phone calls she receives from parents, telling her their personal horror stories of their experiences in public schools.

My discomfort continued on the rainy day I drove to a church on the west side to attend a meeting of the “Comadres,” the organization’s parent group. I arrived a few minutes before 10:30 a.m. when the meeting was to begin and found the director. She didn’t remember my name and mentioned someone else from Our Lady of the Lake University who was also doing something for her dissertation on school choice. She asked me how my research was going and seemed to be trying to sneak a peek at my notebook. On the surface she was all welcoming openness, which seemed to be the de
facto mode for the human face of this organization. But I could tell she was nobody's fool and she knew very well that somewhere in my notebook could be some negative writing about her organization, a suspicion that was no doubt abetted by the liberal Austin vibe I emit despite my best efforts to come across as the open-hearted San Antonio girl I still fancy myself to be, the friendly and generous receiver of strangers, despite all the years I have spent steeping in the academic skeptical radicalism of cultural anthropology's outer fringes.

The church was almost full: mostly women, some men, some children, 99.99 percent Latino by my estimation. There were two large screens set up on either side of the pulpit. Bouncy techno-3D renderings of the word “Emmanuel” careened around, screensaving. People were filling out little slips of paper to indicate attendance, which was required as a stipulation for receiving a scholarship. This was one of four meetings a month held for a group called “Las Comadres,” who are parents of students receiving vouchers, here known as “Horizon Scholarships,” from the CEO Foundation in San Antonio, funded by James Leininger. As the meeting commenced, the director talked about the upcoming legislative session. There was a voucher bill being filed, but apparently her organization already knew that it was going to be killed. She said that they were just going to keep trying to pass the bill. She reminded them that the private funding for the Horizon scholarships was going to run out within the next year, so there would be a lot of work to do, letters to write, and trips to Austin to make. Then she showed a video of the “Passion in Action” school choice rally from the previous special session of the Texas Legislature, organized by the Hispanic Council for Reform and
Educational Options, a national organization that lobbies for school choice. Presumably many of those present at the meeting also attended the rally.

After screening the video, she introduced me to the assembly. I told them that I was a graduate student in anthropology from Rice University conducting research on education reform in Texas. I told them I wanted to describe the changes that are occurring in the public education system from the point of view of the people who are pushing for change: policymakers, critics of the system, reformers, and parents like you who are taking an active role in your childrens’ education. I told them I’m interested in finding out what motivates people to become involved in education reform. I told them I’m not interested in arguing in favor of or against any particular reform or in taking sides in current debates, but in simply trying to understand the changes that are occurring in the education system from a more human, personal point of view. I told them I would like to interview any of them that are willing about their family's educational experiences and their reasons for participating in the CEO scholarship program.

Then I took questions. Out of an audience of about 60 people, there were three. The first came from a woman who spoke with a loud and powerful voice and asked about whether my work would be published and if the organization would be able to see it. The second came from the director, who seemed to be intent on using me as an object lesson on the power and promise of education. She asked about my own background and education and about what’s involved in getting a Ph.D. I figured this would happen sooner or later and wondered how far I could take a response to such a question.
IV.

The world of opinion is the world of possibilities. It thrives where there are sideshadows and when people recognize that the future may easily differ from their most earnest expectations. We appreciate it most when we acknowledge that the present, and therefore we ourselves, could have been different.73

It is summertime in San Antonio circa 1984. Our air conditioner is broken again. I am home alone with no ride to the pool. I sit in a rocking chair next to the open window, a sweaty glass of iced tea sits on the windowsill, a book sits in my lap, and a radio sits on the floor at my feet. Usually the station is tuned to 101.9, but when I get tired of reading, I pick up the radio and start twisting the dial looking for my favorite song. I don’t have money to buy the record, and I will have to wait a few days until I happen to hear it again, by chance this time. In the meantime, I keep twisting the dials, reading books, sipping iced tea, trying to find ways to pass the endless hot summer vacation. I am eight years old and I have developed a vague interest in time travel from reading Madeleine L’Engle books. I am wishing I could go back in time a few minutes to hear the beginning of that Billy Joel song, or fast forward to next week, when our air conditioner will be fixed and my neighbors will be back in town to take me to the pool, and avoid all this sweaty boredom. I have many hours to myself during the summer, and I want to squish and mold them at will like silly putty. My parents are at work, my older brothers and sister are at friend’s houses, and my house is not one in which summer camp or piano lessons are considered options. When my neighbors and brothers and sister get back from wherever they are, we will run around the neighborhood at will, largely unsupervised. We will hide in neighbors’ backyards, climb trees, invent games, fight and

cry, spend our few quarters on sweet and sour treats with little nutritional value at the corner store, watch cable TV, and do our best to scare, amuse, and gross each other out. Until then, I am alone with all my free time, a few desires, and no real expectations that those desires will be accommodated, so I twist the dial searching for my favorite song.

We live in a working class neighborhood north of downtown San Antonio. My father spends most of his time helping slightly less fortunate kids at a community center, funded by United Way, just a mile away. My mother spends most of her time helping even less fortunate kids at a community center on the west side. They are earnest, hardworking, and smart, but they don’t get paid much and they are tired when they get home. In a few years they will have to find new jobs as federal funding for social welfare programs gets cut. My father in particular exhibits the complex ethical mix characteristic of social workers operating in between the old rationales of the welfare state and the new “regime of autonomy and choice”:

Equipped with counseling skills and psycho therapeutic ethics, a radical politics of rights and empowerment or a commitment arising from personal experience, [they] come to play a key role in the proliferating agencies operating on the margins, establishing relations with those in distress that are no longer mediated through a complex bureaucracy of care.74

His professional ethic becomes an entire way of life for our family, so that for us Christmas has less to do with Santa Claus or the exchange of gifts than with caroling in poor neighborhoods and nursing homes. I become accustomed to my father ignoring the informally ossified hierarchies of San Antonio society, like when he starts taking busloads of low income children from his inner city community center to the public

74 Rose 1999: 89.
swimming pool in Alamo Heights, an affluent urban enclave with its own police force and exceptional public schools. A few years later, when the Alamo Heights pool is privatized, I will know exactly why.

My father cooks the meals and tends to the four kids and leaves the room when my mother enters. My mother is studying psychotherapy in her spare time and is starting to think about divorce. When my parents finally do divorce, I will move to the suburbs with my mom and my brothers and sister, and I will try to get out of the suburbs as quickly as I can. Sitting by the window at night in 1984, I can hear my neighbors’ parents arguing in Spanish. They will stay married and their children won’t leave home until they get married. San Antonio is a working class town, and here there are a hundred different varieties of working class. I don’t realize how relatively well-off I am until my father brings home some kids from his community center and they tiptoe through my house quietly as if it were a mansion.

They say that the 9-month school year wasn’t standardized until after 1900, and an extended summer vacation emerged when the majority of Americans were involved in agricultural work and air conditioning in schools was limited. The need for standardization arose because of increasing mobility of families between farm and city, but made sense because of the still relative homogeneity of the population. The school-going population is now, needless to say, not so homogeneous, and air conditioning is widespread, but for the most part, the nine month school year persists. An extensive literature of research and argumentation exists on the educational effects of an extended summer vacation on student learning. Those in favor of summer vacation no longer make
reference to the social environment of the early 1900s, but instead insist on the need for children to have extended periods of unstructured time during the summer months.

But the expectation that children should have unstructured time is a recent historical emergence as well. "Economically worthless but emotionally priceless" childhood is a product of the industrializing 20th century, and now it seems that the pendulum is swinging back in the other direction.\textsuperscript{75} I have, as an adult, witnessed parents who never leave their children with much time alone that is not planned, educative, or "enriching," especially during the summer. But in 1984, we only knew near-constant adult structure during the nine months of the school year. The years were unthinkable without those three hot empty months. Even more unthinkable was the logic of education research, that a change in the structure of the school year could produce better learning outcomes for all students. In 1984, there were good students, so-so students, and bad students. Differential learning outcomes (to use the current research parlance) seemed as natural a destiny as personality and shoe size, and no force on earth could have made us all good students.

At the end of that summer, in August of 1984, I will go to Catholic school and my neighbors will go to the nearby public school. Although we live in a working-class neighborhood, my family displays at least a few of what I will one day learn are characteristically middle class behaviors. My father reads to us a lot, and takes us to the public library whenever he can. My mother, an immigrant from Colombia raised in a strict Catholic household, insists on Catholic school for her children as long as it can be

\textsuperscript{75} Zelizer 1987.
afforded. The language of psychotherapeutic self-help is used in our home, although we
frequently mock it, running around the house yelling "it's never too late to be happy!!! I
feel so good about myself!!" with parodic glee. Had we been the subjects of
sociological research, we would have been categorized among the "deviant cases" of
"families with middle-class characteristics who live in working-class or poor
neighborhoods." Said sociological research might have indicated that despite certain
middle-class characteristics, my parents' childrearing strategy could be described as the
"accomplishment of natural growth." That is, despite the emphasis on literacy and self-
empowerment, my parents will not see it as their responsibility to direct the cultivation of
their children in an assertive and coercive manner.

Later on in the 90s, as I move through my final years in a suburban public high
school I am dismayed at the way certain smart kids, products of a childrearing strategy

Lareau 2003: 264. Our class position could also be described as "middle class with a working-class
income," a category within the American class structure that has gradually expanded during the latter half
of the twenty-first century and is likely to keep expanding and is perhaps no longer as "deviant" as Lareau
would characterize it. Sherry Ortner describes this class position as a "fundamentally insecure and
interstitial place, [that] is highly vulnerable to economic shifts." (Ortner 1999: 68)

Catholic school was no longer an option financially. Our local Catholic high schools are restrictively
expensive. I haven't conducted a study, but anecdotal evidence confirms that "deviant" families like mine
in the inner city oftentimes negotiate a tradeoff between their living situation and their children's schooling:
they live where housing costs are lower and the money they save can be used to send their children to
private school. But as they move from the primary to the secondary level, prices for private school increase
dramatically, and the lure of the suburbs becomes difficult to resist, with their abundant housing and high-
scoring public schools. More recently, the housing/schooling dynamic in the inner city has started to
change. As the allure of "living inside the loop" close to the city's cultural center has risen for younger
creative types, so have housing costs, making private school a less viable option and increasing pressure
on inner city public school districts to offer more attractive educational options. The San Antonio
Independent School District, for example, is currently consciously trying to improve its public image and
has increasingly relied on magnet and internal charter schools with specialized academic programs. The
future of the city is therefore intimately entangled with the transformation of the public school system, and
not in the straightforward way that is usually touted by politicians, wherein higher test scores equal
educational improvement equals a more productive workforce equals economic growth. This equation
clearly fits the Northside, but it leaves out a great many vague, hard to define "quality of life" issues, as
well as more concrete, practical issues (i.e., the highest test scores and the most economic growth are being
produced and the most concrete is being poured squarely over the environmentally sensitive source of San
Antonio's water. This is objectively not good.)
sociologist Annette Lareau dubs “concerted cultivation,” haggle with teachers over grades and openly question teachers’ authority, load their schedules with activities, and aggressively pursue honors, awards, and grade points. At my high school graduation, I look up from “The Screwtape Letters” long enough to hear a list of the valedictorian’s scholarships being read and think of it as something utterly strange and foreign. I displace my lapsed Catholic morality onto a judgment of bureaucratic striving. I enter higher education with a full scholarship and acceptance to an honor’s program, but without the sense of entitlement and personal pride of my honor student peers, very well aware that I am a minority among students; very well aware that the person I became was at the same time the result of an interaction with the school system and a particular kind of “success” within that system that is not common, more the exception than the rule, and that awareness does not make me feel special or privileged so much as maladjusted.

In college I am attracted to the intellectual humility of anthropology, that anti-disciplinary discipline that tells us we aren’t so special, that despite all of our seeming accomplishments and advancements, we are in fact relative and contingent. Indeed, my choice of anthropology, if it could be called a choice, is fact dependent upon a contingent interaction between a particularly formed disposition and the University of Texas’ notoriously haphazard telephone course registration system, vocalized by a mysterious

78 At least fifteen minutes.
79 Coincidentally, C.S. Lewis imagines hell as a sort of a bureaucracy in “The Screwtape Letters”: hell is a place where “everyone is perpetually concerned with his own dignity and advancement, where everyone has a grievance, and where everyone lives the deadly serious passions of envy, self-importance, and resentment.” My choice of reading material was not knowing, however: “The Screwtape Letters” was the only book on my shelf I had that I had not read yet that was small enough to fit in my pocket underneath my graduation gown.
faceless anchorman sound-alike nicknamed Tex, to which access is determined every semester by a random ordering of the first three letters of registrants' last names. Had my position in UT's course registration schedule been less auspicious in particular semesters, I might have remained an English major and taken the advice Bill Clinton gave in a campus speech to apply for Teach for America. If Tex had blocked my access to Kamala Viswesthsweran's Cultural Anthropology class, I might never have changed my major; if Tex had blocked my access to Brian Stross's Native Americans of Mexico and Guatemala class, I might never have gone to study in Mexico; if Tex had blocked my access to Katie Stewart's Writing Ethnography class, I might never have been motivated to apply to graduate school. I might have ended up teaching English at a KIPP charter school instead, where many Teach for America alumni continue their careers.

V.

Of course I didn’t go into such detail with my audience, but I did tell the plain, unvarnished truth, which oddly enough, ended up sounding like an argument in favor of school choice. I told them about my mostly Catholic private school education that ended in high school when my parents could no longer afford it, and of my gratitude for the scholarships received from benevolent private institutions that enabled me to continue my education as an undergraduate and graduate student. The third question came from a woman who wanted to know what I want to do when I get my degree, and I gave her my usual ambiguous response. I couldn’t see that far into the future.

Out of the 60 or more people in attendance, I collected 20 names of people interested in being interviewed. Later in the day as I prepared to make contacts, I was
struck with a sense of futility that went well beyond my usual anxiety regarding all matters methodological. I am suddenly more interested in 40 or so people who did not want to be interviewed, in the silent masses who make up an organization that presents itself to the public world as a grassroots effort of concerned citizens. How would I represent them if they would not express themselves? Would I be led to fill in the lines of a picture already drawn, of innocents being duped and manipulated by a rich white man (a notoriously private rich white man, lurking somewhere behind the scenes, who also refuses to speak to the media, who prefers to let his money do the talking)?

Inquiry, like personhood, is contingent, and I ended up going in another direction. John suggested I speak to a friend of his, a woman who was involved with some charter schools in South Africa and now ran a chain of 8 schools in San Antonio. Before requesting an interview, I did some research. A local news outlet reported on some legal troubles at her schools. The first involved the discovery that a convicted felon had been working at one of the schools as a teacher. Another reported that a convicted murderer and kidnapper had worked as a janitor and was accused of having sex with a student. A third report came out about a 14-year-old student being sexually assaulted by another student in the school’s co-ed bathroom.

My request for an interview was denied. News 4-WOAI reported that the results of the most recent criminal court case involving the 14-year-old’s assault in the bathroom were sealed because it involved minors.

By this time, I turned my attention away from the voucher issue and started to pay attention to the proliferation of charter school scandals reported on by the local and state
media through a popular genre of reporting that attempts to root out and publicize instances of gross incompetence in both the public and private sectors. Typical of this genre was a “Trouble Shooters” report on a local charter school issued in 2004 by a San Antonio television news station. They had been alerted to problems at the school by a disgruntled former teacher who claimed the school environment was not sound. She told the reporter she was coming forward with her story because “There has to be accountability.”

The Trouble Shooters reporter discovered that the school employed a registered sex offender as a coach. She discovered instances of nepotism; the director of the school employed her daughter as the principal and her husband as the custodian. She discovered that the principal received her doctorate from an online university that the Department of Education considers a fraudulent diploma mill. The reporter took these concerns to the owner of the management company that oversees the school from Michigan. When questioned, he replied “We believe that our overall record is a [sic] excellent record.” The reporter took her concerns to the Texas Education Agency. A spokesperson there said that charter schools are supposed to conduct criminal background checks on their employees, and “they obviously need to read them once they get them back.” The reporter took her concerns to the principal of the school and informed her that her alma mater is considered a diploma mill. The principal said that she doesn’t know anything about that. She did the coursework and wrote a dissertation and received a Ph.D.80

80 Bishop 2004.
I had been making interview requests to administrators of charter schools in the San Antonio area and was surprised when this woman immediately agreed to be interviewed. The school was located at the end of a strip mall on a busy commercial corridor that begins in the inner city and stretches out beyond Loops 410 and 1604 into the hill country. As I waited in the school lobby a teacher was reporting the results of a student’s diagnostic test to the receptionist: “She’s smart,” she said excitedly. “She’s not smart, but you know, she’s smart.” The interview with the principle was uncomfortable and perfunctory. She made a passing reference to negative media and I pretended not to know what she was talking about. I did not ask her about her educational background.81

In another interview, the principal of a charter school for at-risk youth near downtown was surprisingly more candid. He told me that he was starting to be reluctant to accept new students if he doesn’t think they will do well on the TAKS. In the past he’s always accepted everyone who’s walked through the door, but this year he’s sent out about 20 letters to students to tell them that they’re not going to be invited back. “Because of the TAKS test, and I hate to say it, but you know, that’s the name of the game, unfortunately. We spend the whole year out here teaching the TAKS. If we don’t feel comfortable that someone can do well on the TAKS, we’re almost reluctant to take them. That’s defeating the purpose, because we’re here trying to help all these kids who haven’t been helped.” He lists several charter schools in the area that are selective even though they are supposed to be serving an at-risk population and they are supposed to

81 Interview 7/28/05.
have open-enrollment.\footnote{I was almost as uncomfortable in this interview as I was in the other because he was nonchalantly admitting that he was doing things that are not exactly legal.} He told me about a mysterious shuffling of students that occurs every year in October, and again a few weeks before TAKS testing in the Spring. The students who are enrolled in a school on the last day of October are called “snapshot kids” because their Spring test scores will count toward the school’s state accountability rating. In order for their scores to count toward a school’s accountability rating, a student has to receive 90 days of instruction at the school. Other area schools, both charter and traditional public, refer their students to his school before the snapshot date or before they can be tested. He knows why, although he can’t really know for sure, because nobody will admit to it.

Other charter school administrators tell me the similar story. It’s a common practice called “disinviting” and it is an unofficial way to avoid going through the costly bureaucratic process of expulsion. This usually happens in a pre-hearing before going through a more formal hearing for expulsion: “Dealing with families as an administrator, you can do many different things which are not not totally legal, but you can steer them in different directions.” Administrators can advise parents to take their children out of their neighborhood public school and enroll them in a charter school. Others are more blunt; they tell them they need to transfer to a charter school, they give them the paperwork, and they send them on their way.

\footnote{Interview 8/11/05.}
\footnote{Interview 6/21/05.}
Another common theme I begin hearing was reference to the “third generation” of charter schools, approved by the State Board of Education in 1998. 1998 was a bad year for Texas charter schools. Some Texas lawmakers had been eager to expand the number and influence of charter schools in the state, so the Legislature raised the cap on the number of charters allowed to operate in the state, from 120 to 200. They had already eliminated the cap for schools serving a majority at-risk population in 1997. In 1998, 109 applications were submitted to the Texas Education Agency. The TEA had developed a ranking system in order to make recommendations to the State Board of Education on which schools should be approved. The State Board approved every application that year. The schools approved that year, the now-infamous “third generation charters” would go on to become an embarrassing blight to the movement. 43 of the 59 charter schools that have been closed, some after costly and lengthy processes of litigation, were approved in 1998. Investigations into schools that ended up being closed were usually initiated by the media before the TEA even began to intervene, which over the years accumulated into an aura of general ineptitude around charter schools and by extension, the agency assigned to oversee them.

A woman whose school was approved in 1998 told me she was insulted by the State Board’s approval of all the charters, because hers was ranked near the top. When I asked her what happened in 1998, there was a long pause. “I wish I could be really blunt with you, but I don’t feel comfortable being extremely blunt. Let’s see, what can I say that’s politically correct?” The politically correct version of the story is that the State

Board was under political pressure to issue as many charters as possible so that the Legislature would either raise the 200-school cap or eliminate the cap all together. The idea was that real competition and choice could not be introduced into the public school system until the number of charter schools increased significantly. The State Board thought that whatever deficiencies that existed in the proposals could be negotiated after the charters were issued: “While the state gave you regulations saying, you have to comply with the state education code, so here’s this book [she pulls out a big book], and there’s another binder like this [points to another big book], that’s the charter school handbook, so there’s this book, so they gave everybody all this stuff and they said okay, as part of your contract, we’re going to give you all of this stuff and we’re going to assume you’re going to be able to do it.”

There is another, politically incorrect story about what happened in 1998. I was told the story off the record in 2005, but it did not reach the media until 2007. It seems that many of the schools at the bottom of the TEA’s ranking were led by minorities, while many of the schools at the top of the list were led by Anglos. At a committee meeting of the State Board of Education on September 10, 1998, dozens of low-ranked applicants demanded that their proposals be approved, and accused the state of racial discrimination. At a moment of extreme contention, one board member proposed that they grant all the charters in order to spite another board member, and the proposal passed. When a Dallas News reporter finally ran the story in 2007, the TEA official who oversaw the charter

85 Interview 8/04/05.
school division in 1998 was no longer working at the agency. He told the reporter that September 10, 1998 was “the worst day in [his] professional life.”

I first heard about the legislation that would become SB 4 in 2005 in an interview with another administrator named Matt who co-founded a school for at-risk students. Even though his school didn’t have high test scores, it seemed from the beginning of the interaction that this person, and by extension, his school, were what one might call respectable. I was beginning to develop my own sense of who was competent and who was not. I was more comfortable interviewing people who knew more than I did. As an anthropologist, I thought I was supposed to be learning from people. It made me uneasy to walk into an interview situation in which I seemed to know more about state policies or educational practices than the person I was interviewing. But my own intuitive sense of who was competent did not align with public judgments of accountability or respectability. They weren’t only those who were publicly proving themselves to be successful according to the measures drawn up by the state and reported on by the media, but those who were able to express an awareness and reflexivity about their own public representations, even if, like the principal who told me he wouldn’t be inviting some students back to his school, they were not always exactly what one would call ethical actors from the point of view of the standards of legal formalisms.

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86 Benton and Hacker 2007.

87 This constitutes a missed ethnographic opportunity, if the goal of ethnography is to establish “salience,” “or what is relevant to the people studied outside of any outsider’s perspective.” (Katz 2006: 2) One familiar with the conventions of ethnographic writing could easily imagine, for example, an ethnographic investigation of so-called “online diploma mills” that is not grounded in a critique of the practices under inquiry. That I was not willing or able to pursue that line of questioning when I had the opportunity constitutes a failure of nerve on my part.
Matt could be characterized as both knowledgeable and ethical, and subsequent interviews with other administrators and observations of meetings of the statewide charter school association would confirm his respectability, and by extension, the respectability of his school in the broader charter school community. As in John’s case, the inspiration and motivation for Matt’s involvement in education came in prayer, although he was considerably more vague and sparing in his description of the occurrence as a “group meeting and praying at a location to discern about forming a school.” Before starting a charter school, Matt had a career in national sales and before that, had studied to become a priest. But in our conversations he refrained from elaborating on the influence of his faith on his current occupation. He preferred to talk about the practical issues involved in setting up and running a charter school, which are exacerbated by their odd status as partially private, partially public organizations: “In order to get the public charter school, you have to be a nonprofit corporation. So you have a private entity which is a nonprofit corporation incorporated in the state of Texas, which holds a quasi-contract for being a governmental entity. And state agencies and federal agencies just don’t get it, because it doesn’t fit with their little books and their schemes and their understandings. You can’t be a nonprofit corporation and a governmental entity at the same time! But we are.”

83 For example, the legislature’s 2001 reform of charter schools in House Bill 6 stipulated that charter schools, many of which are small, single-campus nonprofits, comply with the codes of different kinds of governmental organizations for different purposes, including codes that were written for large public school districts. An example from Sec. 12.1053 (b) of House Bill 6, Texas State Legislature, 2001:
(a) An open-enrollment charter school is considered to be: (1) a government entity for purposes of: (A) Subchapter D, Chapter 2252, Government Code; and (B) Subchapter B, Chapter 271, Local Government Code; (2) a political subdivision for purposes of Subchapter A, Chapter 2254, Government Code; and (3) a local government for purposes of Sections 2256.009-2256.016, Government Code.
(b) To the extent consistent with this section, a requirement in a law listed in this section that applies to a school district or the board of trustees of a school district applies to an open-enrollment charter school, the governing body of a charter holder, or the governing body of an open-enrollment charter school.
Matt expressed disappointment with the direction of the charter school movement, not simply because there had been “unscrupulous people getting into charter schools and doing bad things,” but because the state was moving away from the spirit of the original legislation, becoming more punitive and regulatory in order to correct the mistakes of a few high-profile bad actors. One of the goals of initial 1995 legislation creating charter schools was to create a new form of public accountability based entirely on the model of the contract. The charter itself would be the accountability system. A charter holder would describe to the state what it planned to do and the goals it would pursue and if it failed to meet those goals, the charter could be revoked. The accountability of the contract would be reinforced by the accountability of the market; charter schools would succeed or fail based on their ability to both attract and successfully shape students. The original legislation was envisioned as a pure enactment of liberal contractualism based on freedom and autonomy of the parties entering into the contract, proceeding from the assumption that people are already competent and don’t need to be coerced or governed as long as they follow the rules. In the United States, the extension of the principles of liberalism has already led to such oddities as the treatment of corporations as individuals with rights to free speech. But the oddity of extending the principles of liberalism to other fields, like public education, started to become clearer as the state tied the contractual obligations of (apparently) responsible adult charter holders to the potential successes and failures of numerous and varied children.

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But the state would depart from the pure model of the contract, as the absence of
charter schools from the traditional public accountability system and early scandals led to
questions about the competence of charter school holders. SB 4 was the most recent in a
series of attempts to reform what seemed to be an experiment gone awry. Just one year
after the Texas Legislature created charter schools (some say, as a compromise between
voucher advocates and public school advocates), people were already wondering if the
experiment was a success or a failure, and they were the objects of intense public
scrutiny. One thing at least was clear: they did not become the schools for the elite many
feared they would become. They were not funded enough to become quasi-private
schools for the well-off and gifted.

In 1996, 17 of the 20 charters initially granted were up and running. They
enrolled 2,498 out of 3.8 million Texas public school students. 11 of the 17 served
predominantly at-risk students. More than half of the their teachers were not certified,
did not have a background in public education, and were members of minority groups.85

I acquired these statistics from the first annual report on Texas charter schools produced
by the Texas Center for Educational Research, which is commissioned by the state to
evaluate charter schools annually as part of the initial 1995 legislation. The TCER
reports are used by the Texas Education Agency, the Commissioner of Education,
legislators, and the media. Year after year, the TCER reports paint a dim portrait of
charter schools, although I have been told that the TCER reports are not to be trusted. I
have been told that the organizations that founded and direct the TCER, the Texas

85 TCER 1997.
Association of School Boards and the Texas Association of School Administrators, are not fond of charter schools. Apparently their interests are too vested in the traditional school district system. The Association of Charter School Educators has requested that the annual evaluation be conducted by an “impartial organization” as required by current law.  

But curiously, according to TCER’s own report based on surveys of administrators, operators of at-risk schools do not receive opposition to the founding of their schools from traditional school districts. Operators of non-at-risk (or “college prep”) schools do report facing opposition from districts for purportedly drawing away their “best and brightest” students. The implications of these surveys was spelled out to me by the administrator of an at-risk charter school: traditional public school administrators are perfectly happy to have a place to send their troubled and hard-to-educate students without having to go through so much bureaucratic red tape, are unhappy to face competition for their more talented and motivated students from schools like KIPP, but in public must present an attitude of opposition to the overall poor record of charter schools as a whole. Educators, after all, must be in favor of quality education.

The TCER reports also outline several methodological difficulties in their evaluations. Their analyses are complicated by the fact that the number of charters increased dramatically from year to year, and the number of students enrolled varied widely. They are also unsure of the accuracy of the self-reported data charter operators enter into the Public Education Information Management System. They find extreme

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86 Interview 7/27/05.
variations in accountability trends compared to more stable traditional public schools. The percentage of low-performing charter schools has increased over the years from 20 to 30 percent, while the percentage of low-performing traditional public schools has hovered between a consistently low 1 to 2 percent. The percentage of Exemplary of Recognized charters has veered between 10 percent to 33 percent to 19 percent, while traditional public schools have exhibited a slow, steady increase from 44 to 48 to 52 percent. Charter schools, like many of their students, are entirely too variable for the state to take accurate measurements.

They also found a consistent disjuncture between the low performance of schools and high parent and student satisfaction with schools. It seems that competition, based on records of student achievement, has not been weeding out "bad charters." By 2005, Senator Florence Shapiro, although a supporter of charter schools, was ready to admit to the Dallas Morning News that "the market isn't working" because people are not making good choices. It seems that people choose to leave their children in low-performing schools. "I don't know why, but they do," said Shapiro. Neither Shapiro nor the Dallas News reporter commented on the possibility that the market wasn't working because the state was giving government contracts out to unqualified people. The problem, like many contemporary political problems, has been framed as the result of people not knowing what is good for them, which typically provokes the response that they need more education, or at the very least, better information. In the case of charter schools, the argument becomes circular.

87 TCER 2003.
88 Fischer 2005.
Many charter school administrators I spoke to claimed that, contrary to popular belief, they were over regulated, burdened by bureaucratic requirements without the administrative support staff of a traditional district office:

The issue is that when we got into this, we got less money, and in exchange for less money we were supposed to get less regulation. Well, there are no fewer regulations. I have to comply with comp. ed., I have to do campus improvement plans, I have to have a replacement committee, I have to have a health advisory committee...I have to have all these things that I don’t have the staff for. I have my teachers, I have the principal, and I have a couple of clerical people....

Keeping up with the nutrition program is another example. We do family style lunch, so children learn manners, they can learn how to set a table, they can learn portion control, they can learn all of these things, but if they come and audit me and a child comes and serves himself, they’re going to pick up that plate and weigh and measure everything to make sure...and if we’re out of compliance we don’t get paid for any of the meals. So do you do away with that learning experience for the child because it’s very difficult and it could cost, no you do it and hope for the best. But you also know that if you do it you could be losing funds. And so, it’s just a lot of little things. If you have the funding and the bureaucracy it’s easier. But here, the cook is the cook and she’s the compliance person. My finance director, he goes and audits our bilingual and special ed. So he’s this accounting guy, and now he has to learn all the indicators for bilingual and special ed. So we’re really multitasked. And I was just telling the board that I think we’re at our saturation point; I can’t ask people to do anything more. And, let me tell you, that if my cook doesn’t show up, I have to get in here by six o clock to do breakfast. And if the janitor doesn’t show up, we’ve got the VP of finance in there mopping floors. It wears on you. I always tell people that if I knew then what I know now, I wouldn’t do a charter school. Because what they’ve done is, we were the square peg and in trying to put us in the round hole, they have crunched our corners, shoved us into that round hole, and now we have splinters too that we have to comply with. And because of the bad schools, all of us have suffered, they’ve just kept tightening regulations. It’s a learning experience. I don’t think anyone understands how financing public education works. Somebody told me that there’s five people in the state that understand the public school finance system. I wish they would just fund every child the same.89

89 Interview 8/4/05.
Matt echoed this position, explaining that over the past decade, charter schools have gotten much closer to traditional public schools, except that they do not share the security and stability other public schools enjoy as large bureaucratic institutions. SB 4 would have eroded that security even further by replacing charter school contracts with licenses, which the state could revoke without due process. The most problematic issue presented by SB 4 was the implementation of a 25 percent passing standard as a condition for the renewal of licenses. SB 4 stipulated that in order to keep their charter (or rather, their license), schools had to maintain a 25 percent passing standard on the reading and math TAKS tests for at least two years, even though alternative accountability system allows a lower passing standard for an acceptable rating. The 25 percent passing standard, Matt said, is highly problematic for schools with a highly-at-risk population. The biggest problem with these students is their mobility. They live unstable lives. They are constantly moving between schools, the streets, addresses, and family members. They are usually several grade levels behind, especially in math. Some charter schools never know who their students are going to be from year to year, or even month to month. It's like the state can’t get them to hold still long enough to have their picture taken. \[90\]

Charter school facilities are unstable as well. Texas charter schools receive a per-pupil allotment from the state and are eligible for block grants for Title 1, special education, and bilingual education, but they do not receive funding from property taxes or from the state for their facilities. Like many postmodern startups, charter schools are

\[90\] Interview 6/21/05.
compelled to eke out campuses in unusual locations. There are what the *Texas Observer* once referred to derisively as “strip mall schools,” renting cheap spaces on the fly, setting up makeshift playgrounds in parking lots. Some blend almost imperceptibly into their commercial environments, like a school in San Antonio that is nearly indistinguishable from the storage facility next door, leading its neighbors to joke that it is a storage facility for at-risk teenagers. There are several schools housed in buildings that used to be churches, not bothering to remove crosses, and conducting character education classes and voluntary prayer meetings in former chapel spaces. There is the school I visited near the Medical Center on the north side that seemed to be entirely surrounded by religious organizations. The school’s sign was prominently posted in front of the building, but when I walked into the front door I entered what appeared to be the foyer of some sort of church or fellowship hall. Confused, I walked around the building and found another entrance in the back for a Messianic Jewish fellowship. Walking around the other side, I found a door to the office of “City Reachers,” an organization that prays for the city of San Antonio. Walking back to the front through the parking lot, I came across a sign imprinted with the directive “Thou Shalt Not Park Here.” Reentering the front door, I finally found the reception desk for the school, on the right side of the church foyer.

Schools with good reputations and a connected network of supporters usually raise money from private sources for their facilities. The state funded charter schools so sparingly partially to provoke a drive for efficiency and partially out of an expectation that they would raise money from private donations. The latter option is really only viable for schools with social capital that are embedded in already-established networks.
of influence. Or it takes some time for schools to develop these networks, which are
typically fueled by establishing a track record of academic success. There is, for
example, a local science academy, part of a statewide chain of schools run largely by
Turkish academics that have all maintained strong showings on the state accountability
system. The San Antonio branch established its first campus in the hollows of an
abandoned WalMart building, but has raised enough money over the past several years to
begin construction on a new building, which bears a striking architectural resemblance to
a mosque.

Like the spaces they occupy, the names typical of charter schools evoke and bring
into relief the mixing of the religious, the capitalist, and the educational. Some follow the
lead of more traditional public schools and name their schools after prominent members
of the community. But most adopt more abstract names, sometimes mimicking generic
corporate speak, other times openly evoking religious origins. They veer between lofty
inspirationalism and dour functionalism:

Amigos Por Vida-Friends for Life Charter School
Benji's Special Educational Academy
Bright Ideas Charter School
Children First Academy
Dallas Can! Academy
Erath Excels! Academy
Focus Learning Academy
Fruit of Excellence Program
Golden Rule Charter School
Harmony School of Excellence
Harmony School of Innovation
Heritage Champions Academy
Honors Academy
I Am That I Am Academy of Fine Arts, Science, and Technology
Inspired Vision Academy
Jubilee Academic Center
KIPP (Knowledge is Power Program) 3D Academy
KIPP Aspire Academy
KIPP SHINE Prep
KIPP TRUTH Academy
La Academia de Estrellas Elementary Charter School
Life School
New Frontiers Academy
Omega Academic Center
One Stop Multi-Service Charter School
Outreach Word Academy
Premier High School
Radiance Academy of Learning
Rise Academy
School of Excellence in Education
Shekinah Radiance Academy
Texas Empowerment Academy
Texas Preparatory School
Transformative Charter Academy
Universal Academy
Vanguard Academy Charter School

The generic lack of specificity of many charter school names and locations reflect and contribute to a broader problem of public perception. The word “academy” used in connection with charter schools, for example, no longer necessarily reflects a commitment to rigorous academic study. Some of the worst charter schools are academies, and apparently, so are some of the best; nobody really knows what to make of them.

Either people are only aware of charter schools through their publicized scandals, or they are not aware that they are public schools, or they are not aware of them at all. I have known people working in charters who did not know they were public schools, and have been told that there have been people working at the Texas Education Agency who did not know they were public schools. While conducting my fieldwork, I experienced the oddity of studying a topic in my own hometown that virtually none of my friends,
acquaintances, and family knew anything about. But the problem of public perception bled into my research in other ways as well. I experienced it most pressingly as a mostly unspoken tension in several interviews, in which I was at pains to try to differentiate myself from both investigative reporters seeking to dig up dirt and haughty academics seeking to judge my interlocuters’ professionalism.

On one occasion, I was looking for a charter school that didn’t seem to exist. I drove all the way down Austin Highway to its listed address and when I arrived, nobody in the strip mall knew anything about a school being there. I called the director of the Charter School Resource Center in San Antonio, and asked her if she could help me locate the school or its director, who had not responded to my efforts to contact her via letter, email, or phone. She admitted that she had a hard time communicating with this woman as well, indicated indirectly that she had doubts about her qualifications and respectability as an educator, and gave me the number of another charter school director who might be able to help me. She gave me the phone number of the local KIPP school.

“But that’s a totally different school, and I’ve already talked to them,” I said.

“Yes, but they can give you a much better picture of what charter schools are all about,” she replied.

She suggested that I go back to Houston, or to Dallas or Austin. San Antonio, she said, was not a good place to study charter schools. I tried to explain that I was not opposed to or in favor of charter schools; I did not want to produce data that would champion or demonize them, I was simply curious about them.
I was curious about this school simply because it existed, not only because of the stories an artist in my neighborhood told me about her experiences there working as a temporary instructor. She complained about the incompetence of her colleagues. As an example, she described an end-of-year student performance organized around the theme “Dances from Around the World,” in which an ethnic Irish dance was represented by the dance of the munchkins from the *Wizard of Oz* (a selection made by a teacher, not a student). “Nobody batted an eye,” she said. “Not the principle, not the teachers, not the parents. They didn’t have a clue, they didn’t know what they were doing.” Many of the city’s most beleaguered and low-scoring schools, so used to this kind of criticism, understandably refused to respond to my inquiries. Everyone I interacted with expected me to be speaking the language of educators: the language of evaluation and accountability. They expected me to be operating under the pass/fail code of the education system, of judging, rather than simply inquiring into, their professional conduct. But as a native San Antonian, why would I not want to do everything I could to promote excellence in education? Why would I not want to expose wrongdoers? I could not describe my ambivalence succinctly. My problem was always that my inquiries were never in any way motivated to contribute to the war against ignorance; in a field where ignorance abounds, this position was almost unthinkable.
Chapter Three

The Significance of the Elephant: KIPP in the Media

I.

No graduate student can compete with the New York Times Magazine when it comes to sketching the significance—at least as the Times understands significance—of some social phenomena.

-David Westbrook

At the Senate hearing for SB 4 Senator Kyle Janek described charter schools as

...one more weapon in the arsenal of parents to have options for their kids to make choices that fits those kids and their families and their situations. I’m sure most folks in the room have seen the New York Times piece on...primarily it started with No Child Left Behind, but it segued into the charter school issue and I think that it gives hope to those folks who don’t understand charter schools and they look at it and say, gosh, tell us what KIPP Academy’s doing for example.

In 2006 New York Times Magazine editor Paul Tough wrote an article entitled

“What it Takes to Make a Student.” Anyone who was paying attention to education policy discussions at the time was reading it and debating it. Prominent commentators were calling it the most important education article to be written all year. It seemed to capture and communicate some of the significance of recent developments in the reform of public education in the United States that even now, as then, are still emergent and poorly understood. To begin, Tough wrote less than 1,000 words on President George Bush’s promotion of the reauthorization of the No Child Left Behind Act and about recent NAEP scores that show the achievement gap, with the exception of 4th grade math, is not narrowing, which would seem to imply that the most significant federal education reform of the past several decades is not working:

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91 Holmes, Marcus and Westbrook 2006: 166.
But despite the glowing reports from the White House and the Education Department, the most recent iteration of the National Assessment of Educational Progress, the test of fourth- and eighth-grade students commonly referred to as the nation's report card, is not reassuring. In 2002, when No Child Left Behind went into effect, 13 percent of the nation's black eighth-grade students were "proficient" in reading, the assessment's standard measure of grade-level competence. By 2005 (the latest data), that number had dropped to 12 percent. (Reading proficiency among white eighth-grade students dropped to 39 percent, from 41 percent.) The gap between economic classes isn't disappearing, either: in 2002, 17 percent of poor eighth-grade students (measured by eligibility for free or reduced-price school lunches) were proficient in reading; in 2005, that number fell to 15 percent.

The most promising indications in the national test could be found in the fourth-grade math results, in which the percentage of poor students at the proficient level jumped to 19 percent in 2005, from 8 percent in 2000; for black students, the number jumped to 13 percent, from 5 percent. This was a significant increase, but it was still far short of the proficiency figure for white students, which rose to 47 percent in 2005, and it was a long way from 100 percent.92

Despite this revelation that the nation's schoolchildren, imagined as the inhabitants of one gigantic classroom, are nowhere near to performing at the expected levels of proficiency, Tough's article was basically optimistic, although he took his time getting to the good news. After citing these disheartening statistics, Tough wrote less than 1,500 words on researchers who have been "peering deep into American homes," trying to discover why middle class children academically outperform poor children. Researchers cited in the article found that the child of parents on welfare heard an average of 178 utterances per hour. The child of professional parents heard an average of 487 utterances per hour. By the time they were three, the welfare child had a vocabulary of 525 words; the middle class child had a vocabulary of 1,100 words. By the time they were three, the average middle class child heard 500,000 words of encouragement and

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92 Tough 2006.
80,000 words of discouragement. The average three-year old child of parents on welfare heard 75,000 encouragements and 200,000 discouragements. Researchers found a direct correlation between the children’s I.Q.s and the size of their vocabularies: “The average I.Q. among the professional children was 117, and the welfare children had an average I.Q. of 79.”

But Tough also described qualitative research that provided a more nuanced cultural explanation for class differences in intelligence. He summarized a study conducted by sociologist Annette Lareau based on the intensive comparative observation of the child-rearing strategies of middle class and working class families. Lareau dubbed the middle class child-rearing strategy she observed “concerted cultivation.” Concerted cultivation means that children are treated as quasi-adults whose responsibilities are to enrich and educate themselves and to prepare themselves to prosper in the world as much as or more than their parents. Their “job” is not only to attend school, but also soccer camp, piano lessons, museums and libraries, foreign language lessons, debate team, and so on. Their lives are heavily scheduled, but they assertively negotiate their daily activities with their parents and other authority figures in order to gain advantages and accommodate their desires. They are encouraged, even expected to “ask questions, challenge assumptions and negotiate rules.” This childrearing strategy is relatively new. Only a generation ago, children behaving in this manner would be scolded, called brats, and sent to their rooms. Today, they are becoming more and more the norm, and the worse one can say about them is that they display an emergent “sense
of entitlement characteristic of the middle class." The working class and poor children in Lareau’s study, on the other hand, display an emerging sense of constraint in their institutional interactions and are less likely to assert themselves with authority figures. They are raised to defer to authority figures and not to talk back to adults, but beyond those constraints they are allowed to fill their free time however they choose. Lareau calls this childrearing strategy the accomplishment of natural growth.

Lareau’s study updates a classic anthropological concern with childhood as the period in which the transmission of cultural norms and valued dispositions occurs most pressingly. Like Margaret Mead before her, Lareau employs the comparative method in order to present an argument for the possibility that Americans can raise their children better. Unlike Mead, Lareau’s cultural criticism is not grounded in a comparison of Americans with other foreign cultures, but draws on the class and cultural schisms within American society to produce a thoroughly “repatriated” juxtaposition of “alternative possibilities” for childrearing. Mead and Lareau also differ in their understanding of what a better childhood might look like. Mead was clearly the more radical of the two and presented her cross-cultural comparisons as critiques on the entire American status quo. For Mead, a better childhood is less repressed, less anxious and less rebellious. For Lareau better is more successful, more well integrated into society, less marginalized. But Lareau recognizes that each approach has its costs and benefits. Natural growth produces children who are able to form and manage informal peer groups, who can

94 Marcus and Fischer 1986: 116-117.
95 Mead 1928.
strategize, who learn through play and social improvisation, who can manage their own time, and who are more polite and respectful of their elders. But its benefits disappear outside the family unit and the neighborhood. Even though poorer children's lives might resemble more closely the idealized image of a free childhood, and even though these children “might be nicer, they might be happier, they might be more polite,” they lack the assertive confidence that would make them successful in the public world of appearances and competition. Concerted cultivation, on the other hand, prepares children for success in the public world but places intense pressures on the private life of the family; it requires more labor, more time, more conflicts and arguments with already overwhelmed parents. Like Mead, Lareau suggests that the deficiencies of both lower and middle class childhoods are reformable, but her recommended policy implications for social inequalities resulting from differing childrearing strategies differ according to social class. For overscheduled middle class children and their exhausted parents, Lareau recommends reasserting the boundaries of authority between children and their elders, reducing the number of children's scheduled extracurricular activities and increasing unstructured family time. For lower class children, Lareau recommends more intensive schooling and interventions that actively work to increase their advantages in public and institutional settings.

Tough spent most of his article, over 5,500 words of it, writing about KIPP and an allied charter school in New York that have raised the academic achievement of poor children by doing something very similar to what Lareau recommends: explicitly teaching behaviors that middle class children learn as a matter of course in their everyday
home lives. These schools, along with requiring a significantly larger amount of time
spent in school and using test results to reflect upon and adjust their practices, are held
together by a common focus on teaching character and consciously guiding the behavior
of students in order to make up for all the tacit socialization they do not receive at home.
These schools are distinguished by their relentless and in-depth focus on training
underprivileged children to represent and assert themselves in public, as living and
breathing individuals who can shake a hand firmly and look into an eye confidently. And
through a “counterintuitive combination of touchy-feely idealism and intense discipline,”
they are also distinguishing themselves in the ways that count to the anonymous public,
by registering consistently high scores on state standardized tests.

Tough, like other commentators who have observed and written about KIPP and
other high-achieving charters, is impressed but cautious in his optimism. It is too soon in
the experiment to know if their gains are sustainable and moreover, the scale of their
reach is too narrow for researchers and the public to be able to know if their methods
really work. Because the number of students they reach is so small, researchers have so
far been unable to discern whether they are truly representative of what might be
reasonably expected of disadvantaged youth in general, or if these “schools of choice,” as
they call themselves, are simply attracting the most capable segment of their target
population:

The leaders of this informal network are now wrestling with an unintended
consequence of their schools’ positive results and high profiles: their incoming
students are sometimes too good. At some schools, students arrive scoring better
than typical children in their neighborhoods, presumably because the school’s
reputation is attracting more-engaged parents with better-prepared kids to its
admission lottery.
The larger dilemma that emerges from Tough’s article is that in order for the achievement gap to really be eliminated, the intensely interventionist methods of KIPP and other charters would have to be applied to a much larger population of low-income children. Tough poses the question thusly:

Is the nation really committed to guaranteeing that all of the country’s students will succeed to the same high level? And if so, how hard are we willing to work, and what resources are we willing to commit, to achieve that goal?

Tough treads lightly here and stops a few steps short of what a fuller consideration of guaranteeing that all of the nation’s students achieve at the same level would entail. In the aftermath of commentary and debate provoked by the article, conservative pundit and social critic David Brooks came closer to pointing out the potential significance of these recent developments. In a *New York Times* op-ed piece entitled “Teaching the Elephant,” Brooks evokes a metaphorical elephant to refer to the “backstage automatic” part of the human mind that supports intentional consciousness. The elephant, or what social scientists like Lareau would call the *habitus*, absorbs knowledge from its environment without the need for self conscious study. The knowledge it absorbs is tacit and dispositional—it is “knowing how, not knowing what.”

Middle class children are more successful in school than lower class children because their elephant- raised at home and therefor taken for granted- is a breed that the school and other institutions recognize and value. The success of middle class children in the older, large-scale bureaucratic system of public schooling -the “one best system”

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96 Brooks 2006.
model is dependent upon their prior formation at home. The one best system model of schooling works well at forming people who have already been formed well or, at least, in accordance with certain class specific norms in a more personal, intimate, tacit habitus-forming setting. The one best system translates this privately formed disposition into publicly validated calculations of success.

Bureaucracy, the mode of organization for the “one best system” public school, is according to Weber based on an impersonal, contractual exchange: “Entrance into an office, including one in the private economy, is considered an acceptance of a specific obligation of faithful management in return for a secure existence. It is decisive for the specific nature of modern loyalty to an office that, in the pure type, it does not establish a relationship to a person, like the vassal’s or disciple’s faith in feudal or in patrimonial relations of authority. Modern loyalty is devoted to impersonal and functional purposes.” The position of the student in an educational organization is of course not at all like that of an official in a private or public organization, but it can be considered as if it were. The student, after all, is called upon to act as if she will one day be capable of entering into an official position that she can exchange for a secure existence. The school is set up to provide her with those capacities and she, in return, is expected to conform to its rules and submit to its obligations. The relation between her obligation to the school and the security of her existence is much more uncertain than that of the official, as is her understanding of the stakes involved in the exchange. Her existence (or home life) may already be secure and its ‘culture-values’ already aligned with that of the school and she

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takes up her obligations easily and confidently. Her existence may already be secure but not culturally aligned with the school and she may rebel. Her existence may be insecure enough that she recognizes the value of the exchange being offered and she willingly applies herself, perhaps with more effort than the secure student, to its requirements. Or her existence may be so insecure and out of step culturally that she will be not only lost and hopelessly out of place, but unwilling and unable to find a place in an alien organization. The public school system, in any case, is obliged to embrace all the possible existences of its students. It is, like any other bureaucratic system, necessarily impersonal. If it has to be for everyone then it is also for no-one in particular. Except that it is for someone in particular: the secure student, with all the necessary training and competencies and prerequisites and values formed at home, long before she steps foot into the classroom. The same is true for bureaucracy in general; its impersonality masks a culturally specific set of values: "Behind the functional purposes, of course, 'ideas of culture-values' usually stand. These are *ersatz* for the earthly or supra-mundane personal master: ideas such as 'state,' 'church,' 'community,' 'party,' or 'enterprise' are thought of as being realized in a community; they provide an ideological halo for the master." 99

The 'ideological halo' of the school, is of course also not so invisible and frequently called into question by its more recalcitrant habitues. The bureaucratic stability of the public school is thus doubly challenged, first on a functional level, by the overwhelming heterogeneity of all the would-be officials flooding its doors. But it is more fundamentally challenged by its necessary impersonalism; as an institution charged with

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99 Ibid.
training, with the formation of capacities, it must do precisely what a bureaucracy cannot do, which is to “establish a relationship to a person.” Every rule, every standard designed to promote the education of the group will stunt the education of some individual. Every teacher must fudge in order to succeed with one; and every teacher also always fails another. The public school is an impossible institution, and cannot even attempt to perform its most basic function. This too, is another elephant—the proverbial elephant in the room—the thing that everybody knows that nobody wants to talk about.

But even Brooks ignores this elephant, focusing instead on the prospect that KIPP has found a way to spread the virtues of a middle class comportment more effectively. The middle class comportment is a disposition that, for example, automatically knows how to look at and react to a person who is speaking in a formal group setting. Brooks admiringly recounts Tough’s experience observing a KIPP classroom where a teacher paused to point out that their visitor was nodding while he listened to the teacher speak. The teacher then instructs the students to assume a “normal school” pose of slouching and distracted gazing, then to snap back to a posture of attention to demonstrate their training in bodily comportment. Brooks follows Tough in his praise for KIPP’s program, and recognizes that its power derives from the immersion experience it produces that works to offset the influence of home lives that might not be aligned with the norms of institutions by requiring much more time in a holistically and coherently designed school:

In short, KIPP is taking skills that middle-class kids pick up unconsciously and it is rigorously drilling them into students from less fortunate backgrounds. KIPP Academies, like many of the best schools these days, don’t just cram information into brains. They educate the elephant. They surround students with a total environment, a holistic set of habits and messages, and they dominate students’ lives for many hours a day.
Brooks does confront the issue Paul Tough sidestepped: that “many of today’s most effective antipoverty institutions are incredibly intrusive, even authoritarian. Up to a point, elephants seem to like it that way.” Brooks ends his article on this somewhat ambiguous note. What does Brooks mean when he claims that elephants like intrusive authoritarianism? Perhaps it has something to do with Brooks’ conservative conviction that “children flourish in homes that are organized, in families where attachments are stable, among people who plan for the future and within cultures that celebrate work.”

This, for him, then is the significance of the KIPP story: that by providing lower income children the structure, coherence, and stability in school that other children receive as a matter of course at home and by registering great successes with such disciplinary methods, KIPP is proving the ongoing contemporary relevance, and indeed, the necessity, of the Protestant ethic, and the hope that the universalization of this ethic can erase longstanding social inequalities.

KIPP does indeed “give hope” to people as Senator Janek says, but perhaps the oddest thing about the way its significance is sketched by the mainstream media is that it has managed to escape the glaring criticism cast on charter schools and the school choice movement more generally. While debates on the partial privatization of public schools tends to be sharply polarized into pro and con camps, representations of KIPP tend to be overwhelmingly positive, evading even the sort of status quo liberal criticism that once might have applied to a school that employs an almost militaristic style of discipline to the education of lower income, minority students. This potential savior of public education is portrayed as idealistic and pragmatic, progressive and conservative, cutting-
edge and traditional, all at the same time. This remarkable representation itself requires the sort of explanation that the *New York Times* does not tend to provide. The goal of this chapter is to try to understand the contemporary appeal of KIPP by interrogating this appearance of consensus in media representations and debates about KIPP and charter schools that in turn supported the appearance of consensus about SB 4.

II.

During the February 20th Senate hearing, Senator Shapiro expressed, quite forcefully, that there was a uniform consensus about the content of SB 4, that everyone was in favor of it, and that its intent was simple and straightforward:

The basic rationale for SB 4 is very, very simple. There’s no hidden meaning here, there’s no preconceived idea about what we should or shouldn’t do. It’s very clear. It has one and only one goal, and that’s to do what’s right for students in Texas. That’s our goal, that’s our objective, that’s what we want to do is improve charter schools in Texas. We need accountability for our charter schools and we need incentives, in my opinion. We have some great charter schools in Texas. In fact, if any of you haven’t seen or don’t know, *Newsweek* Magazine came out with the top one hundred high schools in the state of Texas, I mean, sorry, in the nation, and in the state of Texas we had three out of that top one hundred that are charter schools. So we are very, very pleased with the charter school system and the way that it handles a lot of our students. Many of whom are at-risk, many of whom are from low-socioeconomic backgrounds and many of whom do extremely well in charter schools.

*Newsweek Magazine*’s ranking of the top 100 high schools in the nation was devised by a journalist named Jay Mathews. He writes a column called *Class Struggle* for the *Washington Post*, which is a column about education, not Marxism. His ranking formula is very simple: he counts the number of Advanced Placement and International Baccalaureate exams taken by all students in a high school in a given year. That number is then divided by the number of students graduating that year. Mathews calls this ratio
the “Challenge Index” and claims that it measures the extent to which schools challenge average students with college-level coursework. To back up this claim statistically, Mathews does not include any school that requires selective examinations for entrance.

Chris Barbie, the principal of one of the Texas charter schools that made 2007’s Newsweek ranking (at number 40), YES College Prep in Houston, testified at both the Senate and the House hearings in favor of SB 4. Along with Mike Feinberg, co-founder of the Knowledge is Power Program (KIPP) network of charter schools and media darling of the charter school movement, Chris co-founded the Texas Charter Coalition, an organization of high-performing charter schools that advocates for key legislative changes, SB 4 being the major focus of their lobbying. Jay Mathews of the Washington Post and the Newsweek Challenge Index loves Mike Feinberg’s KIPP schools and has written many articles extolling their virtues and their potential to solve many of the problems plaguing America’s public schools, and is currently writing a book about KIPP.\(^{100}\)

Mike Feinberg also sits on the board of the Charter School Policy Institute in Austin and testified in favor of SB 4 at the House hearing. The Charter School Policy Institute’s advisory board includes one Andrew J. Rotherham, former domestic policy staffer for President Bill Clinton, currently prominent education blogger, co-founder of D.C. education policy think-tank the Education Sector, member of the Virginia State Board of Education, and policy analyst and senior fellow at the Democratic Leadership

\(^{100}\) Jay Mathews has written over two dozen articles on KIPP for the Washington Post since 2000, listed in the Works Cited. For the sake of simplification, the Jay Mathews articles are numbered in the Works Cited and the numbers are referenced in paragraphs throughout this chapter.
Counsel's centrist, third-way think tank the Progressive Policy Institute. Andrew Rotherham has publicly challenged the Challenge Index ranking methodology in several forums: his blog, in the pages of the Washington Post, and in an Education Sector publication. Through these publications, Rotherham has engaged Jay Mathews in a debate regarding the most socially progressive method for ranking American public high schools. Rotherham's arguments are sophisticated and policy-wonkish, informed by a wealth of seasoned Washington-insider understanding and are motivated by a passion for solving what both he and Jay Mathews, along with Chris Barbic and Mike Feinberg would in all likelihood agree is the most pressing problem in American education, and possibly in America period, today: raising the level of academic achievement of low-income and minority children.

In "The Challenged Index" Andrew Rotherham writes that "Americans love rankings," in fact, American love for rankings is a "national obsession." Rankings are

101 The Charter School Policy Institute is an Austin-based think tank founded in 2005 to disseminate research and information on charter schools and tries to combat the negative portrayal of charter schools by the media. It is one of several statewide charter organizations and one of a few that is aligned with "high performing" or college-prep charter schools. CSPI's board chairman is Houston investment consultant Charles Miller, who was formerly chairman of the University of Texas Board of Regents, co-founder of UT's National Center for Educational Accountability, and longtime influential proponent of standardized testing in lower and higher education, school choice, and the deregulation of higher education tuition. Miller also founded the Charter School Resource Center, which provides technical support to charter schools. Other Texas charter school organizations include: the Coalition for Effective Charters, a coalition of five high-performing Dallas-area charters which was formed to advocate (i.e., fund lobbyists) for the policy changes proposed in SB 4; the aforementioned Texas Charter Coalition, also an advocacy organization founded by the founders of KIPP and YES Prep; the Association of Charter School Educators, a broader-based, more eclectic group that offers technical and networking support; and finally Texas Charter C.H.O.I.C.E (Coalition for Hope and Opportunity in Charter Education), an organization founded by a small group of administrators who felt they weren't being adequately represented by ACE or the Charter School Resource Center and organized a campaign in opposition to SB 4.

102 www.eduwonk.com. Rotherham's blog is considered a "must read" for anyone seriously interested or involved in national education policy.

103 Rotherham and Mead 2007.

104 Rotherham and Mead 2006.
influential, so much so that organizations such as colleges sometimes even "have altered their admissions practices in order to boost their score in the newsmagazine's ranking."\textsuperscript{105} Rotherham recognizes the power of rankings and the characteristic obsessions they produce, and the ways both individual people and organizations like colleges "make themselves up" with reference to statistical representations that designate some desired optimal state of health and well being.\textsuperscript{106} Since Rotherham is a policy wonk analyst and not a theory wonk academic, he does not put his critique in these terms nor does he carry it very far, but he does display some disapproval of local media outlets that have begun to cover the release of the \textit{Newsweek} high school rankings "as if it were a horserace." It is unclear whether the \textit{Newsweek} rankings, having only been published since 1998, have led high schools to increase their AP and IB offerings, although it should be noted that Chris Barbic's YES College Prep Public Schools do require students

\textsuperscript{105} Here, of course, he is referring to U.S. News and World Report's infamous ranking of U.S. colleges and universities. For an account of the effect of the U.S. News ranking on higher education, see Twitchell 2005 148-156.

\textsuperscript{106} See Hacking 1996 and 2006 on how classifications of people change as people change to conform to their classifications. Hacking makes it clear that he does not regard classifications as somehow evil because neither they nor people will hold still long enough to take an objective measurement. He does, however, evince a suspicion of claims to classificatory objectivity, which is too often read as a postmodern negation of any and all truth claims. By training and inclination, I am inclined to be suspicious of these tendencies in our culture as well, despite the fact that I have earned a great deal of my meager success in this world by being a good statistic. Along with some fellow academics, I suspect in the popular media's appropriation of the techniques of statistical subjectification a certain irrationality or nefarious reductionist impulse. We tend to read into this enthusiasm for statistical estimates of worth, and their attendant looping effects, evidence of all sorts of typically American neuroses: hypercompetitiveness, status anxiety, shallow striving, simpleness. However, we would do well to take the heed of other fellow academics such as Theodore Porter and a new generation of Anglo-American Foucauldians who have studied the dependence of mass democracies (and their attendant liberties) on shallow and impersonal technologies of quantification. (see Porter 1995 and Rose 1999) It would seem, as much as it might disturb us, that forms of statistical subjectification are probably more foundational to the constitution of contemporary mass democracies than any process of consensual rational deliberation (such as what seems to have taken place on the night of May 7, 2007) idealized by the academy's most ardent Habermasians. However, if we academics attend or work at universities with rank-climbing aspirations, we may be understandably exasperated with what we perceive to be misdirected administrative priorities and may worry over the future of our particular, less statistically valuable, disciplines and of the entire human effort of scholarly learning for its own sake. (see, for example, the Audit Cultures debate in Strathern 2000)
to take AP courses and make acceptance to a four year college a graduation requirement.

Rotherham’s problem with these rankings has less to do with their potential looping effects, than with the simplicity of the information they convey and what they leave out. In particular, they do not show that many of the schools on the list have large achievement gaps and high dropout rates. He points out that although this information is not present in the *Newsweek* rankings, it can be found using “publicly available student performance data.” If there is no hidden meaning here, then the meaning is at least, as they say, hidden in plain view and perhaps not so simple. A high school in Florida, for example, which is ranked by *Newsweek* as the third best in the nation, has only 12 percent of its black students reading at grade level. Graduation rates are also a cause for concern, although it is more difficult to calculate them with accuracy because research has found consistent methodological flaws in state dropout calculations so their published graduation rates “should be approached cautiously.” So despite an overall high average graduation rate of 91 percent there is still room for doubt, and moreover, nine schools on the *Newsweek* list had graduation rates of 75 percent, and given the tendency of states to underreport dropouts, this number is “disturbingly low.”

One of the implications of these information gaps is that some high schools may be hiding behind a few students who take a lot of AP tests within selective school-within-a-school programs. *Newsweek* is therefore giving its readers the wrong impression and should use “more sophisticated measures” such as AYP and “tighten the definition of

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107 In this case, Rotherham and Mead rely on student performance data provided by schoolmatters.com, a website launched in 2005 by stock market analysts Standard and Poor’s. S&P’s schoolmatters.com provides a comprehensive searchable database of state school accountability data.
what constitutes an open-enrollment school.”

Newsweek should also consider coupling a more sophisticated metric with “professional judgment” which includes the examination of “copious amounts of data and subjective observations,” although Rotherham does not specify how the process of making professional judgments and subjective observations might be made public in the same manner as S&P data. This method is “obviously more laborious” but would produce a “more accurate ranking.” Because “everyone wants a top-rated ranking,” or at least it is assumed that everyone should, then that ranking should adequately reflect the informal consensus that has been growing in the field of education reform over the past two decades that the goal of public education in America is no longer strict meritocracy per se, but the universalization of

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108 AYP refers to “Adequate Yearly Progress.” States that receive Title 1 money (federal funds that are to be used for the education of low income children) must commit to bringing all students in all demographic subgroups to proficiency in reading and math by 2014. Adequate Yearly Progress is the accountability measure through which states set benchmark goals towards full 2014 proficiency. AYP is a very recent legislative invention. It is a technique that forces state governments to care about the academic performance of minorities. The “strong” version of AYP was only recently passed in 2001 in the No Child Left Behind Act. Its passage was the culmination of the standards-and-testing movement whose rallying cry was the infamous 1989 Reagan administration report “A Nation at Risk.” Versions of AYP were proposed earlier in George H.W. Bush’s “American 2000” proposal, which included voluntary national testing; in Bill Clinton’s “Goals 2000” proposal and his 1994 reauthorization of the 1965 Elementary and Secondary Education Act, which required the state development of performance standards and required states to make “continued and substantial progress” toward academic proficiency for all students, but did not designate deadlines or consequences for failure (that is, federal funds were not withheld for failure). Previous legislative versions of AYP therefor lacked financial teeth. In 1999, Andrew Rotherham authored a white paper as a policy analyst for the Democratic Leadership Council and Progressive Policy Institute that argued for the development of national performance benchmarks and the cutoff of funding from districts that failed to meet them. The Rotherham white paper “Toward Performance-Based Federal Funding: Reauthorization of the ESEA” was highly influential during the 1999 Congressional debate on ESEA reauthorization, but ultimately the debate stalemated. No changes to AYP law were made until 2001 with the passage of the No Child Left Behind Act, when Rotherham’s proposals were filtered in through Bush education policy guru Sandy Kress, a Democratic Dallas lawyer and former school board chairman who had a hand in designing similar accountability measures in Texas and is so passionate about educational accountability that he has been known to cry when giving interviews about his education policy work with George Bush. (see Rudalevige 2003) The version of AYP that eventually passed into law after considerable compromise was not as strong or straightforward as Kress would have liked. He described it as “Rube Goldbergesque,” referring to the cartoonist who drew elaborately convoluted machines designed to perform very simple tasks. (see Lemann 2001) The simple task Kress thinks AYP is supposed to perform is to ensure that every “cognitively able” child performs at grade level every year until they graduate.
educational achievement and the closure of a variety of achievement gaps. What neither Jay Mathews nor Andrew Rotherham have questioned is whether the very publication of “best of” high school rankings is incompatible with this new consensus, and whether it is possible to use the tools of status, prestige, and exclusivity to build a house big enough for everyone.

Jay Mathews’ reply to Rotherham’s criticism, in typical Newsweek fashion, is breezy, confident and straightforward. He agrees that the Challenge Index is a narrow measure, but insists that this is “one of its great strengths.” Jay Mathews has faith in his readers and their good, plain, common sense and he trusts that they can easily understand what he is doing “and judge for themselves if it makes sense to them.” They can use the most basic math skills on his two “easily obtainable numbers, [and] they can do the arithmetic themselves for their own schools and see how they compare to those on the list.” Jay Mathews is protective of his readers and their valuable time; he wants to avoid the use of “increasingly sophisticated measures” that would leave readers “lost in a statistical jungle...spending hours examining all the factors and weighing other details.” Readers should be able to rely on their own judgement and not that of the media, the

109 The three achievement gaps Rotherham focuses on are the gaps between Latinos and Anglos, between African-Americans and Anglos, and between the economically disadvantaged and the “schoolwide average.” Other gaps exist, but these are the big three that are the major focus of contemporary concern.

110 Annette Lareau questions this possibility despite the reformist recommendations she makes in Unequal Childhoods, but it is buried in the book’s theoretical appendix. Here, she problematizes the goals of recent education reforms through Bourdieu’s theorization of power relations. For Bourdieu, social fields are stratified by definition, organized around arbitrary “rules of the game” that include some and exclude others. Any effort, then, to universalize the rewards of a particular game such as education is futile. She writes that Bourdieu would never suggest, for example, that more parents could improve their children’s school success by adopting particular practices. Instead, he would point out that the number of elite practice being devalued and replaced by a different sorting mechanism. In this sense, his model suggests that inequality is a perpetual characteristic of social groups. (Lareau 2003: 177)

111 Mathews 43.
government, or experts, otherwise they will have “no choice but either to reject the exercise as too complicated or to trust the U.S. News, their state department of education or whatever statistical experts have drawn up the heavily weighted and massaged lists.” Furthermore, parents shouldn’t have to rely on the uninformed and prejudiced opinions of “their relatives, their neighbors or their real estate agents” who almost always send “distorted messages” that if a school has a large number of low income, black and hispanic students, it is a “bad school,” but if “it has a large number of students from high income families, especially white students, it is said to be a good school.” He does not happen to mention that the parents reading his lists may themselves have distorted and prejudiced opinions. Jay Mathews’ imagined audience of parents are figured as enlightened, progressive and well-meaning and simply in need of good, unambiguous data.

The iconic good school in the Jay Mathews canon is Garfield High School in east Los Angeles, which, between 1974 and 1991, employed a Bolivian immigrant named Jaime Escalante as a math teacher. Mathews first became aware of this school and its math teacher in 1982, when he read a Los Angeles Times article about 14 students in East L.A. who had been accused of cheating on a Calculus AP Exam. What intrigued him was not so much that students had been accused of cheating (12 of the 14 later took the test and were exonerated), but that a “place like Garfield” had so many students willing to take AP calculus at all.112 At the time Mathews was a business reporter and was getting bored writing about the Dow Jones and S & P. The Escalante story would propel him

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into a new passion for education reporting. The story would be dramatized in the 1988 movie *Stand and Deliver* and in Mathews’ first book *Escalante: the Best Teacher in America*. In his book Mathews compares Garfield High to the school he attended “in the middle income suburb of San Mateo, where the vast majority of parents were high school graduates and many had college degrees.” Mathews’ suburban high school enjoyed high academic honors and sent many of its students to college, but “did not have enough qualified math students to form even one calculus class.” Mathews was one of only four seniors in his graduating class to attend a calculus class at a junior college at night (a biographical detail that clearly identifies Jay Mathews as a geek, although he frequently portrays himself as an Average-Joe-just-trying-to-make-sense-of-it-all in his *Class Struggle* columns). When he visited Garfield High School and talked to Jaime Escalante, he “wondered if his modest success might have been mostly luck...perhaps an unusual number of bright students from particularly well-motivated families had managed to click on that one test.” He explains that most of the families of students at Garfield are poor and uneducated, and he goes on a search to see if the AP calculus students proved to be the exception to the rule and enjoyed “special advantages at home.” He finds none. Years later he would invent the Challenge Index in order to quantify and publicize evidence that the socio-economically troubled can overcome their origins.

Jay Mathews’ concerns for the disadvantaged reveal an almost stereotypically liberal bleeding heart, although he is frequently accused of feeding the colder neoliberal
frenzy for the quantification of everything once thought to belong to a protected sphere of values. His stance, like so many who think and write publicly about education today, is difficult to characterize ideologically. His writings on education, since he first wrote about Jaime Escalante, are animated by a fear that the socially progressive political project of the 60s has failed, and evidence for this failure can be read in the comparatively low test scores and educational achievement levels of low income minority youth. The Challenge Index is an experimental intervention into this state of affairs. It is a challenge on many levels: a challenge to the notion that schools with large low income minority populations are necessarily bad, a challenge to the tendencies in educational research that really only verify statistical links between high achievement and high socio-economic position, a challenge to the self-reflecting tendency of statistical prestige to further reinforce class divisions, a challenge to the tendency for many parents to want to send their kids to schools that are high achieving and their tendency to believe that the best schools are in the best parts of town where the best people live, a challenge to the way the new American sorting system of meritocracy has gotten twisted up with the old sorting system of exclusive hereditary privilege. It is a salve for the guilt of liberals of Jay Mathews generation who grew up and had children and found that their desire to pass their smart progressive intellectualism onto their own offspring conflicts.

114 Students of educational statistics know that high SAT scores, for example, are better predictors of one's socio-economic background than one's future success in college. The chronicle of the slow transformation of the American meritocracy is Nicholas Lemann's peerless history of the SAT The Big Test: the Secret History of the American Meritocracy. (1999) The consistent correspondence between SAT scores and socio-economic status has led many testing critics to accuse corporations like the Educational Testing Service, and their allies in education and government, of conspiring to reproduce status-quo class divisions under the guise of technologically neutral instruments. (see for example Karier’s 1976 statement on “testing for order and control in the corporate liberal state”) Lemann’s history shows on the contrary that the invention of the SAT and the subsequent rise of the testing industry was an unintended consequence, the result of an ambitiously progressive social experiment gone awry.
with the inherent elitism of the education system. It highlights a curious contemporary dilemma: a guilty elitism of intellect and class that can’t live with itself if its form of life can’t be universalized.\textsuperscript{115}

So it seems that Jay Mathews has made it his life project as a journalist to publicize those spaces in the American education system that have managed to distribute the challenge of intelligent education most widely. For him the sign of an intelligent education is the AP and IB tests, markers of participation in the most challenging, college-level courses in high school. A tendency in the AP system he would like to see reformed is for access to be restricted to the already-identified best and brightest through some mechanism of exclusion like entrance exams. He wants places where there are no barriers to participation in AP to be more widely known so that parents can find schools that their real estate agents might not tell them about because their interest in maintaining the link between high real estate values and high public school test scores has proven to be incompatible with socially progressive political ideals. I can imagining that the hoped-for intended effect of the Challenge Index would be something like the following: schools like Garfield High, or some other school in an unfashionable neighborhood that offers AP and IB widely get their social capital raised by appearing in \textit{Newsweek Magazine’s} list of the best high schools, so more and more people start wanting to go there and then the looping effects start kicking in and more schools not on the list start wanting to make the list so they offer more AP to more students and soon not only do

\textsuperscript{115} This position is very different from the one, familiar to the small population of people familiar with the writings of critical pedagogues and anthropologists of education, that says the way to correct the ills of the American education system is not to spread intellectual rigors more widely, but to reform the exercise of intellectual rigor itself so that is no longer elitist or authoritarian to begin with. The classic statement of this position is Paulo Freire’s \textit{Pedagogy of the Oppressed}, (1970) The latter position makes almost no appearance in this particular debate and seems to be losing cultural ground.
situations in which American high school students can start practicing college-level intellectual rigors start multiplying, but the too-easy correspondence between socioeconomic privilege and school success and urban geographies of exclusion begins to be broken as families try to move closer to schools that offer more challenging curricula, wherever they may be, whether in East L.A. inner city or Chicago suburb, and realtors stop fixating on superficial statistics, people start mixing, and stop being afraid of others unlike themselves, and America becomes not just more just, but smarter as well, and all through the collective effect of individual decisions made by American parents with decent desires for their children’s well being. What could be better? Perhaps if none of us can avoid becoming just another statistic, we can at least become good statistics.

However, if Mathews followed Rotherham’s advice on how to produce good statistics, Garfield would not make the list of the best high schools in America because it still has large achievement gaps and high dropout rates outside the small enclave of the AP program. It has managed to make progress with small groups of students without special advantages at home, but it has not figured out a way to spread smartness to the masses. It has not learned to address one of the most confounding problems in education reform today, the problem of scale. Rotherham would like to narrow the definition of a good school to one that makes pretty much everyone smart:

A successful high school should show high levels of student achievement, graduate almost all of its students and not let any demographic subgroup suffer at the expense of others. Most national and local experts and policymakers share those values.\textsuperscript{116}

But Mathews is a journalist, not a policymaker, and it is his job to offer readers

\textsuperscript{116} Rotherham and Mead 2007.
"information that can help them understand their world and help them make better choices in their lives":

Most of the Newsweek and Post readers who follow our education coverage carefully are parents, not think-tank researchers or college professors or Education Department staffers. They are far less interested in Rotherham’s and Mead’s concern over which assessment has the most value for policy makers and far more interested in which schools are best for their kids.117

Furthermore, a list of schools drawn up according to Rotherham’s criteria would be very short indeed.118 In fact, one of the few American public high schools that would make both lists would be Chris Barbie’s YES College Prep schools in Houston, which have high rates of AP participation, high graduation rates, uniformly high rates of student achievement, and high rates of low income and minority students.

What neither Rotherham nor Mathews mention, but which is publicly available to those who would have the inclination to inquire, is that part of statistical success of YES Prep schools can be attributed to the specificity of the population it works on. YES Prep, like many new charter schools, has a specific target population, or a student profile, that demographically defines both its target and its goals and makes its success much more probable than it would be would it have to deal with the endless plurality of a traditional public school population. YES Prep defines its target population as follows:

YES defines its student profile as “low-income” and from the “middle 80%” - the

117 Mathews 43.

118 Since the writing of the initial draft of this chapter, Rotherham has fulfilled his promise to produce a ranking of high schools to compete with the Challenge Index. His list, a collaboration between Rotherham and Standard and Poor’s school evaluation department, has been published, ironically, by the formidable rankers U.S. News and World Report. The U.S. News ranking did indeed produce a list of one hundred schools with a Gold Medal ranking that met all of Rotherham’s criteria. One of the ways they were able to produce a list with this many schools is by including “public elite” schools that cater to gifted students and require selective examinations for entrance.
large group of students who are not the most academically gifted nor require a dropout or credit recovery program. The YES team is not motivated to provide an alternative for students who have access to private school scholarships or magnet school programs and thus are likely to go to college without YES. Historically in Houston, this “middle 80%” has a 50-55% chance of graduating from high school and approximately an 8% chance of finishing a four-year college.

YES exists to dramatically alter the odds for this group. The current profile of the YES student population is 78% low-income, 85% first-generation college-bound and 95% Hispanic or African-American. Further, the majority of students enter YES performing one grade level or more below standard.¹¹⁹

Back at the Senate hearing, Senator Shapiro doesn’t mention YES College Prep by name as one of those honored Challenge Index high schools, but it is likely that many people in the room are aware of its distinction. Most people in the room are likely to be aware of the efforts of many policymakers and educators in Texas to replicate these small, isolated successes and “bring them to scale” without turning them into bulky and coercive old-school bureaucracies.

Mathews shares this passion with the leaders and founders of KIPP and YES Prep. They can be characterized as “reflexive modernizers,” reforming one of the last dominant institutions of the welfare state that still bears the marks of a somewhat “traditional” mode of organizing privilege and prestige:

To simplify: one was born into traditional society and its preconditions (such as social estate and religion). For modern social advantages one has to do something, to make an active effort. One has to win, know how to assert oneself in competition for limited resources-and not only once, but every

¹¹⁹ YES College Preparatory Schools Business Plan, p. 2.
The principal of the KIPP charter school in San Antonio articulated this position to me during an interview in 2005. He started his teaching career at an in-district charter high school in the Northeast Independent School District. Students there are chosen by lottery and come from middle schools all over the city. While working at the school, he and his colleagues discovered a pattern: "What we found was that within three or four days, because of the questions they asked, because of what they didn’t know, how organized they were, we could tell with a pretty high degree of accuracy where they went to middle school, without asking them. And what we found out with a kind of sickeningly high degree of correlation was that if you were brown and you lived inside the loop you didn’t know what you were doing and if you were white and you lived outside the loop you did know what you were doing. Which was not okay."  

For the past century, the American public school system has been mired in a form of traditionalism that is becoming increasingly intolerable to progressive-minded observers and reformers like Mathews and KIPP leaders. It consists of the arrangement, once taken for granted, that where one lives determines which public school one attends. The anachronistic coerciveness of this arrangement has been justified in various ways. The idea of the neighborhood public school, locally controlled and democratically necessary, is one such justification. Alternately, the surface injustices of the arrangement

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120 Beck and Beck-Gernsheim 2002: 3.

121 In-district charter schools are started and run by traditional school districts that accept students from outside district boundaries. They were created in 1995 with SB 1 along with independent open-enrollment charter schools, but they are not the focus of this research.

122 Interview 9/25/05.
(such as inequalities in school funding and quality based on property taxes) have been legitimated with the liberal argument that people can move wherever they want so their children can attend better schools. There is always leeway and wiggle room for people wanting to position themselves more advantageously in the public school system despite their location: private school scholarships, using relatives' addresses in other school districts, admission to magnet programs, and other maneuvers which assume a certain aggressively middle-class facility with bureaucratic manipulation. But such possibilities do not efface the simple fact that where one lives, at least for a swath of the non-middle class majority, defines the initial "system of differentiation" that determines one's entrance into the public school system. This arrangement, if not completely "traditional," comes dangerously close to the producing the situation of being born into one's life station that was the hallmark of an earlier era of social differentiation.

By "system of differentiation" I refer to the definitions and distinctions, both legally and informally enforced, that set up the initial field for the production of power relations, or the situations "which permit one to act upon the actions of others." Foucault designated the system of differentiation as the first of five points that should be elaborated upon in any analysis of power relations. He included among systems of differentiation not only legal designations but also traditions of status and privilege; economic differences in the appropriation of riches and goods, shifts in the processes of production, linguistic or cultural differences, differences in know-how and competence, and so forth.123

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123 Foucault in Dreyfus and Rabinow 1983: 223.
This broad definition encompasses the legal drawing of school district boundaries, the accumulation of economic privilege in highly valued neighborhoods, the characteristically middle class maneuvering into positions of socio-demographic advantage, and all of the other formal and informal accumulative movements that make up the difference between attendance at “good schools” and “bad schools” that can alter the life trajectories of individual students.

According to the Texas Education code, one of the five purposes of charter schools is to “increase the choice of learning opportunities within the public school system,” or to create a system in which it is less likely that one’s eventual station in life, or perhaps more specifically, one’s identity as a knowledgeable and competent educated person, will be determined by something so arbitrary and external to individual will as the neighborhood one happened to be born or raised in. According to the discourse of neoliberal marketization by which the school choice and charter school movements are too easily defined, the exercise of choice is equivalent to the exercise of personal freedom and autonomy. However, what the case of charter schools, and KIPP in particular, show is that the freedom to choose does not signal the end of coercion, whether governmental or otherwise, but the initiation and intensification of power relations. Foucault is very clear on this point:

Power is exercised only over free subjects, and only insofar as they are free. By this we mean individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments may be realized.\textsuperscript{124}

\textsuperscript{124} Ibid: 221.
Choice defines the system of differentiation that delimits the entrance of students into the school, and so sets up the initial population of subjects to be worked upon. In short, in order for a student to enroll in a KIPP school, they must choose to do so and must formalize that choice in the signing of a contractual commitment. Choice is one of the “five pillars” of KIPP’s “theory of action,” which is the set of organizing principles by which all of the schools in its network are run:

**Choice and Commitment.** Students, their parents, and the faculty of each KIPP School choose to participate in the program. No one is assigned or forced to attend these schools. Everyone must make and uphold a commitment to the school and to each other to put in the time and effort required to achieve success.\(^{125}\)

The charter school system as a whole was designed to operate according to the principle of choice, but KIPP schools extend the operation of choice even farther than most charter schools. Not only do students and their parents choose to attend, but in order to attend, they must sign a contract promising to commit to the school’s program, reproduced below:

**Teachers’ Commitment**

We fully commit to KIPP in the following ways:

- We will arrive at KIPP every day by 7:15 a.m. (Monday-Friday).
- We will remain at KIPP until 5:00 p.m. (Monday -Thursday) and 4:00 p.m. on Friday.
- We will come to KIPP on appropriate Saturdays at 9:15 a.m. and remain until 1:05 p.m.
- We will teach at KIPP during the summer.
- We will always teach in the best way we know how and we will do whatever it takes for our students to learn.

\(^{125}\) The other four pillars include: High expectations, more time spent in school, power to lead, and focus on results. See www.kipp.org/01/fivepillars.cfm.
We will always make ourselves available to students and parents, and address any concerns they might have.
We will always protect the safety, interests, and rights of all individuals in the classroom.
Failure to adhere to these commitments can lead to our removal from KIPP.

Parents'/Guardians' Commitment

We fully commit to KIPP in the following ways:

- We will make sure our child arrives at KIPP every day by 7:25 a.m. (Monday-Friday) or boards a KIPP bus at the scheduled time.
- We will make arrangements so our child can remain at KIPP until 5:00 p.m. (Monday - Thursday) and 4:00 p.m. on Friday.
- We will make arrangements for our child to come to KIPP on appropriate Saturdays at 9:15 a.m. and remain until 1:05 p.m.
- We will ensure that our child attends KIPP summer school.
- We will always help our child in the best way we know how and we will do whatever it takes for him/her to learn. This also means that we will check our child's homework every night, let him/her call the teacher if there is a problem with the homework, and try to read with him/her every night.
- We will always make ourselves available to our children and the school, and address any concerns they might have. This also means that if our child is going to miss school, we will notify the teacher as soon as possible, and we will carefully read any and all papers that the school sends home to us.
- We will allow our child to go on KIPP field trips.
- We will make sure our child follows the KIPP dress code.
- We understand that our child must follow the KIPP rules so as to protect the safety, interests, and rights of all individuals in the classroom. We, not the school, are responsible for the behavior and actions of our child.

Failure to adhere to these commitments can cause my child to lose various KIPP privileges and can lead to my child returning to his/her home school.

Please sign and print name(s) here.
Student's Commitment

I fully commit to KIPP in the following ways:

- I will arrive at KIPP every day by 7:25 a.m. (Monday-Friday) or board a KIPP bus at the correct time.
- I will remain at KIPP until 5:00 p.m. (Monday - Thursday) and 4:00 p.m. on Friday.
- I will come to KIPP on appropriate Saturdays at 9:15 a.m. and remain until 1:05 p.m.
- I will attend KIPP during summer school.
- I will always work, think, and behave in the best way I know how, and I will do whatever it takes for me and my fellow students to learn. This also means that I will complete all my homework every night, I will call my teachers if I have a problem with the homework or a problem with coming to school, and I will raise my hand and ask questions in class if I do not understand something.
- I will always make myself available to parents and teachers, and address any concerns they might have. If I make a mistake, this means I will tell the truth to my teachers and accept responsibility for my actions.
- I will always behave so as to protect the safety, interests, and rights of all individuals in the classroom. This also means that I will always listen to all my KIPP teammates and give everyone my respect.
- I will follow the KIPP dress code.
- I am responsible for my own behavior, and I will follow the teachers' directions.

Failure to adhere to these commitments can cause me to lose various KIPP privileges and can lead to returning to my home school.

X ________________

Please sign and print name here.126

The exercise of choice here is both a precondition and a desired goal. As a precondition for attendance the contract is a promise to commit to whatever it takes to succeed. It also initiates the effort of shaping the kind of person who will be able to not only choose, but choose well; who is able to discriminate, make promises, keep commitments, and accept responsibilities. The effect of the contract is to more intensely moralize the school. That

126 http://www.kipp.org/01/commitment_full.cfm
is, it is to make attendance at school an action involving the assertive choice between competing values. It is to make attendance at school more than just an arbitrarily imposed imposition, an inevitability like death and taxes. But more pragmatically, the contract is needed because the KIPP experience is intense and rigorous and not to be entered into lightly.

Jay Mathews' first published mention of KIPP offers a glimpse into the intensity of the KIPP experience. It appears in a 2000 article about educators in inner-city schools who "burn out from overwork and stress and used high-stakes tests" to raise student achievement levels. A teacher of this kind interviewed for the article asserted that if more teachers worked as hard as he did to raise his students' scores they "would die of ulcers, but they would have much better schools." The quote, along with the article title "Blood, Sweat and Tests" communicates the strenuous, uncomfortable, even violent effort involved in fixing America's broken education system: "Taking it easy did not work. Learning was stressful. Meeting high standards meant losing sleep. Some students failed and felt bad." The current moment in the long history of efforts to reform public education, as articulated in Mathews' body of work, is one in which educators have begun to recognize "the pain that comes with achievement" after a period of progressive permissiveness. The ongoing debate over the role of standardized testing in that reform effort involves the central question of who should bear the brunt of that pain, and who should be asked to shoulder the burden of failure: teachers and administrators? Students? Or both?

127 Mathews 1.
The debate is insulated from broader public participation, however, which is curious given the near-ecumenical reach of the public school: “Few people outside school buildings have noticed the argument yet. Presidential candidates avoid the issue. Television ignores it almost completely, while newspapers publish only occasional stories.” Nonetheless, public opposition is growing to the increasingly ubiquitous practice of states rating and penalizing schools using student test scores, from “middle-class parents and students least likely to be affected.” The tests were not imposed by state and federal governments with middle-class students in mind anyway; they were imposed in order to force reform onto languishing schools in low-income neighborhoods. And reform-minded educators who work in these neighborhoods are among the most enthusiastic supporters of regular testing because they seek to disprove those who would assert that the historically low achievement levels of low income students are unrefomrable. It is in this context that Mathews first mentions the KIPP schools. Dave Levin, co-founder of KIPP and leader of the second KIPP Academy in the Bronx asserts that “the more you test, the better the students do.” But at the time this article was written, in the year 2000, Mathews was still equivocal about the role of testing. He gives rhetorical priority to those critics of testing who argue that teachers should be trusted “to do their jobs the same way we trust medical professionals, without keeping a running total of their patient results” while he gently mocks those who “demand results” as part of “the box-score-keeping, quiz-show-watching, trophy-polishing mainstream culture.” He was, however, supportive of the still-young idea of school choice and he proposed that school districts establish “test-free” schools for middle class Dewey acolytes to
experiment alongside less-advantaged students so that they might discover whether or not they "need a prod to succeed," whether or not such a painful sacrifice is needed to make all students smart.

It is a sacrifice that needs to be taken seriously at a national level if progress is to be made. Not long after September 11, 2001, Mathews wrote an article comparing the problem of education reform with the war on terrorism, at a time when it could still be said that the nation was "united in the need to put aside differences and repulse the attacks on what we believe and how we conduct our lives." Education could be compared to the war on terrorism because both are, in their own ways, matters of "life and death," although the enemies in the battle to save public education-ignorance and poverty-are much harder to personify than Osama bin Laden. He calls on Americans to "put aside their old feuds" regarding educational matters and to applaud equally the "woman ranting at the PTA meeting about learning time tables" and the man decrying the SAT as a "profit-making scam." He recommends that instead of demonizing others who hold different educational philosophies, we should allow "each school to adopt an approach to education that excited its staff and let them go at it." He calls for a the embrace of a passionate pluralism in which differences of opinion and approach are allowed to flourish, but become focused in consistently and enthusiastically shared missions within individual schools. Somehow and someday, the multiplicity of passions and interests will converge into a national culture unified through education. The pluralism of school choice, paradoxically, is proffered as the way to "harness the power

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128 Mathews 3.
of shared goals.” Mathews writes that small schools with a unified sense of purpose are needed, so that nobody will be arguing “over which students will get to take algebra in eighth grade,” recalling an incident when he started an argument at a parents meeting by asking the principal of a middle school how students were selected for accelerated math.

Everyone within the ethically coherent mini-cosmos of small schools will be expected to eventually perform at the same level, and they will be able to do so by being held together by an “absolute unity of purpose.” He uses KIPP as an exemplar of this kind of unified school. KIPP works because “every teacher dispenses discipline in the same way, with the same rules. Every teacher insists that homework be done and calls parents to the school when it is not.” It works because “no doubt is allowed” about whether or not each student will go to college.

But if small schools created, supported, and attended through mechanisms of choice begin to multiply and overtake the traditional system, the problem will arise that other people will not choose so well or consistently in their best interests. Mathews recognizes this problem, but does not take it seriously. He ends his article with a recognition of the limits of a system of choice followed by a curious note of optimism:

Any KIPP parents who might have any mischievous bent have no opportunity to make trouble. They have been told the plan. They can accept it or send their kids elsewhere. The emphasis is on moving together.

I can’t see why that could not work everywhere, if we cared as much about saving our children as we do about saving our country.

The ambivalence in Mathews article, between the recognition that “mischievous” parents may thwart their children’s educational success and the optimism that KIPP-like schools could nevertheless work everywhere, reflects one of the enduring dilemmas of
liberalism on the possibilities and limitations of political liberty. Berlin’s essay on “Two Concepts of Liberty” is the classic treatment of the dilemma surrounding “the central question of politics—the question of obedience and coercion.” The school choice system appears to be a compromise between the systematic organization of negative liberty (in which the constraints on attendance to particular public schools is withdrawn, no longer imposed by geographic location) and positive liberty (in which students then enter into programs more or less promising to develop their capacities and personal powers of self-mastery). For negative libertarians, parents’ failure to choose well for their child does not constitute a lack of freedom the way the obligation to attend a poorly funded neighborhood school once did. As Berlin puts it: “You lack political liberty or freedom only if you are prevented from attaining a goal by human beings. Mere incapacity to attain a goal is not lack of political freedom.”

But these incapacities are nonetheless problematic. What troubles the straightforward promotion of negative freedom is the differing actualization of freedom by people of differing capacities and conditions:

It is true that to offer political rights, or safeguards against intervention by the state, to men who are half-naked, illiterate, underfed, and diseased is to mock their condition; they need medical help or education before they can understand, or make use of, an increase in their freedom. What is freedom to those who cannot make use of it?

The promotion of positive freedom appears as an answer to the limitations of negative libertarianism by engaging people in the disciplined pursuit of higher goals identified

129 Berlin 1969: 123.
130 Ibid.
131 Ibid.: 124.
with an ideal self, however defined. Berlin warned that the pursuit of positive freedom can quickly lead to forms of totalitarianism when that ideal self is identified with a wider collectivity, or a “social whole of which the individual is an element or aspect: a tribe, a race, a church, a state, the great society of the living and the dead and the yet unborn.”

However, “what gives such plausibility as it has to this kind of language is that we recognize that it is possible, and at times justifiable, to coerce men in the name of some goal (let us say, justice or public health) which they would, if they were more enlightened, themselves pursue, but do not, because they are blind or ignorant or corrupt.” We can be justified in this pursuit if we assume that within the ignorant exists “an occult entity—their latent rational will, or their ‘true’ purpose.” We can also be justified in this pursuit if we focus our efforts of reforming the ignorant on children, which is what makes education such an attractive and compelling locus of reform for liberal humanists such as Mathews and other members of the educated classes.

Mathews can safely approve of disciplinary coercion within schools like KIPP, but outside the schoolhouse, where the negative freedom rules, he can only hope that people will choose well. But earlier, more purist liberal theorists of school choice such as Milton Friedman did not assume, as Mathews and the KIPPsters do, that schools of choice should work to improve educational achievement for everyone. For Friedman they were to be used to elevate the most gifted to their rightful places at the top of society: “Our present school system, far from equalizing opportunity, very likely does

132 Ibid.: 132.
133 Ibid: 132-133.
134 Ibid.: 133.
the opposite. It makes it all the harder for the exceptional few—and it is they who are the hope of the future—to rise above the poverty of their initial state.\footnote{Friedman 1962: 93.} Indeed, Friedman expressed little interest in pursuing the goal of increasing academic effectiveness of schools. For him, the ability to choose was the good in itself and did not need to be applied to solving the problems of social inequality.\footnote{Carnoy 2000: 15.}

Mathews is also ambivalent about the federal government's proper role in the reform of education, and skeptical about the efficacy of rules fashioned by distanced technocrats. A reflection of his skepticism appears in a 2002 article written not long after the No Child Left Behind Act was passed. Mathews admits that he does not have much to write about the federal reform of education because he “concluded long ago that we cannot count on Washington to save our schools.”\footnote{Mathews 4.} He clarifies the peculiarity of his perspective as an experienced elder national reporter who chose to cover the local education beat that is usually assigned to young newbie journalists. He writes in and about Washington D.C., the seat of federal power, but is convinced of the primacy of ‘the local’: “I had learned that the ideas and actions that improved children’s lives almost always arose from local educators, not distant federal politicians and bureaucracies,” and in order to get access to those ideas he needed to report on local activities, returning “again and again to the same schools and the same teachers.”

The Mathews canon consistently elaborates upon the tension between governing up close and governing from far away, and celebrates the efforts of the intelligent, rule-
bending individual reformer over the designs of bureaucrats. The best educators always have to bend the rules to accomplish their goals, even when those rules were "designed in Washington to help them." There are, for example, administrators in East Los Angeles who mislabeled an Advanced Placement program as "remedial" in order to get needed Title I funds, and administrators in New York who ignored union rules in order to hire more qualified teachers. Like Bourdieu, Mathews insists that intelligent and purposefully guided action is not governed by rules. For Bourdieu, rules as theoretical constructions are anthropologically inaccurate descriptions of real-time human behavior; for Mathews rules as mandates from afar are artificial constructs that thwart the movement of capable actors. Even those who would be corrected by rules, for example those who are not already working hard to improve their schools, will "find ways to obey the letter of the new law while still neglecting many children." Capable actors will do the right thing no matter what the policies are that govern them, and frequently in spite of them. They are motivated by a gut-level inner passion and drive that cannot be legislated.

Mike Feinberg has expressed the view that passionate advocacy is needed to advance the interests of lower-income students in part because school districts are so slow to change and prone to apathy, and in part to make up for the absence of aggressive parental intervention that is more commonly found in affluent school districts. Mathews has published several accounts of KIPP's early years, before it was established as an independent charter school, when Feinberg and Levin had to wrestle with administrators in the Houston Independent School District in order to get the resources they needed for their experimental program. They regularly "disobeyed orders, broke rules, [and were]
yelled at by administrators,” and Feinberg claimed that they had to be so aggressive because when wealthy white parents “scream and yell” when they don’t get what they want for their kids. At the same time, they would carefully enroll their own students in their struggles with administrators under the guise of lessons in democratic advocacy. Through these lessons, they attempted to impart a polite but persistent sense of entitlement to their students:

One chilly morning in January 1996 Anne Patterson, superintendent for the western region of the Houston Independent School District, picked up the telephone in her office and listened with growing puzzlement as an administrator at district headquarters began to yell at her as if she were an errant seventh grader who had just pulled all the fire alarms.

That was only the first call. There were several others that day, full of anger at Patterson and at a 27-year-old principal named Mike Feinberg. Feinberg’s innovative little middle school, a favorite Patterson project, had apparently ruined what might have been an otherwise peaceful day of reading papers and attending meetings for many people at headquarters. They wanted something done about it.

It took awhile for Patterson to sort through the bile and venom spewing out of her telephone receiver, but eventually she learned that Feinberg, in the guise of a lesson on advocacy in American democracy, had instructed his 70 fifth-graders to call about 20 downtown administrators and complain that nothing had been done to find them a school building for the following year. Their school, KIPP (Knowledge Is Power Program) Academy, planned to add a sixth-grade on its way to becoming a fifth-through-eighth grade school, but no space had been found. The 10-year-old callers, all from low-income families, were well taught and very polite. That apparently only made it worse, since the calls aggravated the feelings of guilt that are a part of nearly every inner city school administrator’s emotional makeup.

WHAT ARE YOU DOING?!? they shouted at Patterson. GET THAT GUY OFF MY BACK!!

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138 Mathews 36.
After all, what was so wrong with Feinberg's disruptive lesson in advocacy? He timed it for a teacher training day when his students had a holiday, but administrators would be in their offices. He gave a lesson on how peaceful change comes in America and gave the students a script to help them out. They practiced the words: "I am an extremely hard-working student. I am part of the KIPP Academy and we were supposed to know where we were going to be next year, but we don't know yet. I wonder if you have any information about where our new building will be. My family and I are very worried about where we're going to be next year. We want to make sure we continue to get a great education."

Feinberg told them what crank calls were, and made sure they understood this was something different, a polite appeal to the authorities for redress of appropriate grievances. They had to act like adults. "Look," he said, "the minute you call up and start giggling on the phone, this is all ruined."

Feinberg and Levin, like other hero educators in Mathews' articles, are characterized by their boundless energy and enthusiasm. They are motivated by a missionary zeal. They are usually overworked and are frequently frustrated by bureaucracy, and they expect their students to work as hard as they do at changing the world to change themselves. They are motivated by a vision of the future in which everyone is educated. This would be the kind of world imagined in Star Trek: The Next Generation, which Feinberg and Levin would watch every evening as young teachers in Houston "because in the 25th century, everyone was literate," Feinberg said. "Everyone walked around with this little tricorder, and the 15-year-old was doing nuclear fusion. That was always our escape. Then we would eat dinner."\(^{139}\)

Many of them, after struggling for a few years within traditional public school districts, form careers in emerging educational markets. Levin and Feinberg are representative of a new kind of educator who is creating careers in the "national

\(^{139}\) Mathews 17.
movement to fix schools." These "educational entrepreneurs" work in environments that did not exist twenty year ago: not only in independent charter schools, but in think tanks and foundations, and online and technology businesses. They are as savvy and thrill-seeking as the entrepreneurs who founded the internet startups of the 1990s, but they are less motivated by money than by the desire to do work that is meaningful. Along with Mike Feinberg and Dave Levin, another patron saint of the new educational entrepreneurialism is Wendy Kopp, the founder of Teach for America, the prestigious teacher-recruitment program that started as Kopp's senior thesis at Princeton and has grown to become one of the most competitive recruiters of Ivy League graduates. Like the founders of KIPP and other Teach for America alumni, many make the move from short stints in inner-city classrooms to direct large-scale and ambitious reform programs, as well as more technocratic positions designing and marketing the infrastructure for the new information requirements of standards-based federal reforms.

These new teachers, principals, and educational knowledge workers are young. KIPP has contributed to the trend of hiring young principals and teachers. Along with TFA and New Leaders for New Schools, there are Bill and Melinda Gates starting small high schools "run by bright and ambitious young people who would otherwise have to spend a decade or so as assistant principals before they got a chance to run their own schools." Most of the educators interviewed for Mathews' articles are in their mid twenties to early thirties. They are optimistic, able to work long hours, and are popularizing a very clear, enthusiastic and inclusive teaching style. They tend to work in

140 Mathews 7.
141 Mathews 25.
small schools, which are good for young principals; they can spend more time with students rather than adults. If they were to work in larger, more traditional districts that require the involvement of broader cross-sections of the community, their jobs would become “very political, and age and experience [would be] more important.”

Teachers and principals of new small schools are similar in some ways to professional athletes: they work hard when they are young but tend to burn out quickly, after about 6 years: “They have no personal life...but they learn so much and get so much done early that the future for them is very, very bright. And they get a certain amount of the need to give out of their system.” This commentator says that giving too much is as “unhealthy” as not giving at all: it’s not good for students to have teachers who don’t like themselves. The career expectations for these new teachers are changing and it is no longer the case that teaching is assumed to be a lifelong profession, protected by unions, seniority, and tenure. Rather, there is an emerging expectation, fostered by organizations like Teach for America and its increasingly powerful alumni, that the teaching profession should be filled by an ever-renewing pool of highly motivated recent college graduates who may or may not make teaching their lifetime profession. They will work very hard for a few years then move on, to be replaced by fresh young recruits who have the energy needed to maintain the “relentless pursuit” of high standards. So while they seem, at least initially, like saints and masochists, they stop just short of the sacrifice that would make them fully pastoral technicians who give their own lives to foster the lives of their
flocks. Indeed, they often transform their short-term sacrifices into cultural capital.

Teach for America maintains impressive alumni support services, offering connections to big-name Wall Street companies, and it explicitly markets itself as an “experience” that will enhance its participants’ resumes. If these new teachers do continue careers in education, their job advancement and pay scale will be dependent upon their ability to produce results and good numbers. They are rational idealists; their political clout and social prominence derives from the way their careers and life projects combine, in equal measure, American pragmatic progressivism with technocratic positivism.

See, for example, the following exchange between Charlie Rose and Michelle Rhee. Michelle Rhee is a Teach for America alumnus who went on to found her own teacher recruitment organization, The New Teacher Project, and was recently recruited by Washington D.C. mayor Adrian Fenty to become the Chancellor of D.C. public schools. Her recruitment to this position was without precedent; she is still young and considered an outsider to the traditional public school system, but was hired on the basis of her reformist credentials.

Rose: What happens in the classroom that makes a difference? What is it that teacher has to do?

Rhee: A teacher, number one, has to be extraordinarily clear with the students about what the expectations are. Those expectations need to be very high, because the kids know when you don’t have high expectations of them. And they will rise or fall to the level of expectations that the adults have of them. And then they need to be just absolutely relentless in their pursuit of those expectations and of those goals. They have to hold the kids accountable. They have to hold themselves accountable. And they have to make

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142 Pastoral discipline is a form of governance, originating in spiritual practices but secularized through popular schooling, that relies on a close moral relationship between teacher and student. The teacher deploys her intimate knowledge of students’ individuality to draw them into an educative field of self-reflection based on self-expression.
sure that all these things that could serve as excuses are challenges that need to be understood and they need to be recognized, but they won’t stand in the way of, you know, these kids achieving at the highest level.

Rose: You have said one time about your own teaching and your own experience that it wasn’t so much that you were the world’s greatest teacher or even that you had the world’s most brilliant ideas.

Rhee: That’s right.

Rose: It’s just sweat and sweat and sweat, in there every day, every moment making the kids know this is about you, not your parents, not some administrator, not some politician, but you.

Rhee: That’s right. One of the things that I did with the kids, I -- one day I brought in a list that was published in the "Baltimore Sun" of all of the schools in the District and how they ranked on the test scores. Ours was at the bottom. I asked the kids, so what do you think people think about us when they see that, you know, our school’s at the bottom of this list. The kids said, people think we’re dumb. And I said that’s right. Are we dumb? And they would say no. I said, that’s right, we got to show people what we can do and I got them all riled up.

Kids understood that. They wanted to actually know where they stood in relation to other kids. They wanted to be inspired in that way. They knew they could do more. And so people thought I was crazy to have those kinds of conversations with eight year olds. But I thought it was exactly the kind of inspiration that they needed, because they knew that they could achieve at much higher levels.

Then they said, bring us more great teachers like Mr. Wallace. So they start to tell me about Mr. Wallace. They said, Mr. Wallace is the best. He sets up camp at the McDonald’s down the street after school. If you’re hungry, he buys you a hamburger, but he makes you stay. He tutors you in pre-calculus until you understand all the homework, you can pass the test. We know that guy cares about us. If you bring us more teachers like Mr. Wallace, we’re going to be good.

So after I had this conversation with them, I go trekking through the school and looking for Mr. Wallace. I finally find his room. I walk in and the kid looks like he’s aged seven years in 18 months. He’s a Teach for America Corp member. I walk in and he’s a mess. He’s got chalk dust in his hair and pit stains on his shirt. I say Mr. Wallace, the kids love you. He’s like, I
know.

He’s at the end of his second year commitment. I said are you going to say next year. He says I don’t know. I said why. I know the guy’s spending half of his 40,000 dollar salary on hamburgers every night at McDonald’s, but why? And he says to me -- he’s like, first of all, I spend all my free periods covering for other teachers who aren’t here. I don’t have any time to plan. I don’t know anything about teaching Spanish or teaching English, but I know the kids are going to get more out of it if I’m in front of them than if we stick the next video in.

And then he says, people here, they don’t like me that much. They’re always saying to me, Wallace don’t come in so early, don’t stay late.

Rose: You make us look bad.

Rhee: Yes, you make us look bad. It’s not part of the contract. So I’m thinking to myself, this is the exact kind of teacher that we both want and need in this system. And we haven’t created an environment where this guy feels like he can be successful. That’s the biggest crime I think that we’re doing by not setting people up for success.143

The Mr. Wallaces, the Dave Levins and Mike Feinbergs and Michelle Rhees, in the race for public recognition, have have overtaken their predecessors, the education reformers of a prior generation. Mathews’ favored spokesperson for the progressive education reformers of the ‘60’s and ‘70’s is Gerald Bracey, who is an education scholar and vocal critic of standardized testing. When Mathews asked him to comment on the new breed of educational entrepreneur in a 2002, Bracey insisted that they are not new: “Bright young people have been starting schools on their own for a long time. In the ’60’s and ’70’s, they were called alternative schools and free schools. Now it’s just some different modes of expression.”144 Bracey here still speaks the less rationalized language

143 Transcribed from televised interview on Charlie Rose, broadcast July 14, 2008 on PBS.
144 Mathews 7.
of expressive individualism that informed these earlier experiments, such as Deborah Meier’s famous Central Park East School in Harlem, founded in 1974, where low-income students learned “the way graduate students do—in small seminars, debating key points with enthusiastic teachers and researching questions of their own choosing, where the forms of assessment were individual interviews and reviews of written work.” Ironically, the very apathy that allowed Meier the freedom to experiment—the absence of scrutiny, the fact that “few people expected much out of Meier’s low-income students”—also fostered a lack of concern for the production of calculable results that would register evidence of success with an anonymous public. The administrators didn’t care enough to demand such results, and the educational philosophies of Meier and her cohort of reformers didn’t allow them. As a result, despite the fact that Central Park East graduates have grown into successful and productive adults, the anti-testing movement, of which Meier is a major figure, is now “small...politically weak” and lacking in “authority and credibility.” On the other hand, the standards-and-accountability movement is politically attractive and culturally resonant, but it “contradicts what we know about how human beings learn and what tests can and cannot do.”

The story Mathews tells in the Meier article about the current state of the teaching profession starkly contrasts with the story he told only a week previously. While the previous article describes a wave of new, energized talent entering the profession and continuing on as educational entrepreneurs, this one tells of droves of “good teachers fleeing the profession” and of students dropping out of school as a direct result of the

145 Mathews 8.
onerous imposition of the testing and accountability regime that started in the 1980’s and has delegitimized the success of experiments such as Meier’s Central Park East school. For defenders of standardized testing, Meier’s successes aren’t to be attributed to her adhering to an educational philosophy that is more aligned with “what we know about how human beings learn,” but to her exceptional individual qualities as a teacher and her dynamic personality, which are not viably scalable: “The day we get such extraordinary teachers [as Meier] in all of our schools—or, at least, in all of our urban schools—we can start a serious debate about the Meier philosophy.”

The educators that inspired Mike Feinberg and Dave Levin to found KIPP also have dynamic personalities, but they are very different from the white middle class idealists who once founded progressive schools. They are lively minority teachers working within the confines of large inner-city districts. The most important inspiration for the teaching methods that Levin and Feinberg would apply in their KIPP schools is Harriet Ball, the “classroom magician” they discovered as beleaguered young TFA teachers in inner city Houston:

Ball’s classes often exploded in songs and chants, and then just as quickly, when she said the word, were silent. Her test scores were very good. Levin spent every spare moment watching her work. After school, he would join Ball for happy hour drinks — beer for Levin, soda for Ball — at a little club near the school called King Leo’s. They would also get together on weekends at her house or Levin's apartment, with Feinberg joining them. Ball, now a popular consultant to school districts, said they were "very, very hungry" for something that would make them good teachers.146

Ball pioneered and continues to popularize a teaching method she calls “total body participation” that consists of the recitation and repetition of rap-like chants and songs

146 Mathews 17.
coupled with gestures and movements for emphasis, which are used to help children remember the kinds of discrete facts, like multiplication tables, that form the basis for more complex understanding and proficiency. Ball told Mathews that she discovered the method spontaneously while she was trying to plan a math lesson through an instance of automatic writing: “Suddenly, like movement on a Ouija board, the chalk in her hand began to write frantically on the blackboard, producing line after line of a chant that Ball is convinced came directly from God.” Her more mundane inspirations were the pop songs that her students listened to on the radio, and she noted how the same songs were played over and over so often that people would remember the words even if they didn’t like them. Through rhythmic repetition the boring abstractions of math could be imprinted into the body and the mind. Mathews notes that Ball is a “dynamic” and “effervescent” personality, but unlike other dynamic personalities like Deborah Meier, Ball has developed a method based on mimesis that can be replicated by virtually anyone. It is method that is amenable to standardization but also somehow not boring; students love her chants, repeat them eagerly, and most importantly, they don’t forget them. It is a method made for memory, and for yoking the past to the present and the future, that works by establishing a connection to something the learner already knows, attaching it to something new, and then repeating it until it is so ingrained that it can later be put to other uses. When Levin and Feinberg discovered Harriet Ball and her methods, they were able to spread and generalize her replicable techniques through KIPP. Her songs, raps and chants could be transferred to many different locations and used by many different personality types.
But what is less generalizable is the passion and motivation they require of their teachers and students. There is a Spanish word for this inner motivation that characterizes the rule-bending passionate educator that sometimes comes up in conversations about KIPP and educators who work with Latino youth: *ganas*. There is no exact translation into English for the word *ganas*. Most dictionaries will say that it means desire or will. But it is more than simple desire. You can desire a donut, you can even will yourself down to the donut shop, but buying and eating a donut are not actions that require *ganas*. Unless, of course, you are homeless and very hungry and you have to save your pennies for weeks in order to buy a donut, and you have to walk across town in the bitter cold to get to the donut shop, and when you get there it's closed and you have to wait in the cold for it to open and when it does open the donut shop worker refuses to serve you because you are scaring the other customers, so you have to walk across town in the cold until you find a donut shop that will serve you. Then you need *ganas* to buy a donut. *Ganas* is the desire of the underdog, of the person who has to try harder than everyone else just to survive. But underdog status is relative. *Ganas* is the inner motivation needed to accomplish something, and accomplishment can mean many different things to different people. It can be mere survival; it can be going to college; it can be challenging the status quo of an entrenched bureaucracy.

Jaime Escalante, the hero educator of Mathews' first book, used to talk to his students about *ganas*. He was of the opinion that he could awaken this desire in his students. In *Stand and Deliver*, there's a scene where Escalante (as played by Edward
James Olmos) tells his students: “And the only thing I ask from you is *ganas* - desire. If you don’t have the *ganas*, I will give it to you because I’m an expert.”

Mike Feinberg talks about *ganas* too in an interview, but he doesn’t think he can give it to his students. *Ganas*, for Feinberg is the only variable he can’t control as a teacher:

Feinberg: Well, we need to believe that all children can learn. But then what we need to act on is changing the word “can” to “will.” And so we need to act on the fact that all children will learn. We need to have an attitude that every day there’s 101 reasons why the kids come into the school not set for success, not ready to learn. Some of those reasons are ridiculous, some are very legitimate. And I think we have to act on the fact that, as a school, we do have the potential and we do have the power, if we want, to eliminate those variables and do whatever it takes to help the kids learn.

Smith: So what you’re saying is the failure of the kids is the adults' responsibility.

Feinberg: Yes.

Smith: And the adults can do something about it.

Feinberg: Adults can do everything about it. One of the things on our front window when you walk into KIPP is that – to be the constant, not the variable. Once again, there’s lots of variables out there for why the kids are not going to learn but at the end of the day, like any good science experiment, we should eliminate all the variables but one. And I think the one variable that we cannot directly or indirectly affect is the kids' hearts, how badly they want it, the *gannas* [sic], as we say in Spanish.\textsuperscript{147}

What Feinberg admits in the inspirational rhetoric of the educator is in fact the crux of one of the few published scholarly criticisms of KIPP: that its students and their parents are more motivated and in many cases better prepared than similar students in neighboring public schools. *Ganas* as a signifier points to characteristics that are in some

\textsuperscript{147} Interview with Hedrick Smith on PBS’ *Making Schools Work*, \url{http://www.pbs.org/makingschoolswork/sbs/kipp/feinberg.html}. 
ways immeasurable: motivation, aspiration, willingness to commit. The closest a quantitative study can come to measuring the ganas of KIPP’s student population is to look at records of past achievement of its entering students and compare them to the achievement levels of other students who do not go to KIPP.

A chapter in the 2005 book The Charter School Dust-up attempted to do just that. The book, sponsored by the Economic Policy Institute, synthesized all the then-available research on charter schools in order to determine whether charter schools are more or less effective than traditional public schools and whether their students are more or less disadvantaged. A section by Richard Rothstein and Rebecca Jacobson took on the specific case of KIPP schools to determine how representative KIPP students are of low-income children. The book was fashioned as a response to a controversy provoked by the American Federation of Teacher’s publication of NAEP test results that registered higher achievement levels for traditional public schools over charter schools. The controversy was played out in the pages of the New York Times, with the AFT’s report appearing on the front page and opposing remarks being published in a full-page ad purchased by charter school advocates. These advocates pointed to methodological flaws in the AFT’s test score comparisons, in particular that they did not use data that was properly disaggregated, so that students of similar socioeconomic and academic profiles were being compared rather than an undifferentiated mass. If they had, they would have discovered that students attending charter schools are more disadvantaged than students attending regular schools, and so their lower achievement levels can be explained by their

greater deficits. The authors of the *Charter School Dust-up* attempted to settle the controversy by examining all the then-available evidence from studies conducted in 12 different states and the District of Columbia.

The Rothstein and Jacobson section on KIPP examined data from 4 of KIPP’s 38 schools and concluded that its entering fifth graders had better test scores than other public school students in their communities. While this finding might seem to be a straightforward indictment of KIPP’s claims to success, Mathews’ *Washington Post* writeup somehow presented it as an argument that could enhance KIPP’s reputation. It also revealed something about Richard’s Rothstein’s motivations for discrediting KIPP’s success, as an education scholar who has devoted his career to developing the argument that schools cannot solve the problems of socio-economic inequality by themselves while government ignores the inequalities in the living and working conditions of poor communities. Mathews wrote that Rothstein is “irked by pundits” and politicians who cite KIPP’s success in arguments against welfarism. New York City Mayor Michael Bloomberg, a supporter of charter schools, asserted as much when he claimed that if his school reform program succeeded, “a lot of what Dr. King wanted to accomplish in our society would take care of itself.”

Rothstein had written elsewhere that the enthusiastic support for education reform is too often a “scapegoat” for increasing inequality, a way to personalize the blame for the broader economic transformations and the erosion of unions, healthcare, living wages and other social safety net programs. “Is your pay stagnant or declining? Quick, get more education. Are workers failing to share in

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149 Rothstein 2006.
economic growth? Too bad, they should have gained more skills."\textsuperscript{150} So, Rothstein writes, the contemporary rhetoric of schools-as-panacea goes.

Mathews writes that Rothstein’s larger argument about the need to direct resources to communities as much or more than schools is “beside the point,” since KIPP’s students are “clearly disadvantaged” and have achieved much more than they would have in their neighborhood schools. Here Mathews comes closer to the Friedman position that school choice is to be used to lift the already-gifted out of the poverty of their origins. Indeed, when Rothstein’s co-researcher Jacobson interviewed teachers from the public schools surrounding KIPP schools, she found that many of them encouraged their best students to transfer to KIPP. The teachers particularly encouraged students “with strong parental support” to go to KIPP, “since they had heard that that was important to the KIPP success.” Rothstein and Jacobson are careful to point out, however, that there is no evidence that KIPP consciously attempts to recruit a higher achieving student body. In fact, they make every effort to recruit students of lazy parents. When the first D.C. campus opened, the principal would blanket target neighborhoods with leaflets, and would emphasize KIPP’s hours to attract parents who would like to have their kids taken off their hands until 5 p.m. and on Saturdays: “I would be yelling to passersby, Schaeffler said, and the first thing that would be out of my mouth is the hours: ‘We are opening up a new middle school in the community, and the hours are from 8 to 5. And kids are in school Saturday from 9 to 1.’”\textsuperscript{151} From here Mathews goes on to repeat

\textsuperscript{150} Rothstein 2007.

\textsuperscript{151} Mathews 2.
his appeal for extending KIPP’s program beyond the limited charter school system that is
dependent upon the choices of parents:

The point is, if we can’t get the less motivated parents to come to KIPP, isn’t
it time to consider bringing KIPP, or programs like KIPP, to them? If their
neighborhood school challenges their children in the same way, and requires all
parents at least sign the homework, they are going to have much more difficulty
keeping their kids from getting the good education they deserve.

Here, it would seem, Mathews has returned to a position of positive libertarianism,
pleading for the governmental imposition of KIPP’s program of self-formation, all within
the space of one Washington Post article.

But part of what is so compelling about the KIPP model is that, at least in its
initial articulation, it seemed to give students the opportunity to choose for themselves the
form their self-formation would take. Although KIPP is starting to open elementary and
high schools in Houston, its experiment started off with middle school students. And
although parental support is required, entering fifth graders must also be enrolled in the
decision-making process by signing the Commitment to Excellence contract and agreeing
to its terms. This arrangement seems to work to decouple the foundation of education in
ignorance and compulsion that has complicated the promotion of positive liberty, as
Berlin describes:

But the uneducated cannot be expected to understand or co-operate with the
purposes of their educators. Education, says Fichte, must inevitably work
in such a way that ‘you will later recognize the reasons for what I am doing
now’. Children cannot be expected to understand why they are compelled
to go to school, nor the ignorant—that is, for the moment, the majority of
mankind—why they are made to obey the laws that will presently make them
rational. ‘Compulsion is also a kind of education.’ You learn the great
virtue of obedience to superior persons. If you cannot understand your
own interests as a rational being, I cannot be expected to consult you, or
abide by your wishes, in the course of making you rational.\textsuperscript{152}

In contrast, entering KIPP students are expected to understand the reasons for what their educators are doing. Before they sign a contract, a KIPP teacher or principal will come into their home and will describe the school’s policies, procedures, and expectations, and they are able to do so because entering fifth graders are old enough to at least begin to comprehend these expectations. Entering KIPP fifth graders are at a border between a time during which they have lived in the world long enough to be shaped by it and long enough to understand some of the consequences of that shaping, and yet still early enough to be reshaped. They are old enough to make a choice and old enough to begin to understand the difference between what they have been and what they will become, but young enough to still be effectively remade through immersion in a new environment. They are too old to be born into this new way of life, and that is just as well, since it is becoming less and less acceptable to simply be born into one’s life station.

In short, KIPP attempts to enroll students into their intense program of self-formation by conscious act, the way players entering a game are expected to consciously understand the rules before they begin playing. Paul Tough had this in mind when he described the scene at Levin’s Bronx school of students assuming the “normal school” pose of distracted slouching and the expected KIPP posture of directed attention, which is communicated under the acronym SLANT: Sit up straight, listen, ask questions, nod, and track the speaker with your eyes. They seemed to have no qualms about switching postures, as a group and on cue when their teacher gave them direction, no sense that they

\textsuperscript{152} Berlin ibid.: 149.
were being senselessly manipulated by an oppressive authority. Tough writes that while to the outside observer, especially one “raised in the principles of progressive education” it may be unnerving to witness the uniformity and discipline in a KIPP classroom, the students seem to understand that they are participating in a sort of reflexive game or experiment that works on their very lives and persons, and that they will receive great rewards if they learn to play the game well. And because of their awareness of the rules of the game, they may even have an advantage that middle class students do not enjoy, since the middle and upper classes are “born into the game, with the game; and the relation of investment, ilusio, investment, is made more total and unconditional by the fact that it is unaware of what it is.” Paul Tough is more succinct on this point: “Middle class Americans know intuitively that “good behavior” is mostly a game with established rules; the KIPP students seem to be experiencing the pleasure of being let in on the joke.” For students here there is an obligation to take rules seriously, but not to be blindly obedient to them. Rules here are made to be both followed and reflected upon. What distinguishes KIPP from other schools is not only their rules, but their near-obsessive attention to the numerous small details involved in making those rules work and making sure they are followed. There is simply no bureaucratic fudging allowed here:

My favorite KIPP innovation takes the rusty maxim about the need for involved parents to a logical and necessary extreme. If a student does not produce his homework, his parents are immediately called to the school. “The parents are very surprised,” said K.E.Y. Academy principal Susan Schaeffler. “They

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153 Tough ibid.

say, ‘You mean you are really serious about those rules?’”

The rigor of the world inside KIPP is a source of great attraction to commentators like Mathews in part because it contrasts so sharply with the world outside. The charter school movement overall is a reflection of the bewildering heterogeneity of the world, and the absence of clear standards and sources for authority. This is a growing blight in the charter school movement, and occasionally Mathews takes time off from his near-obsessive documentation of KIPP to comment on the troubles of other charter schools. In Washington D.C., like in San Antonio, they are a “mixed lot”; overall performance is worse than regular public schools, and “analysts also say the growth of charters has not resulted in much improvement at the regular schools.” Each school is a world unto itself, with different founders, boards, and missions, “and the result is a wide array of learning environments with stark differences in amenities and financial resources.” Along with the KIPP schools, there are also the Edison schools, similar in their disciplinarity but less well-regarded, somewhat tainted in the public eye because they are managed by a for-profit chain. There is a school “jammed into an old auto parts shop” that teaches an Africanist curriculum, a high school providing training in the hotel and restaurant industry run by Marriott, a school with multi-age classrooms where the instructors are professional artists with no previous teaching experiences, foreign language immersion programs, and schools that themselves provide a jumbled mix of offerings such as “the Integrated Design & Electronics Academy” that offers a mixture of “vocational, military and college prep classes.” Mathews provides a tour through

155 Mathews 5.
156 Mathews 11.
contrasting schools serving similar student populations. In one, students are discussing poetry in preparation for a visit from Maya Angelou and in another across town, students are sleeping and talking in class while teachers are listening to rap music and letting students “mellow out.”

Nonetheless, President Bush makes an appearance at a KIPP school touting the Washington D.C. charter school system as a “model of excellence.”\textsuperscript{157} He wants people “to see the educational entrepreneurial spirit alive and well in D.C., [so] they realize they can do the same in their own communities,” which is curious pronouncement given the amount of negative media of charters receive. Read alongside each other, these conflicting representations produce a sort of cognitive dissonance typical of consumer capitalism more broadly, which governs (in the sense of acting upon the actions of others) not through edict, but through desire and emulation, or the “gut” as David Westbrook has described it.\textsuperscript{158} This form of governance through desire assumes people will want to mimic and emulate successful people, but leaves us with a limited vocabulary to explain instances when people’s desires do not promote their health, well being, or personal success. A school system operating according to an economy governed by the gut and not the head is one in which schools will serve as escapes for the stresses of home lives, where students will go to “mellow out” or socialize, and not necessarily to acquire knowledge, learning, or discipline. Rather than making decisions based on the analysis of “test scores and other data,” parents will chose schools through an informally social word of mouth. They will be “swayed by tours, by comments from friends and

\textsuperscript{157} Mathews 13.

\textsuperscript{158} Westbrook 2004.
neighbors, or by a creative curriculum that seemed to match their child’s needs.” Or they will choose based on even less compelling evidence, like a parent Mathews interviewed who “picked her four children’s charter schools based largely on which ones had space and were closest to her home. “It was just charter schools, period,” she said. “It was not which one.”

It will be a system in which the most successful schools will extend their reach not by imposing their programs on an undifferentiated population, but through public relations, marketing, and fame; by developing a brand name that is prestigious and desirable. When Levin and Feinberg started their first KIPP program as a single classroom at Houston’s Garcia Elementary in 1994, they immediately registered success that appeared in sharp contrast to the rest of their host school, and savvily leveraged their public success into a snowballing rise in prominence: “When 98 percent of their students that first year passed the Texas state tests, compared to 50 percent at the school the previous year, other educators began to notice. Levin accepted an offer to start a similar school in the Bronx. Both schools recorded test scores far above other schools in their neighborhoods.” They started attracting attention of big media names like *60 Minutes* and *Oprah Winfrey.* Their appearance on *60 Minutes* attracted the attention of Doris and Donald Fisher, the multi-millionaire founders of the Gap clothing stores who offered them 15 million dollars to seed a national expansion of their charter network.

But in organizing a system based on the inequalities of the market, the charter school system also introduces all the irrationalities of the market, including the brute
forces of contingency, timing, and bad luck. Even those who make good choices and
decide to go to a school with a good reputation and a solid academic program will have to
reckon with all the other people who have decided to pursue that same option, and they
will have to compete, in a sense, for a limited number of positions available in highly
desired school. This is not, of course, a system of competition like that of the older
private school system, in which inherited influence is traded for prestige, but that does
not mean that the system is egalitarian either. It still produces superiority, but here it is
no longer a “superiority in kind-in race, nature, origin divine choice-but must be
exercised and earned under conditions where it can in principle be taken by someone
else.”161 After schools like KIPP and other desirable charters have gotten over an initial
period of establishing themselves in a community (during which time they may attempt
to attract a representative and diverse student body), they will start to attract more and
more applicants and will eventually develop waiting lists of potential students, who will
be chosen by lottery when spaces become available. If the students who manage to make
it through the lottery and land a spot in a good school are privileged, it is not a privilege
borne of birth, but of luck.

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Chapter Four

Inside KIPP: Scenes from a Culture of Public Accountability

The public realm, as the common world, gathers us together and yet prevents our falling over each other, so to speak. What makes mass society so difficult to bear is not the number of people involved, or at least not primarily, but the fact that the world between them has lost its power to gather them together, to relate them and to separate them.

-Hannah Arendt, *The Human Condition*

I.

Here at KIPP Austin our mascot is the Bats, partially because of the Bats flying around the Congress Avenue bridge and partially because of the bats we occasionally find flying around our facility. Our first location was a commercial facility on Riverside and Pleasant Valley Drive and I have fond memories of having to call the kids out of the parking lot during PE to let the HEB bus pass. And if there was one thing that I would like to bring to other KIPP Austin facilities and more KIPP Austin campuses if we had the opportunity would be the culture of accountability that permeates in charter schools, in high performing charter schools in Texas. And I would say that the most illustrative example I have of that culture on my campus is a decision I made this year when students were vandalizing the bathrooms was to bring in portable restrooms and to close the restrooms to teach the students responsibility and it ended up being a huge lesson for the whole campus in the form that I was held accountable by all the parents that were calling me with questions and by Fox News that was at campus asking me questions. The students learned how to use the restroom respectfully and when parents came to me very upset, I asked them if they would be willing to help out and they came to campus to help out. So if I got the opportunity with SB 4 to bring more KIPP campuses to Austin, the one thing I would like to bring would be that culture of accountability, and this Senate Bill is a great way to bring accountability to all schools in Texas.

The principal of KIPP’s Austin campus testified in favor of SB 4 at the House hearing. His testimony was delivered in a conference room in Austin, at the center of policy making for the second largest state in the Union. Political Austin is as red as red can be, as everyone knows, and brimming with storied dysfunction and byzantine...
formalism. But there are other Austins. The Austin the principal refers to in his testimony, at the corner of Riverside and Pleasant Valley just east of Interstate 35, is a blandly commercial suburb of strip malls and gas stations, of McDonald's and Taco Cabana and HEB and Blockbusters and large apartment complexes populated by working families and University of Texas students. Both political and commercial Austin contrast sharply with hip Austin, the widely celebrated city of the new creative class. This is the Austin of wellness and self-expression. City of smart-ass lefty bumper stickers, aggressive and fearless urban bike riders fueled by a hundred different varieties of vitamin-enhanced water, and thousands and thousands of free thinkers. The Book People bookstore on 6th and Lamar is the epicenter of new Austin, across the street from the new Whole Foods Market, which is an entire neo-hippie consumerist utopia unto itself, complete with a raw foods bar, gluten-free bakery, valet parking, and a manmade brook babbling through the outdoor dining area. At the Book People they sell t-shirts that proudly display cheeky smart-chic sensibilities that defensively valorize thinking as if it were going out of style: “The Geek Shall Inherit the Earth,” “Go to hell: I’m reading,” “Think: It’s not illegal yet,” and “I’ll Have a Cafe-Mocha-Vodka-Marijuana-Latte to go, please.” Nearly every person in central Austin is inscribed with some kind of self-expressive slogan: on their t-shirts, on their cars, on their bikes, on their tattooed bodies. Hip Austin is a city that valorizes practices of the self-expressive subject: emancipating oneself and others, creating, deciding, voting, speaking, writing, participating, striving, achieving, making ones’ own way in the world, accomplishing, excelling, helping and improving oneself, and arming oneself with knowledge, both of the self and of the world.
This ethos is proclaimed in the city’s unofficial motto “Keep Austin Weird.” Everywhere you turn, you encounter proud proclamations of smart, irreverent celebrations of the individual, but the oddest thing about Austin’s contemporary brand of American individualism is that with every passing year it seems to get more expensive and more attractive. The Austin hippie heirs of Walt Whitman, the so-called slackers, are getting in shape at hot yoga classes and writing the lyrics for rockabilly songs. The seventies-era slackers still exist and complain loudly and frequently about the new Austin, complain that Austin hasn’t really been weird for at least two decades before new tech-industry money began moving to town from California, but they can’t compete with the young hordes of strivers with attitude and style for whom the ethos of competition itself is much cooler than it used to be.

This place is a far cry from KIPP’s most recent Austin campus, even farther on the east side, down MLK Boulevard, past the water treatment center, next to the Penitentiary. KIPP’s Austin school shares space with another charter school, the Austin Discovery School (a more typically Austinite progressive school that lists its target population as “groovy and creative”), on a 200-acre campus that once served as the Austin State School, a residential facility for adults with mental retardation and developmental disabilities. Another charter, the Texas Academy of Excellence, used to also occupy part of the campus before its principal was charged with a felony for misusing public funds and the school was closed. When I visited in the spring and summer of 2007, the building that used to house the Texas Academy of Excellence was being renovated for a new KIPP high school.
Although Interstate 35 that runs through the center of Austin is only a fifteen minute drive away, the campus feels far away from the city, occupying space off a green, underdeveloped stretch of highway. Many of the buildings in the campus are still unused and falling into disrepair, and signs posted along a maze of pathways and parking lots direct the visitor to the home of the “hardest working students in Austin.” But even this far out on the eastern margins, traces of central Austin remain: as you drive down FM 969, on your left directly across from the entrance to the multipurpose campus you will see a shed marked by large, brightly colored graffiti informing you that “Everything You Know is Wrong.” Austin’s KIPP students must see this sign every morning, just before 7:30 a.m. as they arrive at school on buses traveling from all parts of the city.

They will see many other signs throughout their school day, all communicating and impressing upon them the goals and values of the institution they will spend the majority of their time in, in direct competition with the cultural schizophrenia of the world outside. Although there are no mirrors on the walls in the restrooms because the administration of the school doesn’t think students need to be concerned with their physical appearance, the entire school environment is designed to provoke self-reflection and to reinforce the school’s deceptively simple motto “Work Hard. Be Nice.”

Some signs work to direct their goals to the goals of the state. Most classrooms, for example, have “Big Goals” posters that remind them of their collective goals for academic performance:

100% passing rate on the TAKS reading test
50% commended rate on the TAKS reading test
100% passing rate on the TAKS writing test
Each student reads 25 books
Each student’s fluency level increases by 2 levels

Other signs point them toward the schools expectations for their future: that they will attend and complete college. Collectively, each grade is named after the year it will enter college, so that the 5th grade this year is known as the Class of 2014. Teachers hang flags, posters and insignia from their colleges in their classrooms. Other signs, both prefab and handmade, are inspirational, imprinted with slogans like “Relentless Pursuit,” “Real leaders are ordinary people with extraordinary determination,” “Practice Makes Perfect Practice Makes Perfect,” “Never, Never, Never Give Up,” “All of us will learn,” “Team always beats individual,” “We must be the change we wish to see in the world,” “Actions speak louder than words.” Other, small signs remind them of specific virtues the school seeks to instill: Leadership, Gratefulness, Integrity, Communication, Respect, Character.

The science classroom has a banner above the door that says “Brown University” because that is the science teacher’s alma mater. People therefor refer to this room simply as “Brown.” Another sign on the door of Brown reads “No ‘Don’t Know’ Zone. You will receive 2 DNFD/sci if you say “I don’t know.” DNFD stands for “did not follow directions” and is an indicator used in an elaborate point system of credits and demerits that follows these students throughout their days in this school. At the end of each week, students’ points are calculated and sent home as a “paycheck.” DNFD and paychecks are two of many acronyms and sayings that are used here to make communication as clear and efficient as possible.
The classroom itself is bright; a whole wall of windows. A banner at the top of the room reads “In Living, We are Scientists.” Another banner in the back of the room reads “Questions feed the giants of science.” At 7:35 a.m., fifth grade students begin to fill the room for their advisory period. Advisory is the first period of a long day, and it is typically spent in near silence. It is spent eating breakfast, working on thinking skills worksheets, and getting agendas checked. The students are multitasking; they eat breakfast and do worksheets at the same time, toast in the left hand and pencils in the right hand, while their teacher calls them up one by one to make sure their agendas are signed. Agendas are books that contain the students’ calendars and schedules where they write down their homework assignments, which parents are obliged to sign every evening after they have checked to make sure that their children have done their homework. As a relay between home and school, the agenda asks very little of the parent. All the parent has to do is check to make sure the homework is done, and sign the agenda. If a student does not understand her homework, she is expected to call another student or her teacher to ask for help. The cover of the agenda communicates expectations and values as well. On the cover of one student’s agenda is a picture of an iceberg, above and beneath the water, with the words “If there is a mountain, we climb it. Personality is what is seen. Character, what lies beneath.” Another agenda is entitled “Scholar and Hardcore Historian.” On the back of another agenda, a single word in caps: “CHOICE.” And another agenda is on the floor, with a note written in marker: “Daniela work hard, she sleep very late. I hope she doing ok.”
Today the science teacher is wearing a t-shirt that says “I [Heart] Science.” The heart is an anatomically correct picture of a human heart. On most days students wear pale blue t-shirts imprinted with the KIPP logo. On other days they wear a “Got Knowledge-Have Power” t-shirt imprinted with the following message on the back:

Challenge is the core and mainspring of all human activity.
   If there is an ocean, we cross it;
   If there is a disease, we cure it;
   If there is a wrong, we right it;
   If there is a record, we break it;
And finally, if there is a mountain, we climb it.

But today most of them are wearing t-shirts with the logos of different universities, like Berkley, Stanford, and the University of Texas at Austin.

I am following a fifth grade KIPP class, although at KIPP, they are not known as fifth graders, but as “the Achievers.” They are preparing to leave for a field trip to Washington D.C., although here a field trip is called a “field lesson.” At the end of the year each class gets to go on an out-of-state field lesson, but individual students have to earn the privilege to go by maintaining enough points on their paychecks. A few are not going because they are on the bench. “The bench” is a sports metaphor. If a student is on the bench it’s because he did something to jeopardize his place on the team.163 The bench is the place on the sidelines where they have to stay until they have earned the right to return to the team. It is a form of in-school suspension for students who have not maintained an adequate number of points. Students on the bench wear t-shirts that say “Self Discipline,” sit at a separate table at lunch, and are not allowed to go on field

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163 I use the masculine pronoun here, because during my time spent observing at KIPP, the only students I saw on the bench were boys.
lessons. They usually have to stand during class time unless they do something to earn a seat. Even today students can still lose the privilege of going on the field lesson if they lose enough points to put them on the bench. Every students’ points are tallied throughout the day in a notebook called the bench report. The last person in line out the classroom door carries the class bench report and hands it to the next teacher in the next classroom.

Towards the end of the advisor period, the teacher, who is an Asian-American in his late twenties with hipster glasses and black and blue spiked hair, announces “Raise your hands if you’ve done your thinking skills. If you have not you have 6 minutes.” When it is time to put everything away, he counts down from 7 and expects that the class will be ready to go by the time he reaches 1. A sign on the wall behind him says “Be the constant, not the variable.”

One constant here is time talk. Every activity undertaken is timed precisely. In every class, tasks are assigned and completed in small, countable sequences of time. Toward the end of the allotted time the teacher will count down the minutes and seconds left to complete a task. Even though the days are long there is always the impression that there is much more to do than anyone will ever have the time for and there is never any time to waste. Even the students’ lives outside the classroom are arranged so that they will have very little free time that is not structured and being spent on some useful task that is oriented toward assuring their future success. They will leave school at 5 p.m. and will have two hours of homework per night, leaving very little time to be listless. And while at school the importance of using time well, of staying focused on the task at hand
in the present moment is constantly being asserted and reasserted. There are no bells
here, so you will never see students jump out of their desks and dash out the door as soon
as the bell rings. Time is regulated precisely but not mechanically. Time is always
verbalized, spoken in a human voice. There are no clocks on the walls, so you will never
see a student start packing up five to ten minutes before class is over even though the
teacher is still talking.

After advisory I follow the students as the walk in a line out of Brown, out into
the narrow hall to the left. A large banner is hung on the wall in this hallway with a quote
by Mohammed Ali: “I hated every minute of training, but I said, don’t quit. Suffer now
and live the rest of your life as a champion.” They throw away trash from their breakfast
and put their trays in a box, then we walk down the hall, to the right, and out of the
building into the courtyard. We take a right, walk down the side of the building and re-
enter the same building from a door on the other side. We stand in the hall a few feet
from the classroom door on the right side of the hall waiting until it is time to re-enter the
classroom, since their first class today will be in the same room as their advisory.
Another class is lined up on the left side facing the other direction. Students are not
allowed to lean against the wall. Throughout the day I will follow the class at the end of
the line, behind the students on the bench, so that I can be sure that I’m the last to sit
down so I don’t take anybody’s seat. Every time we stand and wait, I have to remind
myself not to lean against the wall.

At first it seems strange to me that we had to walk outside only to re-enter the
same building through a different door. But if we hadn’t we would have had to either
turn the line around in a very narrow hall or we might have encountered another class walking in another direction. The halls are narrow; if the students did not line up and walk in a precise way there would be a lot of hustling and bustling. There would be a lot of bodies bumping up against each other and getting in each others’ way and perhaps even falling over each other and a lot of opportunities for interstitial mischief and disruption. Like units of time, these units of space and movement are regulated precisely. During passing periods, there are lines of classes coming and going, in and out doors, up and down crossing sidewalks, and the different lines never intersect or get in each others’ way. While I wait in line I am reminded of an article I read somewhere about another KIPP school somewhere else in the country where the students are taught to close their binders in unison in order to cut down on distracting noises in the classrooms, and of course I am also reminded of the times in my early years in Catholic school when mischievous boys would repeatedly snap their binders just to interrupt and irritate the teacher.

Walking in lines here is a practice that is both ethical and pragmatic. It transforms the practice of walking from the sort of mindless activity supported by the “backstage automatic” habitus into an action requiring conscious thought and attention, and trains the student to practice constant self-reflection even during down times between classes. But because it cuts down on distractions and disruptions between passing periods, it also
serves as a sort of "reproductive mechanism" that contributes to the school’s maintenance of itself as an institution.\textsuperscript{164}

The students are lined up before class. As they enter the classroom, they each shake their teacher’s hand. They are expected to look him in the eye, say good morning and ask if they can have a seat in his classroom. By simply walking into their classroom in the morning and being obliged to participate in the seemingly simple ritual of handshaking, KIPP students encounter the sort of double-bind that adults encounter in their everyday lives as responsible participants in the public world. They are obliged to act like autonomous subjects who encounter others the firm confidence of a handshake and a steady gaze. At the same time, they are obliged to be obliged, or to behave as expected. They are not allowed into their classroom unless they speak clearly and look directly into their teacher’s eyes, just as an adult job applicant would not get hired if she did not present herself well. But here, unlike some parts of the outside adult world like hip Austin, the obligations to a certain conformity that accompany individual independence are made quite obvious. The people who run this place are not at all shy or uneasy about the need to dispense discipline or impose norms.

I am at the end of the line, the last person after the few students on the bench, and I follow the line in and find a seat after the classroom fills. After I sit down, a student named Saul comes up to tell me that this is warm-up time when they get ready for class. This is something that will occur from time to time during my visits. Students will walk

\textsuperscript{164} In "The Subject and Power," Foucault warns that when studying institutions, one runs the risk of confusing power relations with "reproductive" mechanisms, which are designed to ensure the institution’s own survival. (in Dreyfus and Rabinow 222) Walking in lines at KIPP, like other standardizing and conformist elements of its program, is both a reproductive mechanism and an element in a set of power relations that works to produce an ideal comportment of the self.
up to me occasionally, seemingly of their own volition. They will introduce themselves
and shake my hand and tell me something about what I’m witnessing. Occasionally the
school’s Public Relations director will call a few students out of class for “ambassador
training.”

Some students are reading the newspaper, others are looking at their notebooks.
They are “assigning themselves,” which is KIPP lingo for the practice of engaging
yourself in a useful activity even when you are not being directed to do so. After 5
minutes the teacher tells them to put their journals away, to put their homework on their
desks, and “eyes up here when you are ready.” He waits until everyone is looking up and
silent before she starts talking. He says “today is Friday, that means it time for...” The
students yell in unison “SUPER G-LOVE!”

Giving Super G-Love involves standing up, recognizing someone for an
accomplishment or overcoming an adversity, and then clapping three times to signal
appreciation for that person. A student stands up and recognizes a boy who was on the
bench yesterday but didn’t let it ruin his day. Another student is recognized for showing
maturity by not getting upset about not being able to go on the field lesson. Students who
passed a TAKS test are recognized. A student who said something to a sick student to
help him feel better is recognized.

The teacher always gives the signal to clap by saying 1-2-3. He does it again
when they don’t clap in unison, or don’t clap loud enough.
Simple activities are frequently repeated until they are done correctly. Later in the class, the students are instructed to switch papers with a partner so that they can read each others' work. They will have five minutes. But they need to switch papers on cue.

The teacher announces: “Eye contact. Paper switch. 5 minutes.” He repeats the instructions several times. They switch papers back and forth until they get it right. He asks, “Why are we practicing?” They are practicing because they were talking the first time they switched papers. They don’t need to talk to switch papers.

In the fifth grade English class students have looked up the word “poetic” and the teacher asks them to take three minutes to think about what leading a poetic life means to them. She explains that someone is being poetic when they are really noticing things about life. Poets notice things outside of themselves. The opposite of noticing things is when you are in your own brain thinking about your own problems and not noticing other people.

How do these students feel when they really notice things about life?

“I feel like I want to express it in a noticeable way.”

“I feel like I would like to explode in the world.”

“I notice things that are wrong as well as things that are right.”

While observing this young KIPP English teacher I have an uncanny memory. I’m remembering attending a speech given by Bill Clinton sometime during my freshman year at UT. I was an English major because English was my best class in high school. I had a vague notion that I would end up being an English teacher, because really, what else do English majors, or people who are good at reading and writing and not much else,
do? I have no recollection of anything specific in Bill Clinton's speech. All I know is that he talked about volunteerism and education, about AmeriCorps and Teach for America. And charismatic speaker that he is, Bill Clinton had me convinced by the end of his speech that I was going to apply for Teach for America and be an inspiring English teacher for children in need. I vaguely recall looking at the TFA website, which was a real novelty because I had just learned to surf the internet that year. But something stalled my momentum: my first anthropology class. I changed my major and never looked back. Years later, I would see the KIPP English teacher and see a sideshadow of a possible life I could have had. And like her, I probably would have left after two years teaching and gone to grad school.

While the students were working, she comes up to me and says exactly what I would have said if I were her. She comments that she thinks KIPP is a step in the right direction but she wonders if it is limited in its emphasis on so much hard work. She wonders whether this ignores "the whole person." She points out that there's no recess on the schedule, and observes that she has a very "unKIPP" classroom. There are no slogans on the walls and the bulletin board is empty.

During class students read poems they have written. Luis reads a poem about working hard at school to achieve your dreams like Martin Luther King, but sometimes you get tired and hungry and "you want to eat your pencil." James reads a poem comparing himself to a Ferrari because he likes to work fast and get everything done first. Leti reads a rhythmic, repetitive rap-like poem about "people talking about me, people talking about me, people talking about me." It's like "hearing a radio that won't stop
playing bad songs." She’s shy, she has an accent, she’s very nervous, and she’s very good.

When people can’t hear a person who’s talking they interrupt and say “help.”

Rolando reads a poem about why he’s upset because he can’t go on the trip to Washington D.C. He’s having a hard year and a hard time in school. He wants to help his family but horrible things keep happening. He’s hurt and upset and he wants to ask his teachers why he can’t go to Washington D.C. He’s on the verge of tears.

The teacher says it’s very sad that he isn’t going, and asks the class, “Agree or disagree?”

The entire class begins shaking its hands emphatically in the air. This is to signal agreement. Shaking your hands high, near your head, signals agreement. Shaking them low, near your lap, signals disagreement. Shaking them somewhere in between is a maybe. These handshakes make it easy for a teacher to quickly assess answers to a question, both from the group and from individuals. They are pragmatic forms of communication, and have little do to with the maxim that children are better off seen than heard. It is very important that children be heard here as well as seen, but only during the appropriate times.

The teacher says that Rolando being unable to go on the trip to Washington was the saddest thing that happened all year and that it was a very difficult moral and ethical dilemma for them. But they had set a deadline that he missed, and they had to draw the line somewhere. This is something that happens in the real world, she said. It’s like a
deadline for a college application; if you miss the deadline for turning in your college
application you will have to wait a semester or an entire year before you can apply again.

In math class teacher says “When you are finished checking homework I want
you to hand your paper to someone else and get out a pen.” She asks for an answer to
number one. Not enough people are raising their hands, so she says “the answer is in
front of your face, I should see more hands than that.”

When students don’t answer in complete sentences, she says “In a complete
sentence, please,” which ironically, is not a complete sentence. But there are very few
ironies like that here. There are very few instances of teachers not practicing what they
preach.

When students answer, but can’t be heard, they have to stand up. The students on
the bench are already standing at the beginning of the class, but when someone on the
bench gets an answer correct or speaks loudly and correctly, they are allowed to sit down.

After the answers to the homework are given, the teacher asks “Agree or
disagree?” A few make hand signals in response, but not many. They are adding up their
grades and putting the number correct over the number of problems: \( \frac{x}{11} \). The teacher is
walking around and there is some talking. The teacher stops and claps a rhythm and the
students clap a response.

A student in front of me sneezes. Another whispers, too quietly for the teacher to
hear, “Bless you.” He whispers back “Thank you.”

“Your welcome,” she responds.
Another student two seats in front of me has been making very small, repetitive noises throughout class, too quiet for the teacher to hear. He has been tapping his ruler on the desk. The girl in front of him turns around and smiles.

The teacher tells a girl on the bench to stand up-then to sit down-then to sit down-then to stand up-then to sit down. She does what she's told, but looks confused. The students laugh. The teacher asks them what she's going to do next. A student says she's going to make her stand. The teacher asks why. The students is having a hard time responding; she either can't find the right word or she's embarrassed and she's laughing. She's trying to say the teacher is making a pattern. Why? They are doing a lesson on patterns.

A KIPP-like lesson (as described by the teacher)

"Take everything off your desks except for your history binder. Assign yourself in 3-2-1. Eyes on Big Idea in 3. Eyes on Big Idea in 2. Eyes on Big Idea Now. When was the treaty of Paris?"

The class responds in unison: "1783."

"What did the treaty of Paris do?"

The students are SLANTing....all eyes are on the student answering.

"We're no longer being controlled."

The teacher goes over the definition of "constitution" and the class practices it several times, in unison, with hand movements: "Constitution, a document that sets up government."
“Put your hands in the air, be ready to share. What was the first plan of government?”

They practice, in unison, the answer: “Confed-eration.”

A girl who had been standing answered a question on the difference between Parliament and Congress, and she earns her seat back for answering “Loud and Proud.” Another student has to stand up for not giving the definition of Territory loud enough.

The teacher apologizes for being crabby with the class. She explains why she was crabby: the bottom of her tape dispenser had been stabbed through twice with a pen and the sand inside spilled everywhere. “That’s a clear example of destruction of school property and this place is supposed to be safe.” There was evidence around the tape dispenser that indicated who might have done it, and the teacher has spoken to that person, but the person has not admitted that he or she did it. It is very important that they identify who did it because if this person is punished for it, the consequences will be greater because of past infractions, whereas if someone else did it, the consequences won’t be as great. The students are supposed to write what they know on a sheet of paper, and they are instructed to write for 4 minutes, whether or not they are going to write about what they know so it won’t look like they’re ratting someone out if they write a lot.

A teacher announces to his class that he’s not going to be coming back next year: “I have decided to move on. When you have a degree, you can exercise choice. I’m exercising my choice. Teaching is hard work. I’ve been here for 3 years and I want to focus on other things.” He says he doesn’t know what he’ll be doing for a job. He wants
to focus on his love of drawing and writing and he wants to work on some projects that
will hopefully make him some money in the future. He says he’ll come back as a
substitute and will “show up when you least suspect it.” He says that there’s a reason
they have to work so hard here, so that when they make it through college they can do
whatever they want to do. They can be whatever they want to be, sanitation workers or
CEOs.

The ethical appeal of the KIPP teacher is clear: they are authoritative exemplars
of people who not only choose, but choose well. They are the authors of their own lives.
The teachers here are a young, diverse group. Most of them have some kind of hip style
going for them. There are several nose studs, some black spiked hair, some blue spiked
hair, some pretty-earthly-natural-fibers-chic, some laid-back-sporty-chic. There are well-
cut jeans, stylish shoes, and hipster glasses. The minority teachers in particular tend to
have a hip edge to them, and this makes them more convincing as authority figures, or
people the students might actually want to grow up to be like someday.

After spending only a few days observing here, it is clear that KIPP teachers don’t
just assume their authority by virtue of their age and positions, but they earn it on a daily
basis in innumerable small ways. But embedded within this ethical appeal is what seems
to me at first to be a fantasy; that one day when everyone has become educated, even the
most menial and unpleasant low-skill careers will be filled by people who have a deep
and abiding desire and calling - the ganas - to perform them. Perhaps it is a recognition
of the diversity of human desires and dispositions, a recognition that we don’t live in a
world where everyone desires power, whether symbolic or material, but that there are
some who are content to spend their lives performing the small tasks, the humble, repetitive, "incontestably necessary" work of the world (to borrow a phrase from Tolstoy), and that perhaps we would be better off if those who are so inclined enrolled in their positions through a consciously chosen act rather than socially coerced necessity. But according to the operating philosophy of KIPP, the way to achieve a consciously chosen and authored life is to acquire a formal higher education, and this is the overriding goal of the entire network.

Later on in the class, there is a disciplinary moment involving a boy who wasn't paying attention. The teacher focuses on him for about 5 minutes, then goes on with the class. It's clear that this is a regular problem that's not getting any better. The boy smirks at another student as the teacher turns his back to the rest of the class.

During the passing period, the teacher talks about how someone like that really stands out here and that an example is made of him. In a normal public school he probably would have been swept under the rug, but it's impossible to ignore these things here. It's a shame that they have to have the same conversations over and over and its odd that with so much structure and consistency some kids still don't get it. There's an attention to detail here that wouldn't be possible at other schools. Because of the commitment from students and parents, they have more accountability.

We are in the hall during the restroom break and he explains to me that the passing period used to be a free time and was unsupervised, but there was an incident with writing on the bathroom walls and they had to shut down the restrooms and bring in
Port-a-Potties. It was a big deal, on the news and everything. Now they use the indoor restrooms again, but they are supervised and walk to and from in lines.

He tells me he’s leaving to focus on his art, that he feels the need to do the opposite of what’s done here. Here it’s so “corporate” and “focused on the product” that he’s become burned out. They become so focused on the details when they’re involved in the daily grind. They’re focused on what’s wrong, who’s misbehaving, and they don’t have perspective until they get outside and people comment on how great their kids are. And they still notice what’s wrong: “No they’re not, he’s tapping his foot, he shouldn’t be doing that.”

The next period is a culture class. I follow the class in, ask the teacher if I can observe. She says yes, and motions to a chair at the front left corner of the classroom. She is a young, Asian American woman with short spiked black hair, wearing Converse sneakers and faded grey jeans and a striped long-sleeved t-shirt. The back of the room is full of students’ bags packed for the trip to D.C. There are no desks and only a table with a few chairs in the back of the room, so the students sit on the floor.

They are discussing an incident that occurred during the bathroom break involving two girls. Apparently they were laughing too loudly and disturbing the other classes. One of the girls is explaining herself and she is crying and I feel very uncomfortable that she has to cry not only in front of her teacher and her class but a total stranger. The other girl doesn’t say a thing and keeps her face covered behind her shirt collar the entire time. The first girl is crying because she has gotten points deducted.
The teacher is telling her to slow down and calm down as she talks. She stops her, leans over so she can look at the girls square in the eyes, and asks “How scared are you right now?” Now I know why she’s crying so much; she thinks she’s lost the trip to Washington. If she lost enough points, she would have lost the trip. The teacher tells her she hasn’t lost the trip, “but you didn’t even know how many points you had. You could’ve lost the trip. I would expect all of you to be on your best behavior today of all days.” Every day, but especially on momentous days like this when a big reward hangs in the balance, students are obliged to be aware of representations of their behavior that are circulating beyond their immediate environment that could possibly have effects on their future field of action. Someday, they will be so used to this that they won’t have trouble keeping track of their credit rating or blood pressure. They will have an awareness that will allow them to take responsibility for their actions.

After class, the teacher comments that this is the most difficult of all the fifth grade classes and they have to spend a lot of time teaching them culture.

II.

Summer school is usually the time set aside for teaching culture, or “doing culture” as some say here, particularly to the fifth graders who are newcomers to this environment. In summer school, every procedural detail is thoroughly explained, modeled, and repeatedly practiced.

At summer school, written on the whiteboard in a fifth grade classroom:

This Week’s Goals: SWBAT effectively chant and articulate its importance to KIPP.
I: SWBAT demonstrate how to be a successful KIPPster by completing daily school procedures.
C: SWBAT identify examples of working hard and being nice.

Today’s Big Idea: SWBAT enter the KIPP classroom following all opening routine procedures.

Do First: On handout, answer the following question: what do you do each morning as soon as you wake up? Be specific.

Handout on routines at KIPP (steps are written on the board with blanks to fill in)
Step 1: We line up outside the classroom in a straight and quiet (quiet is crossed out and replace with) silent line.
Step 2: We silently enter the classroom and take our seat.
Step 3: We take out our agendas and write down the homework assignment using our best handwriting and spelling every single word correctly.
Step 4: We begin our Do First.
Step 5: If we finish early, we assign ourselves.

SWBAT means “student will be able to.” The I means Intellectual. The C means Character.

The teacher says “we have all these notes now, but they’re all on paper. We have to get these notes into our heads. What’s the best way to get the notes in our heads?

Practice.”

So they stand up; face the door; file out silently; walk around the sidewalk and line up again outside the front door; come back inside and practice entering silently, taking out their agendas, and writing down their homework. They have already had a class period devoted to walking in lines, and by the second day of summer school, the fifth graders are already expert line walkers. But throughout their time here, the teachers are constantly making small corrections, pointing out gaps, straightening them out, speeding up slowpokes, correcting the alignment of feet.

On their worksheets after the fill-in-the-blanks exercise is the sentence: Another thing we do at KIPP is EARN everything. Nothing is given. Their homework is to draw
a comic strip of what happens when you walk into every KIPP class. It is to have a
minimum of 8 pictures with words.

Another morning thinking skills worksheet has a sample heading and six empty
spaces where the fifth graders are to practice writing headings. Every piece of paper they
hand in is to have the following heading:

“Name
Date
Advisory
Work Hard. Be Nice.”

Work hard, be nice is the fifth grade motto, as well as the motto for the entire
school. Every grade has a different motto.

The teacher explains in detail why they need to have headings on their papers.
The reason for directives are frequently discussed in great detail here. There is never a
directive given just “because I said so,” no blind imposition of authority. Although
teachers here get upset and scold, there’s never the kind of exasperated, defeated
cynicism you see in other teachers when they’re at their wit’s end. Teachers may show
weakness, but they almost never give in to a student or hint that they would ever even
begin to think about giving up on student in any way. They occasionally make mistakes,
or give unclear or incorrect directions, but they always correct themselves immediately
and apologize.

Correction: I do witness one instance of cynicism from a teacher. One day I
come across a class lined up outside the main building waiting to go to their culture class.
Their teacher explains to me that because they couldn’t be silent during their passing
period they lost their bathroom break. She says to me wearily, “This group is a mess,”
and the class really does look like a group of misfits from some 80s campus comedy.
Everyone is slouching and distractedly staring off in different directions. A short boy
with shaggy curly hair is wobbling in and out of line, listlessly pounding his foot against
the ground. Another is swinging his book bag back and forth. A large girl stares absent-
mindedly into the sky with her mouth hanging open. The line is not at all well-formed.
They are not paying attention.

Paying attention is one of the most important skills they will learn here, and their
lessons start from the very first school assembly on the first morning of summer school.
Each grade sits together in rows on the floor of the cafeteria, with spaces in between the
grades, forming paths for their teachers to walk down. Each morning during the first
week of summer school, a different set of teachers introduces themselves and talks about
their college careers. When they say good morning, the entire school responds in unison
“Good Morning, Mr. So-and-so,” and they wave hello with their entire right arm.

While the teachers talk about themselves, they pace up and down the paths
formed in the spaces between the classes. Their pacing is intentional; they do it so that
students can practice “tracking” the speaker. Most of the teachers are not the products of
elite universities. Some went to community college, some went to several different
colleges, most switched majors and careers several times. The principal reminds them
that there are many paths through college and they all have to find their own path.

Later on in their individual classes, students are expected to act like their teachers
when speaking to the group. When a student speaks, she is expected to stand up, pause,
and look around to make sure that everyone is tracking her: paying attention, following
her with their eyes, not writing or talking while she is speaking. The fifth graders are not used to this and need to be reminded frequently.

They are trained to mimic their teachers, who usually stop talking if they do not have the complete attention of their audience. One teacher in particular has it down to an art form. He’s the rare teacher who can veer smoothly between playful pedagogic exaggeration and disciplinary directive without looking like a fake. He can be a stern authority figure one moment, then become bright and enthusiastic and hortatory, then transform into a large lanky overeager child. He already speaks like a person full of ganas, so when he stops speaking it carries the weight of real authority. He stops his speech mid-sentence, sometimes mid-word if even one student is not tracking him. He looks around pointedly at the trouble spots with a look of barely-patient concern (patient to be waiting for an attentive audience, but concerned at having been interrupted). He sometimes has to wait a while, but usually he is able to pause very briefly and continue his sentence, without losing his train of thought, with the same vigor he had when he first started speaking.

Later, when students are working on an assignment, he prepares to bring them to attention with a clap. He stands with hands raised to clap-poised-before any one student even notices him. Before he can begin speaking, the principal walks into the class with his dog on a leash. The dog lives at the school and is often left free to roam around the campus, in and out of classrooms. It is only the second week of summer school, and already the fifth graders are not easily distracted. Not many students turn around, even though the dog is sniffing around and making noise. The teacher uses the appearance of
the dog as an opportunity to talk about the need to ignore distractions and stay focused.

Everything is a potential object lesson, and every mistake an opportunity for reflection.

Outside the Achievers are lined up after their bathroom break. Other lines, other classes, are undulating around the campus. The teacher is walking alongside the line, reminding the Achievers to “check your feet.” They need to make sure their feet are lined up alongside the edge of the sidewalk. The teacher says they are showing self control by not looking around at everything.

Today’s Big Idea is to define self control and its importance. Later in class, the teacher asks for a definition of self control. One student says it’s “control of your pulses.” Another student corrects him; self control is “control of your impulses.” They discuss situations in which students might have to exercise self control.

There is chanting going on next door, and it’s getting louder. Some of the pedagogical messages here are intentionally mixed. Students are expected to be silent when they’re coming and going so they can hear teachers’ instructions and they won’t disrupt other classes, and at the same time they’re expected to stay focused and undistracted when a person or a dog walks into the classroom and when there’s loud chanting going on next door.

A person enters the room and my eyes automatically turn to see who it is. Several students eyes turn too, and the teacher reminds us to keep our eyes on her.

The chanting next door gets even louder and the teacher says the class hasn’t earned their chanting time yet. She is having to clap too many times to get their
attention. They need to drop their pencils as soon as they hear her clap even if they’re not finished writing their headings.

As the chanting gets louder, students are invited to stand up to share some impulses they have and how they deal with them. With all the noise, it’s getting harder for some kids to focus and it takes a longer time for them to track the speaker. But some of the kids are eating up the attention. One stands up straight, arms behind his back, smiling, looking around the room, waiting for complete attention. Another waits with a stern look on his face, arms crossed in front of his chest, like a future assistant principal. When he speaks, he speaks loudly, clearly, in complete sentences.

When there are two teachers in a room, one will sometimes instruct the students to SLANT to the other teacher across the room: “Eyes on Ms. V in 3-2-1.” This trains the students to pay attention not just to a voice or a sound, but to the content of what's being said.

While they are trained to communicate as and pay attention to individuals, they also spend a lot of time in summer school learning to communicate as a group through the practice of chanting. There is a canon of KIPP chants that are used throughout the nationwide network. These chants are taught and practiced on a regular basis, and classes periodically perform competitive “chant-offs” in which their performance is judged according to Loudness (which includes volume and enthusiasm), Clarity, and Correctness. The original KIPP chant, from with the Knowledge is Power name is derived, was penned by Harriet Ball:

You gotta read baby read, you gotta read baby read.
The more you read, the more you know,
Knowledge is power, power is money and I want it.
You gotta read, baby, read, you gotta read, baby read.
No need to hope for a high paying job,
With your first grade skills you’ll do nothing but rob.
You gotta read baby read, you gotta read baby read.
You rob your Momma, you rob your friends
cause you know you don’t read, so no you won’t win.
You gotta read baby read, you gotta read baby read.

Other chants are composed by teachers, typically derived from currently popular
pop and rap songs and rewritten to reflect the values of the school. An example is a chant
called “Snap ya fingers”:
Snap ya fingers-do ya step
You can do it all by yourself
Let me see you do it Aaaay
Let me see you make an A
Snap ya fingers and then look at it
Do it do it do it, read all of it
Do a step wit it, put your mind to it
All my KIPPsters let me see you use your skills on it
You can do it like me I’m smart myself
You can do it so good, I don’t need nobody else
What’s happening, what’s up, got this test sewn up
What’s happening, what’s up, double check and follow up
I checked I showed all my work so everybody know
I tore out the door
Goin’ to college on these scores for sure.

The original song is by a rapper named Lil’ Jon with very different lyrics that
mainly have to do with getting drunk on Patron and dancing with bitches and niggas. I
can tell the kids know the original version because some of them are doing the dance
from the Lil’ Jon video while they practice chanting. This is only one of many ways
teachers here implicitly and explicitly play on the contrasts between the values of the
school and the values of popular cultures outside, much like the class discussions they
frequently have about the differences between this school and other schools and between
the behavior that's expected here and the behavior that's normally expected of other kids
from their neighborhoods. This kind of practice involves the activation of a sort of
suspension of belief Bourdieu opposed to the blind commitment to the presuppositions of
a particular game in a social field. For Bourdieu, such suspension, typical of aesthetes
and distanced observers, has the effect of reducing the world to absurdity, of raising
“questions about the meaning of the world and existence which people never ask when
they are caught up in the world.”

The effect here, however, is not so much absurdity, however, but the kind of gentle comedy of what Kenneth Burke called “perspectives by
incongruity,” which is a method for probing the limitations of one system from the point
of view of another. This is the method of comic framing, of seeing the world from its
opposite. It is a means of making one at home “among the complexities of relativism,
rather than bewildered by them,” or of “making a man the student of himself,” of
enabling people “to be observers of themselves, while acting.”

“Snap ya fingers” is indeed one of the most popular chants at summer school this year, and the students seem
particularly amused and energized by it, knowing, as they do, that it has multiple
meanings.

It is the last week of summer school and the fifth graders are lined up outside the
library. The lights are off inside. Music is playing-”Survivor” by Destiny’s Child. A
teacher is wearing sunglasses. When they all get inside and seated, she claps them to
attention twice. It seems like something special is happening, with the music and the

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darkness, so they clap back loudly and when she yells good morning, they yell good morning back with vigor.

The teacher struts around with her sunglasses still on. “It’s been a long summer school. Agree or disagree?” The students shake their hands in the air to signal agreement. “We’ve been learning new things, learning new rules, breaking old habits.” The lights are still off. “This is the final challenge for summer school. We want to see how much you’ve learned and how much you know. Do you accept your final mission?” They answer nonverbally, waving their hand in the air. “Can you tell me if you accept your final mission?” They scream “YES!”

The lights come on, and another teacher runs in wearing pirate props: a patch over one eye, a plastic hook over one hand, and a plastic sword in another. She’s pretending she didn’t get the memo about what they were doing today. The other teacher looks at her like she’s nuts, while she hams it up for a while, waving her sword around. Then she takes off her pirate costume and puts on her sunglasses. She’s wearing slim fit, well-cut grey slacks and a fitted denim shirt. Her short black hair is gelled and spiked up today. For a moment she looks like she should be at a club in the audience of an indie rock show, but then the effect is broken through another perspective by incongruity when she puts up an overhead with a list of virtues and character traits and KIPP rules with points underneath them and asks if anyone knows what a rubric is. She is cool and she uses her coolness to her advantage as a teacher, but I get the feeling that even if she were uncool she would find a way to make her foibles the object of pedagogical reflection, and so teach by example the art of knowing self-assertion.
The overhead is divided into different categories that they are going to be tested on throughout the day, on a scale of one to four. They are going to be graded as a class and the goal is for the class to get a four in each category. The categories are: Heading, Dress Code, Organization, Waiting, Silence, Do First, Cafeteria Line, Bus Line, Character Traits, Chanting (subdivided into Clarity and Volume), Phone Message, Lines, Bathroom, Tickets, and Participation. They need to earn 85 points as a class in order to receive a reward at the end of the day. The teachers are calling the test a "scavenger hunt," which is confusing to some students who seem to think they're actually going to be hunting something and don't realize that the scavenger hunt consists in them watching themselves, in observing and monitoring their behavior throughout the day so that they can acquire points on the rubric. If they can get used to this game of continual self-monitoring, they will be very successful here. One can only hope that this means they will also be successful in the world.
Chapter Five

SB 4 and the Politics of Competence

I.

At the website of the Texas House of Representatives any public citizen with internet access can find archived videotaped broadcasts of the 80th session of the Texas Legislature, which convened between Tuesday January 9 and Monday May 28, 2007. There are 22 broadcasts of the House Committee on Public Education taking place between February 2 and May 15, 2007. Most take place during normal working hours. The broadcast dated May 8, 2007 is striking in that it was recorded from 10:08 p.m. to 4:56 a.m. Most of that almost seven-hour session is devoted to public testimony on Senate Bill 4, co-authored by Senators Florence Shapiro (R) of Plano and Kyle Janek (R) of Houston.\(^{167}\) The fact that the bill was assigned the low number four rather than a high number like 145 means that it had the blessing of the Senate leader Lieutenant Governor David Dewhurts and was made a high priority on the legislative calendar.

Rob Eissler, a Republican from the Woodlands, is the chairman of the Texas House Committee on Public Education. Over two hours into the May 8th meeting, at approximately 12:20 a.m., he announced "Okay, the main event is now up." The audience began to clap and cheer. Many wore yellow t-shirts imprinted with "Texas Charter School C.H.O.I.C.E." on the front and "Don't give up on us" on the back. Many travelled to Austin from across the state. Some had been up since 5 a.m.. Many were not

\(^{167}\) The (R) refers to Republican, the senators’ political affiliation, although the reader would be advised against inferring from that designation that SB 4 is the product of partisan politics or of a straightforward political ideology. It should also be noted that although Shapiro and Janek are the official co-authors of the bill, they did not actually write the bill. According to a source close to the process, the bill was written either by Christy Rome, a policy analyst for Florence Shapiro, or an unknown person at the Texas Education Agency, or both.
yet old enough to vote. Chairman Eissler said that there were 110 witnesses signed up to testify, although the official record lists 123: 37 are listed as being in favor of the bill, 74 are against, and 12 are neutral. At an earlier Senate hearing held on February 20, 50 people appeared to testify: 7 in favor, 30 against, and 13 neutral. In between February 20 and May 8, those in favor of and especially those against SB 4 mobilized more supporters to testify at the capital, much to the dismay of Senator Florence Shapiro, who had hoped that the broad bipartisan support the bill garnered would ensure an easy passage in the Senate and the House. That would not be the case.

The bill had been in the works for at least four years, and earlier versions of the bill had been attached to multiple versions of school finance reform bills during the 2005 79th legislative session. By the time the legislation was introduced as a separate bill in 2007, it had been around long enough for significant opposition to form, despite Senator Shapiro’s insistence that “everyone was very much in favor of what we were trying to do.” Indeed, politically, the legislation had drawn the support of nearly every legislator, Republican and Democrat, in both the House and the Senate and had only failed to pass in the past because it was attached to multiple failed school finance reform bills. So when it finally did come up for debate on the Senate floor on February 20, 2007, Senator Shapiro could say “It’s been out there too long, maybe that’s part of the problem.” People it would have affected had plenty of time to dissect its potential effects on their schools and to formulate and voice objections and to offer corrections to mistakes the bill could be making: democracy, then, was part of the problem.
What follows is an account of the public testimony in the House and Senate, of the proposed legislation that occasioned it, and of the recent communications that informed it. The legislators and witnesses presented many facts and opinions on the current state of public education, some more well-informed than others. In this sense their testimony, and my account of it, reflect the problem that is its object: the problem of how people informed or educated enough to function competently as citizens in a world where information flows too quickly to be assimilated, where the sources of information are obscure or too complicated to be grasped or are for some reason not to be trusted. It is also a world where people cannot readily transform information into knowledge they can use in their everyday lives to make good decisions because perhaps they grew up on the wrong side of town, or were exposed to asbestos while their brains were still forming, or they developed bad habits like watching too much television, or they just don't have enough time in the day or anyone well meaning enough to tell them how to spend it without curtailing their freedom. My account mimics this contemporary problem with authority and information. Being a written artifact and a product of language that attempts to describe recent events occurring in the real world and therefore unable to do without the structure of limitations, the account will attempt to stick to the debate that occurred on the night in question as much as possible. But given that the debate is set within a world of opinion and varied and uncertain expertise and fast-changing facts, digressions and diversions are to be expected.
II.

SB 4 was only the most recent political response to years of embarrassment charter schools have caused Texas since being legislated into existence in 1995. It would have expedited the closure of poor performing charter schools by taking away all current charters and reissuing them as licenses, which are easier for the state to revoke than charters. Only schools that met the standards of performance stipulated in the bill would have received licenses. In order for charter districts to receive a new license, they would have had to maintain 25 percent passing rates on English and Math TAKS tests. Schools that did not meet those standards for two years would have had their licenses automatically revoked. It would have also required that schools serving students from pre-Kindergarten to 2nd grade have at least one grade tested for setting accountability standards (currently TAKS testing starts in the third grade). It would have offered incentives in the form of funding for facilities (since charter schools cannot draw on tax bases to fund their facilities) for schools receiving recognized or exemplary ratings for two years.

The opponents raised several objections to the bill. They objected to the 25 percent passing standard and argued that it is inappropriate to apply an absolute standard, no matter how low, to a severely at-risk population of students, particularly older students who already had a long history of multiple failures and needed to travel a great distance to reach grade level. They furthermore argued that the 25 percent passing standard was arbitrary; it wasn’t aligned to the alternative accountability system’s standards and passage of SB 4 would have produced such anomalies as schools being rated acceptable
under the alternative accountability system that would have been shut down. They also argued that SB 4's incentive structure was discriminatory. SB 4 would have offered extra funding for facilities to those schools rated Recognized or Exemplary, but that would have automatically excluded any school that was rated under the alternative accountability system, which by definition cannot be rated Recognized or Exemplary. No matter how much these alternative schools improved their students' lives and scores, the highest they could be rated is Academically Acceptable. Finally, they objected to the provision in the bill that would have replaced charter contracts with licenses, which would have been much easier for the state to revoke and would have eroded the stability of already unstable institutions.

These objections reflected a schism within the Texas charter school community and its representative organization, the Association of Charter School Educators, that had been growing for some time. ACE, which had been formed to represent the collective interests of any charter school educator who wished to join, had become increasingly difficult to manage as the interests of different kinds of educators started coming into conflict with the interests of others. During the time I was conducting my fieldwork in the years leading up to SB 4, the then-current president of the association commented to me that trying to hold the association together was "like trying to herd cats." Two organizations of high-performing charter school educators splintered off and started funding lobbyists to work with the legislature even as they maintained their membership with ACE. Their association with ACE and other lower-performing charter schools became less transparent and more strained, until finally another group of charter
educators serving at-risk students formed their own organization in late 2006. A representative of that organization, Texas Charter C.H.O.I.C.E, explained to me the conflict between the splinter organizations:

TCC: Well, here you have an association, the current association at that time, ACE, the regional director in the Dallas area that would represent my school was one of the board members of a 501C4 that produced the money that funded the bill and the lobbyists for the bill. So here you have all of these charter holders who are serving at risk students, and you have our own representative that you would call that never said anything about the bill, never presented it at any meetings, never let anyone know that she was helping to pay for the bill or is a campaign contributor for Shapiro’s and you know, to craft a bill that would shut down good schools that were keeping kids alive.....whose main focus is not so much a TAKS score as keeping kids off the street and alive and eventually getting them to pass the TAKS test. You have schools that are academically acceptable who were on the hit list of schools that would be closed with good financials, if you look at the TEA website, they’re in good standing financially, and they serve high numbers of minority students and the majority of those charter holders are minority charter holders. So, you’re just disenfranchising a whole group of youth again and, you know, I really feel that our history has come a little farther than that. You have an elite country club, what we call a silk stocking school whose charter holder has the money to go out and hire huge expensive lobbyists and assist in the crafting of a bill that would shut down charter schools who serve minorities and minority charter holders. That’s way too elitist for me and too repetitive of some very old history that had some (unintelligible) stakeholders in the fifties and sixties to put a stop to. And then you have the facilities funding that was being turned around and only given to those schools. The facilities funding was only in the bill going to be given to those schools that were recognized or exemplary schools. Schools under alternative accountability, the highest standard the state allows them is academically acceptable. So none of us, no matter how good we do, will ever have access to that money. She has schools who serve very brilliant elite children in a community like [redacted’s] kids at [redacted]. And you have that group of kids that come to that school already having a history of high performance on TAKS and they take a TAKS test, and guess what? They’re still high performing. Big deal. You have kids to come to us at-risk who are dropouts who have never passed a TAKS test at all and then you get a high percent of those kids maybe they’ve gone from a 10 on a TAKS test to a 60, so they’re still failing, but you’ve increased their scores
50 points, so who worked harder? The schools that these kind of people had guns aimed towards them. Do you see what I mean?

AW: Yeah.

TCC: Not only that, they get a bonus for serving easy kids to serve? They get facilities funding? While the people who cost way more money to serve high risk kids because you volunteered to serve the hardest to serve, you get nothing? And so, those are our representatives on the ACE board? So who are the majority...85 percent of the charters in Texas serve at-risk kids and 85 percent of those charters serve minority students primarily and are, the charter holders themselves are minority. So who is going to represent the majority of the charters in Texas? Four or five elite charter holders that operate silk stocking campuses? So, and that’s just scratching the surface. On top of that you have buried in the bill to make life easier for the TEA we’re going to convert all the schools into licenses instead of charters? A charter is a property right. That’s our birthright that was given to us by the legislators and we operate and began and left our careers and our past lives to become charter holders, not to have a license that isn’t any higher up in value than a liquor license or a daycare license. Which gives you absolutely no property rights. A license isn’t a property right. So why would you give that up? So these folks were ready to throw under the bus the minority students in Texas and throw under the bus and give away the property right for a few dollars, for some cash. And those were the people who represented us, in our association? So, yeah. To put a really long story short, that’s my quick version of that story.

AW: And what would happen with a license, would that make it more difficult for you to secure facilities, to take out loans...?

TCC: It can be taken away from you in a second. The commissioner can come and revoke that license with the wave of a magic wand. If you had the next group of legislators and the next group of people on the state board or in the commissioner’s office. Our current commissioner, he’s quite sound with regard to his support of charter holders. But the next one may not be and he can say, hmm, I’m going to revoke it, and there’s absolutely no due process or recourse. It’s just revoked. So that would make it really easy for the TEA to shut what they’re calling a bad school down. Um, you know, but our jobs aren’t here to make their jobs easier.\textsuperscript{168}

\textsuperscript{168} Interview 1/1/08.
After SB 4 was killed on the House floor a few media accounts, following the lead of comments made by Florence Shapiro and Rob Eissler, spun the sort of conventional political narrative of nefarious partisan string-pulling that Texans are so used to hearing.

Patricia Kilday Hart of the *Texas Monthly* suggested that the progress of the bill was blocked by Republican Representative Sid Miller, whose wife Debra was the founder of a charter school for at-risk teens and testified against the bill in the House and Senate:

> A moment of silence, please, for SB 4, the charter school bill that offered facilities funding for charters, while also demanding fiscal and academic responsibility. Unless it finds a vehicle, the trip is over. Today has witnessed the death of a lot of bills, but this deserves attention for some unusual circumstances:

Two weeks ago, the House Public Education Committee held one of those marathon hearings that began on the evening of May 8 and broke up in time for breakfast on May 9. Authored by Senate Education chairman Florence Shapiro and Kyle Janek, co-authored by Royce West, the bill has the blessing of David Dewhurst. It passed out of Senate committee 7 to zip and was adopted on the Senate floor 30 to zip on April 16.

While the bill is clearly important, some observers were nonetheless a little puzzled to see Rep. Sid Miller, who is not a member of House Public Ed, sitting at the dais for such a grueling hearing. Then came the "aha" moment: one of the opposing witnesses, the executive director of a Stephenville charter school, lives in his district. More specifically, she lives in his home. Debra Miller, representing Erath Excels Academy of Stephenville, testified against the bill while her husband sat amongst the public ed committee members. (Mrs. Miller also testified against the proposal at its Senate hearing.) Since then, Rep. Miller has worked the floor against the bill. Apparently, Mrs. Miller objects to accountability standards in the bill that would shut down poor-performing charter schools.

The bill's House sponsor, Public Education chairman Rob Eissler, agreed that the Miller&Miller appearance was unusual. Eissler said Miller's opposition caused him to move the bill cautiously through the process since he didn't want it subject to a point of order. As for Eissler, he said his chief concern was protecting kids when the state does need to shut down
schools with bad records. "I'm very motivated to do the right thing in protecting these kids," he said.\textsuperscript{169}

Alternately, other fingers would point to Democratic Representative Alma Allen, whose husband heads a troubled charter school in Houston. But overall media coverage of SB 4 was thin and provided a shallow interpretation of the bill as a straightforward and well-intentioned effort to close bad schools; most education coverage of the 80th session focused on the ongoing effort to reform the public education financing system and a bill proposing to replace the TAKS test with end-of-course-exams. After over a decade of intense media scrutiny of charter schools, it seemed that the story was no longer compelling or straightforward enough to hold the public's attention; the good guys could not readily be distinguished from the bad guys. Most media accounts did not even mention that it was neither Sid Miller nor Alma Allen who eventually called the point of order on the bill, but Borris Miles of Houston, at a late-night last-minute nail biter of a session. A member of the opposition described the tension and contingency of that moment:

\textbf{AW:} Who called the point of order on the bill?

\textbf{SB 4 Opponent:} Borris Miles from Houston. Actually, he tried to call the point of order when he went to the mike. You'll see that two or three other legislators rushed up to the mike and physically, with their bodies tried to block him from getting to the mike. And, arms flew and it was a little bit physical for a few seconds, it was pretty rough. And then there was quite a bit of activity on the floor. So, the bill was attached, you know when we basically were pretty successful at knocking it out in the Senate, I'm sorry in the House, right. So, when we knocked it out in the House and we thought we killed the bill completely, see it popped back up pretty late when Shapiro attached it, when the dropout bill, what was it, 1137, when the dropout bill popped up and passed, you know it's first passing when it

\textsuperscript{169} Hart 2007.
was sent to the Senate at midnight the House had just dismissed and at midnight the Senate was still going for a few minutes over and Shapiro at the last minute attached the bill in its entirety to the dropout bill that was Eissler's. And, because it wasn't germane, that was a point of order, because that's unconstitutional.

AW: Okay.

SB4O: Because it didn't have anything to do with the dropout bill. So, that meant if Boris was successful in calling the point of order the entire bill would die, even Eissler's dropout bill. So, that got Eissler's attention finally. We'd been asking for his attention for months. But if the bill was going to be attached and now his bill was going to be killed, now we had some significant role to play with him.170

In her public pronouncements regarding SB 4, Senator Shapiro would nonetheless insist on a consensus that did not really exist. She would insist that "there's no hidden meaning here, there's no preconceived idea about what we should or shouldn't do, it's very clear, it has one and only one goal," "it looks like a very large, very voluminous piece of legislation, truth of the matter is, it is a very simple piece of legislation [with] very simple standards." She would frequently employ the language of clarity, simplicity, and transparency, evoking an imaginary collective will, even as she spoke to a group of objectors who were not at all in agreement with her proposals. Elsewhere she would claim that "The statistics speak for themselves." When presented with evidence that the statistics do not speak for themselves, at least not to everybody, she was at a loss to explain why people fail to act in their best interests ("I don't know why [people choose bad schools], but they do.") Shapiro can perhaps be forgiven for insisting on the existence of consensus. Being against education, against doing "what's right for students in Texas," is in this time and place what in another time and place might have been a

170 Interview 1/1/08.
blaspheme against God or the natural order: "fighting against freedom means fighting against God himself." Politically and culturally, the importance of improving schools and education is as close to a universal as we can get in this time of fractured and incompatible values.

III.

We start in the bill with current charters are all taken away and then we re-issue new charters to every school that meets our standards. And our standards are pretty simple. In fact, they only have two elements to them...very simple standards. Number one, at least 25 percent passing rate at your school, 25 percent of your students, that is as minimal as you could possibly get, in fact, I happen to think it's too low, but 25 percent of your students have to pass the state test in math and reading, 25 percent, that's one fourth of the students.

Despite Senator Shapiro's assertions to the contrary, there is nothing simple about standards or the process of setting passing rates for schools. Even setting cut scores that determine the line between an individual passing and failing is a process with an entire arcane technical debate behind it.

The Education Sector, a centrist Washington D.C. think tank, produces a series of Explainer publications which are targeted at lay readers and are intended to help the public make sense of complicated education policy issues. Andrew J. Rotherham's Explainer article on the subject of cut scores, "Making the Cut: How States Set Passing Scores on Standardized Tests," reminds us that accountability is serious. There are high stakes involved. Lives are at stake, if not actual, biological lives, then at least the form of life that has the potential to become a citizen and a productive worker. This form of life, halfway between the secular and the monastic, is conscious and subjective. It

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understands itself. It knows where it comes from and where it wants to go. It can work on itself and transform itself in the direction of carefully crafted personal goals. It can represent itself as a responsible person and the competent author of its own words and deeds. The debate over passing scores is a debate about designating through some technique a certain potential for future success: whether that be in the economy as worker and consumer or in public life as a citizen and good neighbor. It is a determination of who will be considered competent and who will not.

It is a process that effects every person who passes through the public school system, but like so many things in the public school system, it is poorly understood by the public at large, as “states too rarely explain what it actually means for a student to pass a state test, to be ‘proficient’ or how passing scores are established.”172 The effect of this lack of understanding is disorienting, since “trying to interpret student performance on a test without understanding the passing score is like reading a map without a scale.”173 A student or school may pass or fail, but they don’t really know where they stand unless they understand the process that produced the judgment. Once again, the media and not just the states is largely to blame; while the media eagerly reports test scores and feeds the frenzy of competitive academic ambition and public shaming, it ignores the entire issue of how cut scores are set, presenting the public with an “incomplete picture.” How much do people need to know about how they, or rather, their children, are described and (dis)qualified? Are they to accept the judgments produced by tests at face value, or

172 Rotherham 2006.
173 Rotherham 2006 ibid. All other quotes ibid.
should they try to follow the debates, both technical and political, over the quality of state standards, the meaning of proficiency, and the subjectiveness of test-making procedures?

If they followed the debates they would find that although “passionate feelings abound, there is no source of agreement about what, for instance, a fifth grader should know and be able to do in mathematics or what sort of text they should be able to comprehend,” even within the community of experts who are supposed to know these things. Nonetheless, a standard must be set. A decision must be made defining how good is good enough. There are a variety of methods for determining proficiency by semi-technical means where an agreement based on values cannot be reached. They include the Angoff method, in which a number of judges evaluate individual test items and decide, via discussion, what proportion of barely competent, barely proficient, and barely advanced students should be able to answer each question. Their individual determinations are averaged over several rounds of analysis and discussion until a statistically-mediated consensus is reached on a cut score. In another procedure a group of judges are given a booklet in which test items are ordered from easiest to hardest based on students’ past performance. They review each item and discuss what is being assessed in each and what makes each item harder than the one before it, then individually place a “bookmark” in the booklet to indicate where they think a barely proficient student would be able to answer items correctly. They repeat the process several times, and calculate the median of all the bookmarks to determine a cut score. During the last round they also receive “impact data” on the percentage of students that would fall below the cut score, although it is unclear how this influences the final placement of bookmarks and median
scores. In another method, less common today, determinations about cut scores are made based on the past performance of a sample of test takers. The scores are divided into two contrasting groups: an expected competent group, and an expected not-competent group, and cut scores are set by determining the median between the two groups. There are advantages and disadvantages to each procedure; there is no professional consensus on what defines a true cut score.

Aside from understanding methodology, there are many other factors people should consider when interpreting the meaning of cut scores: what kind of people serve as judges and whether they are qualified and whether the judging panels are “insular” and made up of only grade-specific specialists or whether they include “outside representatives” that help ensure the knowledge presented in tests is aligned with the “knowledge students need for future success”; the makeup of the state board of education or whatever body has the ultimate authority over the ratification of cut scores, where “political considerations” often come into play, which can be “subtle,” and “largely untraceable but potentially powerful”; that low cut scores may either be indicative of a hard test or of downward political pressure; that it is impossible to make comparisons to other state’s scores, which are based on different tests and different standard-setting processes; that it is not wise to compare cut scores to letter grades. Most important perhaps is whether states make any of this information available to an inquiring public. Rotherham includes in his explainer a rating of U.S. states as “transparent” or “nontransparent” according to whether they make information on their
cut-score setting process available online. 30 states are transparent; 20 are nontransparent.

Texas is a transparent state. That means that any public citizen with internet access can go the TEA website and find detailed technical information on the development of state tests and the standard setting process. One can find, for example, information on the reason Texas uses the bookmarking (or item mapping) procedure for setting cut scores on the current TAKS test rather than the Angoff method, which was once considered a "best practice" standard setting method: it is less "cognitively taxing" on the panel of judges and involves a "more prescribed" social element, or rather, less discussion.¹⁷⁴ One can find extensive documentation of the TAKS standard setting process that occurred in July 2002, including a list of 353 panelist (or judges) consisting of teachers, administrators, curriculum specialists, school board members, and parents, schedules and agendas for the three-day long standard setting meetings, and data produced at every round of analysis, including impact data.

One can also find the set of transparencies used to orient and train the panelists and to lay out the "ground rules" of the process.¹⁷⁵ They advise the judges that all discussions should occur as a group and should not include any discussion of "why the state is setting standards or the philosophy of educational assessment." They clarify that standard setting is a "semi-quantitative, semi-standardized, socio-political judgment process" and is most emphatically (in red caps, that is) "NOT a science!" They direct


¹⁷⁵ All quotes in this paragraph taken from TEA's "Setting Performance Standards: Texas Assessment of Knowledge and Skills" from the August-September 2002 standard-setting workshop.
judges to think about what students “should” know and not about what they “will” know. They enjoin judges to consider “all” Texas students who take the TAKS, but to also focus in particular on “threshold” students, rather than those who met the standard. They call on the judges to consider the students who do not pass, just to the left of the threshold, represented as blue Os, and those on the right side of the threshold, represented as red Xs, and to ask themselves “are the Xs really better than the Os?” They invite the judges to “experience the test,” or to take the test themselves before they attempt to set passing standards, so that they can gain concrete understanding of what it is like to “be a student” and to limit their definition of standards to those “being set on the TAKS, not in general.” They instruct the judges on the item-mapping or “bookarking” method they will be using and that although it “has been used on over 25 states,” and therefor has “validity by application,” it is still “just another way to quantify judgments.” They are advised to strive for “demanding, but attainable standards.” They are tutored in the process of “rerating” in which they reconsider their own judgments and the judgments of their peers. They are apprised that the goal of re-rating is not to attain “consensus” but to provoke “reflection.” They are prepared to face the inevitable question: “how do I know if I’m right?” They are consoled: “there is no right,” their judgments are acceptable as long as they considered “should,” the threshold, all the students taking TAKS, and all the discussions we’ve had.”

Texas was not always so transparent, and has only very recently begun to set cut scores according to such painstaking and professionally accepted methodologies. The Texas public education system had to become more transparent, after being perhaps
prematurely thrust into the national spotlight with the ascent of George W. Bush to the White House. It is easy to forget that prior to September 11, education reform was perhaps the single most important issue that drove George W. Bush, both personally and politically, to the presidency. His models for the American schools of the future were charter schools, particularly high-performing, highly disciplinary charter schools like KIPP and YES Prep. Charters were featured prominently in the education policy presentations that took place throughout Bush’s 2000 presidential candidacy. KIPP in particular was given a national stage at the Republican National Convention on July 31, 2000 when its founders Dave Levin and Mike Feinberg were invited to introduce first-lady-to-be and former schoolteacher Laura Bush, backed by a staged classroom of uniform-clad, properly postured KIPP students chanting the now-famous slogan of the school: “There are no shortcuts!” But if George Bush held up deregulated charter schools as the future of education, he sharpened the appearance of his education-reformer credentials by relying on the past apparent success of a very different, top-down accountability-based reform model in Texas.

That reform model, now known in some circles as “high stakes accountability” due to its reliance on rating schools, passing or detaining students and imposing sanctions or rewards based on the results of standardized tests, actually predated George Bush’s governorship by many years. During the 2000 campaign, Bush took responsibility for what appeared to be a narrowing of the achievement gap between white and minority test

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176 The governor that presided over the passage of the 1984 legislation that led to the development of the Texas accountability system was Democrat Mark White, based on recommendations made by a committee headed by the businessman and political eccentric H. Ross Perot. See McNeil 2000: 153-188 for a history of that reform effort and its origins in the Texas business community.
scores even as the Texas accountability system that produced those test scores was being brought to trial on the grounds that it discriminated against the very minority students it purported to raise out of educational poverty. Competing research began to be produced as the stakes on high-stakes testing began to rise. In one corner was a RAND study produced by David Grissmer, which George Bush cited during his 2000 presidential candidacy as providing hard evidence for achievement gap decreases made in Texas during his tenure as Governor. In another corner was a second RAND report produced by a different researcher that seemed to contradict Grissmer’s findings and a study produced by testing expert Walt Haney which provided evidence that the increase in Texas test scores was the result of statistical anomalies and outright mirages produced by the imposition of high-stakes testing.177

177 See Grissmer et.al. 2000, Klein et.al. 2000, and Haney 2000. The RAND Grissmer paper analyzed and compared several states’ progress on the NAEP over the 90’s. The NAEP is the “National Assessment of Educational Progress,” also known as the Nation’s Report Card, and is considered a “gold-standard” assessment for making comparisons on academic achievement across states. The Grissmer study found that minorities in states like Texas and North Carolina that had strong accountability systems in place had higher scores and seemed to improve at a faster rate than those in states like California that had underdeveloped or weak accountability systems. The second RAND study by Klein focused specifically on the TAAS test and the correlation between TAAS scores and NAEP scores during the 90’s and concluded that minority gains on the TAAS were unremarkable when compared to the rest of the country, and that the achievement gap in NAEP scores actually widened slightly since the implementation of the TAAS testing program. Both RAND studies were widely cited on both sides of the testing issue, with pundits on either side accusing each of using fuzzy math and shoddy methodology. Some education experts discounted both studies, despite their impeccable non-partisan multiple-peer-reviewed RAND credentials, and accused the media of once again oversimplifying a complicated issue. A Silicon Valley millionaire took out a full-page ad in the New York Times to make the now-familiar accusation that George Bush was manipulating intelligence when he trumpeted Grissmer’s RAND study. The president of the RAND Corporation made a statement in support of both studies, claiming that the differing conclusions could be explained by differing foci and methodology. In retrospect, the RAND controversy brought into relief the differences between high-stakes state tests and national achievement tests. Grissmer’s study promoted the importance of high-stakes accountability to improving student performance. The Klein study questioned the meaning that could be gleaned from tests that have high consequences for their takers, arguing that pressure to perform, along with over-familiarity with testing formats, would lead to overt manipulation and therefore imprecise measurements of real ability. The Klein study held up the NAEP as a more reliable measure, since it is “low stakes,” represents more generalized knowledge, and can’t be prepared for. Some would go on to argue that this generality was precisely its weakness and that state tests more accurately measure what students are actually learning, and that the whole point of high-stakes testing is to put pressure on teachers to teach and students to learn their state curriculum anyway. The strength and the weakness of state tests is that people don’t hold still for their measurement and try to “make themselves up” to the tests.
Among other criticisms of the contention that Texas had been “miraculously” closing the achievement gap since the implementation of the high-stakes TAAS testing program, Haney charged that the passing scores on the TAAS were “arbitrary and discriminatory.” He, at least, was able to locate some description of the TAAS standard setting process, in Appendix 9 of the Texas Student Assessment Program Technical Digest for the Academic Year 1996-1997. There he found two items of interest: a memo dated July 14, 1990 from then-Commissioner of Education Kirby to the State Board of Education, recommending a passing rate of 60 percent for the TAAS test, to be phased up to 70 percent over a period of three years, and the minutes of a July 1990 State Board of Education meeting at which the board voted unanimously to adopt the commissioner’s recommendations. Haney is at pains to point out that he went to great lengths to try to “understand the rationale that motivated the Board to set the passing scores where it did, namely at 70% correct.” He continues:

As best as I can tell from the record, the main reasons for setting the passing score at 70% correct appear to have been that this is where the passing score had been set on the TEAMS [note: the TEAMS is the state test which preceded the TAAS] and this level was suggested by the Texas Education Code. The minutes of the Board meeting report that “the Commissioner cited the portion of the Texas Education code that requires 70 percent as passing, explaining that there is a rationale for aiming at 70 percent of test items as the mastery standard”...Indeed from the available record it is not even clear that the Texas code cited by the commissioner was actually referring to anything more than the passing standard for course grades.178

In the 1990’s, individual passing scores for the state tests were decided by a few people, relying on arbitrary and imprecise precedents. By 2002, cut scores were being decided by over 300 people through a painstaking “semi-standardized, semi-quantitative socio-

178 Haney 2000.
political judgment process," that even a testing expert like Walt Haney was at pains to try to understand. After being subjected to intense national scrutiny, the Texas standard-setting process became both more transparent and much more involved.

IV.

The standards that SB 4 would have put in place were not nearly as transparent, and were decided upon by very few people. In an earlier draft of the legislation they were set at 40 percent, and were only brought down to 25 percent after extensive negotiations between representatives of Texas Charter C.H.O.I.C.E. and Senator Shapiro's policy aide Christy Rome. Even then, no effort was made to ensure that SB 4's standards were aligned with the standards set by the alternative accountability system already in place, nor that they were appropriate to the population being considered.

Some of the adults who testified on SB 4 presented reasonable and considered arguments for the state to consider implementing a growth measure that could more accurately assess the progress schools were able to make with students who are well behind grade level, which were well received by Senators Shapiro and Janek despite the fact their arguments never did anything to sway their already well-established support for the bill:

SD: We are looking at Senate Bill 4 and looking at it as an opportunity as Senator Shapiro said, to do the best for our children. But to do the best for our children and our students means to understand the populations and how to best address those needs, and I'm glad that Senator Shapiro is now able to come back and join us. You've asked over and over again for specific solutions, and I'm hoping that we can move that forward, because I'm on the bill because I believe there's many profoundly important pieces of Senate Bill 4 that can and must be strengthened to address our needs and the future of our economics of the state of Texas. In particular, there are different kinds of populations and different kinds of charter schools.
Many students have told you their stories, and many schools have reported stories that our school’s focused on dropout recovery. We call that second chance for success schools. These are schools that deal with a very, very at risk population. Often 70, 80, 90 percent or more of those students are at risk, usually 50 percent of those students have 3 or more at risk factors. These are not traditional public schools trying to call themselves a different name. These are schools that focus on and objective statistics show, work with a highly highly at risk, already failed in the traditional public schools population. We need to be able to classify those objectively. Second, for those kinds of schools we need to provide a measure of assessment and accountability that works for those schools. You’ve asked again, is the 25 percent standard acceptable on the TAKS and many people have pushed back because they’ve told you their stories about an 11th grader who comes in or a tenth grader who comes in with credits that show them at that level when in fact they may be reading at 6th grade or have numeracy at a fifth grade level. Are they going to pass the TAKS test in a few months? The answer is no. Does the TAKS test actually help their learning process? The answer is no. The TAKS test for the 10th grade was written within a relatively narrow psychometric band to ask students if they’ve learned what we asked them to at a tenth grade level. As educators it does nothing for us to tell is that student actually learning at a fifth grade level, a 6th grade level, a 2nd grade level, a tenth grade TAKS test is not an appropriate measure.

Senator Shapiro: But you should be taking diagnostic tests.

SD: We ask that you take a state-sanctioned diagnostic test that can help us objectively again, as a standard, identify where those students have learned and can learn so that we can target effectively instruction and curriculum for them and we can assess their progress and growth based on that standard rather than an artificial one.

Senator Janek: Sorry to interrupt. So if you take the diagnostic test, find out where this kid is in reading. You shoot for 11th grade, he’s in 7th grade. Now we will put you in the appropriate course for reading at 7th grade.

SD: Or in many cases that may be self-paced learning at the appropriate level of curriculum and instruction. And you test that student based on their improvement and performance. You must hold them accountable and you must hold the school accountable. The school’s not performing for that student, they should be shut down. But they shouldn’t be shut down based on an artificial standard for the student. And we can find instruments that
the state can sanction that are diagnostic tests that can objectively provide that information.

Senator Shapiro: This was actually brought to my attention by some other charter schools. And we talked about the, whatever that test is, no one's ever actually told me what that test is, so I need a little more information on that, but I would think, and I would hope that diagnostic tests are a norm for you in charters and not necessarily an anomaly. I think you need to know where those students are. The last thing you want to do is to have a student that's entering the tenth grade, as we have so often even in public school, assuming that they were tenth grade students, and they actually reading at a tenth grade level. And no one ever knowing that. And the only way to know it is through diagnostic tests.

SD: No question, and diagnostic tools are available. There is no question, traditionally there are tools on the outside world available, the TAM, the Texas Assessment of Education, which are valid for measuring those students that are not correlated with the TEKS and the specific curriculum measures that we have put in place. There are lexile measures, for instance, of literacy development, but they may not be correlated with the TEKS. What we need is for the TEA, through rules, to be able to define the specific accepted assessment tools that can be used not just for diagnostics, but for measures of improvement because you and I know that there will be no accountability. I'm an engineer. There's no accountability if you can't measure performance.

Senator Shapiro: That's absolutely correct. And that's still where we wanna be. What you're saying is absolutely correct, we're all on the same page, if you would work with us to try and figure out what that diagnostic tool is that we can use, and make sure that whatever that diagnostic tool is is the right instrument.

SD: I would be glad to. And I believe fundamentally that the tool that is appropriate for the student and can help the students with instruction is also an appropriate measure of school accountability, because you can measure that growth over time (Shapiro: It's the growth that you're looking at.) rather than this 25 percent that people are concerned is going up and down, can we show that performance consistently over time?
But many of those testifying in opposition to SB 4, particularly at-risk students and their parents, seemed to object to the imposition of any standard at all, which would lead Senators Shapiro and Janek to respond in exasperation:

Okay. And you think that’s acceptable? That’s okay that everybody’s back at home because they haven’t passed? What we’re saying is we’ll have no standards. We’ll have no standards and whether you pass or not, you’ll just go to school, and some may pass, some may not, and we really don’t care.

If a school is not meeting the test, how much longer can we wait? One percent passage? Is that acceptable? One to two percent? Two to three percent? At some point the vast majority of kids in that school are losing out. And it’s not punishment for revoking the charter, it’s we can’t wait much longer. We’ve got to try something different with these students.

Some would emphasize the impossibility of locating a stable agent of accountability and responsibility. They spoke as representatives of the most marginalized students, whose struggles are so personal that they cannot be connected to a collective representation that is amenable to governmental intervention. They would turn the discourse of accountability against the politicians, providing native critiques of the doctrine of moral responsibility by insisting that individuals cannot be blamed for their own failures when they have been subjected to personal illnesses and the numerous influences of their past environments. They represented the human as Nietzsche would, as a “necessary consequence...assembled from the elements and influence of things present and past,” who “can be made accountable for nothing, not for his nature, not for his motives, not for his actions, nor for the effects he produces.”

He is shaped not by stable cultures but by the heterogeneous influences and random events that influence him from within and without, whether he perceives them or not.

179 Nietzsche 1996: 34.
A grandmother with a grandson at Erath Excels Academy in Stephenville:

I am greatly opposed to Senate Bill 4. I wrote pages to express to you my concerns, which I probably won’t use. Um, I’m blessed from raising my grandson. It’s quite a challenge. He suffers from clinical depression. He passed his TAKS scores highly, but he cannot function in the traditional school system. He has not made a passing grade in the traditional school system since the 8th grade. We were at our last hope. It wasn’t until I went to Erath Excels and met with the principal, the counselor and one other teacher that I found that my grandson was almost near the end. He lives in darkness. He doesn’t fit in to your typical school. There’s no place for him there. He’d been abused in the past when I did not have him. I do have legal custody of him now and he is in counseling. And where the counseling is helping him with his past it has not helped the depression, helped him in his daily classroom work. The traditional school that he was attending, out of 16 school days, he was punished 12 by being put in in school suspension for not passing grades and not participating in class and not talking. That was a skill he taught himself, was to not show emotion, so they called that insubordination. And they told me that it was his choice, that the depression didn’t have anything to do with it, that he was making poor choices. I pulled him out of that school and I put him in Erath Excels and within seven weeks, his grades are all passing, he’s talking, he’s showing signs of smiling....(pause...halting voice....starts crying...) and he’s singing in a choir.

Senator Shapiro: That’s great.

Grandmother: No, you have no idea how great that is. When all you want for a child is happiness, and money can’t buy happiness...those teachers went one on one with him, sat down in a small classroom environment, a place where he is accepted, a place where he has found himself. He is able to do his daily work. He tests very high, I’ve had him psychiatrically tested and evaluated and he is brilliant. But the depression has kept him from learning in the traditional school system because they just will not accept mental illness as a reason for not being able to learn. And if it weren’t for our charter school in Stephenville I don’t know where we’d be right now. I know I wouldn’t be sitting here. Because I do know that my grandson was at the end, I think he was just at the end. And I thank you.

Senator Shapiro: You make a compelling argument for charter schools and I’m very grateful to you for that. I agree that everything that you’ve said, it meets the needs of some children that might not, probably would not be met in another situation. But the school that you’re referring to has had
math scores that I think collectively need to improve. They are financially
doing well, their reading scores are doing well, but their math scores, just
so you’ll know, they had 14 percent of their kids pass in 2004, they had 7
percent pass in 2005 and 10 percent this last year in 2006. That’s got to
change. They’re meeting the needs of your grandson, and that’s very
important, but there has to be some collective accountability as well.

Grandmother: Yes ma’am, but where are these children coming from to Excels
Academy, they’re coming out of the traditional system...

Senator Shapiro: Absolutely.

Grandmother: And my grandson failed Algebra four years. How did that
traditional school fail my grandson, if for four years they could not work
with him to help him pass algebra, then I take him to Erath Excels, and
their math scores go down? That is a reflection of the school he came
from, not the school he’s sitting in now. And the dropout rate is not the
reflection of his school, the dropout rate is a reflection of the school that
did not have place for that mentally ill child.

Senator Shapiro: I understand that, but they still have to graduate, they still have
to pass the test.

Grandmother: But he did pass the test. He just couldn’t pass the daily work
because of his mental disability.

Senator Shapiro: But you have to recognize, you can’t just look at this from your
grandson’s perspective, he’s obviously doing well and that’s terrific, but
there has to be an accountability for the school as well.

Grandmother: Where’s the accountability for the traditional school? When are
we going to hold them accountable for what they did not do in four years
of algebra one?

Senator Shapiro: Okay. Thank you.

The cumulative effect of their testimony produced the impression of the endless
particularity of individual life situations, especially the life situations of people at risk,
who are subject to “an immediacy of crisis and sickness” that deflects the potential
influence of standardized interventions.\textsuperscript{180} They are what theorists of reflexive modernization would call ‘individualized’ individuals, who are obliged to produce themselves, to become what they are, whether or not they actually possess a “practical capacity for self-assertion.”\textsuperscript{181} They are deviants in a world organized by and for freedom because they have not been able to use their freedoms to empower themselves, and they cannot easily align themselves with collective movements because the troubles of individual fates do not align easily into a “common cause.” The distinguishing feature of what Beck calls individualization is that people are compelled to be active; the dark side of this compulsion is that failure becomes ambiguously personalized:

[Failure] goes hand in hand with forms of self-responsibility. Whereas illness, addiction, unemployment and other deviations from the norm used to count as blows of fate, the emphasis today is on individual blame and responsibility. Living your own life therefore entails taking responsibility for personal misfortunes and unanticipated events. Typically, this is not only an individual perception, but a culturally binding mode of attribution. It corresponds to an image of society in which individuals are not passive reflections of circumstances but active shapers of their own lives, within varying degrees of limitations.\textsuperscript{182}

The ambiguity of this situation is highlighted in the following student’s testimony, in which she claims that obstacles were put in her way but at the same time is compelled to take responsibility for putting herself at risk:

\begin{quote}
Student: I’m here on behalf of the students that actually can’t take TAKS and pass it the first time, the ones that aren’t mentally capable, and not because of intelligence, but because like me, it had actually taken two licensed professional counselors to get me into the TAKS testing room because of one, I did a little research, got online, one of what the state of Texas calls
\end{quote}

\textsuperscript{180} Beck 1992: 89.
\textsuperscript{181} Beck and Beck-Gernsheim 2002: xvii.
\textsuperscript{182} Ibid.: 24.
high-performing charter schools that I actually went to and actually dropped out because it was forced into my head that I would be worth nothing if I did not pass the TAKS test. So I went to Winfree and Winfree went with me and waited for me for three years. I was in and out of rehab, in and out of mental institutions and the pain, I was a pain, but I had hope and courage, just like every other one of our students. I also represent the white elephant, the one in the room that nobody wants to talk about. I am the one that is highly intelligent, I’m very smart, I’m very capable, but I’m at risk, but not because I didn’t have money, I was financially okay growing up, um, I’m at risk because of the obstacles that the environment put in my way, that the world put here, and it’s very sad to feel like as a graduate that I need to be here to fight for the students that are sitting behind me and the students that are on campus because the state of Texas doesn’t think that they’re doing well. And its very sad to me that I look behind me and I actually see kids taking the day off from school and the principals coming here to fight for their kids’ education. I just honestly thought that was somebody else’s job. I really appreciate being here, I do appreciate that the legislators and the Senates and everyone in the state of Texas had the time and the energy to be here and create the opportunity to make a choice. I did choose to go to a charter school, without the state of Texas I would not have had that opportunity, and I’m very grateful for that opportunity.

Senator Janek: Thank you, I’ll just ask you very briefly, we have to get moving along, and this is going to sound a bit harsh. First, I would say that you probably made some bad choices, given that you had the intelligence and you had the means to succeed, you probably made some bad choices. Um, so I don’t know how much of it was obstacles that were placed in your way. Life throws us curveballs, some hit the curb and some don’t.

Student: Obstacles that were thrown in my way were definitely being 13 years old and being molested by a brother-in-law, or maybe...

Senator Janek: Let me back up, let me back up. There is no doubt that things do happen in spite of intelligence and resources, obstacles were put in your way, and I apologize if I made it sound like it was all your fault, that is clearly not the case.

Student: I take responsibility for putting myself at risk. I do.

Senator Janek: You understand a decade ago, there were no charter schools, the only option was public schools and many of us fought for charter schools, and the argument was, the public school advocates said don’t do this, don’t
do this, they won’t take the at-risk kids, they’re only going to take the ones that are easy to teach and we fought, and Governor Bush fought for charter schools, and we got it, and I think you can understand that these are the same arguments we heard from the public school folks.

Student: I couldn’t. Ten years ago I was nine years old.

Senator Janek: I understand. Ten years ago I fought like a nine year old. But you see my point? If we don’t continue to raise the standards, schools, public charter schools, regular public schools, private schools, some of them will take the money and run, they’ll give up on kids that are harder to teach, what do you say to that?

Student: Setting standards is what can only inspire change for anybody. But staying realistic in your standards has to be a huge moral obligation and it took me three years, like I’ll say again to be able to sit in the room were the TAKS test was being passed out without shaking and crying.

Senator Janek: Because so much hung in the balance.

Student: So being realistic and setting your expectations, if you set your expectations too high you’re setting these kids up to fail, because of your standards. Their standards are that they get up and they make it to school. It’s that maybe they can get up and they can climb out of their cars after sleeping in the car with their baby or sleeping in the car with their parents that are shooting dope at night and just make it to school, and hopefully, hopefully that wherever they end up the next day there’s a teacher there with their hands out.

Senator Janek: You’re right, you are a smart young lady. Thank you for being here. We wish you all the best. (Applause)

Another woman testified whose daughter has had trouble finding a school where she fits in. She tried homeschooling, private schooling, and three different public schools. Her daughter attended Winfree Academy in Stephenville, She pleaded with Senator Shapiro to “consider individually rather than across the board. I am asking you to think as a compassionate.” She made the argument that because schools like Winfree are continually (throughout the year) receiving students who have failed (or been failed
by) traditional public schools, that they are constantly drawing test scores down. Shapiro countered that she was the one who is being compassionate because she wants these kids in a school that “helps them. And doesn’t have low expectations. I want them to have higher expectations, as I said at the beginning of what I said, is that it’s about the student.” The woman countered by repeating that she’s not considering the individual. Shapiro attempted to end it with: “Okay. Okay. You have a right to feel that way.” And the mother responded: “Yes, I do and I’m concerned about the students that continue to fall through the cracks who show up at the charter schools desperate and suicidal and who do improve, but maybe they just can’t do what you’re asking, individually.” There was a long pause in which Shapiro did not respond. It was clear that she was finished talking with this woman. The woman said “thank you” and left the podium.

Debra Miller, the wife of Representative Sid Miller, testified along similar lines. Her school was at risk of being shut down, and in her testimony she emphasized the instability of her population, which is 93 percent at-risk, which in many case means they have already failed. Either failing the TAKS or failing a grade makes you an at-risk student, which means that if you’ve already failed you’re statistically more likely to fail again. The problem is not only that they’ve already been marked by failure, but they are in flux. Failure itself is the beginning of a movement, an instability, that increases the likelihood of more failure, not only for the student who is constantly adjusting to new environments and new expectations, but the schools that receive them: “So they come to us having already failed TAKS, having already failed grade levels before they get to us. And they get to us at all times, every time of year, its not like at the beginning of the year
or they stay with you for four years. They’re here randomly as they come in,” producing a situation of constant newness that requires constant adjustment and instability.

Debra Miller would go on to pointedly criticize the assumption that because charter schools officially operate under an open enrollment policy, that they are, as Senator Shapiro stated in her introduction, a completely open system that operates with “no criteria” for enrollment, “it’s come one come all, till we fill up the class.” This is to assert what everybody knows isn’t really the case. The open enrollment label belies not only the specific target populations of charter schools, but the particular social networks through which information about schools is circulated, the singular obligations and commitments some of them require of their students, and the informal channels through which students get nudged to particular schools, all of which cut up and differentiate what on the surface is available to any and all members of the student public. As Debra Miller puts it:

We’ve been talking, you know it’s kind of like a wellness center for sick people, you go in for a checkup just to make sure everything’s okay versus an ICU. And many of our students are in intensive care. They’re at a very critical state in their education and in their life. Why do we have such a large number of at-risk students, have you thought about that? I would like for you to consider why those schools have so many at-risk students, when the other schools only have 23 percent. One thing is we’re serving high school kids. But the other thing is, I take every kid that walks through my door. Because you know, I thought it was the state law. And it is the state law, by the way, that you accept every child that walks in your door. But I have found that all over this state there are screening procedures going on. And they come in all kinds of shapes and sizes, but there’s all kinds of ways to screen a kid before you get them. But I saw personally our school district doing it and I hear our kids tell us what they have been told that many times they are not accepted because they have a tattoo, or they don’t have enough credits, can’t speak English. They’ve been told that our school is easier and our TAKS test is easier. So there are all kinds of ways that you can screen so you can get a certain kind of
student. Another way is that you have school for 8 and 10 hours a day and you have it again on Saturday. We have kids who wouldn’t do that for one thing, because they’re burnt out on school, they don’t want to be in school, they hate school, or because they have to work to support families. Or they’re teen parents and they have kids of their own, they can’t be at school all day and on Saturday all day. But when you have a kid that’s going to school all that time, that’s a motivated kid, I don’t care what minority they are and I don’t care how poor they are. If you have a motivated student, they can make progress, they can make progress in any school, they don’t have to have a special school. They might make more progress in a special school, but they can make progress anywhere.

V.

The opponents of SB 4 would go on to mobilize many more individuals to testify at the House meeting in May. So many people showed up to testify that there were not enough seats for everyone in the conference room until the early morning hours when the representatives of high-performing charter schools finished giving their testimony and went home to bed. The House hearing was considerably less tense than the Senate hearing, possibly because a greater percentage of the people testifying were not adults. The opponents of SB 4 began to give their testimony after the last supporter, Mike Feinberg, gave his. As student after student presented themselves and their particular stories and the effects of sleep deprivation started to settle in, they began to elicit from their audience a mixture of tears, applause, laughter, and comic relief.

Some students admitted that they liked their schools because they were “easy” and “comfortable,” perhaps not knowing any better that these descriptions would not endear them to legislators seeking higher standards. Others admitted that if the school they were attending was closed they would just “drop out.” Some of the students testifying who were particularly nervous or inarticulate were received with sympathetic
laughter, like a student who described how she “learned a variety of things” at her school, “like how to solve conflicts with people without punching them.” Sometimes teachers appeared to testify with their students, as if they were on some kind of strange cross-state all-night field trip, and expressed appreciation to the legislators for allowing them to “witness this process for the first time.” Chairman Eissler began making wisecracks, puns, and odd word associations. A student who was planning to go to work as a missionary in the Philippines received a reply that had something to do with “manila folders.” When one educator described a program at her school that teaches three-year-olds to fence, Eissler asked “How many acres do they fence?” The educator, not picking up on his joke, replied “Long, long time. But you know, it’s its own reward.” People offered the legislators statistics to support their testimony “that’ll really put you to sleep.” Sometimes the legislators would talk amongst themselves over the testimony of the adults, or Chairman Eissler would ask for a hard copy of their testimony and statistics because he wasn’t “digesting the information.” Later on he would comment on their collectively deteriorating cognitive competencies: “This reminds me of a hypoxia demonstration I had to do in the Navy. Where you think you’re being coherent, but you’re not making any sense”; and “This is when all the police raids happen, at three in the morning, because people are just out of it. I surrender!” But to nervous students he would offer words of encouragement:

Student: I’m from Winfree Academy in Irving. Thank you for letting me be here Mr...Chairperson.....sorry, I’m like really tired! (laughs) I’m so sorry okay, before I came to Winfree Academy I was known as the problem child...I was always talking, I was never focused.

Chairman Eissler: Say what?
Student: Yeah, yeah, I was. It was looked down upon a lot, it was never asked why is Britney always talking?

Chairman Eissler: Are you running for office?

Student: No, I'm not...I'm talking. So I had never, they never really talked to me about...Britney, why are you talking so much, Britney why do you have so much energy? Um, well..

Chairman Eissler: Do you do cellphone commercials? (laughter)

Student: No...I don't do commercials. I do...this stuff for Winfree because I love Winfree.

Chairman Eissler: You're doing great Britney, you're doing great.

Student: Thanks...

Chairman Eissler: So they're asking you why you're talking all the time.

Student: Yeah...and so, um, I get in a lot of trouble and I...god, this is so hard...so, my name is Britney, I'm 17 years old (laughter)...I'm 17 years old, I'm an addict-alcoholic, I've been sober since 12/28/05... I have been very sheltered in my family. I have not been allowed to, I'm still not allowed to cut my hair, dye my hair, get any piercings, go to concerts, not allowed to do anything. I rebelled a lot, I did things to the extreme. I came to Winfree, I found out about it from a friend, and they immediately opened me with open arms. I don't know if you're aware, but like a lot of people have said, but 97 percent of students who walk through Winfree are at-risk kids. And we have in Irving campus, we have a nursery, which is obviously for pregnant women, for little kids, we have a Courage, which I attend. It's a recovery-based school. It's got recovering addicts and alcoholics that go there with a counselor. Winfree, Winfree has helped me so much, um, (voice is getting softer), actually what I want to do when I grow up, I wanna work for Winfree.

Chairman Eissler: You're going to have to talk them into it.

Student: Yeah, I can do that.

Chairman Eissler: I don't doubt that for a minute, Britney.
Student: I can do it...

Chairman Eissler: Britney guess what?

Student: And this is like the latest I've stayed up in five years.

Chairman Eissler: Isn't it great? Britney are you having fun?

(Laughter and Applause. She walks back to her seat, saying “I like totally bombed.”)

Others only offered their stories: “we all have a story, we each have a story. Like just going through before all of this it almost brought me to tears, everyone has a story.” They expressed appreciation that their legislators would even be willing to “hear our story and take into consideration while you’re doing this bill.” After the last person testified, sometime after 5 a.m., Chairman Eissler said “We’re happy to do it...Now that’s the good news, the bad news is I’ve forgotten what most of you’ve said. So tomorrow night, we’re going to do this again...that alright?”
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