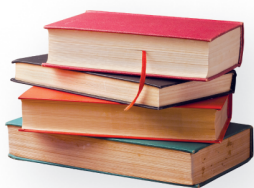


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## CHAPTER 1

# Educators Under Attack

“America’s public schools are terrible! And they are getting worse!”

This is conventional wisdom in the United States. The public has heard this proclamation almost constantly since at least 1983 when the National Commission on Excellence in Education issued its findings in a report titled *A Nation at Risk*. The Commission asserted that American education had fallen victim to a “rising tide of mediocrity that threatens our very future as a nation and as a people” (National Commission on Excellence in Education, 1983, p. 5). The report was replete with dire warnings of *decline, deficiencies, threats, risks, afflictions*, and *plight*. Americans were urged to reverse the “unthinking, unilateral educational disarmament” that had taken hold of our schools and to reestablish the United States as the world leader in educational attainment (National Commission on Excellence in Education, 1983, p. 5).

Six years later, President George H. W. Bush took office and announced his intention to become the *education president*. According to President Bush (1989), educational reform was the key to maintaining America’s competitiveness in the world. He convened the nation’s governors for an Education Summit to establish Goals 2000—ambitious targets to improve America’s

schools. By the turn of the century, America would rank first in the world in mathematics and science achievement, the high school graduation rate would increase to at least 90 percent, and students would leave grades 4, 8, and 12 having demonstrated competency in challenging subject matter including English, mathematics, science, history, and geography (North Central Regional Educational Laboratory, 1994).

It was Bush's successor, President Bill Clinton, who was able to enact legislation to make Goals 2000 the law of the land. In his first address to Congress, Clinton insisted the nation must demand more from our schools and called for providing more funding and authority to the Department of Education so it could promote effective strategies for improving schools. When the year 2000 deadline arrived, however, it was painfully evident that schools had been unable to come close to achieving any of the goals that had been established for them (Kirp, 2000).

In 2002, newly inaugurated President George W. Bush was able to persuade Congress to pass legislation to address the first item on his domestic agenda: education reform. That legislation, No Child Left Behind (NCLB), ramped up testing requirements; mandated annual assessments in reading and mathematics in grades 3–8 and once in high school; called for reporting student test results separately by race, ethnicity, and other key demographic groups; and required schools to demonstrate adequate yearly progress (AYP) on state tests overall and for each subgroup of students. If schools could not demonstrate AYP, they faced interventions followed by increasingly severe sanctions (U.S. Department of Education, 2003).

The law required states to ensure that every teacher was highly qualified, and it mandated detailed reports to parents on school performance and teacher quality. The law also stipulated that students could transfer to better-performing schools or receive tutoring if their schools did not demonstrate sufficient progress. It specifically offered charter schools as alternatives to failing

schools, and the Bush administration devoted \$1.5 billion to the U.S. Department of Education's Charter Schools Program. As Diane Ravitch (2014) observes, "For the first time in history, federal law decreed that privatization was a viable remedy to improve low-performing public schools" (p. 313).

Finally, NCLB designated annual increases in the percentage of students achieving proficiency on the state assessment until 2014 when the poor performance of a single student would designate the entire school as "failing." In effect, the passage of NCLB ensured that each year the number of public schools labeled as "failing" would increase until every school in the country would carry that designation.

NCLB signaled a major turning point in the effort to reform education in the United States. Now educators were being told they must improve student achievement or else be subjected to increasingly punitive sanctions for failure to do so. Once again, America's very survival was at stake. Advocates of the law contended that the United States faced a stark choice: Would it take bold steps to improve education or "risk jeopardizing the future of our nation's children and our competitiveness in the global economy by maintaining the status quo" (Commission on No Child Left Behind, 2007, p. 11)?

President Barack Obama and his administration continued on the NCLB path of choice, competition, and accountability but ratcheted up the pressure on educators with the Race to the Top program. It offered significant funding to states *if* they would agree to implement the priorities of the Obama education policy. Those priorities included such things as states agreeing to (U.S. Department of Education, 2009a):

1. Work collaboratively with other states to adopt a common set of high-quality standards that were internationally benchmarked and that ensured college and career readiness. This stipulation was generally

understood to mean that states must embrace the emerging Common Core State Standards.

2. Join a consortium of states to administer rigorous assessments based on the internationally benchmarked standards.
3. Make student growth (or value-added testing) a factor in the evaluation of teachers and principals, including decisions regarding retention or removal of tenured and untenured teachers.
4. Make student growth a factor in a plan to provide additional compensation (merit pay) for effective teachers and principals.
5. Identify persistently low-performing schools (the bottom 5 percent in the state) and develop plans to either close or reconstitute them.
6. Provide alternative routes to teacher and principal certification.

Race to the Top offered federal funding to cash-starved states struggling to deal with the most dramatic recession since the Great Depression of the 1930s. But to receive the funds, states had to compete with one another in demonstrating their willingness to embrace the Race to the Top requirements. Forty-eight states initially adopted the Common Core, two-thirds of the states changed their laws on teacher evaluation, half of the states declared student test scores would be included in teacher evaluations, and eighteen weakened tenure protections (Goldstein, 2014a). While NCLB allowed for punishing schools, Race to the Top provided the tools to punish individual teachers and principals.

Some might call these desperate measures, and a cursory glimpse of the headlines demonstrates that Americans were constantly being reminded that, when it came to education, these were indeed desperate times.

- 
- “The Failure of American Schools.” *The Atlantic*, June 2011
  - “American Schools in Crisis.” *Saturday Evening Post*, September/October, 2011
  - “How to Fix the Education Crisis.” *Businessweek*, October 13, 2011
  - “Report: Half of U.S. Schools Fail Federal Standards.” *USA Today*, December 15, 2011
  - “The Real Reason America’s Schools Stink.” *Businessweek*, August 19, 2012
  - “Public High Schools Are Not Doing Their Jobs.” *U.S. News and World Report*, August 28, 2012
  - “Apollo 20: One Man’s Plan to Fix Failing Schools.” PBS, September 25, 2012
  - “Why American Education Fails: And How Lessons From Abroad Could Improve It.” *Foreign Affairs*, May/June 2013
  - “Parents Revolt Against Failing Schools.” *USA Today*, July 1, 2013
  - “Public Schools Are Failing, and That’s a Healthy Sign for Good Teachers.” *Forbes*, September 20, 2013
  - “What’s Holding Back American Teenagers?” *Slate*, February 11, 2014
  - “Why Do Americans Stink at Math?” *New York Times*, July 23, 2014
  - “Here’s the Real Problem With America’s Educational System.” *Time*, June 2, 2014
-

Keep in mind that this is just a small sample of the consistent media message about schooling in America. Plug the phrase “failing schools” into the searchable database Nexis, and it provides 544 hits in newspapers and wire stories for the single month of January 2012 (Farhi, 2012).

## We Have Found the Enemy, and It’s . . . Teachers

The clarion call sounded by *A Nation at Risk* offered curricular and structural solutions to the problems of American schooling. It proposed more challenging courses that required more homework, higher graduation requirements, longer school days, longer school years, more frequent testing, and higher expectations for and demands on students.

By the time *Race to the Top* was enacted, however, there was a growing sense that the real problem with schools was teachers and the unions that protected them. Consider the following.

- The Center for Union Facts ran an advertising campaign claiming that teacher unions were the “biggest bullies in schools.” It invited people to nominate candidates for the “worst teacher” and promised to offer the top ten nominees \$10,000 each if they would leave the classroom (Masterson, 2008).
- In 2010, *Newsweek* published a cover story called “The Key to Saving American Education.” The image was of a blackboard, with a single phrase chalked over and over again in a child’s handwriting: “We must fire bad teachers. We must fire bad teachers. We must fire bad teachers” (Thomas, 2010).

In explaining the premise of Terry M. Moe’s (2011) *Special Interest: Teachers Unions and America’s Public Schools*, the publisher writes:



Why are America's public schools falling so short of the mark in educating the nation's children? Why are they organized in ineffective ways that fly in the face of common sense, to the point that it is virtually impossible to get even the worst teachers out of the classroom? And why, after more than a quarter century of costly education reform, have the schools proven so resistant to change and so difficult to improve? In this path-breaking book, Terry M. Moe demonstrates that the answers to these questions have a great deal to do with teachers unions—which are by far the most powerful forces in American education and use their power to promote their own special interests at the expense of what is best for kids. . . . The bottom line is simple but devastating: as long as the teachers unions remain powerful, the nation's schools will never be organized to provide kids with the most effective education possible.

On the Fox television show *Freedom Watch*, host and senior judicial analyst Andrew Napolitano blasted teachers and their unions: “How hard would you work if you couldn’t get fired? Teachers know that kids are going to be in the seats, and the taxpayers are just going to be sending in the money, no matter how poorly they do. So they have no incentive to do a good job” (Bruinkid, 2011).

In *Endangering Prosperity*, authors Eric Hanushek, Paul Peterson, and Ludger Woessmann (2013) present the problem of American schools as a struggle between those who want to do what is best for students versus educators who are only interested in themselves. They write:

The battle is a conflict between the needs of school-age children and the interests of those adults who have agreed to educate them in our public schools.

The school workforce—teachers, principals, superintendents, other administrators, and ancillary personnel—too often favors only those changes to the status quo that enhance their income or lighten their workload. They oppose changes in the organization and structure of the school system that would likely enhance the learning opportunities of those for whom they are educationally responsible. (p. 3)

The cover of the November 3, 2014, edition of *Time* magazine features a gavel preparing to crush an apple with the caption “Rotten Apples: It’s nearly impossible to fire a bad teacher. Some tech millionaires may have found a way to change that.”

An article in the *Hoover Digest* asserts:

Vested interests have captured control of our school system. The people who are working in the schools are trying to create a system that runs very well for the adults who work there. They are so concerned about that they don’t focus on the needs of the students. (Robinson, 2015, p. 120)

If teachers and unions were the problem, the obvious solution was to lessen the power of unions and fire more teachers. By 2011, eighteen states had weakened tenure protections, with Florida and North Carolina ending tenure altogether. Wisconsin, Michigan, and Indiana limited the scope of issues teacher unions could address through collective bargaining. The Hoover Institution’s (2011) list of the five best events to occur in education in 2011 includes:

1. The reinvigoration of school choice via opportunity scholarships and vouchers to increase competitive pressure on public school educators
2. The rollback of collective bargaining agreements in states throughout the country
3. California’s “Parent Trigger” that allowed parents to demand a school be converted to a charter school or undergo some other transformational remedy

4. The continuation of Washington, DC's, tougher teacher evaluation system
5. Indiana's sweeping reforms, including abolishing collective bargaining for teacher benefits and work rules, allowing all universities to authorize charter schools, removing the cap on the number of charter schools, and providing opportunity scholarships to allow low-income students to attend private schools of their parents' choice

Furthermore, with states moving to value-added testing to evaluate individual teacher effectiveness, data were now available on the performance of specific teachers. The press demanded access to that data. The *Los Angeles Times* defends its publication of the database revealing scores of individual teachers "because it bears directly on the performance of public employees who provide an important public service, and in the belief that parents and the public have a right to judge the data for themselves" (Zavis & Barboza, 2010). The paper came under attack, however, when one of the teachers it listed as less effective based on test scores committed suicide. His family and colleagues alleged he had become depressed after publicly being branded an ineffective teacher.

On the other side of the United States, the *New York Times* and the *Wall Street Journal* sued under the Freedom of Information Act to obtain access to data on value-added test scores of individual New York City teachers. The court ruled in favor of the media, explaining:

When balancing the privacy interests at stake against the public interest in disclosure of the information . . . we conclude that the requested reports should be disclosed. Indeed, the reports concern information of a type that is of compelling interest to the public, namely, the proficiency of public employees in the performance of their job duties. (Zhao, 2012)

That rationale apparently did not apply to other public employees. Shortly after the teacher evaluations were released to the

media, the New York state legislature passed, and the New York governor signed a bill that exempted police and firefighters from having their evaluations released to the public. As the *Washington Post* reporter Valerie Strauss (2012) writes, “What better symbolizes the way teachers have become ‘fair game’ for public demonization?”

Finally, in August 2014, Judge Rolf Treu ruled that California’s tenure laws, dismissal proceedings, and seniority laws violated students’ rights to equality of education. The court concluded that the impact of those laws caused California students in general, and poor and minority students in particular, to have such unreasonable exposure to grossly ineffective teachers that it “shocks the conscience” (p. 7).

Teaching has become America’s most embattled profession. As the author of *The Teacher Wars: A History of America’s Most Embattled Profession* concludes:

Today the ineffective tenured teacher has emerged as a feared character, a vampire type who sucks tax dollars into her bloated pension and health care plans, without much regard for the children under her care . . . the media repeats, *ad nauseam*, anecdotes about the most despicable examples of this type of person. . . . As a result, the public has gotten the message that public school teaching—especially urban teaching—is a broadly failed profession. (Goldstein, 2014a, pp. 5–6)

If this narrative about the state of education is true—that our schools are terrible and getting worse because of the uncaring educators who work in them—then there should be ample evidence to support it. In reality, a fair and balanced review of the facts paints a very different picture. In the next chapter, we present such a review.

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