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**THE WALL STREET JOURNAL**

WSJ.com

OPINION | MAY 10, 2011

## Scenes From the New York Education Wars

*When I was chancellor, I was told confrontation was bad. Not so.*

By **JOEL KLEIN**

Teachers are extremely effective messengers to parents, community groups, faith-based groups and elected officials—and their unions know how to deploy them well. Happy unions can give a politician massive clout, and unhappy unions—well, just ask Eva Moskowitz, a Democrat who headed the New York City Council Education Committee when I became schools chancellor in 2002.

Smart, savvy, ambitious, often a pain in my neck and atypically fearless for a politician, Ms. Moskowitz was widely expected to be elected Manhattan borough president in 2005. Until, that is, she held hearings on the city teachers-union contract, an extraordinary document, running for hundreds of pages, governing who can teach what and when, who can be assigned to hall-monitor or lunchroom duty and who can't, who has to be given time off to do union work during the school day, and so on.

The contract defied parody. So when Ms. Moskowitz exposed its ridiculousness, the United Federation of Teachers (UFT), then headed by Randi Weingarten, made sure that Ms. Moskowitz's run for borough president came up short. After that, other elected officials would say to me, "I agree with you, but I ain't gonna get Eva'd."

Politicians—especially Democratic politicians—generally do what the unions want. The unions, in turn, are very clear about what that is: They want happy members, so that those who run the unions get re-elected, and they want more members, so their power, money and influence grow. The effect of all this? As Albert Shanker, the late, iconic head of the UFT, once pointedly said, "When schoolchildren start paying union dues, that's when I'll start representing the interests of schoolchildren."

Union power is why it's virtually impossible to fire a teacher for non-performance. In New York City, which has some 55,000 tenured teachers, we were able to fire only half a dozen or so for incompetence in a given year, even though we devoted significant resources to this effort.



Cato Institute analyst Neal McCluskey on Obama's push for uniform school standards.

The extent of the problem is difficult to overstate. Take "rubber rooms," where teachers were kept—while doing no work—pending resolution of disciplinary charges against them, mostly for malfeasance, like physical abuse or embezzlement, but also for incompetence. The teachers got paid regardless. Before we stopped this charade—by returning many of the teachers to the classroom, unfortunately—it cost the city about \$35 million a year. (Still costing more than \$100 million annually are the more than

1,000 teachers who get full pay to perform substitute or administrative duties because no principal wants to hire them full-time.)

Then there were the several teachers accused of sexual misconduct—at least one was found guilty—whom union-approved arbitrators refused to terminate. The city was required to put them back in the classroom, but we refused to do so. Of course, the union has never sued to have the teachers reinstated. It just makes sure these deadbeats stay on the payroll with full pay and a lifetime pension.

It's little surprise, then, that American kids don't get the education they deserve. When I demanded reform as chancellor, I was regularly told by friends and foes alike that impatience is immature, challenging the educational establishment is a losing strategy, collaboration is necessary, and controversy is bad. It was bad advice, typical of the status-quo thinking that dominates American education.

Consider the common refrain that "We'll never fix education until we fix poverty." This lets school systems off the hook. Of course money, a stable family and strong values typically make it easier to educate a child. But we now know that, keeping those things constant, certain schools can get dramatically different outcomes with the same kids.

Take Texas and California. The two states have very similar demographics, yet Texas outperforms California on all four national tests—across demographic groups—despite spending less money per pupil. The gap amounts to about a year's worth of learning. That's big.

At individual schools, differences can be breathtaking. One charter in New York City, Harlem Success Academy 1 (founded by Ms. Moskowitz after she left politics), has students who are demographically almost identical to those in nearby schools, yet it gets entirely different results.



Getty Images

Parents celebrate as they hear that their 4-year-old daughter was awarded a coveted slot at the Harlem Success Academy charter school.

Eighty-eight percent of Harlem Success students are proficient in reading and 95% are proficient in math. Six nearby schools have an average of 31% and 39% proficiency in those subjects, respectively. More than 90% of Harlem Success fourth-graders scored at the highest level on New York State's most recent science tests, while only 43% of fourth-graders citywide did so. Harlem Success's black students outperformed white students at more than 700 schools across the state. Overall, the charter now performs at the same level as the gifted-and-talented schools in New York City, all of which have demanding admissions requirements. Harlem Success, by contrast, selects its students, mostly poor and minority, by random lottery.

Critics try to discredit these differences. Writing last year in the *New York Review of Books*, the historian Diane Ravitch argued that schools like Harlem Success aren't the answer because, as a group, charter schools don't outperform traditional public schools. Yet even Ms. Ravitch had to acknowledge that some charter schools get "amazing results." If that's the case, shouldn't we be asking why they get much better results—and focusing on how to replicate them?

A full-scale transition from a government-run monopoly to a competitive marketplace won't happen quickly, but that's no reason not to begin introducing more competition. In the lower grades, we should make sure

that every student has at least one alternative—and preferably several—to her neighborhood school.

We pursued that goal in New York City by opening more than 100 charter schools in high-poverty communities. Almost 80,000 families chose these new schools—though we had space for only 40,000; the rest are on waiting lists. Traditional schools and the unions have been screaming bloody murder, which is a good sign: It means that the monopolists are beginning to feel the effects of competition. And at the middle-school and high-school levels, where students are more mobile, we can create community-based choice systems or even citywide ones. New York City high school students now have citywide choice (with some geographic priority), and schools know they have to compete for students.

Despite the tough politics involved, change is possible. In New York City, it took a mayor willing to assume control over the system and risk significant political capital. It also took time: Mayor Bloomberg and I had more than eight years together, while most urban superintendents serve for about three and a half.

Most of all, it required building political support. Toward the end of my tenure, reformers were fighting to lift the state-imposed cap on the number of charter schools allowed to open. The teachers unions opposed our effort precisely because our expansion of charter schools had been so successful. In fact, six months earlier, they had helped defeat a similar effort.

But this time, families with kids in charter schools and their community allies were prepared to help us fight. Philanthropic and business interests raised millions to support the mobilization effort, run ads and hire lobbyists. We prevailed, and the state legislature raised the cap substantially.

As Shanker put it in a surprisingly candid speech in 1993: "We are at the point that the auto industry was at a few years ago. They could see they were losing market share every year and still not believe that it really had anything to do with the quality of the product. . . . I think we will get—and deserve—the end of public education through some sort of privatization scheme if we don't behave differently. Unfortunately, very few people really believe that yet. They talk about it, and they don't like it, but they're not ready to change and stop doing the things that brought us to this point."

*Mr. Klein, the CEO of News Corporation's educational division, was chancellor of New York City public schools from 2002 through 2010. This article is adapted from the current issue of The Atlantic.*

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