VICTIMS, VILLAINS, HEROES:
MELODRAMA AND THE NARRATIVE OF CHARTER SCHOOL POLICY MAKING

A dissertation presented

by

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to
The Department of Political Science

In partial fulfillment of the requirements for the degree of
Doctor of Philosophy

in the field of

Political Science

Northeastern University
Boston, Massachusetts
December, 2015
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ABSTRACT OF DISSERTATION

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Northeastern University
December, 2015
This thesis serves to examine political language surrounding the dramatic shift in education policymaking that takes place today. This thesis discusses how political language matters, and whether it is a positive or negative influence on politics writ large. Particular attention is given to melodramatic narrative, its form, and function. Melodramatic narrative is identified as a part of the problem definition process which also intersects with narrative, framing, and use of symbolism. This thesis includes two case studies that illustrate the use of political language in education policymaking: first, New York State’s adoption of a charter school law in 1998, and then the subsequent charter school cap lift in 2007. Finally, the author includes an assessment of how political language, and melodramatic narrative in particular, influences policy.
Acknowledgements

Thanks largely to the meticulous, careful eye of my committee chair, Professor David Rochefort, this is the most polished, best piece of writing I have ever produced. Thanks are also in order for my other readers, Professor John Portz and Governor Michael Dukakis, who brought valuable perspective to my writing process.

The time devoted to this thesis also coincided with a time of great personal growth, and a period of many firsts: first home purchase, first husband, first child. Writing provided me a sense of continuity, these milestones a constant motivation.

These acknowledgements would not be complete were it not for the people who kept me company (and gave me advice) along the way: my colleagues in the graduate program, the thoughtful and encouraging professors in the department and beyond, and my encouraging family, all of whom constituted a community upon which I could draw for humor, support and forbearance.

Also, coffee.
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Chapter One

POLITICAL LANGUAGE AND EDUCATION POLICYMAKING

In July of 2012, the National Association for the Advancement of Colored People (NAACP) hosted an unlikely guest. To the media’s delight, Republican Presidential candidate Mitt Romney agreed to speak at the NAACP annual convention in full heat of his pursuit of the White House. Approximately four years prior to Romney’s speech, the nation’s first African-American President had trounced his white opponent among blacks, getting fully 95 percent of the African-American vote (The Roper Center Public Opinion Archives, 2008). Four years before that, 88 percent of African Americans had voted for the white Democratic candidate, John Kerry. Why would Romney bother to appear at this gathering of mostly committed Democratic partisans? What message was he going to deliver to the assembled audience?

Some people associate the culmination of the civil rights movement in America – at least from a rhetorical standpoint – with the iconic “I Have a Dream” speech of Dr. Martin Luther King, Jr., given on the steps of the Lincoln memorial in 1963. Yet the battle for civil rights is far from over today, fifty years after King’s oration. African Americans continue to strive for equality in many areas of American life, from housing to employment to health care to education. In appearing before the NAACP, Mitt Romney sought to connect the dots between this historic struggle and a collection of contemporary issues held near and dear by the GOP.

1 Although the United States has made progress on issues of race, various economic and social indicators show that minorities still struggle as compared to their white American counterparts in a variety of spheres. For example, although women are paid an average of 77 cents to the man’s dollar in the United States, African American women earn just 70 cents to the man’s dollar, and only 64 cents to the white man’s dollar according to 2010 US Census numbers. In a 2004 book titled The Hidden Cost of Being African American, Thomas M. Shapiro demonstrates the prevalence and perpetuation of a wealth gap between white Americans and African Americans today. Finally, the National Center for Education Statistics released a study in 2005 that showed that overall, the percentages of families with children in
Prominent among Romney’s talking points this day was the promise of the school choice movement. Observed the Republican standard-bearer: “Today, black children are 17 percent of students nationwide – but they are 42 percent of the students in our worst-performing schools.” As a solution, Romney proposed a bold “emphasis on choice through charter schools, particularly for our inner city kids” (Dunham, 2012). In a later speech at the Latino Coalition’s 2012 economic summit, Romney hammered home this same message, calling school choice “the civil rights issue of our era” (Trip, 2012). In short, Romney hoped that, by linking school choice with civil rights, he could break down barriers preventing the nation’s disadvantaged racial minorities from voting Republican. Romney’s neoconservative education policy proposals could, as he put it, bring “hope and opportunity to places where for years there has been none.”

Romney’s reception that summer afternoon in Houston was mixed, to the say the least. As the New York Times reported, Romney’s presence “was met with cackles and boos — as well as some tepid applause” (Parker and Shear, 2012).

To be sure, the impact of school choice on minority communities is anything but clear-cut. In December of 2012, a coalition of 71 West Michigan Superintendents signed a letter protesting a package of education reforms proposed by Republican Governor Rick Snyder. The working group commissioned by Snyder had focused heavily on school choice initiatives, especially charter schools, as a fix for the state’s budget and education woes. In their letter, the superintendents lamented that, far from a beacon of hope for students, “the choices we have

poverty were higher for black, American Indian/Alaska Native, Hispanic, and Native Hawaiian or Other Pacific Islander families than for white and Asian families. Furthermore, in 2005, Asian/Pacific Islander and white children ages 6 to 18 were more likely to have parents with higher levels of educational attainment than were black, Hispanic, and American Indian/Alaska Native children. For more information on the prevalence of racism in the United States, see Bonilla-Silva, Eduardo. Racism without Racists: Color-blind Racism and the Persistence of Racial Inequality in America, Nazroo, J. Y. “The Structuring of Ethnic Inequalities in Health: Economic Position, Racial Discrimination, and Racism.” American Journal of Public Health 93.2 (2003): 277-84, and Pascale, Celine-Marie. Making Sense of Race, Class, and Gender: Commonsense, Power, and Privilege in the United States. New York: Routledge, 2007.
created through market-based reform have produced cookie-cutter public school academies serving middle class students while creating a permanent underclass in our inner cities.” The superintendents went on to complain: “If school choice were the answer, Michigan would lead the nation in achievement because it has been a leader in choice for nearly two decades” (Murray, 2012). School choice, according to these superintendents, was assuredly not a way into the American dream and out of the cycle of poverty, despite Romney’s suggestion to the contrary.

Here, then, a pair of clashing visions, in which the same policy -- charter schools – stands as either salvation or sham. How can we make sense of such differing versions of reality and their political representation? Although the measured impacts of charter schools are central to the way in which advocates and skeptics talk about them, they compose only a part of charter school rhetoric.

Of special interest in this thesis will be the role of melodramatic narrative in education policy debates. One broad, but useful, definition of melodrama is that it provides “clearly defined villains and victims, and, above all, is entertaining, even when describing unpleasant social problems” (Fister, 2005, p. 44). Another author identifies melodrama as “the central discovery of the early penny press” (Best, 1999, p. 90). In this context, melodrama surfaced as a narrative form crafted precisely to grab headlines or, at the very least, to rivet attention on public issues by rendering them in highly emotive and sweeping terms. In a recent article, Elizabeth Anker (2011) describes a strain of American political thought, a mode of ideological criticism, that she terms “left melodrama” consisting of “heightened drama that employs categorizations of villainy and victimhood, cycles of pathos and action, and a moral economy of good and evil.” The appeal of this rhetorical style is that it “derives from the moral clarity it confers on difficult situations,
the virtuous power it bestows upon subjugation and the assurance it offers that heroic emancipation can conquer the villainous source of oppression” (p. 131). The practitioners of melodramatic narrative, however, are not confined to left-leaning politicos. This thesis will show that melodrama is a tool called upon by actors of all political and policy persuasions in education policy debates.

Just as political discourse both reflects and shapes deliberations in the policy world, it can influence the way voters think about social problems and solutions. In his introduction to *Words of Welfare*, Schram (1995) notes that “reality as we know it is socially constructed and discursively constituted – that is, that there is a politics to how we go about making sense of the world and the ways in which we communicate our understandings to others” (p. xxviii). In other words, how we describe the world around us – including its policy problems – plays a huge role in creating that world. In the opening example of this chapter, the attempt to clothe school choice in the garb of civil rights was a blatant effort at promoting a radical new understanding of this issue for transparent electoral ends.

Today, the use of political narrative draws impressive power from advanced public relations tools for constructing and disseminating messages. In fact, narrative development in the political sphere and marketing in the private sector are increasingly difficult to distinguish from each other. Policy scholars lament the fact that “political marketing has transformed politics into being obsessed with ‘spin’ and ‘packaging’” (Henneberg, 2004, p. 228). This incorporation of marketing into politics may not be new, but it has certainly intensified in recent years. In a 2004 documentary titled *The Persuaders*, *PBS Frontline* examined how “legions of ad people, copywriters, market researchers, pollsters, consultants, and even linguists spend billions of dollars and millions of man-hours trying to determine how to persuade consumers what to buy,
whom to trust, and what to think” (Goodman and Dretzin 2003). Noted campaign advisor Frank Luntz, who was featured prominently in the PBS film, gave this revealing answer when asked about language in the political arena:

I have seen how effective language attached to policies that are mainstream and delivered by people who are passionate and effective can change the course of history. I watched in 1994 when the group of Republicans got together and said: “We're going to do this completely differently than it's ever been done before. We are going to prove to the American people that we are different.” And so instead of a platform, instead of a policy, instead of a mass of different issues and policies, they came up with a “contract,” because a contract is different. A contract says that it is a legal document. It says that you put your name on it, and it says that there is enforcement if you don't do it. The word ‘contract’ means something different than “platform.” (Luntz 2013)

Luntz went on to describe his reliance on focus groups, dial technology, quantitative data, split sampling, and other research methods for arriving at the most effective messaging possible for his political clients. This fine-tuning of political narrative has become a science, insofar as technique is concerned. Politicians and policymakers carefully craft messages to resonate with intended audiences. The associations we have with certain words, themes, and symbols are being exploited by highly skilled people in the political arena in much the same way those associations have always been exploited in the marketing world. Indeed, LuntzGlobal, Frank Luntz’s namesake company, advises such huge corporations as Pepsi and Coca-Cola, NBC and BBC, as well as the Yankees and Dodgers professional baseball teams (LunztGlobal.com).
While Luntz has worked primarily with the Republican Party, politicians from all quarters appreciate the power of discursive strategy. Democratic strategist Rob Stein begrudgingly admitted in 2004 that Luntz “figures out how to talk about [the issues]” (Goodman and Dretzin, 2004). Yet political actors are also willing, at times, to call out their opponents for rhetorical excesses. One need look no further than the 2013 State of the Union Address in which President Obama characterized Republican discourse on fiscal policy as “drifting from one manufactured crisis to the next” (The New York Times, 2013). This effort to curb the opposition’s recourse to highly charged discourse is testament to the centrality of such language in public affairs. The President may have sounded high-minded when admonishing his political opponents for hyperbole, but Obama himself uttered the threatening word “crisis,” including the economic and housing varieties, four times in his prior year’s address to the same body (The New York Times, 2012).

Melodramatic narrative exists in all policy domains. Hackey (2012) describes how proponents of healthcare reform have relied on crisis rhetoric to build support for their preferred remedies over the years. Analyzing media coverage, political speeches, films, and television shows, he demonstrates the role of language and symbolism in framing the health care debate, shaping policy making, and influencing public perceptions of problems. His conclusion is that our definition of crisis is contingent on political actors’ descriptions of events, which are malleable and discretionary.

Health care reform, gun control, banking reform, the deficit, national debt, and immigration are just a few issues to have recently grabbed headlines with particularly sensational language. Marking all these policy debates has been the profligate use of metaphors, symbols, anecdotes, and other imaginative discursive forms. The construction of narrative in policymaking
has seldom seemed more powerful than it does today. Never before has Edelman’s (1985) observation rung truer that “It is language about political events and developments that people experience; even events that are close by take their meaning from the language used to depict them. So political language is political reality; there is no other so far as the meaning of events to actor and spectators is concerned” (p. 10). Every version of events that we might take to represent “facts on the ground” is actually no more than a representation by actors interpreting those “facts” for us and sculpting language to encourage that interpretation.

Researchers interested in the politics of agenda setting agree that issues do not simply arise out of objective conditions; rather, they are continuously constructed social phenomena (Burstein, 1991, Cobb and Elder, 1972). People identify issues as a way of exerting control over their world, a process that involves deciding which conditions are worth paying attention to and when and how to intervene, if at all (Laumann and Knoke, 1987). As a rule, policy development proceeds within numerous relatively self-contained domains, each operating more or less independently with its own issues, actors, and processes (Burstein, 1991). Yet all such domains, to one extent or another, are affected by the types of language with which problems and solutions become characterized, by the stories that pattern and give meaning to events, and by the discursive roles played by disputing stakeholders.

Education in America has been reinvented many times over, from the informal arrangements of the colonial era (McClellan, 1999), to the days of Horace Mann and the universal public education movement in the mid-1800s (Finkelstein, 1990), to the massive involvement of the federal government via the Elementary and Secondary Education Act of 1965 (Manna, 2006). Now the terrain is shifting once more with the spread of charter schools, vouchers, and standardized testing. At every stage, and indeed in this very latest, the definition of
public schooling itself has been at the core of controversy. Rhetorical language, in turn, has served as the primary medium of debate, along with a competition between narratives meant to win advantage for certain political stakeholders over others. One recent example of heated discursive exchange in the education domain can help us to better understand this dynamic process.

As the threat of automatic budget sequester loomed over the political landscape in March of 2013, education advocates resorted to an arsenal of melodramatic language in waging a battle that would determine, at least partially, the course of education policy in America. The Atlantic published an article titled *The Worst Victims of the Education Sequester: Special-Needs Students and Poor Kids* (McKenna, 2013). In it, the concerned author wrote: “The sequester's guillotine has little regard for good or bad programs as it unselectively slices spending across the country, but perhaps nowhere does its indiscriminate blade fall more harshly than within education” (McKenna, 2013). Secretary of Education Arne Duncan was quoted just a few days later as saying that “the stakes have risen dramatically for high-quality education” (Washington Informer, 2013). Furthermore, he warned: “[T]here are schools all across America where teacher turnover is crippling… schools today are as segregated as they have been at any time since the death of Dr. King,” all of this while “folks here in Washington have manufactured a crisis.” According to Duncan, “we are seeing dumber government at its finest” (Duncan, 2013). The tone with which many policy actors and pundits described possible cuts to education spending was nothing short of alarmist. Even Fox News, long known for its support of policies aimed at cutting government, opened an article on education cuts by calling them “brutal” (Fox News, 2013).
For what reasons is education policy prone to attract such extreme discourse? One point to consider is the importance placed on access to a decent education by families who rely on the public system. On the micro level, education is often viewed as a high-stakes zero-sum game. Each school has only a certain number of spots open in any given year for new students. Historically, a good education has provided the proverbial “bootstraps” by which Americans must pull themselves up in the world (Kingdon, 1999). Because of the decentralized nature of the American system, the details of securing a spot vary by district and type of school. Parents who desire access to their first-choice school sometimes go to great lengths to achieve this objective. Some relocate to affluent suburbs to gain entry into schools with strong reputations. Others, who may not have the resources for relocation, sometimes engage in “boundary hopping,” or providing false addresses within-district, to secure a place for their child (Ramirez, 2009). Where such illegal behavior is prevalent, local schools find they actually must send out staff to confirm residency and deter the practice.

Likewise, the common practice of a lottery for determining acceptance into charter schools can be fraught with tense anticipation, resulting in a veritable roller-coaster of emotional responses and real-life consequences. A recent blog post by a mother who could not afford private school and hoped to enroll her daughter in a charter school likened the lottery process to The Hunger Games (2013). In the young adult book, children actually fight to the death in a cruel game of luck and fate.

Those in the media confirm the social value placed on education. Thomas Friedman, a three-time Pulitzer-prize winning journalist, wrote an article on education reform in 2010 with the byline “Public education needs rescuing. The superheroes are already showing the way.”
If it is true that media play an important role in policy agenda setting, then the significance that news anchors and pundits place on education reform is meaningful.

Meanwhile, opinion polls convey the importance of educational issues for the American public writ large. A CBS/New York Times Poll (2012) conducted before the last presidential election found that education was a more important issue to voters than terrorism, foreign policy, taxes, and the budget deficit, and surpassed as a ballot-box issue only by the economy and health care. A March 2013 poll asked respondents whether they would rather raise taxes or cut spending on education to close the budget deficit. Tellingly, in a country where tax increases are viewed as anathema to political careers and widely disparaged by both left and right on the campaign trail, 65 percent said they would rather increase taxes and fees (McClatchy/Marist Poll, 2013). Another poll, this one by Fox News in February of 2013, found 85 percent of registered voters were either very or extremely concerned about education (Fox News Poll, 2013). In sum, education occupies – even preoccupies – the American mind.

From another standpoint, education is a foremost issue because of its fiscal impact. According to the OECD (2013), in 2010 the United States spent $12,464 per pupil on secondary education, more than almost any other member country. At the elementary and secondary level, about 87.7 percent of the funds come from non-federal sources, such as local property taxes and state income and sales taxes (U.S. Department of Education, 2012). Thus, a lot of money is at stake in education. This no doubt contributes to the florid intensity of debates in contemporary education policymaking. Fiscal issues surrounding school choice, specifically, can generate the most heat, because funding must be removed from established public schools to help pay for the cost of charter school budgets.
In short, for reasons related to deep cultural values, practical life opportunities, and public finance, the education arena is ripe for a style of melodramatic language marked by strong valence, vehement resource claims, and contagious conflict. With the perceived stakes so high, no wonder all sides tend to view the policy process in dire terms. It would be too much to expect that elected officials and policymakers, operating in such a climate, will react with verbal restraint.

This thesis will analyze rhetorical discourse and narrative construction in education policy making surrounding the issue of charter schools. As noted, a specific focus is the reliance of stakeholders inside and outside of government on melodramatic language, particularly the characterization of victims, villains, and heroes, as a means to structure debate and delineate key policy choices. My approach of studying discourse via melodrama falls within the broad framework of problem definition, but with sensitivity to additional themes from the literature on political language when helpful to understanding any particular event or case. Indeed, the rhetorical tools at the disposal of policy actors are many. Narrative is not a plain or simple mode of communication.

Narrative affects not only the problem-definition phase of the policy process, but likewise implementation and evaluation (Fisher, 2003). However versatile they may be, however, political narratives contain predictable components: key stakeholders as characters, the speaker’s view of what is important (or not), a sequential ordering of events, and the narrator’s perspective (Patterson, 1998, p. 316). Building on these familiar elements, “the best stories create a tapestry that is both lovely and useful and that helps make sense of complex situations occurring within an environment of conflicting values” (Kaplan, 1993, p. 176).
This thesis will follow a case-study method, examining rhetorical practice and impact in two separate political scenarios concerning school choice broadly and charter school policy specifically. Each conflict is distinctive in certain terms, yet each case resembles the others in its exploration of discursive content within the education policy domain, including the nature of political debate, the framing of policy design, and the legislative choices that result. It is tempting to contextualize these cases in chronological fashion, but I do not mean to imply any kind of sequence of influence in the way events played out. Instead, each case represents a particular dimension of charter school policymaking that may or may not come to the fore in other states at some future point in time.

Thus, my first case traces the initial decision by New York State to allow for charter school development. The second case looks at expansion of the charter school cap in this same state, a policy decision also taken by many other states after having allowed the opening of charter schools.

Throughout, my analysis largely centers on local and state (and where appropriate, national) news-media coverage of the selected conflicts, as well as an examination of relevant content from organization web sites, documentary evidence, editorials, and speeches. Complementing this textual approach will be a series of interviews with key players involved in each conflict. Taken together, this information allows me to identify the type(s) of political rhetoric used by the various stakeholders involved with charter school policy and to situate the role of narrative with respect to policy outcomes. To summarize, then, the goal of this research is to answer the following questions:

1. To what extent does the construction of melodramatic narrative occur in charter school policy?
2. What are the specific content and stylistic ingredients by which these narratives become formulated?

3. What types of policy actors are most likely to engage in the construction of melodrama and the labeling of other actors as victims, villains, and heroes?

4. How do situational factors related to the policy decision being made affect melodramatic narrative? For example, do the types and intensity of melodramatic language change when a state adopts or expands a traditional charter school initiative versus when it enters the new terrain of online charter schooling?

5. How does the role of melodramatic language vary with different stages of the policy process—problem definition, agenda setting, policy adoption, implementation, and evaluation?

6. What is the normative impact of melodramatic discourse in educational policy development? That is, does it hinder productive discourse between political actors and an effective policy outcome, or can it be said to provide a useful tool with respect to certain aspects of the policy process?
Chapter Two

POLITICAL LANGUAGE AND ITS USES

“The deconstruction of political language is revealing because contradiction, ambivalence, and an endless horizon of signs that evoke each other are integral to political action and are typically displayed more blatantly in political texts than in more sophisticated writing.”
- Murray Edelman

Mere mention of the rhetoric that accompanies politics is quick to evoke skepticism, even cynicism, from casual observers of the political realm. William Jefferson Clinton, certainly one of our most loquacious presidents, acquired a nickname conveying this view: Slick Willy. Commenting on the discrepancy between certain public policies and the president’s public utterances about them, one Washington Post reporter wrote: “Clinton had presented a façade of making great progress during his first term when he had retreated on his basic promises. He talked about preserving the environment, for instance, but appeased the chicken industry” (Merida, 1998). Some would say the low point of the Clinton presidency, from a linguistic standpoint, occurred in the midst of the Monica Lewinsky scandal. Attempting to dodge a trap set for him in questioning during a four-hour deposition on the topic, Bill Clinton danced around definitions of sexual relations and the nature of his relationship with Ms. Lewinsky, at one point contending he had not lied when he stated that “there’s nothing going on between us.” Clinton said, "It depends upon what the meaning of the word 'is' is. If the - - if he - -if 'is' means is and never has been, that is not - - that is one thing. If it means there is none, that was a completely true statement" (U.S. Government Printing Office, 1998, p. 510)

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At other times, Clinton’s use of language has been more skillful and praiseworthy. When asked to address the 2012 Democratic National Convention, he masterfully dissected the Republican campaign narrative, clearly outlining what President Obama had done to prepare the country for a better future: “He inherited a deeply damaged economy. He put a floor under the crash. He began the long, hard road to recovery and laid the foundation for a modern, more well-balanced economy that will produce millions of good new jobs” (New York Times, 2012). As the popular political news website Politico put it, “The crowd was roaring. TV commentators were gushing, and Barack Obama himself thanked Bill Clinton for his nominating speech with a big hug as he left the stage here Wednesday night. Well might Obama be grateful: In 48 minutes, the 42nd president had stated the case for the 44th president’s reelection in language that was crisper and more compelling than the case Obama so far has made for himself” (Harris and Martin, 2012).

Yet Barack Obama also is capable of deft rhetoric. After the December 14th shooting of twenty-six children, schoolteachers, and staff at Sandy Hook Elementary School, the President addressed families during a prayer vigil. Obama began by acknowledging the limitations of words to heal wounds, and then professed solidarity with the victims and their families in memorable terms:

I am very mindful that mere words cannot match the depths of your sorrow, nor can they heal your wounded hearts. I can only hope it helps for you to know that you’re not alone in your grief; that our world too has been torn apart; that all across this land of ours, we have wept with you, we’ve pulled our children tight. And you must know that whatever measure of comfort we can provide, we will
provide; whatever portion of sadness that we can share with you to ease this heavy load, we will gladly bear it. Newtown -- you are not alone. (CNN, 2012)

In his capacity as Mourner-in-Chief, Barack Obama delivered a speech that resonated with the residents of Newtown and beyond. On a nearby town’s Facebook Patch page, one fan remarked: “It was heartfelt, and for the first time I actually like our President” (Bagley, 2012). Biographer David Maraniss called the speech Obama's "Gettysburg address" (Goldberg, 2012).

Political language comes in many different forms and is delivered via a variety of contexts and speakers, not just former and current presidents. Although it can be difficult at times to assess the extent to which any particular use of language is political, the purpose of this chapter is to provide a guide for identifying and analyzing political language consistent with existing scholarship in this area. First, I will review current approaches to defining political language. Second, I will outline the major alternative frameworks for political discourse analysis, including problem definition, framing, narrative construction, and symbolism. Third, I will narrow this discussion to a review of research on political language within the sphere of education policymaking. The chapter ends with a discussion of melodrama as a distinctive discursive theme, a subject central to the approach applied later in this thesis.

What is Political Language?

The philosopher Socrates criticized so-called sophists for using rhetoric to convince people of certain beliefs. Sophists, according to Socrates, were the latter-day equivalents of “masters of spin.” Political language, broadly defined, need not be manipulative, however. Many actors wishing to influence the political process are indeed sincere, and are not necessarily trying to pull the wool over the eyes of those who listen. Indeed, “The use of language in
political discourse can be seen as a form of competition among political actors wishing to promote, to have accepted, their own particular ‘world’” (Chilton, 2004, p. 50).

Although Socrates touched upon the use and abuse of rhetoric, the study of political language as a discipline unto itself properly begins with Aristotle. In his work on rhetoric, Aristotle provides an account of reasoning and judgment whose purpose is to consider how and when different forms of discourse are employed. Aristotle’s analysis links political rhetoric to the process by which humans form opinions of political issues. The art of political rhetoric involves a speaker gaining the trust of the audience by means of his character (ethos), by influencing the audience’s emotions (pathos), and by appealing to its sense of reasoning (logos) (Aristotle, 1954). To describe rhetoric in this way is to “show that trust and emotion are integral parts of public reasoning rather than corruptions to it” (Garsten, 2010, p. 170). Persuasion is part and parcel of the use of political language, and political language always inhabits a particular context.

Neutrality while discussing politics is simply not an option, for “if political language is always contextual and contextual language is never neutral, the price we pay for neutral language may be loss of touch with politics itself” (McDonald, 1969, p. 150). Is there any other way other than through language to accomplish politics? “Rhetoric is not merely the means by which conflict is resolved, and consensus is produced, but also the way in which political and social reality is presented and represented” (Fontana, Nederman, and Remer, 2004, p. 17).

While Aristotle may have provided many original insights about the prevalence and importance of political language, he was less than exact in identifying what is and is not political language. A foundational question at the outset of this thesis, then, is how to define our subject matter.
One straightforward approach to categorizing language is to base it on who is doing the speaking. Some claim that “Language only gains power in the hands of the powerful; language is not powerful ‘per se’” (Wodak, 1989, p. xv). For example, when the President speaks, he is hard-pressed to say something that will not be interpreted as political. Even something as innocuous as the turkey pardon on Thanksgiving Day carries with it political overtones; what the President chooses to include, exclude, and highlight in his remarks can and has been interpreted through a political lens (Sink, 2012).

If the utterances of those currently in political office nearly always qualify as political language, how about the statements of those who have held elected (or appointed) office in the past? Or those who aspire to do so in the future? Nobody would question the political nature of Bill Clinton’s public statements, if for no other reason than because of who Bill Clinton is and has been. By contrast, Hillary Clinton may not be in office at this moment, but her run for the presidency in 2016 attracts great attention to her every public comment, which are usually contextualized as politically calculated and consequential.

In short, one way to define political language is simply to equate it with the communications of actors who are political. Included in the latter are officials and electoral candidates, but also appointees, pundits, interest-group spokespersons, advisers, consultants, activists, protestors, political comedians, and any and all others who are assigned or assume a recognized role in the political spectacle. By this definition, the source of language may be just as, or even more, relevant to the political process than what is being said.

Next, in defining language as political or not, we must consider what we take its purpose to be. One of the most common forms of political language is the call to action, often through public policy. In his 2013 State of the Commonwealth address, Governor Deval Patrick of
Massachusetts outlined several proposals that he hoped to tackle: “We proposed to eliminate unnecessary and duplicative fees on business, to close loopholes in our unemployment insurance system, and to strengthen the oversight of the compounding pharmacy industry” (The Boston Globe, 2013). Patrick went on to use vigorous language during his speech to influence policy in these and other areas directly. At times, however, what is being spoken about is less explicit and interpreted to mean different things by different people. When Barack Obama consoled victims of Sandy Hook, he built to the conclusion that, with regards to keeping our children from harm’s way, “We’re not doing enough. And we will have to change” (The White House, 2012). Was the President’s speech political, a thinly veiled attempt at putting gun control on the political agenda? Or was it no more, no less, than a naked outpouring of sympathy for pained victims? While some issues may be more clearly political than others, it is generally understood that it is impossible to effectuate action in any policy domain without the galvanizing use of language (Chilton, 1997).

Political discourse can also be used to set up a context within which plans of action are to be considered. In doing so, political language elevates certain options while muting others. As Geis (1987) put it, “language is employed to inform others about political issues and persuade them to adopt courses of action in regard to those issues” (p. 18). Take, for example, Chomsky’s (1988) discussion of how language shapes and forms our perceptions of national interest:

The term “national interest” is commonly used as if it’s something good for us, and the people of the country are supposed to understand that. So if a political leader says that “I’m doing this in the national interest,” you’re supposed to feel good because that’s for me. However, if you look closely, it turns out that the national interest is not defined as what’s in the interest of the entire population;
it’s what’s in the interest of small, dominant elites who happen to be able to command the resources that enable them to control the state…That’s what’s called the “national interest.” (Language and Politics, p. 662)

In this example, the framing of a discussion about policy within the context of national interest changes which policies become palatable.

Political language is a versatile tool. If politics is who gets what, when, where, why, and how, then political language is a verbal construction “to persuade others to believe things and to do things” inside the political arena (Geis, 1987, p. vii). It may be casting a ballot, adopting a new ideological viewpoint, or acquiescing to an act of government such as the declaration of war. Whatever the specific situation, political language urges “a course of action that is conducive to the common good,” or at least the speaker’s perception of it (Corcoran, 1979, p. 42).

A final consideration in defining political language is the outcome or outcomes of a discursive act. Whether or not a speaker’s words have any impact on a policy helps determine our perception of relevance, politically. If a speaker’s words do not put an issue on the agenda or shape the discussion around public policy, the speech or statement may be overlooked and relegated to a footnote of history. Conversely, somebody may accidentally be pushed into the limelight or utter a phrase that was not meant to be – but turned out to be – highly influential in the political process. That use of language must be viewed as highly political, despite the speaker’s intentions. Chomsky argues that sometimes terms “are designed, often very consciously, in order to try to block thought and understanding” (Chomsky, 1988, p. 616). If the outcome of language is the obstruction of political action, then that language too must be understood as political.
Of course, this mapping out of political language is not exhaustive and, indeed, it is riddled with unavoidable ambiguities, complexity, and overlap. Although there are times where language is or becomes undeniably political, at other times the political nature of language is in the eye of the beholder. As Corcoran states, “It is clear that the delineation of a particular category of language must be arbitrary, and a prima facie violation of the axiom that it is a pervasive, continuous and all-embracing form of human activity” (Corcoran, 1979). This extreme observation goes too far in seeming to oppose any attempt at systematic definition of the boundaries of political language. Still, the point is well taken that we are dealing with an inherently fluid subject and multiple descriptive criteria must be applied.

**Major Approaches to Analyzing Political Discourse**

Scholars in political science and other academic traditions concerned with the public communication of ideas all view the use of language as an integral part of their disciplines (Lasswell, 1948; Dery, 1984; Beard, 2000). Particularly important are these main areas of research: problem definition, framing, symbolism, and narrative analysis (Cobb and Elder, 1974; Rochefort and Donnelly, 2012). The communication of ideas through language can be observed in regard to “who, says what, in which channel, to whom, with what effect?” (Lasswell, 1948). Attention to the role of language according to each of the major analytical approaches can help us identify its pervasive impacts within and across stages of the policy process, including problem identification, policy formulation, adoption, implementation, and evaluation.

Policy reflects society’s coping with problems using instrumental and emotive rationalizations, and often a combination of both. Rhetoric is indeed linked to deliberative democracy in that it “is not merely the means by which conflict is resolved, and consensus is
produced, but also the way in which political and social reality is presented and represented” (Fontana, Nederman, and Remer, 2004, p. 17). Sometimes, emotional portrayals of situations are used to demonstrate or identify data that show problems. At other times, data are used to evoke emotional interpretations of problems. Stone (2002) emphasizes “market” and “polis” models within political decision-making. “In the ideal market, information is perfect,” meaning it is accurate, complete, and available to everyone at no cost. In the polis, by contrast, information is “interpretive, incomplete, and strategically withheld” (p. 28). Undoubtedly, these contexts are not wholly separate from each other, but are combined to form a world in which the presentation of information upon which action is to be taken contains both facts and interpretations, or omissions, of those facts.

Policymakers are the conduits through which political language flows; they are either charged with or have taken upon themselves the task of shaping policy debates. The presentation of policy problems and solutions is rarely an objective, empirical process. Instead, it occurs within a context susceptible to normative evaluations, descriptions, and prescriptions of public policies (Majone, 1992). In other words, public problems come to be only as a result of a collective process of reality construction (Dery, 1984). The general term for the study of how policy actors use language to advance or stifle the political process is called problem definition.

**Problem Definition**

Problem definition is often associated with the first stage of the policy process, the identification of public issues that some groups want to resolve through government action (Kraft and Furlong, 2004; Sabatier, 1999). But problem definition occurs at all stages of the policy process, and language is the primary vehicle for its use. A compelling description of a problematic situation is likely to result in bumping up that issue in importance. There are myriad
methods by which those involved in the policy process manipulate policy issues or create new issues in lieu of others already on the agenda. The following is a selection of the most prevalent techniques that have been identified within the problem definition area of policy studies (Rochefort and Cobb, 1994).

The chief component of problem definition is the way in which policymakers discuss or imply the causes of policy problems. This is because in order to solve policy problems, a natural assumption we make is that we must first find their causes of dysfunction. In a mechanistic model of policymaking, causes can be scientifically identified. Policies should seek to eliminate, modify, suppress, or neutralize the cause or causes thereby eliminating or reducing the problem (Stone, 2002). This scientific process for determining and eliminating the source of public problems has a technocratic character.

Causal reasoning occurs differently in a socially constructed environment, which is why understanding political language is so important to policy analysis. Causes are rarely straightforward. Selecting which causes to emphasize and which to exclude promotes a certain version of reality (Rochefort and Cobb, 1994). In politics, we identify causes for problems not only to understand how we can minimize them, but also to assign blame for them to others. In other words, “to identify a cause in the polis is to place burdens on one set of people instead of another” (Stone, 2002, p. 189). In Elaine Sharp’s analysis of drug policy, she argues that there have been two overarching causal theories for drug abuse. In the criminal model, the cause is intentional on the part of the users of drugs, who are willful law-breakers. In the medical model, the causes of drug abuse vary and range from the societal to natural; drug users are therefore seen as victims and not the causes of a drug problem. These two disparate interpretations of what
causes drug abuse can and do lead to very different policy proposals (Sharp, 1994). In short, who or what we blame for public problems is the chief determining factor for what we do about them.

One of the most effective ways of making a problem more salient in the public’s eye is to emphasize its intensity or severity. Not surprisingly, the more severe a problem is seen as being, the more likely it is to get onto the policy agenda. Of course, the precise magnitude or intensity of any given problem is difficult to measure. Furthermore, the way in which we categorize phenomena skews our perception of it, and the process of line-drawing is rife with opportunities for issue manipulation. In *Cries of Crisis*, Hackey (2012) laments the fact that regardless of their position, those in favor of reforming health care look to drum up the severity of the “crisis” in order to increase support for their policy proposals. According to Hackey, policy actors think that in order to get movement on their issue, they must convince policy actors that without action doom and gloom are sure to take over. Hackey comes to an unkind assessment of this “rhetoric of crisis,” ultimately saying that though “the rhetoric of crisis generates much heat in health policy debates…it ultimately sheds little light on what to do,” and that “crisis narratives suffer from internal inconsistencies that undermine their credibility” (p. 2).

Another dimension of problem definition focuses on a problem’s proximity. Proximity refers to how significantly any particular issue is perceived to impact any single individual or group. When a problem is perceived to affect me, proximity is high. This also goes for issues that directly affect my close family members, and friends. If one does not see any particular issue as affecting them directly or indirectly via someone close to them, proximity is said to be low. In President George W. Bush’s 2005 State of the Union Address, he highlighted the importance of Social Security by saying that, “If you have a 5-year-old, you're already concerned about how you'll pay for college tuition 13 years down the road. If you've got children in their twenties, as
some of us do, the idea of Social Security collapsing before they retire does not seem like a small matter” (Bush, 2005). In this statement, President Bush was trying to describe the problems facing Social Security in a way that people could not ignore. Instead of large-scale numbers and wonky computations, Bush purposefully invoked an image of children and their college prospects, and how this essential part of the American dream could possibly be compromised with a lack of Social Security reform. By making Social Security reform more relevant to the average person (certainly people with college-aged children), this rhetorical strategy paved the way for President Bush’s vision of the future of America’s Old Age Insurance program.

In order to call attention to a policy problem and shape problem definition, policy advocates often employ a language of counting (Stone, 2002; Rochefort and Cobb, 1994). Numbers are easily manipulated. Sometimes, the discourse of measurements can backfire, having unintended consequences for the speaker. In an article for the Atlanta Journal Constitution in 2009, journalists observed how one public actor described his department’s success in reducing crime by using the language of counting:

From the new police headquarters built on his watch, Richard Pennington lets the numbers tell his story. People may not like his style. But crime is down, he says, down so far that Atlanta’s next police chief will find it difficult to match what he has done.

When Pennington took charge in July 2002, the city was ranked the nation’s third-most violent. This year, it ranked 18th.

“Violent crime in Atlanta is down 39 percent; our overall crime in Atlanta is down 19 percent during my tenure,” Pennington said in an interview last week.
And this year the city may have fewer murders than at any time since the 1960s, he said. (Rankin and Torpy, 2009)

Police Chief Pennington’s record looked pretty good by his own account, which he shared to reporters by using the language of counting. But a survey of 600 Atlanta residents conducted just a couple years after Chief Pennington’s tenure (and during a continued slide in violent crime rates) found 34 percent of respondents saying there was “much more” or “somewhat more” crime in their neighborhoods than five years ago, and 27 percent saying crime was about the same (The Shapiro Group, 2011). As we can see from this example, using numbers in speeches and reports is not always effective at communicating with the public. Nonetheless, using numbers is still a favorite way for policymakers to talk about their visions – provided the numbers work in their favor, or against their opponents.

Policy advocates often try to characterize problems via particular coherence areas that will help advance their own solutions (May, Sapotichne, and Workman, 2006). Coherence areas include geography (policy can be framed as rural or urban, or affecting the Northern or Southern states), groups (policy can target children, the working poor, or the affluent), and issue (environment, mental health, and drug safety are just a few substantive areas into which policy can fall). If a policy problem becomes unpopular, or if its existence on the policy agenda is threatened, policy advocates may try to switch the issue’s coherence area in order to hasten its rise in the minds of policymakers.

Tobacco control in the United States moved from agricultural policy (where tobacco was actually subsidized) to that of health policy (where cigarettes are seen as a health risk and tobacco companies are actually required to run anti-smoking ads and help defer the cost of smoking-cessation programs). Nuclear energy policy has been increasingly labeled as falling
under the sphere of nuclear safety policy, especially in the aftermath of triggering or focusing events like Three Mile Island, Chernobyl, and, most recently, Fukushima. Finally, pesticide policy has changed course in this country, from pesticides being portrayed as an effective way to increase crop yields to a possibly dangerous health risk (Bosso, 1987). In each of these instances, the scope of the policy problem was augmented by interests seeking to change the coherence area of an issue and disrupt the status quo (Schattschneider, 1960). Furthermore, issues may be identified with one policy domain only to recede from the public’s eye and resurface later in a different domain (Downs, 1972).

Finally, policy actors use language to describe the individuals affected, or to be affected, by problems and the policies created to address them. The language used to depict the beneficiaries, victims, and targets of public policies often has a huge effect on the policy itself. Schneider and Ingram (1993) describe the social construction of target populations like so:

> Advantage groups are seen to be both powerful and positively constructed, such as the elderly and business. Contenders, such as unions and the rich, are powerful but negatively constructed, usually as undeserving. Dependents might include children or mothers and are considered to be politically weak, but they carry generally positive constructions. Deviants, such as criminals, are in the worst situation, since they are both weak and negatively constructed. (p. 164)

Whether or not the target population is described as deserving of help, or a victim of chance, or in a weak state because of their own poor decisions influences the palatability of options for dealing with whatever issue affects that population. In 2012, Vice-Presidential candidate Paul Ryan settled on a mantra of “makers vs. takers” in order to push his economic policies (Mother Jones, 2012). In Ryan’s scenario, those people in society who were employed were characterized
as “makers,” and those who found themselves on public assistance were labeled “takers.” This was an attempt by the Romney-Ryan campaign to set the stage for their public policies and campaign platforms that focused on reducing welfare benefits and corporate taxes.

Finally, the menu of options policymakers lay out to help society cope with or eliminate policy problems is an integral part of problem definition. Solutions take the form of policies proposed by parties interested in the problems being described by themselves, the media, and their constituents. The term solution is itself loaded, as it implies finality to fixing policy problems. Unfortunately, there is rarely a solution to policy problems that is a final cure-all.

Instead, the means of dealing with society’s problems are complicated, and can be best described as ongoing strategies for structuring the relationships and processes surrounding policy problems (Stone, 2002). Solutions to policy problems are fraught with the same tensions and relationships as other stages of the policy process. In transportation policy, for example, solutions to congestion represent a tension between environmentalists and traditional regional growth advocates (Coughlin, 1994). The selection of policy solutions in a polity may be less based on their availability or cost-effectiveness, and more on their political sustainability.

The ways in which policymakers choose to alleviate policy problems is primarily concerned with the implementation stage of the policy process. Stone (2012) describes the “strategies” governments use to change or coordinate behavior, while Hood et al. (2007) describe government’s “tools” for dealing with policy problems. Nevertheless, policy solutions involve the same characteristics as other dimensions of problem definition. Rochefort and Cobb (1994) identify three essential characteristics in the political portrayal of policy solutions as “affordable,” “available,” and “acceptable.”
Problem definition is a multi-faceted dimension of the policy process. The employment of language to communicate the scope, causes, and consequences of public problems and solutions to them is paramount in how we think about social and public issues and what we do about them. Problem definition is ongoing. It never ends. Policies are constantly redefined, at every stage of the policy process, and problem definition occurs along with redefinition of constructs used to explain policies. Although related to problem definition, the framing of issues deserves its own account within the study of the rhetoric of politics.

**Framing**

Public opinion is malleable. It is not set in stone and it is not tightly bound by ideological frameworks, such as “conservative” or “liberal” (Converse, 1962). Therefore, “When an issue is new to the agenda, the public is uncertain of its stakes and of how competing positions relate to their values” (Chong and Druckman, 2007, p. 113). Because we cannot give all aspects of all issues our attention at all times, issues must be framed one way or another. In this way, “framing functions in much the same way as a frame around a picture: attention gets focused on what is relevant and important and away from extraneous items in the field of view” (Noakes and Johnston, 2005, p. 2).

When advocates and officials function as architects of policy and adopt a particular kind of reflective practice or interpretation of problems, they can be said to be creating a policy frame. In so far as every policy area has conflicting interests, policy frames exist in every policy domain. Attempts at deliberatively designing the ways in which we talk about policy problems can be called “design rationality.” In this sense, policy makers create frames for public problems in the same way that architects or engineers design material buildings (Schon and Rein, 1995).
Every issue has various dimensions or frames that can be highlighted in order to achieve a desired policy change. For instance, Chong and Druckman (2007) identified an initial set of seven frames that emphasized the following themes in Social Security reform: the magnitude of the problem, the beneficiaries and victims of change, the goal of ensuring security in old age, the value of providing individual choice, the projected outcomes of reform, the partisan political strategies on the issue, and the importance of an egalitarian solution. Rhetoric that focused on individual choice carried with it more approval for short-term solutions; a frame that emphasized an egalitarian solution made more palatable long-term policies. Depending on how reform was framed, then, public opinion on proposed solutions varied dramatically.

Although the frames through which we view certain policies may make more of a difference in some domains than others, the concept of framing applies to a plethora of policy problems. In environmental policy, much attention is given in both academic and popular news media to the phrases used to describe changes in the earth’s weather pattern. A recent NPR piece, titled “Global Warming vs. Climate Change: Does It Make a Difference?” (Schumacher-Matos, 2011), focused on this semantic distinction. NPR concluded that use of the term "climate change" did not prescribe any action, or encourage any inaction, and so was correct to use. But the article also credited Republican pollster Frank Luntz with encouraging the use of climate change over global warming, because the former frame is more benign (and would therefore lead to a less severe interpretation of the problem). In academia, Trumbo (1996) long ago assessed the public-opinion consequences of using one frame in lieu of another. He showed that scientists tended to be associated with frames emphasizing problems and causes, while politicians and special interests tended to be associated with frames emphasizing judgments and remedies.
Furthermore, scientists declined to be quoted in news sources as the issue became increasingly politicized.

Framing is also evident in discussions of welfare policy. Public opinion polling has shown that only about 20 percent of the American public believes too little is being spent on welfare, but about 65 percent says too little is being spent on public assistance to the poor (Rasinksi, 1989). Knowing nothing else about these two policies, the public surmises they are quite different. It may be possible, though, that the framing of redistributive policies has more to do with their acceptance than their actual substance. Evidently, the way the targets of this policy domain are framed can make a huge difference in public acceptance of them.

In his study of how television frames responsibility, Shanto Iyengar (1991) describes “thematic” and “episodic” framing and its relationship to blaming. In one of the most striking examples of this practice, subjects who viewed news stories about poverty that prominently featured homeless or unemployed persons (which Iyengar describes as episodic framing) were much more likely to blame the condition of poverty on the individual who was poor, attributing such characteristics as laziness or low education to the homeless or unemployed. When subjects watched stories about increasing rates of unemployment or poverty in general (thematic framing), they were more likely to attribute the causes and solutions to governmental policies and other various factors beyond the victim's control.

The point of framing is clear: it is a conscious attempt to present either a public policy, public issue, or target population in a light that helps the speaker get her proposed solution across. Schneider and Ingram (1993) discuss how the portrayal of target populations dramatically impacts the destiny of policies which concern them. Their conclusion is that when targets of policies are perceived to be innocent victims of circumstance, solutions are more palatable to the
public. But when targets are seen to have willfully taken part in the creation of their circumstance, help is slower to come.

Framing can and does occur at all stages of the policy process, and it occurs especially in the nascent stages of policy formulation. Immigration reform is one issue where framing and socially constructed target populations become clear. In a 2006 study of immigration frames, Lakoff and Ferguson (2006) claim that far from being one aspect of the immigration policy discussion,

Framing is at the center of the recent immigration debate. Simply framing it as about “immigration” has shaped its politics, defining what count as “problems” and constraining the debate to a narrow set of issues. The language is telling. The linguistic framing is remarkable: frames for illegal immigrant, illegal alien, illegals, undocumented workers, undocumented immigrants, guest workers, temporary workers, amnesty, and border security. These linguistic expressions are anything but neutral. Each framing defines the problem in its own way, and hence constrains the solutions needed to address that problem. (Lakoff and Ferguson)

In a very recent Slate article, public opinion pollster Anat Shenker-Osorio (2013) urged liberals to “Stop saying ‘undocumented’ workers,” and that “well-meaning immigration reformers are setting the cause back by using a negative frame.” He goes on to state that the phrase undocumented “describes immigrants by what they lack, not what they bring,” and that “‘undocumented' still sits squarely in the rule of law framework, contending the issue at hand is whether or not a person has papers. Add ‘worker’ to this and you’ve pretty much teed up opponents’ talking point about ‘taking our jobs.’” Clearly, framing not only policy issues at large but target populations is a delicate and consequential linguistic, political, and media practice.
Framing may be particularly effective because of stereotypes, symbols, and assumptions we all make about target populations before an official policy is proposed for the political agenda.

In a recent study of death penalty trends in America, Baumgartner et al. (2008) concluded that it was not case law but rather framing of the death penalty in the media that has resulted in decline of this punishment. According to the analysis, the impact of the innocence frame, and increased awareness by the public of wrongful convictions, has sparked lower acceptance of the death penalty as an appropriate punishment. In this example, the framing of targets of policy, as well as the framing of the policy itself as likely to be wrongfully implemented, has caused the death penalty to become an unacceptable public response in our society.

**Symbolism**

Symbolism and metaphor are components often found within framing and problem definition both. However, these tools merit their own discussion because they “constrain understanding by framing it within existing knowledge structures, they generate important predispositions. As a result, the study of metaphor offers an opportunity to enrich our descriptive understanding of the political cognition of citizens” (Bougher, 2012, p. 145). Furthermore, the use of metaphor, symbolism, and analogy enables both political elites and lay citizenry to translate situations that are complex or unique into situations that are a bit more familiar or better understood. These kinds of comparisons reduce cognitive burden and can help elites and the voting public better communicate about problems that might otherwise be bewildering (Elder and Cobb, 1983; Schlesinger and Lau, 2000; Gusfield, 1981).

Although symbolic language reduces cognitive burden, it may also confuse. Schram (1995) notes: “[T]he use of symbols, metaphors, and other figurative practices promotes the narrative implied by the policy. Symbols, metaphors, and so on narrate a particular
understanding of a problem and reinforce the idea that it is an accurate depiction” (p. 125). If a symbol or metaphor is by definition something that merely stands for something else, then even a perfect understanding of the symbol or metaphor being used to describe a policy problem, solution, or target population will lead to an imperfect understanding of that policy problem, solution, or target population (Berger and Luckman, 1966).

Deborah Stone (2002) explains just how complex the creation and interpretation of symbols within political rhetoric can be:

The meaning of a symbol is not intrinsic to it, but is invested in it by the people who use it. In that sense, symbols are collectively created. Any good symbolic device, one that works to capture the imagination, also shapes our perceptions and suspends skepticism, at least temporarily. Those effects are what make symbols political devices. They are means of influence and control, even though it is often hard to tell with symbols exactly who is influencing whom. (p. 137)

Symbolism plays so great a role in political rhetoric that few policy proposals or political speeches make do without it. Symbolism is not new. For example, one of the most popular symbols in American politics is that of the “city upon a hill,” which was delivered en-route to what is now New England by John Winthrop aboard the ship Arbella (Winthrop, 1630). This symbol of exceptionalism has been since used a number of times by U.S. Presidents of both parties to express their political vision. President-elect John F. Kennedy referenced this biblical symbol during a speech before the Massachusetts General Court in 1961 (Kennedy, 1961), while President Reagan employed it during his 1984 Republican National Convention acceptance speech (Reagan, 1984). In invoking this symbol, both figures wanted to highlight the importance
of America leading by example and to stress how exceptional U.S. policy must be in order to be worthy of such a distinction.

The “welfare queen” has been a potent symbol within welfare policy. Foster (2008) laments the use of negative symbols for target populations within this policy domain:

The Welfare Queen as a public identity is used to justify class based sexist and racist assumptions about the presumed behavior and moral failures of welfare mothers. The public identity of the Welfare Queen has been intentionally created and employed by politicians and policymakers to invoke disgust in the public, and justify supervisory and punitive approaches to welfare policy reform. (p. 167)

In this example, the symbol of a “welfare queen” is laden with pejorative notions of race, sex, and class. If a target population within welfare policy is seen to be made up of “welfare queens,” that population becomes undeserving or unworthy of help; stigmatization via a salient symbolic image that caricatures recipients in this way can sink public policy aimed at increasing public welfare payments even when the cost of living is rising.

Murray Edelman’s (1988) work on symbols and signifiers in the political sphere views politics through a lens of spectacle. According to Edelman, the political world, and especially the media’s interpretation of it, is less fact and more illusion.

Politicians sometimes rely on symbolic language to convince people that their interests are being served. The public is presented with interpretations of events in lieu of factual representation. Edelman’s work shows how a convincing anecdote can relay the message that political action remains unstable and involves “people and developments with multiple and changing meanings to one another” (p. 92). This is anything but a strategy for clarifying the
stakes and outcomes of political decisionmaking. The media, too, make use of symbols and signifiers to communicate about issues.

The study of symbolism and metaphor and how these tools are used to communicate ideas about public policy has never been more important that it is now in the Internet age. Twitter and Facebook, both tremendously popular ways of communicating, limit the length of “tweets” and “posts” respectively, with Twitter confining its tweets to 140 characters. One would be hard-pressed to find a media outlet without both Twitter and Facebook accounts.

Politicians have also fully embraced both forms of media on the campaign trail and while in office for disseminating specific policy goals and broader political visions. Some scholars even go so far as to suggest that new technologies might eventually render previous academic perspectives on media and language obsolete (Bennett and Iyengar, 2008). Whether this will turn out to be true is to be seen. What we do know is that these media concentrate on the shortening of messages rather than more complete description. Of necessity, people who use Twitter, Facebook, and the like must turn to symbolism and metaphor to get across complex ideas and messages in an efficient manner (Maratea, 2008).

To sum up, symbolism is an inherent part of how policy actors talk about public policy. Symbolism can be a powerful way to communicate complex issues to a broader audience, but there are pitfalls. The use of symbols is inherently personal in part, and not all symbols mean the same thing to all people. Further, symbol and metaphor may not accurately reflect reality, providing instead a false construction of the world around us (Beard, 2000). Nevertheless, symbols and metaphors are often part of a greater narrative told by policy actors about public problems, policies, solutions, and target populations. Sometimes, symbols and metaphors make up the entirety of the narrative surrounding any given issue. Symbolism and metaphor, then,
represent essential cognitive tools for constructing discourse strategies (Ferrari, 2007). Narrative, or the stories people tell about politics and public policies, is a fourth important way policy actors use rhetoric to communicate their ideas.

Narrative

In general, a narrative is a story about the world that reflects and shapes our perceptions of reality. Narratives about public policy affect perceptions of political reality. Our perceptions of political reality, in turn, influence how we respond to phenomena and problems that have been identified by the storyteller. Therefore, political narrative plays a critical role in determining political behavior.

Within the political sphere, narrative is distinguished from other modes of discourse in four important ways: (a) narrative requires agency in that human beings are cast as characters or actors, (b) narrative suggests the speaker’s view of what is canonical, (c) narrative requires some sequential ordering of events, and the organization of these events by the speaker is significant in that it reveals the speaker’s view of cause and effect, and (d) narrative requires the narrator’s perspective, it cannot be voiceless (Patterson and Renwick Monroe, 1998). Although scholars have put forth competing definitions of narrative (Somers and Gibson, 1994), the Patterson and Renwick Monroe model has the least overlap among its parts and will be used to analyze the cases in later chapters.

Narrative does not ever perfectly capture reality, and spoken/written language (signifier) is never a mirror image of reality (signified) because neither language nor reality is ever constant. “The written signifier is always technical and representative” (Derrida, 1998, p. 11). In other words, “Narratives (truth or fiction) end with a coda, restoring teller and listener to the here and now, usually with a hint of evaluation of what has transpired. In all these stages – the
establishment of initial legitimacy, the management of restitution or overthrow, and the hinted evaluation of the coda – narratives are profoundly and inescapably normative, although this normativity may be heavily masked as conventional reality” (Bruner, 1996, pp. 94-95). Although narrative construction is riddled with ambiguity, the study of how political actors tell stories about the world is a pivotal aspect of policy analysis.

Narrative occurs implicitly or explicitly. Both policy actors and third parties (such as the media) engage in narrative construction. In September 2013, the United States seemed to be on the brink of war with Syria. An off-the-cuff remark by Secretary of State John Kerry, however, led to a diplomatic solution: the negotiation of a chemical weapons monitoring scheme orchestrated by Russia (Baker and Gordon, 2013). In describing the debates and speeches leading up to this diplomatic resolution, National Public Radio explicitly set a dramatic scene, stating that “Performing on the international stage, Obama and his Cabinet secretaries have offered up one plot twist after another, though it often seems as if the actors are working without a script” (Horsley, 2013). The NPR article identified characters and their roles explicitly throughout the piece, and summed up by saying, “One White House aide acknowledged there have been a lot of twists and turns to this drama over the last few weeks. While the ending is not yet clear, the administration feels better about the story line than it did a week ago” (Horsley, 2013). This report explicitly ties policy actors to a narrative and casts actors in this diplomatic exchange as characters in a drama.

Narrative structure includes a beginning, middle and end, and often involves some change or transformation. As Stone (2002) puts it, “They have heroes and villains and innocent victims, and they pit the forces of evil against the forces of good. The story line in policy writing is often hidden, but one should not be thwarted by the surface details from searching for the
underlying story” (Stone, 2002, p. 138). According to Stone, three broad story lines are prevalent in American political discourse. First is a story of decline, which chronicles a change in a situation which usually ends with a prediction of crisis, unless a proposal for some steps to avoid the crisis is followed. This narrative is a prescriptive narrative, which storytellers tell to usher in their preferred solutions. A variant on the story of decline is a story of helplessness and control, where a problem previously uncontained has the potential now – through a solution being advocated by the storyteller – to come under our control.

A twist on the control story is that of conspiracy. The conspiracy plot tries to convince us that all along control has been in the hands of the few who have used it to their benefit and our detriment. Finally, Stone identifies a “blame-the-victim” narrative whereby victims have chosen, or at the very least, have been able to avoid, their fate. Where the conspiracy narrative exhorts the many to rise up against the few, a “blame-the-victim” narrative ends in the admonishment of victims and the hope that they get their act together.

**Differentiating and Integrating the Four Language Approaches**

It is useful to consider the degree to which problem definition, framing, symbolism, and narrative at once overlap and distinguish themselves from one another as discursive practices. Problem definition can be viewed as an umbrella conceptualization for what we choose to view as public issues and how we talk about them. Indeed, when talking about public issues, it is impossible to escape problem definition. Policymakers and other stakeholders who talk about public issues necessarily omit, amplify, or describe certain aspects of problems in accord with what is advantageous for their respective policy preferences and domains. The techniques used to describe problems are sometimes employed consciously and sometimes not, but they nearly always exhibit one or more of the dimensions of problem definition mentioned in this chapter.
Framing theory suggests that an issue can be viewed from a variety of perspectives and can be interpreted as having implications for multiple considerations. Framing refers to the process by which people orient or reorient their thinking about an issue. So, any given policy problem can be described in a way that emphasizes or diminishes the importance of any given aspect of that problem. The amplification of certain values and consequences over others is the essence of framing. Typically, policymakers consciously construct frames which they hope will be used and recycled by the media and the public, either consciously or not. It may or may not be possible to separate an issue frame from problem definition when the latter is taken in a global argumentative sense.

Narrative has a more precise definition than that of either problem definition or framing. Narrative is the telling of stories about a public problem, which necessarily involves the dimensions characteristic to this technique. As already noted, narrative requires agency, suggests the speaker’s view of what is canonical, requires some sequential ordering of events, and includes the narrator’s perspective. Although this can happen within both problem definition and framing, it is easier to identify a cohesive narrative versus a listing of facts about the dimensions of a problem. It is possible to trace a narrative that resides wholly within problem definition or framing, but narrative is often discussed separately because of its ability to incorporate other aspects of problem definition while exemplifying its distinguishing characteristics.

Symbolism is the narrowest dimension of political language. Although it can readily be employed in problem definition, framing, and narrative, it qualifies as a distinctive facet in its own right. Symbolism occurs when something stands in for something else. Symbolism can be employed during all other dimensions of problem definition, all possible framing perspectives,
and during narrative and storytelling. All four outlined components of political language are dimensions of discourse that must be analyzed to understand policy.

Bruner (1996), one of the founders of the field of artificial intelligence, has said that language is not only a mode of thought but a “vehicle for meaning-making” (p. 39). Furthermore, what political scientists can explain through falsifiable hypotheses is limited. That which can be explained must also be interpreted and understood. Narrative analysis gives political scientists the opportunity to explain and understand the stories policy actors tell through a dimension that cannot be easily quantified (Patterson and Renwick Monroe, 1998).

By contrast, perspectives on policy and problem definition that embrace a rational choice approach embrace “too narrow a concept of reasoning” (Finlayson, 2007, p. 545). Public decision making is a constant process of meaning-making; it is a collective, argumentative activity. Information in politics is far from perfect, and policy makers are wont to commit to policies based on a mix of factual and emotional justifications. Finlayson (2007) has suggested a new subfield within political science to compensate, at least partially, for what he sees as a lack of research into the normative aspects of policymaking. In this approach, which he calls “rhetorical political analysis,” scholars would follow a three-part process for analyzing and understanding political rhetoric in a way that illuminates traditional empirical analyses.

First, rhetorical political analysis would approach the political debate under study in relation to its original rhetorical context. Second, analysis would consider how the topic is itself argumentatively established. Last, rhetorical political analysis would analyze the substantive content of any particular political argument (Finlayson, 2007).

In their chapter on political rhetoric, Condor, Tileaga, and Billig (2013) sum up the justifications and approaches to political rhetoric:
In the worlds of political rhetoric, constructs cannot be marshaled into dependent, independent, moderating, and mediating variables. Analyses of specific examples of political rhetoric do not treat context as a predesignated setting in which, or to which, individuals respond. Rather, the “rhetorical situation” is itself understood to be constituted through the process of argument. Analysis of the fine detail of political rhetoric reveals social categories and stereotypes to be the objects of continual contestation, and draws our attention to the ways in which political actors may attend to multiple facets of their identity simultaneously. (p. 287)

The study of political rhetoric is concerned with all the various linguistic devices highlighted here: problem definition, symbolism, framing, and narrative. Taken together, these elements form the structure of political arguments and outcomes.

**Political Language and Education Policymaking**

There has been growing academic interest in understanding how political rhetoric affects policy decisions within education (Taylor, 2004; Fimyar, 2008; Kang and Youl-Kwan, 2012). Narrative analysis can be especially useful for understanding education policy because of the way policymakers and others structure how they talk about policy problems within the education domain. Often, human beings are cast as characters or actors. This means that actors within education, which can include targets and agents of policy, are cast in various lights that affect the story being told about any given policy. Because narrative suggests the speaker’s view of what constitutes essential information, the narrator’s perspective is what creates a context for policymaking sympathetic to certain types of policies over others. Last, storytelling requires sequential ordering of events (Patterson and Renwick Monroe, 1998). The four major dimensions
of political language -- problem definition, framing, symbolism, and narrative analysis -- are present in stories being told about education policymaking across the globe.

Characters and actors play a major role in narrative analysis and are central to education policy narrative. Importantly, the description of characters within education policy has two major considerations. First, the way in which characters are portrayed is important when discussing policies to solve an education problem. This can include targets of any given policy (Schnieder and Ingram, 1993), as well as agents the storyteller would deem best (or worst) at carrying out the policy. In education policy, teachers are often portrayed as agents of policy change.

Sorting target populations into exclusive categories ignores the fluctuations in their membership and the relationships inherent within and between the categories (Edelman, 1993). Moreover, the terms used most frequently in education policy, such as teacher, student, leader, and parent, can become potent ideological weapons depending on whether they categorize groups of people in a way that is matter-of-fact or with powerful description. When policymakers form socially constructed categories encompassing agents or targets of policy, policy objectives and proposals can hang in the balance.

In a study of narrative construction of teacher identity in Norway, Gunn Elisabeth Soreide (2007) discusses the way in which teachers are portrayed in public policy documents and the narrative told about their public identity, on the one hand, significantly affect the type of education policies passed by governing bodies, on the other. It also has implications for the functions, expectations, and regulations put upon teachers in the education policy domain at any given moment. Soreide concludes that Norwegian teachers are typically portrayed as more nurturing, and as more responsible for moral, social, and emotional aspects of a child’s development, than their British counterparts. This has affected teacher responsibilities, which
are, in turn, reflected in school curricula: Norwegian teachers are expected to do a great deal of “moral upbringing” as a result of their public portrayal as agents for moral education. Another process central to the characterization of actors within education policy is that of categorization. In the context of teaching, the key questions include which persons should be considered teachers, who should be considered auxiliary staff, and who should not have any claim to this particular “teacher” category.

Liasidou (2008) examines the role of categorization of groups of people within education policy by focusing on the targets of the education policy domain: students. She uses discourse analysis in order to unpack the significance, and consequences, of labeling certain students in Cyprus as children with “special educational needs.” How students are labeled – under which category they are filed - affects greatly how educational policies affect them. She concludes that the descriptions of special needs children in Cyprus in the media and in public policy documents construct children as “fragile and pathetic creatures unable to take care of themselves and assume responsibility for their personal well-being” (Liasidou, 2008, p. 490). As a result, educational policy is geared toward a two-tier system in which some students have dramatically different expectations for positive outcomes than others. In Kenya, where higher education is chiefly viewed as a privilege for the rich, very few students labeled as special needs students have access to any college opportunities due to their portrayal as neither privileged nor talented (Kochung, 2011).

In a recent study on education policy and immigrant populations, Reich and Barth (2010) examined how narratives about policy targets and the framing of the immigration and education nexus impacted different states’ policies toward undocumented immigrants and their college tuition bills. In states where policy deliberations focused on positive portrayals of undocumented
high school students, in-state tuition bills for higher education tended to be lower than in states where policy conversations centered on the state’s jurisdictional authority to enact policies affecting undocumented immigrants. This work suggests the high importance of the social construction of actors within education narrative, as well as the importance of policy framing within this domain. Education narratives can also be studied by analyzing the point of view of the speaker; what the speaker takes for granted often shapes the way in which policies are interpreted and implemented.

Tiina Itkonen (2009) looks at the role of issue framing within special needs education in the United States. The goal of Itkonen’s research was to study what makes special needs interests groups more or less successful in achieving their policy goals. An analysis of congressional testimonies and elite interviews showed that the story told to legislators about special needs students and their educational desires was associated with various degrees of success for the interest groups’ preferred policies. A “hope narrative” that emphasized possibility and opportunity was an effective way to gain victories in Congressional testimony. Stories that employed a “hope narrative” coupled with a “civil rights” frame were also successful, because they directed blame away from the student and toward a broken school system. This study shows the intersection between the characterization of target populations and framing within education policy.

Symbolism plays a large role in education policymaking. In post-apartheid South Africa, Jansen (2002) has argued that policies aimed at ending school segregation had as their goal, not effective implementation, but rather political symbolism: “[T]he making of education policy in South Africa is best described as a struggle for the achievement of a broad political symbolism that would mark the shift from apartheid to post-apartheid society” (p. 200). In order to
legitimize the new, post-apartheid, biracial African National Congress party, politicians often employed symbolism in policy statements with no reference to, or intention of, creating implementation schemes for desegregation policy. For example, white papers on education policy made reference to the need for South Africa’s education system to produce archetypal “global citizens,” ready for a globalized, technologically and economically advanced world that would not tolerate racism.

Though apartheid South Africa calls to mind the symbolic representation of the targets of policy, the symbolic representation of policies themselves may impact policy success. Hess (1999) demonstrated that the traditional technocratic assumption about policies vying for the agenda based on their bureaucratic merit alone does not correspond with reality. He compared two different policy proposals for school scheduling, and concluded that district-wide site-based management (SBM), though less effective than local school day and calendar measures at reforming school systems and increasing student achievement, was more likely to curry favor with decisionmakers because of its perception as more ambitious, bigger, and bolder. The portrayal of SBM measures as impacting persons at the district- versus school-level was a powerful force. This symbolic gesture was potent enough to make the policy more palatable, even though the local reform was more likely to produce actual policy change.

Problem definition has been cited as one of the main influences of school reform in Boston public schools (Portz, 1996). The visibility of education reform, emphasized through lenses of severity and crisis both, helped push education reform to the top of the political agenda in the mid-1990s. The racial undertones and high-level political sponsorship of Boston school reform caused increased awareness of the issue, and finally policy change in the area of education.
To have one’s narrative dominate public discourse is itself a political victory, because it lays the groundwork for a particular set of policy actions. In his analysis of school desegregation in Mobile, Alabama, Pride (2002) puts narrative analysis at the center of his framework for understanding policy change. The political use of racial narratives being told not only about school reform, but also about voting rights and redistricting in Alabama at the time of desegregation, heavily influenced the speed and tenor of policy adoption. Furthermore, local narrative reflected and was shaped by narratives being told at the national level. Pride’s analysis shows both the importance of narrative analysis and the difficulties of categorizing narratives about one policy domain (in his study, education) and one political level (local) as distinct from one another.

Policy actors tell stories about the education policy landscape in order to imply causality; furthermore, storytelling leads us to the speaker’s preferred conclusion, or policy. In her work on accountability and education policy, Tatiana Suspitsyna (2010) observes that the publication of “A Nation at Risk,” a seminal report on the state of U.S. education published in 1983, alarmed Americans about the “rising tide of mediocrity” and predicted a dramatic decline in the country’s world standing due to its educational woes. As a result of this powerful and symbolic narrative, policymakers proposed new accountability measures and standardized tests to measure student progress. According to Suspitsyna (2012), competing narratives about the purpose of higher education today include two competing visions for education that have given rise to a neoliberal context for education policymaking. One views the university as part of a market-driven industry, and one views it as a social institution with civic goals. The heavy invocation of business concepts within education policy rhetoric has caused a shift in the policymaking process
itself. The political rhetoric that accompanies and, in part, causes this shift is lamented by those who wish for an emphasis on civic as opposed to economic goals (Proefriedt, 2010).

In the sphere of community colleges, a late-1990s emphasis on market framing of education policy contributed to the passing of the Workforce Investment Act (WIA). The market-oriented, customer-focused rhetoric leading up to and found throughout the act caused a shift in how community colleges are structured. But Shaw and Rab (2003) found that WIA's rhetoric, intended to promote educational quality and increase customer choice, was not reflected in either formal policy or policy implementation. According to this study, important policy elements such as accountability measures and the focus on multiple customers undercut the rhetoric of free choice. Nevertheless, the framing of secondary education as a market led to the success of the WIA.

Similarly, a market-based frame in public education has resulted in an increase in public-private partnerships within the international education arena. Verger (2012) studied the burgeoning field of private-sector delivery of public education services around the globe, especially in low-income communities. He attributes this increase in private company and international organization involvement in education to the framing of public education as inadequate for delivering services in a world increasingly interested in market skills and capitalistic globalization.

Indeed, one of the primary goals of education narrative is to establish and take control of the context in which future policymaking will occur. Often, because of the symbolic nature of rhetoric, there may not be a one-to-one relationship between political rhetoric in education policy and agenda action-items (Tee, 2008). Instead, in an effort to take charge of policymaking, narrative has the ideological aim of “the construction of a hegemonic common-sense about
education” (Poulson, 1996, p. 585). This context-creation may include some of the above mentioned aspects of narrative, including the social construction of target populations and the rhetoric surrounding goals of education policy.

Recently, the rhetoric of “reform” has set out to create a narrative about education that highlights the need for radical change. According to a recent *Education Week* (2011) article, “The current lexicon groups one set of policies, which generally includes support for charter schools, tougher standards and testing, evaluating and paying teachers based on performance, and challenges to teachers unions on traditional job protections, under the favorable heading of reform. Resistance to those ideas is often branded as misguided at best and obstructionist at worst” (p. 1). Policymakers who do not identify with the “reform” movement are by default associated with the status quo. This is a salient example of how a reform frame may influence policy change.

**Melodrama as a Discursive Theme**

The study of dramatic language is not new, but it is also not well developed. Murray Edelman’s (1971, 1977, 1988) work on the construction and uses of social problems is the best known study of the application of dramatic elements to the political sphere. Edelman deconstructs the creation of tropes and dramatic components in the news media, and identifies ways in which politicians create narratives about policies that engage the audience. The desire for an engaged audience causes politicians, journalists, and commentators to “up the ante” in discussions about their policy domains.

Anthony Downs (1973) long ago described the “issue-attention cycle” of politics, whereby the public becomes aware of a particular issue, realizes the often untenable costs or
complicated nature of solving said issue, and gradually allows that issue to slide off of the public agenda. In order to maintain the public’s interest, and to consequently retain space on the political agenda, the issue must be dramatic and exciting. This is a result of the way in which news has come to be consumed as a form of entertainment. Every day, political issues vie for time and space on the television, in newspapers, and on social media. The more dramatic an event or problem, the more likely it is to stay in the news for a longer period of time. As such, the incentives for drama in the public sphere are great.

Hilgartner and Bosk (1988) included the need for sustained drama in their public arenas model, which analyzes public problems’ rise onto and fall from the policy agenda. The huge number of solicitations for the public’s time and attention incentivizes spin by politicians and commentators such that dramatic elements are employed to grab viewers and voters. Because attention spans are short and time is of the essence (and in social media, especially, messages are limited to a small amount of characters), problem definitions become packaged as slick, dramatic parcels. Simple, dramatic descriptions of problems, causes, and solutions are more likely to survive the fierce competition to place any item on the public agenda.

In her discussion of heavy users of emergency services, Ruth Malone (1995) described how a relatively small subgroup of emergency department patients responsible for a disproportionate amount of visits and cost led to a sensational social construction of this policy problem. She found that, across various frames (market, legal, biomedical, public health), crisis rhetoric dominated due to the level of resources being consumed as well as the dramatic imagery of emergency visits conjured in the minds of policymakers and the public. Malone concluded her study, however, questioning whether or not a problem that had been occurring for over twenty years deserved to be elevated to the plane of drama.
Similarly, Elaine Sharp’s (1994) analysis of the problem definition of national antidrug policymaking included a discussion of the topic’s potential for drama. Although Sharp recognizes that virtually any problem can be viewed as having some dramatic potential, some problems have more than others due to an abundance of dramatic angles. These angles become especially apparent and tempting when news editors, movie makers, and Congressional hearings use a policy problem as fodder for gaining readership, box office sales, or campaign positioning.

Gusfield’s (1981) analysis of the political rhetoric of drunken driving further elucidates what constitutes dramatic narrative. He identifies dramaturgical qualities such as literary style, agent, purpose, voice and viewpoint, author-audience and distance-subject relations, metaphor, myth, and archetype as dimensions of dramatic narrative in the realm of political rhetoric. His analysis of the political rhetoric of drinking-driving laws, including the vilification of drunken drivers as “killer drunks” and as being also disproportionately Black, Mexican, and/or poor, takes up drama as a significant theme. According to Gusfield, the law and rhetoric surrounding drinking-driving is less a reflection of objective knowledge and more an instrument of cultural affirmation against the villains responsible for it; in this sense, dramatic narrative is only to be expected.

The desire for novelty is a strong contributor to dramatic narrative. Especially when dealing with problems that have been around for a while, policymakers, interest groups, and media may seek to breathe fresh air into stale issues. Therefore, new events or developments that may be related to or have influence over well-established policy problems are used to illustrate causes and solutions in new, dramatic ways. For example, Fox News recently aired a segment about a young beach-bum living in California who ostensibly used food-stamps to support his sushi and lobster culinary preferences. The segment came a time where Republicans had
proposed cutting the food stamp program, and was likely aired due to its novel and memorable protagonist and his food choices (Fox News Insider, 2013). Simply put, if the symbols used to describe a problem become too repetitive, they saturate and cease to interest the public. Sheer boredom takes over, and this allows other policy domains to occupy the vacated space on the policy agenda (Hilgartner and Bosk, 1988). In an attempt to prevent boredom with their issue, policymakers look for new, often more and more dramatic, angles.

Thus, one could say that an inclination for policymakers and media outlets to dramatize policy issues is fairly rampant throughout politics. An interesting question, however, is when political language actually crosses the threshold from “normal drama” into melodrama. The notion of melodrama is indeed difficult to define with precision. Nevertheless, it can, and should, be distinguished from other forms of political language.

The first way in which drama can turn into melodrama has to do with a matter of degree. So, the most extreme forms of drama can be characterized as melodrama. This may take the form of exaggeration or emphasis on certain aspects of a policy problem or persons involved with that program that is meant to augment a dramatic component of a policy issue. Second, the use of particular kinds of categorical descriptions may indicate a shift from drama to melodrama. An example of this categorical shift may be the description of intentions of any group or individual as “evil,” or the labeling of a policy issue not as a serious problem but as a “crisis.” Lastly, melodrama, unlike drama, incorporates melodramatic forms, as from theater and narrative. The labeling of actors as victims, villains, or heroes is an example of this manifestation of melodrama.

Rather than create a definition of melodrama out of thin air, it seems best to borrow from the discipline best known for its study of melodrama: theatre. William Archer, a well-known
theatre critic, wrote as early as 1886 that “melodrama is illogical and sometimes irrational tragedy. It subordinates character to situation, consistency to impressiveness. It aims at startling, not at convincing, and is little concerned with causes so long as it attains its effects” (Archer, 1886, p. 320). And so it is with melodramatic political narrative.

Political narrative of a melodramatic nature does not necessarily follow a story line in a logical manner. Attempts at assessing motives, causes, and rationality by policy actors or commentators may not be present. Melodramatic narrative is concerned with its characters, victims, villains, and heroes, who are the stars of the narrative. The audience is encouraged, indeed exhorted, to identify, struggle, and bond with the characters in melodramatic narrative. The fates of these characters are designed, by those who employ this stylistic genre, to tug unapologetically at the heartstrings of policymakers, voters, and the public. Furthermore, melodramatic narrative often aims at audience impact through shock and tragic woe.

Education policy is prone to melodramatic treatment. Simply put, this is because, as previously noted, so much is at stake at both the individual- and societal-level with regards to public choices in this domain. On the individual level, persons who are better educated are much less likely to be unemployed, and they also typically make more money than persons who are less well educated (US Department of Labor, 2013). Communities that are able to provide for a high level of educational attainment for their residents also experience a higher degree of well being through lower crime rates, better health and lower mortality, and higher rates of civic participation (Lochner, 2010, Cutler and Lleras-Muney, 2006, Galston, 2004). The vast majority of Americans are unable to send their children to elite, private schools. Instead, they must rely on public policy and the allocation of largely public funds to ensure their children’s future success. The context is one that tends to evoke highly emotional forms of rhetoric about the stakes of
education policy decisions. As the back-and-forth ratchets up to fever pitch, melodrama often results.

Problem definition, framing, narrative, and symbolism can all be involved in the formation and communication of melodramatic messages. To highlight the types of discursive strategies that occur, Table 2-1 sets out a number of dimensions of political language and their potential for melodramatic expression.
<table>
<thead>
<tr>
<th>Discursive Technique</th>
<th>General Elements</th>
<th>Potential for Melodrama</th>
<th>Illustration</th>
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<tbody>
<tr>
<td>Problem Definition</td>
<td>Describing a problem in terms of key characteristics including the nature of the problem, characteristics of the problem population, and solution design</td>
<td>Calling attention to unprecedented or extreme scope or severity, including labeling a policy problem as crisis, epidemic</td>
<td>Vermont Gov. Peter Shumlin recently devoted his entire State of the State message to what he said was a “full-blown heroin crisis.”</td>
</tr>
<tr>
<td>Framing</td>
<td>Casting a policy issue in terms of an overarching frame that highlights selected features of the problem and its meaning while screening out other facts and interpretations</td>
<td>Viewing a problem through a lens which emphasizes life-or-death consequences, calling attention to specific aspects of a problem which produce visceral or emotional reactions</td>
<td>Republican Presidential candidate Rick Santorum on the campaign trail “When you look and see what the left is trying to do in America today, progressives are trying to shutter faith, privatize it, push it out of the public square, oppress people of faith.”</td>
</tr>
<tr>
<td>Symbolism</td>
<td>Use of value- and ideology-based symbols in policy debate for the sake of invoking desired emotional responses and political interpretations</td>
<td>Using symbols designed to evoke extreme emotional reactions, such as fear or hatred</td>
<td>Representative Joe Baca (D-CA) called Walmart executives “poverty pimps,” arguing that they exploited the Hispanic community. During testimony before Congress on climate change, Al Gore stated: “The planet has a fever. If your baby has a fever, you go to the doctor…if the crib's on fire, you don't speculate that the baby is</td>
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| Narrative | Embedding policy issue in a story with characters, coherent plot; use of figurative language such as metaphors, synecdoche, analogies | The identification of characters within a narrative as victims, villains, or heroes, or creating narratives with biblical or irrevocable premises. | Fred Phelps, pastor of the controversial Westboro Baptist Church, regarding the September 11th, 2001 attacks, “the deadly events of 9/11 were direct outpourings of divine retribution, the immediate visitation of God's wrath and vengeance and punishment for America's horrendous sodomite sins.”

Bill Maher, political satirist observed, “the people we say are our heroes are paid by tax dollars. And we hear about, teachers have to buy their own school supplies, soldiers in this country are on food stamps...couldn't somebody in congress stand up and say, ‘Why don't we take half of that big tax cut and give it to our heroes?’ Or is that why they're our heroes, because *they work cheap*?” |
Baum (2002) illustrated this phenomenon with his analysis of foreign policy and soft news. He argues that though the public is inattentive generally, issues that highlight intrigue, sex, lies, or war (in his study, most often foreign crises) can bring foreign policy to the fore. The angles with which soft news outlets portray these issues are rarely concerned with detail, and opt instead for melodrama. For example, a review of coverage of escalating U.S. military involvement in Bosnia in 1995 found that the nightly news broadcasts of the three major networks addressed a broad range of issues, including international diplomacy, military tactics, the role of NATO, "nation building," and ethnic cleansing. In contrast, the soft news media devoted most coverage to a single dramatic story: the struggles of U.S. fighter pilot Scott O'Grady, who was shot down over enemy territory and survived on a diet of insects before being rescued by NATO forces. Though most soft news outlets avoid politics in general, opting instead for crime dramas, scandals, and celebrity gossip, they do contribute to popular understanding of politics given the increasing number of Americans getting information from cable news and soft news outlets (Mitchell, Jurkowitz, Enda, and Olmstead, 2013).

Regarding the powerful role of television, Hallin and Gitlen (1993) argue that, for the mass public as well as mass media, war is less a public policy than a form of popular culture easily turned into popular drama. Their analysis of the Gulf War compared to other political events at the time showed that war coverage was particularly laden with emotional portrayals and rhetoric. According to Hallin and Gitlen, no other event has such potential to foster dramatic narrative and to capture the public’s attention.

The rhetoric that accompanies political situations is indeed sometimes pulled directly from melodramatic entertainment genres. Using narrative analysis, Lipari (1994) examined how
newspaper journalists turned to so-called women's entertainment genres such as soap opera to describe and ultimately depoliticize the Hill-Thomas hearings, in which Supreme Court nominee Clarence Thomas was accused of having sexually harassed a former coworker, Anita Hill. The study identified four recurring rhetorical themes, including melodrama, eroticization, agon, and privatization, that served to frame Hill's allegations of sexual harassment against Thomas not in terms of social and political debate but in terms of high drama. According to Lipari, the theme of melodrama dressed politics in a soap-opera garb, eroticization made the scandal less legal and more titillating, focus shifted from practical considerations to those of victimization and villainhood, and finally the privatization of the scandal framed the conflict between Hill and Thomas as personal and devoid of political or social implications.

Conclusion

Political language is as old as politics. With the exception of Aristotle, however, the study of it is relatively new. Within political language, framing, symbolism, problem definition, and narrative are tools used by those who participate in the political process who wish to convince us of a version of reality that fits with their interpretations of reality and solutions to public problems. Furthermore, these tools are applied in a variety of political context and policy domains. Dramatic narrative has been identified sporadically by scholars of political language, but no one study has sought to define and explore the concept on its own. Furthermore, melodramatic language has not been explicitly addressed by political science scholars.

While scholars have examined the relevance of political language within education policy debates, little work has been done on the current wave of education reform attempts, especially
the push for charter schools. The following chapter will outline these recent efforts, situating them within the greater historical context of U.S. education policy development.
Chapter Three

THE STATE AND EDUCATION POLICYMAKING

Education policy in the United States is a vital public concern animated by lively debates over funding, methods of instruction, and the very design of the school system. The evolution of this policy area from relative political obscurity during its early history to today’s high-profile issue can be understood, broadly speaking, in terms of four determinative themes (Manna, 2007). First, the emergence of movements for racial justice and greater social equality has influenced dramatically the way our nation thinks about and structures public schooling. Second, state and national governments have taken on an expanding role in the financing of public education. Third, a growing focus has developed on minimum standards and testing as benchmarks of educational quality. Fourth has been the attempt on the state level to diversify the educational landscape by creating such new options as charter schools and voucher payment systems. Within and across each of these four dimensions of education policy, school districts have also become subject to firmer national oversight, a trend traceable through a succession of federal initiatives including, most prominently, the Elementary and Secondary Education Act of 1965 (ESEA), the 2001 re-authorization of the ESEA called the No Child Left Behind Act (NCLB), and President Obama’s 2009 Race to the Top program.

The purpose of this chapter is to survey briefly these thematic and policy developments in U.S. education as necessary backdrop for later chapters on contemporary school choice debates. First, we begin with a long-term historical perspective on education within American society. A concluding section of the chapter will also highlight key institutional actors and policy patterns defining education as a public policy domain (Burstein, 1991).
Early Background

Early American education was primarily private and of a religious nature. The Massachusetts General Court passed the country’s first public education law in 1642. The law commanded parents to “make certain that their charges could read and understand the principles of religion and the laws of the Commonwealth” (Orenstein and Levine, 1984, p. 147). Notably, formal education was not compulsory at this stage, and parents were responsible for the manner in which their children acquired basic knowledge. This situation soon changed.

In 1821, Boston opened the nation’s first public school. The trend spread quickly. In 1826, Massachusetts passed a law requiring every town to choose a school committee, which began the policy of organizing public schools into a system under a single authority. Connecticut followed suit shortly thereafter, and by the end of the 19th century, half the nation’s schools were public (Orenstein and Levine, 1984; Herbst, 1996). Still, children were not yet required to attend public school.

In 1837, public-education advocate Horace Mann lobbied for a Massachusetts State Board of Education and became its first secretary. An 1851 article that appeared in the “Massachusetts Teacher” summed up a sentiment that would eventually lead to compulsory education by stating that, “In too many instances the parents are unfit guardians of their own children … the children must be gathered up and forced into school” (Coulson, 1999, pp. 79-80). The federal government created its own Department of Education in 1867 with a commissioner at its helm rather than a cabinet-level secretary, yet the very next year the Department suffered demotion to an Office within the Department of the Interior (National Archives). Despite such vacillation on the national stage, between 1852 and 1913 compulsory education acts passed in all
states (Coulson, 1999). By the turn of the century, more than half of all children ages six through thirteen were attending public schools (Orenstein and Levine, 1984, p. 164).

In addition to an increase in public schooling, labor unions also made their appearance onto the educational scene during the Progressive era. The American Federation of Teachers (AFT) received the title of labor union in 1916 (Coulson, 1999, p. 53). With respect to curricular matters, the National Education Association, founded in 1857, proposed a restructuring of the public school system to provide for four types of curricular patterns: (1) college prep, (2) business or commercial tracks, (3) industrial, vocational, home economic, and agricultural programs, and (4) a modified program for terminal students (Orenstein and Levine, 1984, pp. 169-170). For a brief period, some states enacted laws requiring children to attend public school and forbidding them to attend private school (Coulson, 1999, p. 22).

By the 1920s, the dramatic expansion of public schooling and the laws surrounding it came to the attention of the Supreme Court. After World War I, some states became concerned about the influence of foreign immigrants on American culture and hoped to use public schooling as a vehicle to help familiarize students with American values. Compulsory schooling aimed to echo the sentiments expressed by John Swett in 1864: “The child should be taught to consider his instructor, in many respects, superior to the parent in point of authority…[T]he vulgar impression that parents have a legal right to dictate to teachers is entirely erroneous” (Carlson, 1988, p. 42). But in *Pierce v. Society of Sisters* (1925), the Supreme Court ruled that “The fundamental theory of liberty upon which all governments in the Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him
and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligation.”

Despite this Supreme Court ruling, public education continued to grow. In 1944, Congress passed the Serviceman’s Readjustment Act, informally known as the G.I. Bill, to help veterans pay for a college education at public, private, and religious schools. Although at the post-secondary level, this constituted the first major influx of federal funds into local schooling systems (Altschuler and Blumin, 2009, p. 118). Then, in 1965, Congress passed the Elementary and Secondary Education Act (ESEA), which provided direct federal funds to local public schools. And in 1979, citing a need for “improvement in the management and coordination of Federal education programs to support more effectively State, local, and private institutions, students, and parents in carrying out their educational responsibilities,” Congress established the United States Department of Education (U.S. Government Printing Office, 1979, p. 669).

To sum up, education policy as we know it today is quite new. During the colonial era up through the Progressive Era in American politics, education was seen as a parental, not state, responsibility. Parents were free to choose whether their child attended public or private school. Furthermore, education was primarily concerned with the moral and religious upbringing of children. Content standards were haphazard and far from universal. Of course, this also meant that little public assistance was available for education, and educational outcomes were intensely dissimilar among different classes of society. After the Second World War and during the Cold War era, an outcry emerged against such cobbled-together and non-universal education policies.
The Fight for Racial Diversity

Nearly sixty years ago, the United States Supreme Court rocked the nation by unanimously overturning racial segregation in public schools in its decision on Brown v. Board of Education (1954). That opinion, written by Chief Justice Earl Warren, outlined the historical developments that led to the Court’s decision. When the Fourteenth Amendment was adopted after the Civil War, American education was riddled with disparities not only geographically but also racially. The North had a better-developed system of public schooling than the South. With regard to race, although most white children were able to access public schools, African-American children often did not attend and/or were not afforded the same equality of opportunity as their white counterparts. According to Warren, it was “doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.” The abysmal state of African-American education at the time of Brown v. Board of Education owed, in large part, to segregation. The “separate but equal” doctrine adopted by the Court in Plessy v. Ferguson (1898) did nothing but hamper African-American integration into public schools of higher quality and society at large. What was separate was “inherently unequal.” The Court concluded that “segregation is a denial of the equal protection of the laws,” and a violation of the Fourteenth Amendment (Brown v. Board of Education of Topeka (No. 1.), 1954).

The Brown case was monumental, and it produced an emotional, political, and sometimes violent backlash from those who wanted to delay or avoid its edict (Klarman, 2004). Governors of many Southern states, like South Carolina and Georgia, proclaimed they would not implement the Supreme Court’s decision (Patterson, 1996). Indeed, Brown emboldened many who believed desegregation wrong to act in accordance with their beliefs. Demonstrations against the decision were popular. So severe was the growing backlash that it prompted President Eisenhower to
confide to a trusted speechwriter at the time that “the Supreme Court decision set back progress in the South at least fifteen years” (Hughes, 1963, p. 201). Nevertheless, a dramatic event in Little Rock, Arkansas, just a few years later would put Eisenhower’s commitment to the Court’s decision to the test.

In late summer of 1957, Arkansas Governor Orval Faubus ordered 270 National Guard troops to surround Central High School in Little Rock in order to maintain law and order at the school because nine African-American children had been assigned to attend as part of the state’s desegregation program. Actually, the troops were there to prevent the children from entering the school, and on that first day of the academic year the African-American children stayed home for fear of their lives. The next day, two African-American and two white ministers escorted the children onto school grounds but were prevented from entering by the troops. When a federal order came down to dissolve the troops and let the children enter school, the troops were replaced by local policemen sympathetic to an angry mob of white parents who had encircled the school and threatened the children if they tried to advance into the building. Although the children did manage eventually to sneak into school a few days later by using a delivery entrance, they were persistently threatened, harassed, and verbally abused by an angry mob that showed no sign of retreat or acceptance. The mayor, frightened by the prospect of mob violence, asked President Eisenhower to intervene.

The President denounced the disgraceful occurrences in Little Rock, yet he stopped short of sending federal troops until September 25. For Eisenhower, this was an agonizing decision, made less as a statement in favor of desegregation and more as part of his duties as commander-in-chief for keeping the peace. After the ordeal, Faubus was enthusiastically reelected to an
unprecedented third term. In 1958, he closed all public schools in Little Rock, an action he preferred to having desegregation take hold throughout the city (Patterson, 1996).

In time, many white Americans, seeing integration in public city schools, left the cities for suburbs and the struggle for racial integration of public schools gave rise to the controversial practice of assigning African-American and minority children to white schools often located dozens of miles away from their homes. Policymakers in states that resorted to busing viewed the practice as a necessary step toward integration because, by the time the Brown decision was handed down, educational and residential segregation overlaid to the extent that many white children were attending schools geographically distant from their African-American peers (Ogletree, 2004). In many respects, busing accomplished its goal of integration: in the South, by 1988, 43.5 percent of African American students were in majority-white schools (Frankenberg, Lee, and Orfield, 2003, p. 37). However, the picture was much more mixed further North. In Morgan v. Hennigan (1974), a class action suit brought on behalf of African-American students in Boston, the court found that the city had maintained a racially segregated school system. The suit resulted in a busing policy that would persist over the next twenty-five years. Not unlike Brown, the Morgan decision also resulted in African-American students being both verbally and physically harassed on their way to and from schools in hostile neighborhoods. In South Boston, desegregation opponents caused such tumult that the Pentagon alerted the Eighty-second Airborne Division, based in North Carolina, for possible deployment into the northern city (Formisano, 2003, p. 80).

Eventually, the policy of busing largely fell by the wayside, the casualty of white flight from public schools and the inner city and a Supreme Court ruling in Milliken v. Bradley (1974) that limited inter-district busing plans. Yet the issue of desegregation and public schools still
exists today. For example, a Connecticut law passed in 1969 that forbids districts from letting
any school deviate too much in racial makeup from any other in-district school has created an
almost impossible situation in the town of Greenwich, where population shifts have contributed
to a sharp racial imbalance in the schools. Some officials propose redistricting plans, magnet
schools, and busing to rectify the imbalance. Others, including Superintendent William S.
McKersie, question whether such tactics are “applying an old understanding of how to get
educational opportunity that could undermine what we are trying to do here” (Baker, 2013).
Opponents to busing are now more diverse racially themselves. Some suggest the policy would
be much less effective than reducing class size, increasing funding, and providing for better
teachers in minority-heavy schools. Others still maintain however, that integrating schools is by
far the single most important change that can be made in African American children’s lives
(Hannah-Jones, 2015).

One way or the other, desegregation and its aftermath continue to have relevance for how
we think about public education today. Thus, it is no surprise that the language of school reform
sometimes shares that of civil rights. Brown and its implementation began a new era in public
schooling, one in which the federal government demanded a seat at the table in public school
governance. With desegregation, the federal government’s administrative role in shaping public
schooling in the United States increased dramatically. Indeed, even though the judicial branch
helped level the playing field for students of color, “no matter what devices are contrived to
bring about equality, it is clear that they require money-transfer, and the largest source of money
is the portion of the population that possesses the most money” (Kozol, 1992, p. 223). The issue
of race relations was not the only force to provoke the federal government into providing money
to poorer-equipped schools; however, it played no small role in this phenomenon.
Increased State and National Funding

The relationship between state and federal governments is complicated and encompasses many more facets than just the flow of funds. For the sake of explaining education policy according to major digestible themes, however, this section will focus on funding changes over time. Funding to public schools has increased dramatically at both the state and national levels. More than any other single development, it was the Cold War that prompted a shift in the established intergovernmental funding pattern, as well as a consequent redistribution of power within the education domain.

Up until recently, academics have described the education landscape as a series of loosely coupled systems (Mayer and Rowan, 1977). This means that although states’ regulation and funding of public education may have followed certain trends in near-unison, no formal, top-down efforts were made to consolidate and standardize education reform. The lack of major federal legislation governing the public education system was reflected in the lack of funding from the federal to state and local levels of government for public education spending. Today, the idea of a loosely coupled system does not apply as effectively to public education because of increased federal involvement (Rowan, 2006).

The Cold War ushered in an era of intense competition between the two global powers most responsible for shaping the course of history after the Second World War: the Soviet Union and the United States. Virtually all segments of public policy became affected by this unprecedented international competition, but none so much as the areas of science, technology, engineering, and math (STEM). In 1957, to the great consternation and fear of the U.S. citizenry and its leaders, the Soviet Union launched the first artificial satellite into space (Siddiqi, 2003).
Shortly thereafter, Soviet cosmonaut Yuri Gagarin became the first human to travel into space. This unleashed a torrent of political speeches, a major piece of federal legislation, and worried kitchen table conversations throughout America (Siddiqi, 2000). In a 1960 campaign speech, presidential candidate John F. Kennedy lamented: “The first vehicle of space was called Sputnik, not Vanguard. The first passengers to return safely from outer space were named Strelka and Belka, not Rover, or Fido or even Checkers” (Kennedy, 1960). By 1958, President Eisenhower had signed into law the National Defense Education Act, which provided federal funds to local public schools in order to support science, math, and foreign language instruction. Although the Act represented a four-year emergency commitment, Eisenhower’s statement at the signing emphasized the need “to strengthen our American system of education so that it can meet the broad and increasing demands imposed upon it by considerations of basic national security” (Eisenhower, 1958). The ensuing “space race” between the Soviet Union and the United States greatly impacted the trajectory of U.S. public schools.

The single most important piece of legislation passed by the U.S. Congress in order to address federal education funding was the Elementary and Secondary Education Act (ESEA). The ESEA sought to address the “educational needs of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs” (U.S. Government Printing Office, 1965, p. 27). As such, the main portion of the ESEA, Title I, sought to create a more equal playing field for pupils attending public schools throughout the nation by disbursing funds directly to states and local school districts with a high proportion of students from low-income families.

It was not long before the increased federal funding for low-income school districts turned into a rallying cry for those interested in mandating equal funding across school districts
within states. Because most public school funding in the United States comes from local property taxes within school districts, advocates for school reform have stressed the need to address inequalities within individual states. In many states, high property taxes in one area support schools with top-notch facilities, better-trained instructors, and lower class sizes, while neighboring districts with lower property values watch their budgets shrink and facilities decay. In a 1973 Supreme Court case, plaintiffs citing the 14th Amendment’s equal protection clause argued that funding inequalities within the Texas school system violated students’ fundamental rights to equal educational opportunities. Although the Supreme Court did not mandate equal funding for education, it did emphasize the need for states to address inequalities in the funding available to students across districts (San Antonio Independent School District v. Rodriguez, 1973). This ruling was important for the course of education policy because many state constitutions, unlike the federal constitution, explicitly address education as a right (Fellman, 1976).

Litigation to even the amount of funding each pupil gets within a state has been met with varying success. Nevertheless, more cases heard before State Supreme Courts have affirmed rather than rejected students’ right to equal funding (Minorini and Sugarman, 1999). So it is that state, federal, and sometimes private entities have stepped in to begin the slow process of balancing out funding between districts.
At the beginning of the twentieth century, the federal government contributed less than one percent of public school funds, with states contributing around 16 percent; nearly all the rest of the money came from local government. In 2011, by comparison, state and local funds accounted for about the same percentage of public school funding (about 45 percent each), and the federal government contributed about ten percent of all public school costs. Additionally, 2 percent of public school costs came from private sources in the 2011-2012 school year (U.S. Department of Education, National Center for Education Statistics, 2014). Increasingly, private donors are making headlines with their contributions to public school systems. Mark Zuckerberg, CEO of the popular networking site Facebook, has contributed hundreds of millions of dollars to Newark and Bay Area public schools (Strauss, 2014), and Laurene Powell Jobs, widow of Apple’s CEO Steve Jobs, has announced plans to spend some of the family’s fortune on education initiatives (Medina, 2015). This dramatic change in the funding picture reflects an important trend: local support, though still the largest contributor to public school finance, is
accounting for less and less of the total. State increases over time have been more significant than federal increases. One part of the explanation is the growing appreciation by governors of the role education plays in economic development. Additionally, federal support for public schools has more than doubled in recent years and high-profile private donations are having a greater impact on policy choices.

Concomitant with this dramatic shift in funding, the stated objectives of education advocates have evolved over time. The fight for equal funding has turned into a more politically realistic fight for “adequacy.” This emphasis is closely linked to that of accountability, as schools have become increasingly subject to funding cuts or rewards based on pupil achievement. Education policymakers realize that because the largest portion of funding still comes from property taxes and local authorities, there will always be a discrepancy across districts and states. In recent years, educators have sought to focus on adequate – not necessarily equal – funding across and within school districts. This, in turn, presented policymakers with a measurement issue: How do you gauge whether funding is adequate, and if schools are achieving education goals? Increasingly, the answer to that question has been student testing.

**Standards and Testing**

The standards and testing movement is closely tied to the increase in state and federal funding within the public education domain. Competency testing is linked to the question of finance because the case for equitable funding has come to rely on testing and competency standards to prove that inequitable funding produces inequitable results. In addition to the concept of equitable funding, the standards and testing movement has gotten additional attention due to recent comparisons between the United States and other countries, which has been made
possible by international testing. In fact, a recent book comparing the United States’ education system to that of other countries made the *New York Times* bestseller list and embarrassed the United States education world writ large (Ripley, 2013).

The push for standards and testing has been partially imposed and legitimized by the courts. In *Robinson v. Cahill* (1972), the New Jersey Supreme Court interpreted the state’s constitutional provision for a "thorough and efficient" system of free public schools as one that required the imposition of minimum standards for student performance. The state legislature moved into compliance with this ruling by passing and funding a law that required the "establishment of education goals at both the State and local levels" by means of "evaluation and monitoring programs" (Goertz, 1983). New Jersey was only one of thirty-nine states that had adopted similar practices by the end of the 1970s.

In addition to state oversight, the ESEA’s Title I gave funding to schools in order to help low-income students, but this funding came with strings attached. Each school district receiving Title I assistance was required to carry out evaluations of its funded programs and to report such information to state boards (Resnick, 1980). In 1969, the federal Government contracted with the Education Commission of the States to "examine achievement in ten learning areas, to spot changes in level of achievement over the years and to apply the implication of those changes to national educational policy" (Wise, 1979, p. 9). This marked the first federally coordinated attempt at obtaining information on educational achievements throughout and across the different states.

By the 1980s, the standards movement gained momentum. Increased tensions with the Soviet Union and a seminal report on the (poor) state of education in America steeled reformers’ resolve in holding educators responsible for achievement via standardized testing. *A Nation at
Risk, a report released by the Reagan Administration in 1983, cautioned: “[T]he educational foundations of our society are presently being eroded by a tide of rising mediocrity that threatens our very future as a Nation and a people” (National Commission on Excellence in Education, 1983). A Nation at Risk defined education to be an issue of national and economic security, and its authors recommended (and therefore narrowed) the policy options available to minimize this security and economic problem (McIntush, 2000). The report advised the widespread use of standardized tests administered at the local and state levels to monitor student progress and achievement. Indeed, this report cemented policymakers’ determination to use standards and testing as a main vehicle for education reform. This amounted to a paradigm shift (Mehta, 2013). By the end of the Cold War, the vast majority of states had embraced this performance standards movement (Ravitch, 1995).

The 2001 re-authorization of the ESEA, the No Child Left Behind Act (NCLB), continued the ESEA tradition of making standards and testing a condition for federal funds. The centerpiece of this bill was a requirement that states develop and implement "challenging" academic standards for reading and math, set annual statewide progress objectives to ensure that all groups of students reach proficiency within 12 years, and then test children annually in grades 3 through 8, and once in high school, in reading and math, to measure progress. Although the bill uses testing as its primary mechanism for gathering data on student achievement, it specifically prohibits any "national testing" or "federally controlled curriculum." It is up to states to select or design their own tests, and to make sure the tests are aligned with state curriculum standards. States receive federal funds to help develop their tests, and a "trigger mechanism" specifies that states are not required to develop the reading and math tests for grades 3-8 if the federal government fails to provide the necessary funding (Linn, Baker, and Betebenner, 2002).
Significantly, NCLB came about largely as the result of bipartisanship. In 2000, presidential hopefuls George W. Bush and Al Gore both called for stronger accountability in public schools. The idea also had strong bipartisan support on Capitol Hill. Senator Ted Kennedy, widely respected by his peers in Congress, worked closely with President Bush to help create and pass the bill. John Boehner (R-OH) and George Miller (D-CA) introduced the bill in the House of Representatives. The bipartisan nature of NCLB demonstrates the centrality of the standards and testing movement by this juncture (Peterson and West, 2003).

Over time, standards and testing have increasingly become the focus of controversy in education reform circles, with many teachers and administrators expressing frustration with the methodology and reasoning behind tying testing to funding (Ravitch, 2010). Nevertheless, both national and state tests have increased in usage over the last couple of decades, to the point where today much federal funding is tied to performance on national standardized tests, and every single state administers at least one standardized test that is linked to either state or national funding, high school graduation, or other educational markers.

Standardized tests are characterized by grading schemes that categorize different levels of progress (i.e., below basic, basic, proficient, and advanced levels of knowledge) while employing cut scores to determine what constitutes passing or failing for individual students. These practices are especially controversial when scores determine eligibility for promotion to the next grade level, or to graduate from high school. Sometimes, there have been accusations that tests do not accurately capture student learning. Moreover, critics fear that administrators may lower test standards simply to prevent districts from losing funding (Scarpinato, 2007).

NCLB attempted to address such concerns by comparing each state's test results against an independent benchmark called the National Assessment of Educational Progress (NAEP),
which is given to a small sample of each state's 4th and 8th-grade students in reading and math every other year. This provision, known as "NAEP comparability," is supposed to ensure that states are not setting the bar too low on their standards and tests. That is, if a state shows progress on its statewide test results but does not show comparable progress on the NAEP, it would suggest the state's standards and tests are not challenging enough. The final legislation, however, does not provide for specific penalties if a state's test scores deviate from the NAEP results, it merely requires that comparative results be made public.

Today, all 50 states have some form of standards testing (National Center for Education Statistics, 2009). Varying carrots and sticks are attached to this testing, however, depending on the state and grade level at which tests are administered. Frequency of testing also varies by state. Some states, such as Massachusetts, use standards testing to determine eligibility for graduation from high school. In fact, over time, tests to determine eligibility for high school graduation have become increasingly prevalent. In 2012, 24 states had an exit exam requirement for obtaining a standard high school diploma, with two additional states planning on implementing the requirement in the near future (National Center for Education Statistics, 2012). This sort of “high stakes testing” has not escaped criticism. Though proponents may champion the abundance of information gained from testing regarding student achievement, not to mention the inherent motivating power of graduation tests, opponents say that “tests should be used for information and diagnosis, not punishment and sanctions,” such as funding cuts and graduation requirements (Ravitch, 2010). Others have decried the increase in teachers or administrators caught “cheating” on standardized tests in order to avoid the penalties associated with groups of students doing poorly (Phelps, 2011).
The most recent development surrounding standards and testing is the Common Core State Standards Initiative (known as “Common Core” for short). Common Core is an education initiative that seeks to bring diverse state curricula into alignment with each other by following the principles of standards-based education reform. The National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO) are sponsors of this initiative. This is a voluntary program, yet one that has been almost universally adopted (Common Core State Standards Initiative, 2009). Today, 45 states have agreed to teach Common Core curricula. They are not yet federally mandated to do so; however federal programs, such as President Obama’s Race to the Top (R2T) initiative, offered states significant financial incentives to move in this direction (Dillon, 2011).

Race to the Top is a $4.35 billion U.S. Department of Education contest created in 2009 by the Obama Administration to spur innovation and reforms in state and local primary and secondary education. Funded as part of the American Recovery and Reinvestment Act of 2009, it was launched by President Barack Obama and Secretary of Education Arne Duncan in July of that year. States were awarded points for reforming their standards and for the presence of certain educational policies, such as performance-based standards for teachers and principals, complying with Common Core, lifting caps on charter schools, investing in the lowest-performing schools, and building data systems (U.S. Department of Education, 2009). In 2012, the competition was expanded to allow for individual districts within states to compete for funds, thereby opening a new relationship between local districts and the federal government that bypasses states as the traditional interlocutor (Perez-Pena, 2012).

The framing of the standards and testing movement has caused some controversy within education policy, as standards and testing are sometimes also referred to in connection with the
achievement of “minimum competency.” Some view the concept of minimum competency as the creation, figuratively speaking, of a floor below which students should not fall, whereas the term “standards” tends to create an image of higher aspirations to which students should strive. Functionally, however, these two concepts seem to mean the same thing. They are markers of knowledge used by educators and policymakers to measure student progress and achievement.

**School Choice**

The school choice movement can be roughly described as an effort to introduce market principles into public education. Its origins are associated with both the increase in state and federal funding and the standards movement, not to mention the controversy provoked by these developments. In short, school choice emerged as a form of pushback against, or adaptation to, these different trends. In response to what was perceived as excessive state and federal meddling in students’ lives, school choice advocates sought to diversify the educational options available to pupils and their parents.

This diversification came about, to continue the market metaphor most used with regards to school choice, both supply and demand sides. Demand-side policies impact the demand by parents and students for schools. There are many choice plans in urban districts that do this. For example, Boston uses a “controlled choice” plan that allows choice within geographic districts (WBUR, 2014). Vouchers would impact on the demand side by providing resources to parents to be education consumers.

On the supply-side, policies that alter the supply of schools would increase choice for education consumers. Charter schools are a prime example of this. Before charter schools, magnet schools (high performing public schools which accepted students from nearby districts)
may have been a good example of this kind of supply-side school choice policy. This kind of supply and demand framework is one way of grasping the school choice movement which can prove useful for those wishing to understand the abundance of policies associated with modern education policy (Ladd, 2002).

In 1980, Ronald Reagan campaigned on, among other positions, abolishing the Secretary of Education as a cabinet-level post. Although this plank of the GOP platform never did come to fruition, many on the right saw the bureaucratic elevation of education as an unnecessary and illegal government intrusion into the education sphere, for education is nowhere mentioned in the federal constitution (Lugg, 1996). In President Reagan’s 1982 State of the Union address, he went on to propose a budget that would “realize major savings by dismantling the Departments of Energy and Education” (Reagan, 1982). Ironically, even as the publication of A Nation at Risk was heightening federal interest in education policy, Reagan ignited a debate over the extent to which schools should be controlled by federal, state, and even local authorities. It is a question that still rages today. The school choice movement can be divided into three broad categories: charter schools, school vouchers, and increased flexibility in the relationship between the federal government and local school districts.

In 1988, American Federation of Teachers president Albert Shanker outlined a vision for charter schools during a speech before the National Press Club (Shanker, 1988). Originally, charter schools were envisioned as an opportunity for educators to have greater autonomy to develop school proposals and receive “charters” from an official government body to implement the plan. Minnesota became the first state to open a charter school in 1991. By 2005, forty states and the District of Columbia had charter laws. (See Figure 1.) Charter schools act as school districts in and of themselves, operating free from control by state or local school-district
regulation. Nevertheless, states that have charter laws do maintain specific charter-school authorizing boards, which are given the authority to revoke charters given out to schools based on a variety of criteria that differ by state and authorizer (of which there are more than 900 in the United States) (National Association of Charter School Authorizers, 2012).

**Figure 3-2: Number of U.S. Charter Schools, 2000-2011**

![Number of US Charter Schools](image)

**Source: National Center for Education Statistics**

In 1990, Chub and Moe (1990) published a book titled *Politics, Markets, and America’s Schools* that called upon reformers to embrace the concept of charter schools via choice and competition. They concluded their report with a set of sweeping recommendations to restructure public education along market principles. Unlike the approach favored by Shanker and the teacher unions, they proposed a voucher-based and largely unregulated system of schooling, ideas that quickly became a rallying cry for conservative education critics throughout the United States. When Minnesota passed its charter law—the first in the nation—the legislature worked with Shanker and the law passed with bipartisan support. Yet the measure constituted charters as independent educational corporations autonomous from the local school district and exempt from
pre-existing collective bargaining agreements. Shanker as well as other union advocates ended up shunning this law, which nonetheless became accepted as a blueprint by other states (Gyurko, 2008).

Charter schools, which have ballooned in number and popularity over recent years, have largely established themselves in the education policy domain as an innovative way to teach both traditional and difficult-to-educate students. They have been credited with many positive outcomes, including, most broadly, with renewing and invigorating public education in America (Manno, Vanourek, and Finn Jr., 2001). Their popularity has also been associated with parental satisfaction (Phillips, 2004). Furthermore, charter school advocates praise the freedom of opportunity that charter schools represent (Fuller, 2009).

Yet charter schools have not escaped their share of controversy. Critics argue that charter schools select the best and easiest students to educate (or, at the very least, those students with parents motivated enough to apply for entry into a charter school) and leave the more difficult-to-teach students to traditional public schools, all while sucking tax dollars out of an increasingly overburdened system (Wells, 2002). Some researchers complain that the large educational management organizations charged with maintaining an increasing portion of charter schools are more concerned with shareholder profits than with educating children and, further, that they are increasingly at odds with community-based organizations applying for school charters (Horn and Miron, 2000; Willard and Oplinger, 2000). Other detractors charge that charter schools have exacerbated *de facto* segregation, stratifying students by race, class, and possibly language (Frankenberg, Siegel-Hawley, and Wang, 2010). The slow rate at which poor-performing charter schools have been shuttered by their authorizing boards seems to suggest lack of effective oversight in chartering policy (The New York Times, 2012).
The second major aspect of the school-choice movement is less robust than the spread of charter schools, but its popularity is growing despite legal setbacks. School vouchers are direct payments of public money to private schools in lieu of parents sending their children to public schools. Like charter schools, vouchers have been championed by policy advocates who wish to introduce the market into public education.

Ten years after he published his battle cry for charter schools, Terry Moe released another book calling for the mass introduction of vouchers to the public education sector (Moe, 2001). Vouchers allow parents of low-income children to take public money and spend it at private schools. Sometimes, this money is spent at private religious schools. Opponents of voucher programs say this violates the U.S. constitution and its separation of church and state, a provision also expressly contained in some state constitutions. But proponents of vouchers claim that private schools are better suited to educate children with special needs and other non-traditional pupils (Salisbury and Lartigue, 2004). Voucher programs have been made available to low-income students in Cleveland, Milwaukee, and Los Angeles. Some other states have enacted voucher schemes for certain types of students (those with disabilities, for example) with more restrictions attached than the classically envisioned voucher program.

In Milwaukee and Cleveland, State supreme courts have upheld the constitutionality of voucher programs. Teacher unions and other interest groups argued that allowing parents to choose religious schools violated the federal Establishment Clause, as well as the religion provisions (“compelled support” clause and Blaine Amendment) of the Wisconsin Constitution. But in 1998, the Wisconsin Supreme Court rejected the claims of choice opponents in Jackson v. Benson (1998). And in 2002, the United States Supreme Court ruled that Ohio’s voucher program did not violate the federal establishment clause. Chief Justice Rhenquist stated: “[T]he
Ohio program is entirely neutral with respect to religion. It provides benefits directly to a wide spectrum of individuals, defined only by financial need and residence in a particular school district. It permits such individuals to exercise genuine choice among options public and private, secular and religious. The program is therefore a program of true private choice” (Zellman v. Simmons-Harris, 2002, p. 662). Despite the apparently constitutional nature of vouchers, they have proved less popular than charter schools in recent years.

Finally, two recent pieces of federal regulation have also significantly shaped the choice approach. President Obama’s “Race to the Top” (R2T) program awarded states points for satisfying certain educational policies, including lifting caps on charter schools. States had to change educational laws to be eligible for the contest. Although the Obama administration was awarding only a relatively small amount of money ($4.35 billion), many states, seeing the money as significant for their individual states and districts, changed their education infrastructure for merely a chance at a piece of this pie (Brill, 2011). As mentioned previously, Obama’s 2012 iteration of the competition expanded eligibility to allow for individual districts to compete for funds (Resmovitz, 2012).

Emergence of a trend toward direct communication between local school districts and the federal government has not been confined to R2T funds being granted to individual districts. In 2013, the Obama administration granted 37 states waivers from NCLB requirements. Without the waivers, NCLB provisions would have imposed severe penalties on schools for not meeting increasingly rigorous standards imposed by the legislation. Most recently, eight California districts also received waivers from the legislation. Coupled with the most recent R2T competition, this has initiated an unprecedented conversation between the federal government and local school districts, one that bypasses officials on the state level (Layton, 2013).
Overall, the school choice movement has been richly steeped in political controversy as well as conflicting evaluation findings. School choice has given more power to individual schools and to parents, while dampening the traditional influence of local school districts as institutional actors. Nevertheless, local school districts persist as the most important agents in the planning and delivery of public education in the United States.

The Education Policy Domain

A policy domain is a component of the political system organized around substantive, organizational, and cultural characteristics (Burstein, 1991). The education policy domain is a well-established one, whose historical roots reach back centuries. Public education has been organized by specific departments, agencies, and groupings of individuals who identify themselves as devoted to this issue defined as such, and education has long been seen as a largely autonomous component of public policy. Although a well-defined policy domain like this is not unique, it does stand in stark contrast to inter-agency or inter-issue domains such as homelessness (Rochefort, 1997) or obesity (Newton, 2004). Importantly, all policy domains are given meaning by culture as well as politics and, thus, are societal constructs to a certain extent. It is impossible totally to separate policy domains one from another because each domain has some impact on the others, and vice-versa (Lasky, 2004). Policy domains can include very fluid understandings of which assorted policies should be grouped together for organizational purposes. For the sake of clarity, the following brief exploration of the education policy domain treats it mostly as an autonomous subsystem within the edifice of American public policy as a whole. This delimited discussion of public education’s history and policy trends makes clear, however, that the domain influences and is influenced by a wide array of institutions, processes,
and events. Appreciating this structure and political dynamic will be crucial for approaching the case studies that make up Part Two of this thesis.

**Government and Education Policymaking**

Actors in all three branches – legislative, executive, and judicial – influence the direction of education policy. Each state, as well as the federal government, is home to a legislature that carries out a variety of functions related to the provision of public education. This includes the development and passage of education-specific statutes, holding hearings on education policy issues, reviewing existing laws within the education domain, passing education budgets, and establishing task forces and committees to conduct investigations on educational problems when necessary. The breadth of these activities clearly indicates the extent to which legislatures affect education policy. Those individual legislators who choose to develop education as a specialty area of expertise and activism stand out as the most influential actors within the legislative branch as far as policymaking is concerned (Marshall, Mitchell, and Wirt, 1989).

Legislative committees at the state level may similarly be tasked with developing education laws, reviewing existing legislation, and holding hearings on policy issues. Because education tends to be a large budget item at the state level, chairs of finance committees also rate as major players in education policymaking. Interviews of key players conducted in six states revealed that legislative staff members ranked higher than members of state boards of education, school boards’ administrative associations, and the federal government in regard to education policy influence (Marshall, Mitchell, and Wirt, 1989).

The influence of the executive branch on education policy varies according to who happens to be in power. Governors and administrative chiefs, for example, tend to have less
influence over education policy than the legislature unless they have taken upon themselves education reform as a key goal. George W. Bush’s push for NCLB is one example of such focused interest by a chief executive on the federal level. The National Governor’s Association helps governors implement policy, and education policy comprises the work of one of the Association’s four standing committees (National Governors Association, 2010).

State Boards of Education also have a role in implementing and developing education policy. They write and approve rules and regulations used in implementing statutes passed by the legislature, develop certification requirements for elementary and secondary schoolteachers, monitor state educational assessment programs, decide on minimum high-school graduation requirements, determine accreditation standards, and serve as a final step in the appeals process for administrative cases (Marshall, Mitchell, and Wirt, 1989). State education officials known as “superintendents” can exercise more or less power depending on the legal constraints put upon them and the manner in which they are selected (appointment by the executive, State Boards of Education, or popular election). Lasky (2004) found that individual actors, such as superintendents, often hold a great amount of sway over parents and can influence the pace at which any policy is – or is not – adopted. The majority of superintendents hold doctorates, are over 50 years of age, and have a keen interest in substantively shaping education policy in their states (Cooper, Fusarelli, and Carella, 2000).

In addition to State Boards of Education, all states have some form of a department of education. During the time when proposed legislation is under consideration, these departments often provide legislative liaisons with information about the expected impact of proposed laws. After passage, education departments will often develop detailed plans for implementing new
policy and will provide assistance to, and monitor compliance of, individual school districts with regards to reform.

In states with charter schools, there are usually several charter school authorizers charged with providing oversight and enforcing accountability mechanisms. These authorizers have the ability to revoke individual school charters, thereby closing a school.

Whether at the state, local, or federal levels, certain individuals with direct and sole control over specific elements of education policy adoption and implementation can have significant impacts on the domain. Also known as institutional veto players, these individuals contribute to the complicated nature of education policy development. Because there is often vagueness in many policies, or some autonomy is given as to how and when policies should be implemented, these institutional veto players help account for the patchwork nature of many educational policy choices and interventions (Hewgley, 2013).

Beginning with the Brown decision, the influence of the courts on education policy increased dramatically (Kirp, 1977). Despite their low profile, judges are indeed political actors who can alter or overturn legislative statutes regarding education. State and federal courts have primarily concerned themselves with these two chief issues within the education policy domain: distributive justice, or equal opportunity and schooling, and the separation of church and state. In case after case, both state and federal courts have emphasized the central role that public education plays in shaping our society, and the necessity of equal opportunity for students to attend quality public schools. The courts’ focus regarding equal opportunity has gradually shifted from racial imbalances to financial inequities between districts and schools. In fact, the

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majority of state supreme courts have ruled on the constitutionality of their state's school finance systems, using the prism of equal opportunity to mandate partial redistribution of educational funds (Heise, 1998).

The judicial branch has also taken up the thorny issue of church and state in the sphere of public education. Prayer in public schools has been prohibited since the 1960s by federal and state courts alike.\(^4\) In a series of cases regarding school choice reform, courts have refined the practice of using school vouchers, where public money is spent on children attending private and parochial schools, thereby moving from the position of an impregnable wall between church and state to allowing some public funds to be given indirectly to religious institutions.\(^5\)

**Extra-Governmental Actors**

Though public education is a matter of government policy, a myriad of extra-governmental actors and forces can influence its creation, adoption, and implementation. These include education interest groups and professional organizations, non-education interest groups, private charitable organizations and persons, parents, individual policy entrepreneurs, think tanks, and the media.

By far the strongest interest groups involved in education policymaking, in both membership numbers and financial resources, are national teachers unions and their state affiliates. The National Education Associations (NEA) is 3.2 million members strong, has yearly revenues of about $1.5 billion, and funds political action committees that spend upwards of $4


million a year on political activities (Antonucci, 2011 and Sibley, 2010). The American Federation of Teachers (AFT), another union, counts 1.5 million members, holds over $1 billion in assets, and is also very politically active (American Federation of Teachers, AFL-CIO, 2012). These large and important stakeholder groups, which have detailed and expansive education policy agendas, push for reforms in many areas including elementary and secondary education, teacher training and evaluation, tenure, public school privatization, and a range of educator quality-of-life issues.

Other professional organizations within education policy include the National School Boards Association, which represents over 90,000 local school board members (National School Boards Association, 2014), and the American Association of School Administrators, which counts over 15,000 members and primarily represents superintendents across the country (American Association of School Administrators, 2014). Both organizations provide leadership training for their members. Both have centers dedicated to legislative action and public policy advocacy at the federal and state levels.

Parent Teacher Associations, at the national and state levels, have their own hefty membership (upwards of 6.5 million), but despite their ambitious slogan “one child, one voice,” they are rarely influential on the national scale. This is due to their disparate constituency that includes parents, teachers, administrators, and sometimes even students. Such diversity of viewpoints and interests can make it difficult to come to a consensus on any single policy agenda (Fowler, 2012). Nevertheless, local Parent-Teacher Associations exert considerable control over local education issues, which is not an insignificant matter.

In addition to education-focused interest groups, many organized interests that do not consider education to be their primary domain have either education-related agendas or issue
concerns that can overlap with education policy. Business lobbies often try to shape public education in hopes of positively affecting the workforce. Trade associations, chambers of commerce, manufacturing associations, and business roundtables all are influential actors in the education policy domain at times. Trade associations have been especially effective in changing the way Americans organize and think about secondary schooling as well as the need for high schools to provide “practical” education or “job training” (Lazerson and Grubb, 1974). One such example is the Warren Tech program in Jefferson County, Colorado. The initiative is a public-private partnership that enrolls some 80,000 high school students in programs providing “quality training in a variety of job-specific skills…directly applicable to employment, further job training or post secondary education” (WarrenTech, 2014). Chambers of Commerce, which are diverse in their policy preferences, have helped shape the adoption of both home-school and charter-school initiatives across the country (Hill, 2000). Furthermore, business groups are generally in favor of low taxes, which can have significant impacts on educational funding (Burbridge, 2002).

Other non-education interest groups may at times have an impact within the education policy domain. This is increasingly true in the age of school choice, where small groups can open charter schools or lobby for vouchers that help a specific student demographic, such as children with special needs or those wishing to focus on math or liberal arts at the elementary and secondary education level. These groups may include ethnic groups, religious groups, or single-issue interest groups. An interesting example of this may be seen in Massachusetts, where the Turkish Diaspora is heavily involved with a charter school that spends some of its funds to obtain H1B temporary visas for foreign-born teachers, does business with Turkish contractors, offers Turkish as a language option, and has an after-school club for Turkish dance (Rosenberg,
And the majority of the two million students being home schooled in the United States have parents who are conservative Christians who have chosen to educate their children at home because they disapprove of public-school curricula (Moran, 2011).

Think tanks and individual policy entrepreneurs may participate in the education policymaking process. Specifically, think tanks play a crucial role in defining policy issues. Because many policy ideas come from state and national think tanks, their role in defining policy alternatives should not be trivialized. Policy entrepreneurs are political actors who “lie in wait in and around government with their solutions at hand, waiting for problems to float by to which they can attach their solutions, waiting for developments in the political stream they can use to their advantage” (Kingdon, 1995, p. 165). These individuals, who may work in tandem with think tanks but may also be solitary actors, can affect both the content and tone of education policy debates. Entrepreneurs, who may or may not have much expertise in the education domain, are sometimes affluent individuals intent on using their wealth to leverage policy shifts. Recently, authors Steven Brill and Diane Ravitch published timely, quite opinionated books that drew on their extensive knowledge of the field to advocate for new directions in American education policy (Ravitch, 2010; Brill, 2011). The Bill and Melinda Gates Foundation, which receives its funding from wealthy individual and corporate donors, has involved itself in the education sector by, for example, donating funds to individual schools and districts to implement teacher evaluations and the Common Core curriculum movement (Bill and Melinda Gates Foundation, 2014).

Finally, the media are another factor in the education policymaking process. Media are important because they contextualize policy and shape public opinion of it. Media agendas sometimes turn into policy agendas, and news outlets can, at times, become saturated with
narratives about policy problems. In education policy, the media can impact public opinion by
telling memorable stories about students, teachers, and administrators facing different
predicaments or, for example, by framing various movements within education policy as
“progressive” or “traditional” (Wallace, 1993). Portrayals of public problems in one light versus
another are likely to influence constituents’ voting and participation, including who does what,
or if they do anything at all, about a given issue (Thomas, 2005).

Public Opinion

Recent public opinion polls show the public as having a mixed view toward the current
state of education reform. A recent Associated Press-NORC Center for Public Affairs research
poll showed 76 percent of parents rating their children’s current education as good or excellent,
and 82 percent similarly giving their children’s teachers high marks (Tompson, Benz, and
Agiesta, 2013). The poll also showed six in ten parents agreeing that their children took the right
amount of standardized tests. But, in another poll, which included information about the recent
increase in the number of standardized tests students have to take, only 22 percent of respondents
said that tests were likely to increase school performance (Bushaw and Lopez, 2013).
Nevertheless, yet a third major poll found that eight out of ten respondents said state tests should
carry high stakes (Henderson and Petersen, 2013).

Other findings in the three polls are equally confusing. On school choice, the polls find
that although parents like charter schools, they are increasingly skeptical of voucher programs
and using public money to pay for private schooling. On testing, parents agree that high-stakes
tests for children, even if they have the potential to hold the children back a year or prevent them
from graduating from high school, are acceptable. But high-stakes testing for teachers is not. On
funding, parents want more money to flow to schools but do not accept that school woes are tied to tight budgets. Some say these seemingly disparate responses indicate ambivalence (Simon, 2013) while others see the mixed opinions as a natural extension of the complicated nature of education policymaking (Clinton and Grisson, 2012).

The state of public opinion is a critical background consideration in the discussion of new education policy initiatives, particularly so when matters must be put to a public vote as in the context of a local referendum or open meeting of some kind. In these situations, the use of political language assumes great significance as various political actors make arguments aimed at mobilizing or demobilizing different audiences and persuading the public to accept their definitions and framing of a policy problem.

Conclusion

The education sector is one with deep historical roots, and over time education policy has reflected the social and political pressures placed upon the political system at large. Today, the education policy domain is undergoing a transformation driven by increased information about students and teachers alike (standards and testing), market mechanisms (school choice), and a complex web of competing interests and alternative funding sources. All levels of government, and many actors outside of government, some of whom are primarily concerned with education policy and some who are not, have exerted influence on this domain. This context provides a rich platform from which to examine a duo of recent battles over education reform.
Chapter Four

NEW YORK STATE APPROVES CHARTER SCHOOLS

In January 2001, PBS News Hour host Ray Suarez interviewed former Secretary of Education Richard Riley about his recently completed eight-year tenure at the Department’s helm. Suarez asked about major changes inside the education policy domain, inquiring about Riley’s opinion of charter schools and other non-traditional educational options that had gained popularity over the decade. Riley prefaced his response by stating: “The idea of charter schools… is a brand-new idea” (Riley, 2001). He stopped short of full endorsement of the movement, however, indicating that schools would have to incorporate certain elements in order to be successful. He also remarked upon the fact that, when he started at the department, there was only one charter school, but “Now there are around 2,000, and being a charter school doesn’t make it good or bad, but it’s an interesting idea that can be a wonderful tool for a creative school. You have to have the right people, and you have to have those things that I mentioned before, quality teachers, but it’s a very unique idea that makes it exciting and interesting” (Riley, 2001). Riley’s tentative approach to charter schools reflected the “arguments and debates,” as Suarez put it, that brought charter schools into being across the United States.

Indeed, significant controversy had accompanied the charter school movement’s emergence onto the policy stage. When President Bill Clinton signed into law provisions to make it easier for states to open charter schools, he praised Congress for putting “progress over partisanship” by sending him the bill for his signature (CNN, 1998). And one year later, Senate-hopeful Hillary Clinton from New York praised charter schools for “raising academic standards
[and] empowering educators.” According to Mrs. Clinton, charters were good “because parents do deserve greater choice within the public school system” (Clinton, 1999).

Meanwhile, charter school skeptics have made no secret of their distaste for this “choice” initiative. In Texas, one early adopter of a charter school policy, the Chair of the Texas Senate Education Committee observed: “The state board of education did us a disservice in issuing all those charters. How we fix the problem is the question” (Berger, 2001). And although proponents in many states claimed that charter schools would empower minorities, Hilary O. Shelton, director of the Washington bureau of the National Association for the Advancement of Colored People (NAACP), stated in 2000: "Most of the proposals on the table are not here to support public schools but to pull the rug out from under our funding” (Olson, 2000).

In the midst of this controversy, New York, home to the largest school district in the nation, began its own process of determining when, if at all, charter schools should come to its turf. Not surprisingly, opinions were mixed, and the battle was no less contentious than in other states and on the national level. The purpose of this chapter is to describe events as they played out in New York between January and December of 1998, giving special attention to the use of political language and its impacts on the charter-school policy process.

**The Roll-Out**

On January 7, 1998, Governor George Pataki gave his annual State of the State Address and called for the creation of charter schools in New York (Pataki, 1998). This was not a new call to action; the proposal had been formally made public the prior year and had long been on Pataki’s political agenda. Pataki’s speech put children in the spotlight. He emphasized that the children of New York “want to learn. They want to do well. They want to succeed” (p. 16).
Putting children at the forefront of his messaging on charters was no accident. As Brian Backstrom, Vice-President of Change-NY, a charter advocacy group, subsequently put it:

[I]f you need education reform you are saying that schools are destroying kids’ lives. Parents don’t want to be viewed as bad parents when they choose a bad school for their kids. The human aspect of education is enormous, and makes it a different beast…you don’t have kids who don’t go to school, so every single kid is affected by the education system. (Backstrom 2014)

In other words, focusing on children was a deliberate strategy by advocacy groups to move the charter schools policy forward. Because children are a sympathetic group within society, much of the rhetoric to follow in the charter debate would use their compelling stories and situations either to lobby in favor of charters, or to argue that charters were too new and experimental to impose on these weak societal actors.

Although Pataki’s speech dealt largely with children—one of the most sympathetic of all “problem populations” in the political system (Rochefort, 1986; Schneider and Ingram, 1997)—Pataki also appealed to parents and their desire to be proud of their offspring while watching them achieve their dreams. Pataki likened charter schools to a “wellspring of fresh ideas,” free from bureaucratic trappings, and he identified them as a policy solution to current educational woes that “stifle[s] the innovative spirit” (p. 18). Pataki stressed that “We cannot afford to shy away from new ground” (p. 18).

Pataki’s push for charter schools was not his sole education proposal. In an effort to persuade a variety of education policy leaders and groups to approve his plan, Pataki, a Republican, endorsed measures championed by a diverse range of interests. Among these changes was a plan to keep students in school until 7 p.m., summer classes for students lagging
behind in reading and writing skills and others with limited English-speaking ability, and an effort to cut the school-tax for senior citizens (Karlin, 1998a). On the day after his address, this strategy of embedding charter schools within a greater push for educational advancements seemed to have worked. Education Commissioner Richard P. Mills and Thomas Y. Hobart Jr., President of New York State United Teachers (NYSUT), the State’s largest teacher union, spoke favorably of the package. Hobart said: “The governor should be congratulated for focusing on real solutions to some of the real problems found in our public schools” (p. A7).

Pataki’s State of the State Address received much acclaim, and a press conference by the governor in March put forth specific recommendations paving the way for charters. Flanking Pataki at the podium were elected officials, black and Hispanic leaders, and conservative think-tank representatives. No doubt, this was an image intended to galvanize support from diverse stakeholder groups and communities. In describing the governor’s proposal, The Times Union indicated that teachers, parents, and community leaders were being given an “alternative vision” for public education, and the newspaper bought into the rhetorical theme of gaining freedom from “the myriad regulations” in public schools (Tully, 1998a). Furthermore, the article characterized New York as something of a laggard in this area, noting that, if Pataki’s plan was approved, the state would join 30 others that had already adopted charter laws by then.

The March press conference began the process of clarifying both the Governor’s specific plans and support and opposition to them. Furthermore, the language used in, and following, the press conference foreshadowed key discursive elements destined to mark the entire charter school debate. Rev. Floyd Flake, a former congressman from Queens, sought to deflect criticism from the Governor’s plan by saying it was “not an attack on public education,” but rather a “challenge” to the public schools “to get your act together” (Tully, 1998a, p. B2). Teacher unions
met Pataki’s specific proposal with “tepid support” while criticizing a provision that would permit unlicensed teachers to work in the schools. Linda Rosenblatt, a spokeswoman for NYSUT, expressed concern that a charter school policy would fly “in the face of a movement to make teachers more accountable and make schools more accountable” (p. B2). Patricia Lynch, a spokeswoman for Assembly speaker Sheldon Silver (D-Manhattan), said Silver would support the bill if it passed three “litmus tests”: charters must be established by entities with a proven educational track record; they must maintain academic standards; and they must be funded with money not from the existing school budget. By contrast, Aaron Dare, president and chief executive officer of Albany’s Urban League, called the proposal “long overdue” and added that the schools would provide an “opportunity to break the link between poverty, race, and low academic achievement.” Significantly, here was a statement linking an education reform strategy favored by many conservatives to a long-term liberal agenda.

Rev. Floyd Flake proved to be one of the chief proponents of Governor Pataki’s charter school proposal over time. Immediately after Pataki’s press conference, Flake published an editorial in The New York Post in which he called charter schools a “key progressive reform” relevant to both education policy and African American issues (Flake, 1998a). Flake insisted that a charter school law would invigorate urban “dead-zones,” or areas suffering from lack of innovation and technology. Finally, Flake contextualized charter schools as a reform to “evolutionize” public education. He emphasized the need for New York to follow the example of other pro-charter-school states lest it fall behind. Flake’s use of this metaphor from the biological world was evocative. When insisting that New York was still in the “Jurassic Age” compared to more “modern, progressive” states, he was arguing it was only a matter of time before the state came to recognize the value of a reform program like this, and that speeding up this process
would be desirable. Of course, the topic of evolution is a loaded one in education circles. For Flake to make the association between “evolution” and this policy proposal seemed to constitute a subtle appeal to all those forces that might want to be on the side of rationality and enlightenment in the matter of public education.

Also quick to express their opinions about Pataki’s proposed reform were practitioners. Sue Halpern, director of the Wilderness Community School, was the first in New York print media to argue that wealthy individuals already had school choice by virtue of being able to afford private education or homes in expensive school districts. Charter schools, she argued, would help students in “economically disenfranchised areas” (Halpern, 1998, p. A19). It was no wonder, she said, why “Democratic state legislators from poor and minority districts are beginning to break ranks with their party to support the Governor’s plan.” By emphasizing the need to level the educational playing field, Halpern echoed Pataki’s State of the State address and forecast that charter schools would “democratize educational opportunities” (p. A19). In response to Halpern’s editorial, Kathy Engel, a parent whose child attended Hayground School in Bridgehampton, N.Y., supported the idea that charter schools could help students living in “pockets of poverty” and “working families who just can’t afford tuition” (Engel, 1998, p. A20). Halpern’s and Engel’s framing of this issue in terms of social class disparities is telling, calling to mind as it does the long-term crusade for education as a tool for greater equality in American society that was summarized in the preceding chapter.

An association between education and the poverty issue is at once historical and ever timely. A 2010 analysis of U.S. media coverage found that educational deficiencies were portrayed as a leading cause of poverty in the United States, second only to coming from a broken family. Education was the solution proposed most often for lifting individuals out of
poverty. And at the society-wide level, greater support for education was the single most cited solution to alleviating poverty in America (Kim, Carvalho, and Davis, 2010). Small surprise, then, that Halpern and Engel would chose to bolster their case for charter schools by calling on this familiar theme of problem definition.

Engel went further to stress her school’s desire for freedom to build its own educational program, thereby echoing the point made by Pataki about lifting administrative burdens imposed on schools by the traditional bureaucracy. The argument for local flexibility and de-bureaucratizing the public education system was a pivotal rhetorical construction during the charter debate, beginning with the Governor’s earlier denunciation of the traditional school bureaucracy as stifling the “innovative spirit” (Pataki, 1998). Chubb and Moe (1988, 1990) have argued that institutional features of the public school system, specifically its highly bureaucratic structure, make it an ineffective organization that depresses student performance. In fact, the accuracy of this claim has been challenged by other scholars, whose empirical research shows that increased bureaucracy actually correlates with improved school performance in some circumstances (Meier, Polinard, and Wrinkle, 2000). No matter. The image of bureaucratic excess strikes a reliable chord in a society ambivalent about the uses of government (Peters, 2001). Diane Ravitch, before she became a critic of the school choice movement, released a book focused on New York City schools right as the state’s charter school debate was heating up. She called the education bureaucracy “Sprawling, rigid, machinelike, uncompromising … [and] unresponsive” (Ravitch and Viteritti, 1997). Ravitch made liberal use of metaphor as she expanded on this attack in her book’s first chapter:

Like a huge dinosaur, it [the bureaucracy] is not particularly smart, has an insatiable appetite, moves awkwardly, yet exudes great power. Like wisteria, it is
impossible to control; clip it back and it grows more vigorously than before. Like a giant octopus, its many tentacles reach fearlessly into every aspect of the school system (p. 19).

This theme of an unmanageable, inefficient, archaic education bureaucracy put critics of school choice on the defensive. Opponents of the governor’s law could not praise the bureaucracy so named, although they would eventually seek to justify certain bureaucratic activities, for example, enforcement of the requirement that teachers be licensed and ensuring that schools follow accepted labor laws and practices.

In a turn for the melodramatic, charter school opponents did, at times, resort to extreme crisis rhetoric by warning of a possible dissolution of public education if Pataki’s proposal became law. Linda Berns, a representative of the New York Civil Liberties Union, exclaimed that a charter school reform could lead to “the death of the public schools” due to the necessity of “sapping funds from the public schools” under his plan (Rosenberg, 1998). Karen McSharry, a government relations representative of the New York State School Boards Association, worried that “Charter schools would establish a dual educational system,” and that giving public funds to what would inevitably amount to private schools would lead to a “a separate, and dramatically unequal, school system” (Rosenberg, 1998). A New York Times Sunday Magazine piece published during New York’s charter school debate profiled public educators who felt the possibility of diverting public funds from traditional schools for the sake of charters posed a grave danger for public education. The piece claimed that “This diversion of resources is public educators’ worst fear and has so far kept charters out of New York” (Winerip, 1998).

This same sentiment would be echoed in numerous letters written to the Governor and state legislators regarding the charter school proposal. In one, Elizabeth Hiddemen Rice, a
District #2 Committeewoman, warned that charter schools would “siphon off children” at the expense of public schools (Hiddemen Rice, 1998), a worry stated by members of several other public school districts (Kaden and Zaretsky, 1998 and Read, 1998). Another letter, which was written by the Superintendent of the Canisteo Central School District, predicted direly that allowing for-profit companies to operate charter schools would “completely erode the distinction of these schools as public entities” (Wood, 1998). Yet another school district Superintendent articulated the view that “Charter School Legislation threatens to endanger our system of public education, which is the foundation of our democratic society” (Gottlieb, 1998). Needless to say, this panic that the existing system for educating the vast majority of children was being jeopardized in a potentially catastrophic way was alarmist given the experience of other states with charter schools. However, framing the charter school proposal in terms of a life-or-death fight did make sense as a rhetorical tactic for provoking fearfulness on the part of parents dependent on the traditional public system and for mobilizing them to weigh in against the reform.

Although not explicitly linked to Pataki’s plan, news of charter schools elsewhere undoubtedly influenced voters and politicos over the next several weeks. A *New York Times* article just three days after Pataki’s press conference described a report released by “a group that supports charter schools” as evidence of their value (Archibold, 1998). The report surveyed a selection of 31 top charter schools chosen for their geographic diversity and high populations of low-income students or students with limited language ability. The report found that 21 of the schools reported gains on standardized tests, like the Stanford 9 and the California Achievement Test of Basic Skills. The 10 others either did not submit year-to-year results or any data at all. This turn to data sparked plenty of controversy. Critics of charter schools lambasted the report,
saying it provided little worthwhile information because of the non-neutral reputation of the sponsoring institute as well as the limited sample data. Gary Orfield, a professor of education at Harvard University, commented: “All you can conclude from this is that good schools that people nominate as good schools report they are doing good” (p. B2). The article did, however, indicate that interest in adopting a charter schools law in New York had been growing.

Use of data to bolster a policy position is a common tactic described in the literature on problem definition. Indeed, the “language of counting” pervades most policy discussions, as numbers help to create the impression that a problem has been objectively documented and its solution comprehensively measured and understood (Stone, 2002). Numbers may lend the appearance of precision in policy debates but are often manipulated by conflicting parties (Rochefort and Donelly 2012). This is clear from the example above. Charter school proponents cited numbers as clear proof of these schools’ effectiveness; opponents, in turn, immediately dismissed such data as unreliable and inconclusive.

Despite his best effort at creating the optics of a diverse coalition, Pataki’s charter school plan reflected a general rightward political shift. A New York Times article discussing Pataki’s growing conservatism mentioned a range of policy proposals. At the top of the agenda, however, stood a measure “dear to the hearts of ideological conservatives: charter schools” (Perez-Pena, 1998a, p. B5). This same article stated that “charter schools is a subject that barely registers in polls,” and that neither party was likely to get too bent out of shape about the proposal. This write-up foresaw a quiet legislative session with possibly easy acceptance of the proposal.

When late April rolled around, however, Governor Pataki used his veto to cut over one thousand items from the legislature’s budget, thus guaranteeing the failure of his own charter school proposal. Critics labeled the move a “broad assault” on the legislature’s budget. Pataki’s
cuts included $500 million for school construction and repair money (a top priority for both the Assembly Speaker and the New York City Schools Chancellor), and $100 million for teacher training and salaries. *The New York Times* portrayed the Governor’s actions as “certain to worsen his already rocky relations with the Legislature, potentially making it harder for him to win passage of other initiatives, like charter schools” (Perez-Pena, 1998b). And as the bills vetoed by the governor went back to the legislature, the fate of charter schools in New York hung in the balance.

Debates about education policy in 1998 also took place within the context of an election year. This meant that, instead of quiet compromise, state legislators were cautious about expressing too much agreement with political opponents, and they shied away from crossing party lines. Governor Pataki proclaimed his conservatism by extensive use of the veto power but at the expense of his relationship with the legislature. Near the end of the spring legislative session, the *New York Times* commented: “The extra money for teachers is apparently being held hostage to Mr. Pataki’s charter school proposal” (New York Times, 1998a). Indeed, not much of anything got done over the five-month session due to “a combination of personal animosities among the major players and election-year politics” (Perez-Pena, 1998c). Despite Pataki’s pressing hard for charter schools, one anonymous Assembly Democrat predicted that the Governor would likely be going home empty handed on this issue, as “everyone’s already in campaign mode, anyway” (Perez-Pena, 1998c).

Before a decision about the charter schools law came to a head, *The New York Times* *Sunday Magazine* article on charter schools, titled “Schools for Sale,” appeared (Winerip, 1998). In it, the author resorted to a marketplace metaphor in describing the nature of charter schools. If a magnet school was like a “corporate subsidiary,” a charter was compared to “having your own
business.” Although the piece profiled a variety of charter schools and key players throughout the country, the author was very mindful of the charter school debate in New York State, and he highlighted the concept’s opponents and their arguments. For example, Republican Governor George Pataki and Democratic legislators from heavily minority districts were characterized as being “stalled by the association for public-school boards and the teachers' union, among others.”

The New York debate saw heavy use of market-based language and other metaphors, adopted variously to praise and to condemn the charter school concept. A New York Times article highlighted the “profit-making” nature of some charter schools and quoted Noreen Campbell, executive director of the Educational Priorities Panel, that “The idea that the marketplace will help poor children in failing schools is somewhat questionable. Where have you seen the marketplace help poor people?” (Rosenberg, 1998). Alan Lublin of NYSUT likened for-profit charter schools to “McDonald’s franchises” (Hartocollis, 1998b). Conversely, those pushing for Pataki’s proposal, including the president of New York Chamber of Commerce, highlighted how, just as in the marketplace, charter schools would force public schools to “innovate” (Hartocollis, 1998b). And The Times Union, in counterposing public schools with charter schools, noted that the latter would be “mainly unfettered by bureaucratic red tape” (Tully, 1998a). Early on in the fall legislative session, Rev. Floyd Flake had sought to convince charter schools skeptics that “The truth is that charter schools embody the competitive models of market-based competition while serving the interests of teachers and minority communities” (Flake, 1998).

Interestingly, comparisons of a charter schools policy to the private marketplace were not disputed by either side. They were embraced by charter advocates, while charter opponents used them as a negative descriptor. There were also attempts to paint charter schools not only as a
market-based solution to public school woes, but as part of the policy repertoire of right-wing capitalism. Lubin, NYSUT’s executive vice-president, stated that “there was tremendous pressure from the hedge funds [to adopt charters]” (Lubin, 2014). And Andrea Rogers, a charter advocate, acknowledged that “there is a lot of concern from opponents that it is like a corporate reform movement, whose goal is to privatize education” (Rogers, 2014). The for-profit nature of some charter operator-hopefuls added fuel to the fire, causing outrage among charter opponents already worried about the diversion of public funds to charter schools.

Many important issues went unresolved in the 221st session of the New York State legislature. Charter schools was one of them. Stated one news analysis: “Irate lawmakers, primarily Democrats, denied Mr. Pataki, a Republican, nearly all of his agenda for the year, including…charter schools” (Perez-Pena and Hernandez, 1998d). In short, *The New York Times* characterized charter schools as a victim of the greater partisan and electoral battles of that spring. Furthermore, the newspaper emphasized the tit-for-tat nature of legislative haggling: Pataki had vetoed Democratic agenda items and, in turn, the charter law met with defeat. Pataki’s charter school proposal would have to wait until the fall session to be revived. But commentary on it would not subside.

The 1998 Bill

The New York State Charter Schools Act of 1998 would establish a system of charter schools for the first time in the state. Its stated purpose was manifold, and included providing opportunities for teachers, parents, and community members to establish and maintain schools that operate independently of existing schools. Some of the stated goals included the wish to expand learning experiences for students who are at-risk of academic failure, to encourage the use of different and innovative teaching methods, to create new professional opportunities for
teachers and staff, to provide parents with expanded choice for their children’s schooling options, and establish a system of accountability that would turn from rules-based assessments to performance-based assessments of students, teachers, and staff.

A summary of key provisions in The New York State Charter Schools Act appears in Table 1. Teachers, parents, school administrators, and community residents, in conjunction with colleges, universities, museums, educational institutions, and not-for-profit or for-profit corporations, would be able to apply for a charter. Applications would have to include a mission for the school, student achievement goals at least equal to those of district public school goals, admission policies, budget, hiring processes, procedures for disciplining students, and a provision for an annual fiscal audit. Applications would also have to specify proposed facilities for the school, the name (to include the words “charter school” and to exclude titles of for-profit corporations), school calendar, background information on the applicants, and evidence of adequate community support for, and interest in, the charter school sufficient to allow the school to reach its anticipated enrollment.
Table 4.1: Provisions of the New York State Charter Schools Act of 1998

<table>
<thead>
<tr>
<th>Provision</th>
<th>Yes/No</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>For-profit schools</td>
<td>Yes</td>
<td>A wide variety of community, non-profit, and for-profit groups could apply for a charter.</td>
</tr>
<tr>
<td>Community support</td>
<td>Yes</td>
<td>Applications must include “evidence of adequate community support for an interest in the charter school.”</td>
</tr>
<tr>
<td>Annual fiscal audit</td>
<td>Yes</td>
<td>Schools must submit to an annual fiscal audit conducted by chartering entity that granted application.</td>
</tr>
<tr>
<td>Renewal process</td>
<td>Yes</td>
<td>Charters granted for five years, subject to re-approval (for another five year term)</td>
</tr>
<tr>
<td>Cap</td>
<td>Yes</td>
<td>Charters capped at 100, however conversion of an existing public school to a charter school or the renewal or extension of a charter would not be counted toward the limit</td>
</tr>
<tr>
<td>Free from public-school regulations</td>
<td>Yes and No</td>
<td>Charters would have final authority for policy and operational decisions of the school, and the school would be exempt to the same extent as other public schools of all taxes, fees, and assessments however would have to follow health and safety, civil rights, and student assessment requirements applicable to other public schools.</td>
</tr>
<tr>
<td>Revoking of charter</td>
<td>Yes</td>
<td>A school’s charter could be revoked if test scores fell below the level that would allow the commissioner to revoke the registration of another public school, and also if student achievement on such measures did not show improvement over the preceding three school years</td>
</tr>
<tr>
<td>Unionized schools</td>
<td>Possible</td>
<td>Unions could establish charter schools, and schools with a projected enrollment of over 250 would automatically be unionized.</td>
</tr>
<tr>
<td>Selective enrollment</td>
<td>No</td>
<td>Charter schools could not discriminate between applicants on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. However, same-sex schools and schools specifically for students with disabilities would be permitted.</td>
</tr>
</tbody>
</table>

Chartering entities, or those responsible for approving and revoking charters, would be the board of trustees of the State University of New York, or the Board of Regents. Charters would be granted for five years, subject to re-approval (for another five year term) provided a school furnished the appropriate chartering entity with a progress report, financial statements, and indications of parent and student satisfaction. A denial of charter, or re-approval of a charter, would be final and would not be reviewable in any court or by any administrative body.
The Act also capped the number of charters to 100. The ability to grant charters was split evenly between the board of trustees of the state university of New York and the Board of Regents. Conversion of an existing public school to a charter school, or the renewal or extension of a charter, would not be counted toward the numerical limits established by this subdivision.

A charter school’s own board of trustees would have final authority for policy and operational decisions of the school, and the school would be exempt to the same extent as other public schools of taxes, fees, and assessments. However, a charter school would be officially designated as a public school, thus requiring the school to set forth the manner in which students ineligible for transportation would be transported to and from school. A charter school would have to meet the same health and safety, civil rights, and student assessment requirements applicable to public schools. Students attending a charter school would be required to take Regents examinations to the same extent such examinations are required of other public school students.

A charter school would need to be nonsectarian in its programs, admission policies, employment practices, and all other operations. It could not charge tuition or fees. Admission of students would not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. However, applicants could apply to establish single-sex schools, or schools specifically geared toward students with disabilities. Charter schools could employ teachers without the same certifications as public school teachers, but they could only make up to 30 percent of the teaching staff. Charter schools would get their funds from the public school districts in which they would reside; 100 percent of the funds normally attached to students, including students with disabilities, would follow the students from the public school to the charter school.
immediately upon a student’s enrollment in the charter school. No transitional aid would be
given to public school districts during this period.

Finally, the Act outlined several causes for revocation and termination of a school’s
charter. A charter could be revoked if test scores fell below the same level that would allow the
commissioner to revoke the registration of a public school, and also if student achievement on
such measures did not show improvement over the preceding three school years. If the school
seriously violated the law, its own charter, or engaged in fiscal mismanagement, or if it engaged
in discriminatory hiring and employment practices, its charter could also be revoked.

Round Two

On October 12 the New York State Conference of NAACP branches wrapped up three
days of meetings and workshops covering a wide array of issues important to African
Americans. Approximately 400 people attended, and the way both Governor Pataki and his
supporters had linked the proposed reform to civil rights and minority empowerment did not
escape notice. Provoked by this framing—yet contrary to it—convention members passed a
resolution to back candidates opposing government-funded vouchers for private schools and
charter schools. This resolution not only expressed the organization’s opposition to charters, it
also related charter schools to another conservative education reform: school vouchers. Notably,
Governor Pataki was a no-show at the event, which dealt a blow to those participants who were
charter school advocates, such as Rev. Floyd Flake.

Meanwhile in Buffalo, a community forum sponsored by the Metropolitan Buffalo
Alliance of Black School Educators hosted five Buffalo Common Council members to discuss
how charter schools would impact the city (Buffalo News, 1998a). The forum resulted in a plea
from the mayor, Common Council, and School Board for the state to allow the city to implement a charter school pilot project. Although the proposal would not have statewide policy implications, and the Governor would not have the authority to authorize the program on his own, the gesture from Buffalo was important in that it spurred a wave of editorials about the potential of charter schools to free administrators from a “host of mandates” (Watson 1998). Not all commentary was good, however. The Buffalo News pointed to the danger of diverting money from district schools before having “comprehensive academic data on a phenomenon that’s less than a decade old,” terming it a “blind leap” (Watson 1998). In lieu of hard data, charter school proponents did highlight the fact that the policy was far from unknown in that it had been adopted before by other states.

Indeed, the association between minority students and charter schools as a policy solution to underperforming school districts where minorities were struggling with obtaining adequate education was one of the more salient themes throughout that debate. The importance of this messaging was crucial for pro-charter advocates to recruit minority groups in favor of charter schools. Brian Backstrom, Vice-President of Change-NY, a charter advocacy group, has subsequently said of this strategy: “We enlisted a lot of grassroots groups, a lot of minority groups” (Backstrom 2014). Backstrom also claimed: “The underserved community message was very well received by the media.” In short, tapping into such an emotional and high profile policy domain as race in America demonstrated the potential to play well with broad audiences. Backstrom went on to say that “Albany school district was the most appallingly racist district, the perfect district to do this in. You had 90 percent black schools and 80 percent white schools, so it was easy to demonstrate the utility of charters.” According to Andrea Rogers of the New England Charter Network, advocates believed “There was a mentality that kids are too poor to
learn” (Rogers, 2014). Some kind of drastic approach was needed. It would be up to charter schools to help underperforming students as a policy solution not only for residential and racial segregation, but also the poverty associated with these conditions.

Susie Miller Barker is currently Executive Director at State University of New York Charter Schools Institute. At the time of the 1998 debate, she was Associate Commissioner of Education for the Commonwealth of Massachusetts. Barker highlights the importance of linking minorities and charters. “One of the things that was significant [in the debate] was the commitment to serving underperforming populations of children, so that is socioeconomically disadvantaged children, which links to the ethnicities of children, etc., etc… Linking low socioeconomic children to charter schools absolutely helped New York adopt the law” (Barker, 2014). The focus on minorities had tangible implications for policy as well as politics. The goal was to persuade legislators in minority districts that this measure could offer a way up for some of their constituents.

Not all actors were persuaded by the connecting of minorities to charters, however. Alan Lubin, Executive Vice President of NYSUT in 1998, said of the issue that “We talked about the segregation issue. We talked about the fact that special-ed and English language learners would not be served” (Lubin, 2014). The NAACP and unions predicted that with the implementation of a charter schools law, schools would become even more segregated, and charters would serve only niche demographics, therefore leaving behind less diverse public schools. Lubin continued: The “Charter school movement was segregating our schools. Hazel Dukes [NAACP spokesperson] would come to Albany to oppose them.” Despite the NAACP’s insistence that charters would further segregate schools, this message was not a prevalent one throughout the debate, which may attest to the active minority recruitment strategy of the pro-charter groups.
One of the most prominent uses of narrative throughout this debate was a casting of New York as the latest recruit in an important broad-based movement. Indeed, the type of media coverage given to the charter school debate helped reinforce this perspective. In November, the nationwide count of charter schools as presented to New Yorkers by the Times Union was over 800 in almost two dozen states, with specific mentions of neighboring states New Jersey and Connecticut (Karlin, 1998b). On December 7, the count was up to 32 states, and a comparison was drawn between states that had relaxed rules on who grants charters (such as “loosey-goosey Arizona”) and those that had passed charter laws so strict that no applicant had qualified to start one, as in Rhode Island (LeBrun, 1998). This put into relief the discussions surrounding chartering entities, authorizers, and requirements to be chosen for New York, i.e., the nitty-gritty of the proposed charter law. A few days later, the number of states in which charter schools were operating stood at 33 and the District of Columbia (Stashenko, 1998b). Other newspapers couched the reform in a similar narrative: that New York was just one in a long line of states to consider the reform. The New York Times noted tersely: “Nationally, the charter school movement has been expanding” (Rosenberg, 1998). In an effort to appeal to state legislators, the editorial page of the Buffalo News implored them to allow the city to begin a charter school pilot project, citing the 33 states and District of Columbia which had adopted the reform as proof of its palatability (Watson 1998). In fact, the charter debate in New York was occurring within a context of a “constant drumbeat about the successes” in other states (Backstrom 2014).

Because charter schools were a relatively novel approach to education policy, and would certainly be new for New York State, policymakers looked to public opinion polls to see how the concept was received. In national surveys, when likely voters were asked about using government funding for charter schools established by private groups or individuals as a way to
improve public education, 15 percent rated the strategy as very effective, 24 percent as somewhat effective, 49 percent as not effective, and 13 percent weren’t sure (Zogby's Real America Poll, 1998). In another poll, when asked which was closest to their view on how to improve education for the 21st century, 33 percent of respondents chose charter schools, behind 41 percent of respondents who favored spending more (Roper Center, 1998a). A third poll asked about establishing independent charter schools to create more competition within the public school system: 28 percent of respondents strongly supported them, 29 percent somewhat supported, 15 percent somewhat opposed, and 17 percent strongly opposed (Roper Center, 1998b).

Varying wording on these polls may have led to disparate results. Nonetheless, the polls showed that, at least nationally, public opinion had not been settled or well developed with regards to the charter school issue. When pollsters described charter schools as an initiative of private groups and individuals, a mere 15 percent of the public judged them to be very effective. This low response may have reflected a genuine mistrust of the new policy, or instead it may have signaled a hesitancy to entrust public school systems to private groups and individuals instead of public entities and community collectives. When the question was asked differently—putting the emphasis on charter schools’ ability to improve public education—33 percent of respondents favored charter schools over a course of more spending, suggesting significant appetite for a policy that would change the traditional public school system instead of adding to its budget. Finally, when the question about charter schools suggested they would “create more competition within the public school system,” 28 and 29 percent of respondents strongly supported and somewhat supported the policy, respectively. Again, it is hard to tell whether this was an accurate measure of nationwide support for charter schools, or if the question being couched in marketplace terms—a generally favorable association to make in the American
cultural context—helped to bolster positive responses. What these polls did show, then, was that charter school policy did not enjoy either overwhelming support or opposition, and that opinion poll wording had great influence on respondents’ opinions toward the policy. As far as New York was concerned, charter schools were on potentially fertile ground; if opinion polls indicated anything, it was that the way advocates and adversaries discussed this issue promised to be of utmost importance in establishing a dominant definition of the issue and the public’s reaction to Governor Pataki’s proposal.

Interestingly, a fourth national poll focused on attitudes towards charter schools as a means for dealing with failing schools and black students not doing well in school. When asked a global question about whether expanding charter schools that “free schools from many existing regulations and give them control over their own budget, staff, and curriculum” was a good idea, 20 percent of black parents thought the idea excellent, 36 percent good, and 44 percent responded with fair or “I don’t know.” Among white parents, 20 percent called the idea excellent, 35 percent good, and 45 percent fair, or didn’t know. This response showed black and white parents virtually equal in their opinions of charters (Public Education Network, 1998).

Although this was a national poll, it is significant given the emerging place of race in New York’s charter school debate. Aaron Dare, president and chief executive officer of Albany's Urban League, said Pataki’s plan for charter schools was “an opportunity to break the link between poverty, race and low academic achievement” (Tully, 1998a). This statement, and others like it, attempted to associate education, specifically education reform in the form of charter schools, with advancement of poor and minority children. Other charter school advocates took the rhetoric up a notch, crossing the line into melodrama by resorting to highly charged racial themes. Consider Thomas Sowell, a conservative African American intellectual and
pundit, who claimed that liberals opposing charter school legislation “have a large vested interest in the failure, pathology and dependency of blacks. From the standpoint of liberal politicians, of whatever race, so long as there are enough blacks on the welfare state plantation, this is a bloc of votes that can help offset the changing mood of the country as a whole toward conservatism” (Sowell, 1997, p. A7). Sowell’s remarks were indeed extreme. First, he greatly exaggerated the range and depth of some liberals’ position on charter school legislation. Furthermore, by equating opposition to charter schools with the perpetuation of a form of slavery, Sowell framed this issue in the most visceral, highly emotional terms. The plantation is nothing if not a painful symbol of enslavement and exploitation of blacks by those in positions of power in American society.

Having failed to push through a charter school law in the legislature’s spring session, Governor Pataki set his sights on the fall. It was early November when rumors started to circulate that, in exchange for not vetoing a pay raise for legislators, the legislature might give Pataki the charter schools law he so hoped to claim as a crowning achievement. When Pataki had unveiled his plan for charters earlier that year, opponents focused their disagreement on the substance of the law. Now, indications that the Governor would hold a pay raise hostage unless granted his charter school plan shifted the focus of ire. Although New York politicos were, in early November, focused on races for governor, United States senator, comptroller, and attorney general, the possibility for a pay raise loomed behind the scenes where it was receiving attention “albeit on background, off the record and every other way that won’t have anyone’s name attached” (Perez-Pena, 1998e). The covert nature of consideration for legislative pay-raises was understandable. Indeed, a Buffalo News telephone poll found that, according to 64 percent of respondents, state legislators should not get the raise (Stashenko, 1998a). And the New York
*Times* likened a potential tradeoff between lawmaker raises and charter schools to “trade bait” (Perez-Pena, 1998e). Commented an anonymous Democratic legislator: “The spineless factor here is very high” (Perez-Pena, 1998e). And although the Governor had explicitly stated he would not support a raise, the *New York Times* noted: “In the absence of actual negotiations on the subject, that has left legislators parsing his public statements with the care once given to Kremlin missives” (Perez-Pena, 1998e).

**Key Players Voice Their Stance**

Recognizing the possibility of a pay raise/charter school deal, key players started voicing their opinions more forcefully than in the spring session, when the issue was not seen as likely to succeed. The state school boards association urged lawmakers not to allow the creation of charter schools—the association’s president warned that charters were “not the answer,” with the executive director adding that they would “divert resources from the public schools” (Karlin, 1998b).

Both the New York State United Teachers and the National Education Association (NEA) of New York applauded Assembly members for risking their 39 percent raise by not agreeing to a Senate bill, passed in early December, to allow the creation of charter schools. Speaking of the Senate, the President of NEA New York said: “They should be ashamed of themselves” (Odato, 1998a). And Alan Lublin, executive vice president of NYSUT, lauded the Assembly for not responding to “blackmail.” These parties agreed that a thorough negotiation process could result in a charter law supported by Democrats, NYSUT, and NEA New York, but only if the pay raise was not linked to the issue and if negotiations lasted for longer than the “less than one minute” taken by the Senate to consider their bill. A third union group, the AFL-CIO
New York State Chapter, would later write a letter to the Governor calling the charter bill “unacceptable to the 2.5 million member New York State AFL-CIO” (Odato, 1998a). The union also echoed calls for “vigorous discussion,” apparently unsatisfied with the level of debate on the matter.

Clearly, the language used by NYSUT and NEA to describe the negotiations in progress was hyperbole. By calling on legislators to be ashamed of themselves, the President of the NEA not only injected strong emotion into the situation, he asserted his own authority to pass judgment on the legislative process. By characterizing the raises-for-charters scheme as blackmail, Lublin highlighted certain features of the proposal at the expense of others, specifically the mechanics of legislative deal making over legislative content.

Meanwhile, New York’s Secretary of Education, Richard Mills, clarified his position on charter schools. Without withdrawing his support outright, he said it was hard for him to see that “this could be a solution for more than a few children” (Precious, 1998b). Mills called the charter school proposal a “small strategy,” and he lamented that it would likely take a long time for the new policy to have any effect on New York’s education system writ large. In response, a Pataki spokesperson called the charter schools law “dramatic” and doubted whether additional funding (for after school programs and hiring of additional teachers, two proposals Secretary Mills supported) would be effective. Regents’ Chancellor Carl Hayden echoed the Commissioner when he contrasted charters with a standards-and-testing approach, saying that, until now, the education establishment was “doing it the hard way” (Stashenko, 1998b).

Another influential group to come out against Pataki’s proposal was the League of Women Voters. The group “blasted” the idea of charter schools in mid-December, repeating the familiar point made by opponents about the draining of funds from an already overburdened
public system (Gallagher, 1998). In response, Brian Backstrom of Change-NY, a conservative interest group, called the League’s position “appalling.” He painted their portrayal of charters as nothing but “scare-tactic rhetoric without a complete understanding of the content of what public charter schools are.”

One of the most controversial issues raised by Pataki’s proposed charter law was that it would grant CUNY the ability to give licenses to the schools. New York Mayor Rudolph Giuliani warned that it would be “very dangerous” for state lawmakers to go ahead with this plan, saying that CUNY is “not able to take care of its own institution” (Tully, 1998b). Schools Chancellor Rudy Crew also spoke out against charters, and reportedly told the New York Times that the law would “destroy everything he has worked for in the last three years” (Hartocollis, 1998b). Although Crew went on to say that he didn’t think the law was fundamentally flawed, he worried about the lack of accountability to him or “virtually anyone” if the bill passed as proposed. Crew described the provision in the law giving chartering authority to local school boards, the State Board of Regents, universities, and a special state charter commission as allowing “everybody and their brother able to charter a school” (Hartocollis 1998b). This provision would also run counter to Assembly Speaker Sheldon Silver’s aforementioned “litmus test,” that only those institutions experienced with the education domain be given chartering authority. Randi Weingarten, head of the city teachers union, seconded Crew’s fears and emphasized the need to make sure educators hired in schools were “qualified” and given “decent salaries.”

Activists in the charter debate certainly did not shy from voicing opinions about each other and, privately, they worried about their opponents’ messaging and its effects. Andrea Rogers of the Northeast Charter School Network later recalled: “There was a lot of concern from
opponents that [charter schools were] like a corporate reform movement, whose goal was to
privatize education. But a lot of charter schools are grassroots or community focused”(Rogers
2014). Alan Lubin of NYSUT seemed to substantiate Rogers’ claim in saying that in 1998
“there was the risk that hedge funds would take over”(Lubin 2014). Brian Backstrom of Change-
NY has admitted that “we demonized districts because of their treatment of kids,” and one chief
pro-charter tactic was to “talk about the education system being broken” (Backstrom 2014).
Unions, too, were “villainized in the debate,” portrayed as members of an ineffective
bureaucracy the likes of which Diane Ravitch criticized earlier in this chapter(Barker 2014).

Finally, just as measurement discourse was pivotal in arguing the promise of charters
during the previous year, statistical rhetoric became paramount in the lead-up to the special
session at which legislators would vote on the charter law. Backstrom from Change-NY later
recalled that “All the facts were on our side,” that charter advocates could point to successes
elsewhere to substantiate their claims (Backstrom 2014). Theresa Portelli, a member of the
Albany School Board at the time of the debate and a charter opponent, maintained in 2014: “If
you put the facts in front of the public, it never would have passed”(Portelli 2014). Alan Lubin of
NYSUT highlighted one of the most important tools for fighting his opponents on the charter
issue: “We countered their arguments with statistics”(Lubin 2014). NYSUT looked to charter
school studies done in other states to highlight their ineffectiveness:

We worked with national groups that did studies of charter schools, we did it for
the fact-based argument. We removed all the grades from the special ed and
English language learners, and the public schools did better than almost every
charter school. There were national studies done that showed charters were not
doing better educating the same kids. (Lubin 2014)
Interestingly, then, both sides used measurement discourse as an appeal to “reason” or “facts” to convince others of the efficacy or inefficacy of their or their opponents’ proposals. These numbers alone failed to resolve the debate.

**What Price a Pay Raise?**

By late November, Rev. Floyd Flake confirmed that Governor Pataki was likely to go along with a pay raise for state lawmakers if they approved his charter school proposal. After a telephone call with the Governor, Flake “came away convinced he’s inclined to link the two together” (Associated Press 1998). The trade was too explosive, however, for Pataki to address it directly. So it was that the prospect of such a deal continued to circulate among intermediaries and mouthpieces, yet without comment from the principal actors involved with this legislation.

A *New York Post* editorial implored readers to think of the raise as “feed-the-piggies time at the Albany hog farm.” But the newspaper also acknowledged that some good could come from Pataki being able to “squeeze the Legislature painfully.” *The Post* relished the fact that approval of the charter law was “anathema to the teachers unions…[and] educrats” (New York Post 1998). This same editorial termed the trade a “bribe.” Still, *The Post* conceded that, unfortunately, time had come for the Governor to consider “some serious horse-trading with politicians who have proved, time and again, they won’t do the right thing by schools and schoolchildren without a little backsheesh.” The metaphor of greedy pigs addicted to the “backsheesh” of self-interest was a powerful rhetorical attack on lawmakers. Meanwhile, as part of this same construction of events, Governor Pataki assumed heroic status as the defender of children under deplorable political circumstances. Another editorial from *The Post* a few days later described legislators as “converging on Albany …like desperate Lotto players, hoping to vote themselves a whopping 38
percent pay hike.” In something of a mixed metaphor, the author said the pay raise had “the aroma of a midnight burglary of the taxpayers” (Newfield 1998).

Conversely, the New York Times admonished Pataki for his implicit acquiescence to a raise-for-schools scheme with an editorial titled “Schools Should Not Be Poker Chips” (New York Times 1998d). Although the editorial acknowledged that “governors and legislative leaders have long been addicted” to secret bargaining, the newspaper urged that Pataki “decouple charter schools from the pay-raise issue and other one-dimensional fare, and hold hearings in early 1999.” But The Times did not lay blame squarely at Pataki’s feet. In a different editorial, the newspaper called legislators’ performance “drone-like” and likened them to “poltroons” for waiting until after the election to announce their intention to raise their own pay (New York Times 1998b).

In early December, the New York Senate approved both the pay hike and Pataki’s charter schools law and sent both bills to the New York State Assembly. Assembly Speaker Sheldon Silver accused Pataki of supporting charters to score points with “radical conservatives in the Republican Party” (Birnbaum and Dicker 1998). He went on to say that his co-Assembly members “can’t be bought for something they don’t believe in,” meaning charter schools. The New York Post called the charter school legislation likely “dead on arrival in the Democrat-controlled Assembly” (Birnbaum and Dicker 1998).

Without doubt, the legislative pay raise was Governor Pataki’s biggest bargaining chip during the special session. In fact, even though major actors who were later interviewed about the 1998 debate emphasized the importance of political language and problem definition, almost all cited the pay raise as the most influential factor in getting the bill passed. This was one of the few points on which charter school proponents and opponents agreed. According to Lubin of
NYSUT, “The reality of why it passed is that the legislators hadn’t gotten a raise in a number of years” (Lubin 2014). NYSUT opponent Backstrom remarked: “Tying the law to the pay raise is the only way this could have gotten done. There was nothing else on the radar screen that had sufficient leverage to get it done” (Backstrom 2014). Senator John Flanagan, current chair of the New York State Senate’s Education committee and member of the Assembly during the charter debate, confirmed: “Charters were directly tied to the pay raise…Given the contentious nature of that debate, and charters generally, if it were not linked to something else, it probably would have had a lot of difficulty in getting passed” (Flanagan 2014). Finally, Susie Miller Barker made a similar observation when she said: “The legislature hadn’t gotten a pay raise in years, and the governor could have asked for anything he wanted, and he wanted a charter school law” (Barker 2014).

Some might see the strong association between the charter law and the legislative pay raise as indicating the limited influence of language in this policy debate. Yet there is no question that both sides spent a great deal of energy on messaging during this campaign. Many participants and observers concur with Senator Flanagan’s observation that the charter school debate was “contentious and rancorous” (Flanagan 2014). Although the raise was certainly a huge incentive for legislators to vote in favor of the law (salaries being also factored into legislative pensions), the function of language in setting the context of this debate and in characterizing competing policy alternatives and their consequences has been well documented in this chapter.

The Battle in Black and White

While much of the negotiations regarding charter schools (and their link to the legislative pay raise) occurred behind closed doors, columnists and other opinion-writers openly expressed their support for, or opposition to, the proposed law in editorials and letters to the editor. It is
useful to survey this published discourse because media attention is fundamental to public opinion, the policy process, and policy change (Shanahan, McBeth, and Hathaway, 2011 and Wolfe, 2012). Media can influence the pace of policymaking and the drive for policy change as new policy participants and problem definitions enter the debate via the media. The media’s influence has been studied in a wide range of policy domains, such as environmental policy (Jenner 2012), campaigns and elections (Jones, Ferraiolo and Byrne 2011), foreign policy (Baum 2013), and education policy (Portz 1996).

An opinion piece in the New York Post attacked teachers unions as being “death on charter schools,” calling their request that charter schools mandate that teachers belong to unions a nod to the “pervasive culture of mediocrity and time-serving,” which would take a “devastating toll on more ambitious teachers” (Stern 1998). Another piece published in the Times Union called the Governor’s plan a “thinely veiled emasculation of the state Education Department” and part of a “reactionary agenda” (LeBrun, 1998). This same editorial noted a lack of public opinion data on the charter school issue. The author sought a “loud and vigorous debate,” which he likened to a “dance,” and not a bill “slipped through by the fast right in the shell game, while the left fumbles over the juicy issue of pay raises for politicians.”

Certain actors outside of New York State also hoped to shape elite opinion on the charter school law. One executive at a company that operated charter schools in seven states published an editorial in the Times Union to express her hope that the company could add New York to the list of states in which it operated. Lisa Coldwell-O’Brien labeled charter school opponents “defenders of the status quo” who were resorting to “propaganda used by the education unions…as tired as the old, gray establishment they are fighting to preserve” (Coldwell-O’Brien 1998). This story of the decline of public education, in the sense that Stone (2002) analyzes this
common narrative arc, depicted opponents as stuck in the past and blocking the inevitability of progress.

A letter sent to *The Times Union* in response to LeBrun’s editorial opposing charter school legislation echoed this narrative of progress. The author, who called current funding formulas “outdated,” asked readers: “How long should we force them [parents] to wait until the educational ‘professionals’ he places so much trust in come up with an answer? Five more years? Ten more years?” The communication goes on to lament that we are “failing” our youngsters, and that charters focus on helping individuals, not school districts and bureaucratic “systems” (E. Young 1998). Many charter school proponents expressed this theme of dissatisfaction with “the system,” typically symbolized by an inefficient and ineffective education bureaucracy.

Faith—or doubt—in “the system” thus became a central indicator of views toward the proposed charter-school policy. For supporters, Pataki’s charter schools law was a remedy from the outside, that is, a proposal to fix the public system by circumventing it altogether by redirecting funds to the charter schools. Even some charter school moderates conceded: “Charter schools aren’t a magic bullet. But why should we put all our eggs in the basket of systemic reform?” (Townsend 1998). Others who opposed the Pataki proposal urged him “to consider the charter school legislation as a poor example of a quick fix remedy” (D. L. Young 1998). The New York City Schools Chancellor expressed concern that the charter school plan would “fragment the system” (Hartocollis 1998b). Alternatively, one reason given for supporting charters was that “the system’s academic standards have plunged even further” (Kerrison 1998). And an editorial in the *New York Post* exposed some “dirty little secrets of the system,” like teachers working exactly at their contract minimum, presumably less than their charter-school
counterparts would (Stern 1998). The education “system” was called “failed” (Alvarez 1998) and “arcane” (New York Times 1998b) as part of a general vilification.

As lawmakers prepared to vote on Pataki’s charter schools law, letters written to both the Governor and the Legislature showed continued displeasure with the process underway. Mostly charter school opponents, but some proponents, were profoundly dissatisfied with the route by which the charter school law was being considered. This took the form of two major complaints. First was the linking of the charter school law with separate legislation for a legislative pay raise. The pay raise bill landed on Pataki’s desk a few weeks before end of session, and the success of the bill, i.e., whether the Governor would sign or veto it, had come to hinge on passing the charter school bill out of both houses. The Daily News called this logrolling “sleazy,” and a “devil’s bargain” (Daily News 1998). The New York Times characterized the proposed exchange as a “bribe” (New York Times 1998c). And several school district boards wrote in to register their distaste, one lecturing the Governor that “Issues of political importance should never be used as pawns in a political game of give and take in Washington, DC or in Albany, NY” (Moorhead 1998). For another, the link between raises and charters was “Perhaps the most deeply disturbing concern” regarding the law (Bennett-Rones 1998). Blair Horner, legislative director of New York Public Interest Research Group, called the linking of charters and a pay raise “a new level in disgrace,” and compared legislators coming back to negotiate on charters under the governor’s veto threat “like moths to the flame” (Hatocollis 1998a). Assembly Education Committee Chairman Steven Sanders (D-Manhattan) also spoke out, saying this was “a bad way to govern” (Times Union 1998).

Another major complaint centered on the mechanics of the vote, specifically, the last-minute, special session nature of the negotiations. School district boards, in particular, were
angry at the clandestine nature and speed with which the legislators came back to the state capitol. *The Buffalo News* headlined an editorial with the advice that “Albany Should Avoid a Hasty Decision” (Buffalo News 1998b). David Ernst from the NYS School Boards Association stated: “There’s no reason for lawmakers to pass a bill negotiated in such haste, in such secrecy” (Hatocollis 1998a). A letter to the governor from the Mount Markham Board of Education urged Pataki “to consider the charter school legislation as a poor example of a quick fix remedy” (D. L. Young 1998).

**The Eleventh Hour**

Pataki’s charter school proposal has a unique legislative history in that the bill was considered during a special holiday session and was never referred to any standing committee (such as Education) other than the Rules committee before it came up for a floor vote. Although behind-the-scenes negotiations had taken place prior to the bill’s introduction to the floor, the bill was voted on with an up or down roll-call vote in both chambers. At that time, the Senate was controlled by Republicans led by Joseph L. Bruno, and the Assembly by Democrats, led by Sheldon Silver. The Senate had long expressed support for the charter schools law; the battle would be hardest-fought in the Democratic-majority Assembly.

As noted, it was right before legislators headed home to celebrate the Christmas holiday with their families that they returned to the state capitol to debate Pataki’s charter schools law. According to *The Times Union*, Pataki was sending “smoke signals” indicating he’s “winning the battle of wills as he’s forced the Legislature to come back to the Capitol” to vote on charters. To be exact, the Governor had stated: “There’s gray smoke…tilting toward white” (Odato 1998b).
These metaphor-rich descriptions of the legislative process added to the opaque nature – and vehement complaints – that followed the vote.

On December 18, 1998, at 1:30 a.m., the New York State Senate approved a bill to make New York the 34th state to permit the creation of charter schools. The bill contained some compromises: the number of charters was capped at 100; one-half of the charters would be controlled by the Democrat-controlled Board of Regents, and the other half by the Republican-controlled State University of New York. Furthermore, schools with over 250 employees would automatically be unionized. In addition to the several dozen letters submitted to legislators and the governor on the issue, two memos written by the Assembly Rules committee described the law as creating “opportunities for teachers, parents, and community members” to establish schools. Notably, the ability of for-profit corporations to potentially open the schools was omitted from the memos.

During floor debate, Senator Cook equated charter schools with “private schools” (New York State Senate 1998, 6644) and lamented that the bill would give local school districts no say over the schools established in their districts. He went on to ask: “What kind of public accountability is this? If your town supervisor were to mail a check for ten percent of his budget to some private operator over whom he had no control or oversight, not only would he be widely criticized but he would probably end up in jail” (New York State Senate 1998, 6645). Another senator bemoaned that “it’s a shame that something like this is put up to hold hostage our pay raise bill” (New York State Senate 1998, 6654). Other than these statements, however, floor debate in the Senate was limited. The vote in favor of charter schools passed with 39 votes for and 20 against the measure.
In the Assembly, Assemblywoman Clark stated that she would be voting against the bill because “there has been no definitive report that would say that charter schools are doing anything to improve the academic achievements of students… Charter schools are very new” (New York State Assembly 1998, 17). Furthermore, Clark echoed fears that charter schools would divert “resources from public schools to what is going to be called ’public charter schools,’ but in all reality they will not be public schools” (18). She also painted charter school proponents as “right-wing,” said that connecting the charter school law to a pay raise was “shameful” and left her feeling “embarrassed,” and that voting at such a late hour in a special session was “unheard of” and “ridiculous” (19). In her last-minute pitch against the bill, Clark had tightly summed up many themes prominent throughout the debate. The untested nature of charters, the crippling of public schools, the conservative nature of the plan, and dissatisfaction with the process all made it into her speech.

Conversely, Assemblywoman Arroyo believed that passing the bill was a necessity, that there was “a need to bring a change to our school system in which taxpayers’ money is going down the drain and the children are not getting the proper education” (New York State Assembly 1998, 21). She regretted that the bill would only allow 100 schools, stating that New York State could use “more than 300” (22). Assemblyman Sanders explained his vote by asserting that the limited number of charter schools reflected the “pilot project” nature of the law, and that the legislature could always rein back the movement if it proved unsuccessful (New York State Assembly 1998, 22). These voices in favor of the law were also predictive; references to a cap in floor speeches and would indeed resurface less than a decade later. The Assembly ratified the plan 94-44 at 3:20 a.m.
Conclusion: Language and the Law

That the rhetoric surrounding charter schools in New York reached a fever pitch was no accident. Years later when Brian Backstrom reminisced about the legislative episode, he explained: “Charters were a hot button issue because that’s what we designed them to be. Our coalition [for independent charter schools] was very high profile… Charters are definitely an area where the rhetoric gets overheated” (Backstrom 2014). Education policy was “enormously sensitive,” according to Backstrom, because “every single kid is affected by the education system” and when things go awry, policymakers run the risk of “destroying kids’ lives” (Backstrom 2014).

The relevance and intensity of this debate varied across different geographic and social groups, however. Melinda Person of NYSUT later observed: “I think the [the debate] was elevated mostly in areas that have a lot of controversy surrounding charter schools. But if you live in Long Island, you don’t really care”(M. Person 2014). Alan Lubin echoed this point when concluding that those directly affected by charters were more likely to engage in the debate: “Parents [in underserved communities] saw charter schools as a way to keep their kids safe since they would stay in school until 5 o’clock”(Lubin 2014). Here it is also worth noting the existence of different political strategies for different constituencies. According to Backstrom, “For legislative staffers it was almost all data and results, for media it was a combination of that, and for public consumption it was almost all anecdotal…We needed to have all the information, both the stats and the politics, because we needed to know which message would work with which audience” (Backstrom 2014).
A longer discussion of the question of how political language matters, and how it influenced specific parts of this 1998 charter law, will follow in the final chapter of this thesis. It should already be plain from the content of this case study, however, that an odd combination of policy compromise and divisive rhetoric gave birth to New York’s charter schools law. Importantly, even those actors who believed in the inevitability of the law once it was linked to pay raises underscored the role of language in shaping both the bill’s design and the opinions of lawmakers, policymakers, and constituents.

In the next chapter, our look at the issue of charter schools in New York will deepen with an examination of controversy over the charter school cap.
A lot had changed in American education since New York State passed its charter school law in 1998. Most notably, President George W. Bush signed into law the *No Child Left Behind* Act, which increased federal public school funding and restructured its distribution to a large degree. On July 10, 2000, President Bush addressed the NAACP’s 91st convention. His speech focused heavily on education and his vision for its future. The President observed:

> A great movement of education reform has begun in this country built on clear principles: to raise the bar of standards, expect every child can learn; to give schools the flexibility to meet those standards; to measure progress and insist upon results; to blow the whistle on failure; to provide parents with options to increase their option, like charters and choice; and also remember the role of education is to leave no child behind. (Bush 2000)

In addition to specifically citing charter schools as the means to a better education future for the nation and individual students, the President called those who opposed such school reform measures as subscribing to “another form of bias: the soft bigotry of low expectations” (Bush 2000). Here, President Bush also managed subtly to link education reform to race politics, a theme that was prominent in New York State’s charter school battle several years prior.

President Bush’s education agenda set the stage for policies across the states. The charter school movement would continue to grow, as would other “choice” initiatives such as school vouchers and tax credits. These local trends, supported by national education policy and dollars, would not come without controversy, however. New York State offers a good example. As the
state began to bump up against the 100-charter school limit set by the legislature in 1998, policy advocates engaged in another round of framing and bargaining about the future of charter schools in New York State.

The purpose of analyzing the 2007 charter debate in New York State is manifold. First, it allows us to compare the expansion of a policy within the education policy domain. Next, it allows for a longitudinal study of attitudes, policymaking, and language surrounding charter schools. Due to the intensely local nature of education policymaking, the context for charter school growth (or contraction) depends heavily on the school districts and states within which it occurs. What this means is that, due to the diversity of education policymaking venues in the United States, a comparison of one state in two time periods is also better-suited for illustrating policymaking and the language that accompanies it than a comparison of two random states at different times. Last, an examination of charter school policymaking in these two formative periods of change in New York State allows us to track the policy’s growth and evolution, which would not be possible with two snapshots of policymaking at the same time across different states. This methodology allows us to see how institutional players created by the original charter law itself became – or did not become – involved in the subsequent cap lift debate.

In short, this is a case study of continuity and discontinuity with regards to charter school policymaking and language over time. It demonstrates that, although some themes seen in the original charter school debate in 1998 were still in use almost a decade later in the cap lift debate, other themes emerged that were not present earlier that exhibited their own language, framing, and definitions.

Prelude
As discussed in last chapter, New York was among the latter half of states to pass a charter school law. The law was hard-won, and it passed largely as a result of a political deal struck between Republican Governor Pataki and the Democratic-controlled Assembly. In exchange for a pay raise, in the early morning hours of December 18, 1998, lawmakers had supplied Governor Pataki with his charter law.

Importantly, this legislation did not give Pataki everything he asked for. The most important limitation of the law was that it allowed for only 100 charter schools in the state. It also sharply limited the number of charter school authors. Most other states have a variety of authors from both the public and private sectors (National Association of Charter School Authorizers 2013). The gubernatorially-appointed Charter Schools Institute of the State University of New York (SUNY) and the New York Board of Regents would be the only entities allowed to grant charters in New York State. Whereas charter supporters generally prefer to begin charter schools without teachers unions, the charter bill that passed through the legislature provided that charter schools opening with more than 250 students in their first year would be required to have at least a portion of their faculty as unionized teachers.

Although many charter supporters prefer caps to expire after a certain date, the New York State cap contained no expiration date. By 2006, it became clear that the initial cap of 100 schools would become a practical, and political, issue for those who wished to open charter schools: by then, all charter authorizations had been spoken for. By January of that year, there were 79 functioning charter schools in the state, serving approximately 22,000 students. The remaining 21 charters had been given to groups in the process of opening their own schools, or they had opened and closed their schools since 1998 but still retained their charters (Gershman
And two charter schools were being operated by the United Federation of Teachers (UFT), which initially had come out against the charter schools law (New York Sun 2006).

During his last State of the State address in 2006, Governor Pataki called for “dramatically expanding charter schools throughout the entire state” (Pataki 2006). Later that year, as part of his budget proposal, the Governor included a proposed increase in charter schools from 100 to 250, with special provisions for New York City. Under Pataki’s proposal, Mayor Bloomberg and his schools councilor Joel Klein, both strong advocates of charter schools, would be given authority to authorize 50 additional charter schools in the city, this in addition to however many were authorized in that jurisdiction with the additional 150 schools proposed for the state (Medina 2006a). This expansion of authorizers was a sensitive issue. John Flanagan, the Senate’s Education Committee Chair, later recalled that, in addition to the cap, “you also had [the question of] who were the chartering entities. That played a role and plays a role today. Who can grant them, who can close them” (Flanagan 2014). In order to change the charter law, legislators and the Governor would have to wrestle with the scope of a cap lift and authorizers both.

The significance of New York City’s push for a cap increase should not be underestimated. Andrea Rogers, of the North East Charter School Network, primarily attributed the lift to advocacy coming from the Big Apple: “The cap debate was really closely linked to the mayoral control debate. That cap lift was really driven by New York City” (Rogers 2014).

Echoes of the original charter school debate were indeed heard in the state legislature. Rumors that Pataki was interested in linking yet another pay raise to the charter cap stirred discontent among voters and policymakers alike. Both the New York Post and the Buffalo News speculated that the only way the legislature would get a raise was if it approved Gov. Pataki’s
six-item wish list, including more charters (Dicker, 2006; Precious, 2006). But according to a Times Union news article, “an aide to the Governor made it clear this week that raising the cap on charter schools from 100 to 250 – something Pataki has sought in his final year in office – won’t be a sufficient trade for a legislative pay hike” (Bolton 2006). And an editorial by Fred LeBrun in this same paper put quite forcefully the stance that a pay hike shouldn’t be linked to policy: “Remember, we got charter schools rammed down our throats as an unfunded mandate the last time the stars aligned over legislative pay raises” (LeBrun 2006).

Charter school opponents were serious about dramatizing the stakes. A group called “Parents for Public Charter Schools” released a radio advertisement unprecedented in the charter debate in New York State. In it, an ethnic-minority charter school mom personally attacked a New York State Assemblyman for opposing a charter cap, stating that “I am so mad to know that Assemblyman Ron Canestrari is dead set against letting any more parents choose public charter schools for their children. Not everyone can afford to send their children to private schools like the one he attended…We don’t need him to place a cap on our children’s futures” (Benjamin 2006). The ad caused such furor that The New York Times reported that Speaker Silver “told several members that they would not talk about the issue until the ads went off the air” (Medina 2006b). And a charter schools supporter in the Assembly, Darryl C. Towns, from East New York, said of the ads: “There are so many ill feelings around the issue that it makes it impossible to have a conversation around the merits. . . . We were really feeling good about convincing other members, but that seems a long way off for now” (Benjamin 2006).

The content of this ad was so inherently provocative both because of the use of race and the explicit accusation that Assemblyman Canestrari was putting a cap on children’s futures, especially those children who could not afford to attend private schools. Race in America has
been a powder keg for a range of policy domains, not least of which is education policy. Chapter 3 examined the fraught nature of debates over segregation, desegregation, and claims of re-segregation in our nation’s public schools. This historical context, coupled with the claim made by charter advocates that charter schools are particularly well-suited to serve underserved and minority communities, makes any mixture of race and charters in a political advertisement dramatic and then some. The fact that the charter ad was narrated by a minority mother and directed against a white male legislator invoked some of the most heated divisions in American politics and culture.

At about the same time as the controversial ad was being aired, The New York State United Teachers (NYSUT) published a scathing report on charters. According to the report, charter schools had “wreaked havoc” on the New York State public school system. Only 13.6 percent of charter schools had higher test scores than similar public schools on the 2004-2005 state assessment tests for grades 4 and 8 (New York State United Teachers 2006).

Peter Murphy, of the New York Charter Schools Association, called the report “bogus” and lambasted the NYSUT group for cherry-picking their data. Murphy claimed that a majority of charter schools in 2004-05 did better on elementary and middle school English and math state exams than their host districts (Matthews 2006).

In the end, Governor Pataki was not able to get anywhere with his charter cap proposal in 2007. His lame-duck status, combined with a lack of bargaining power with anti-charter legislators, the unions and other anti-charter organizations, left his proposal floundering.
The Growth of the Charter School Movement

After the Charter School law passed in December 1998, five charter schools were open for business during the 1999-2000 school year in New York State. Although negligible at first, the charter school movement in New York State would grow to be a significant political force with significant fiscal impacts over the next near-decade. This corresponded with national trends. By the 2005-2006 academic year, New York State had 79 schools in operation with an enrollment of 21,539 (University of the State of New York - New York State Education Department November 2007). Nationally, 3,613 schools had enrollments of 1,040,536 (National Alliance for Public Charter Schools April 2006). In September 1997, thirty-two states either had charter schools operating in their borders or had passed a law allowing charters to begin operation in the following academic year (United States General Accounting Office 1998). In 2006, the number had risen to 40 states (National Alliance for Public Charter Schools 2006) and enrollment continued to rise.

The following figures show the rapid rise of charter schools and charter school enrollment in New York State. Charter schools had increased in popularity by the 2005-2006 school year to numbers approaching the state cap. In fact, by 2007, all charters had been spoken for, as the charts only indicate operating charter schools (and thus do not equal 100, or the charter cap). Regionally, New York City hosted the overwhelming majority of charter schools, with Buffalo, Rochester, and Albany schools hosting a handful of charters each and about half a dozen other upstate communities opening one school over the course of these years. Additionally, charter school students were overwhelmingly minority students, a fact that helps to explain why charter school debates intersected with racial themes so powerfully at times.
Figure 5.1: Charter Schools Operating in New York State, 1999-2006

Source: New York State Education Department Annual Reports

Figure 5.2: Charter Schools Operating in New York State by Region, 1999-2006

Source: New York State Education Department Annual Reports
Figure 5.3: New York State Charter School Enrollment, 1999-2006

New York State Charter School Enrollment, 1999-2006

Source: New York State Education Department Annual Reports

Figure 5.4: New York State Charter School Enrollment by Race/Ethnicity, 1999-2006

Charter School Enrollment by Race/Ethnicity

Source: New York State Education Department Annual Reports
Despite the growing number of charter schools and charter school students, the fiscal impact of charter schools on public school districts remained relatively small. Still, the continued growth of charter schools predicted more significant fiscal impact on the horizon. There were also differences in the impact of charter schools between districts in New York State. The first report on charter schools released by the New York State Education Department indicated that the lowest adjusted expense per pupil (AEP) paid by a school district was $6,029 per student in Syracuse, and the highest was $26,287 per pupil paid by the Wainscott Common School District. The average AEP was $6,663. Overall fiscal impact in New York City appeared to be negligible (0.002 – 0.03 percent impact on the district budget). In 2000-2001, fiscal impact ranged from .01 percent of the school budget for several school districts with a small number of students attending charter schools, to 3.05 percent of the Roosevelt Union Free School District budget (University of the State of New York - New York State Education Department 2002).

In November 2007, when the New York State Education Department released its report on the 2005-2006 school year, overall fiscal impact in New York City appeared to have remained small, but had grown (0.51 percent impact on the district budget). In 2005-06, fiscal impact ranged from .01 percent of the school budget for several school districts with a small number of students attending charter schools to 8.56 percent on the Buffalo City School District budget. Cumulative impact was 7.66 percent in the Lackawanna City School District, 5.10 percent in the Shelter Island Union Free School District, 5.04 percent of the Albany City School District budget, 4.91 percent in the Roosevelt Union Free School District, 4.46 percent in the Schenectady City School District, 2.95 percent in the Troy City School District, 2.26 percent in the Wainscott Common School District, 1.92 percent in the Syracuse City School District, 1.82 percent in the Hempstead Union Free School District, and 1.34 percent in the Amagansett Union
Academically, charter school results in the state were mixed for all years. What this meant was that, for all reports that the State Education Department issued, the performance of charter schools as compared to public schools was better in some districts but worse in others. Furthermore, the results varied for subject areas as well.

Nationally, scholarly research and popular commentary on the charter school movement was in full swing. A relatively new policy, charter schools were being continually examined from a variety of angles, ranging from the political to academic. In 2004, a report published by the American Federation of Teachers (Nelson, Rosenberg, and Van Meter 2004) compared the performance of charter school students and their counterparts in traditional public schools using math and reading test score data from fourth and eighth grade students collected as part of the 2003 National Assessment of Educational Progress (NAEP). The authors reported that, on average, charter students’ achievement was lower than that of public school students. The report, which was described sympathetically in a front-page *New York Times* article (Schemo 2004), drew a rapid and impassioned response. Pro–charter school policy analysts, think-tankers, and politicians involved in the debate quickly wrote op-ed pieces and response papers and even took out a full-page advertisement in the *Wall Street Journal* at a cost of $125,000, denouncing the AFT report’s methods and conclusions (Shneider and Buckley 2006).

A book intended to survey the charter school landscape up through 2002 came to similar conclusions about the diversity of charters and the difficulty of analyzing the movement as a whole. In *Charter Schools: Lessons in School Reform*, several education policy researchers
analyzed individual charter schools across the United States later (Broulliette 2002). They came to the general conclusion that policymaking surrounding this new domain focused heavily on debates of educational and political ideology, and that proponents and opponents of charter schools differed over “four competing public values” in American education — efficiency, equity, excellence, and choice. In its conclusion, the authors concede that the meta-approach to studying charter school policy proved inconclusive, foreshadowing a report to follow four years later.

A paper on the politics of charter schools released in 2006 by an education policy researcher indicated that despite the relative coherence of national charter groups advocates and adversaries, local charter school politics could differ dramatically from district to district (Kirst 2006). Although the speed with which charter schools had gained popularity across the United States, and the policy battles and skirmishes between advocacy coalitions at the national level, indicated advocacy groups’ political power, the report pointed out that macro-level analyses obscured the wide variety of charter school policies and politics that went on at the local level. The only meaningful takeaway about charter school policy in 2006 was the following: “Each specific type of charter school generates different political activities, resulting in a veritable spice cabinet of complex political interactions. It is difficult to find generalized patterns from the diverse politics in 50 different states and thousands of localities.” (Kirst 2006, 3). To illustrate this observation, one need only consider the reaction of teacher unions to the charter movement: teacher union politics varied by state and locality, ranging from total opposition to more charters by unions, to union organizing of charter teachers (both of which were seen in New York State). The report concluded that charter school politics, due to their local nature, are fluid, varied and complex, and virtually impossible to summarize effectively.
A paper on charter schools presented to the American Education Finance Association, an important organization that plays host to an annual conference for major education policy researchers and practitioners, neatly summed up its equally inconclusive findings on charter school performance by asking the following question about charters: “hype or hope”? (Shneider and Buckley 2006). The authors conceded that charter schools had become a mainstay for education policy reform efforts, and that the new schools hosted a significant number of students in some states. Along with the push for “evidence-based reform” in the education policy sphere, the charter school movement had capitalized on “a different mantra: through the expansion of choice and competition, the ‘magic of the market’ can be tapped to enable charter schools to provide better educational alternatives, raise student achievement, and leverage change across the entire system of schooling in the United States” (Shneider and Buckley 2006, 123). The authors worried, however, that the charter school movement had promised more than it could deliver, and that the two mantras of evidence-based reform and “magic of the market” were on a collision course. Meanwhile, charter schools continued to attract the attention of scholars and policy makers, including fervent supporters and others who were equally passionate opponents.

Finally, a simple search of major newspapers and their editorial reporting on charter schools reveals a basic fact about the nature of the charter school policymaking context. Tellingly, a huge number of editorials were framed in the form of questions rather than statements; the articles themselves included interviews with charter opponents and proponents, but little data and few conclusions. The Washington Post wondered “Do These Schools Really Offer Competition and Innovation?” (The Washington Post 2006), and a columnist asked “Do Charter Schools Improve Behavior?” (Matthews 2007). The Denver Post ran an editorial in 2004 that had the following headline: “As Colorado and the nation gain more experience with charter
schools, we're discovering that results are mixed — not unlike public schools” (The Denver Post 2004). *The American Enterprise*, a policy magazine published by the American Enterprise Institute, asked: “Do Charter Schools Work?” (The American Enterprise 2004). And as late as 2006, *The New York Times* pondered the pros and cons of the schools with an editorial titled “The Charter School Experiment” (The New York Times 2006). Heading into 2007, New York State still found itself very much in an ideologically-driven environment, where the data on charters nationally were either too new, too varied, or too inconclusive to guide or decisively steer New York State education policymaking.

A New Governor, A New Day?

In January 2007, New York State inaugurated its 54th Governor, Democrat Elliot Spitzer. Spitzer had won his campaign with a historic 69 percent of the electorate, and took this unprecedented tally as a sign that he possessed the trust and mandate of New York State’s electorate.

Elliot Spitzer’s first State of the State address turned to charter schools as an education policy priority. In the address, Spitzer admonished naysayers by stating that “The future of New York does not belong to the army of the status quo” (Spitzer 2007). He went on to explain that “we must raise the charter school cap. Not only must we invest in what we know works today, we must continuously experiment with new approaches. Charter schools can play a critical role here” (Spitzer 2007). This language was highly reminiscent of the original charter schools fight in 1997. By invoking the imagery of experimentation and reprimanding those who would stand in the way of charter schools reform as somehow wedded to the “status quo,” Spitzer was taking a page from an old book. By alluding to an education “status quo,” Spitzer called to mind the
familiar critique of government as slow-moving and lacking innovation. This particular use of political language can often be seen within policy domains where a bureaucratic entity handles the bulk of policy formation, presenting an easy target for blame with regard to any shortcomings in existing policy and administration.

Dramatically, Spitzer’s call to lift the 100-school cap on charters drew audible booing from around the chamber. But the Governor stated from the rostrum that he felt the applauders had won out over the naysayers (Banjamin 2007). In this way, Spitzer tried to make light of an issue that would turn out to be another hard-fought battle in the charter school saga.

Spitzer’s call to experiment continuously with new educational approaches singled out charter schools as one such positive method of experimentation. This theme of experimentation became central to the cap fight, albeit in a variety of contexts and tones for the various players involved in the discussion. Norman Atkins, cofounder of North Star Academy Charter School of Newark and founder and chief executive officer of Uncommon Schools, Inc., a nonprofit charter management organization, stated about the initial cap that

It makes sense for the legislature that’s embarking upon a new policy initiative - especially when it’s a mandate that comes with funding - to draw lines around the initiative so that it doesn’t grow too fast and have unintended consequences. And so it made sense when the legislators were negotiating the initial charter law to seek to limit the number of schools.

(Stulberg 2007, 26)

In other words, it was only natural for legislators to create boundaries for a new policy experiment. Atkins went on to say that “They set the limit at 100. Obviously those of us who believe in the promise of charter schools would’ve liked the number to be higher. But it’s
reasonable that they should put a cap on it until they have a chance to evaluate the program” (Stulberg 2007, 26).

The language of experimentation was used most often, however, by charter opponents to characterize charter schools as untested or dangerous. Alan Lublin, President NYSUT, in a letter to legislators enclosed in a NYSUT report, warned that “When all the evidence of the report is carefully considered, it’s clear that raising the cap on the number of charter schools is unjustified. . . . I ask you to reject an unwarranted expansion of the state’s deeply troubled charter school experiment” (Lubin 2006). And Timothy G. Kremer, executive director of the New York State School Boards Association, stated that “We think that charter schools have been nothing more than an expensive experiment to date” (Gootman 2006). These charter opponents invoked the concept of an experiment, then, for a very different rhetorical effect than had Governor Spitzer.

Although any changes in the charter cap would have to come from the state legislature, the political will in New York City was to expand the existing state limit in hopes that New York City would again claim the lion’s share of new charters. In fact, Farrell Sklerov, a member of Mayor Michael Bloomberg’s lobbying team, even highlighted the cap as tantamount in importance to the Mayor’s other highest priorities when he said: “This is the Mayor’s highest priority” (Mahoney 2006). Sklerov pressed hard for an additional 50 schools in New York City. He used the fact that applications and charter schools now exceeded the statewide cap as a way to bolster his position: “The fact there’s such a long waiting list shows this is something people want.” In other words, Sklerov was using the familiar market language of supply and demand to demonstrate the popularity of charter schools. Andrea Rogers (2014), a charter advocate, revisited this strategy some seven years, saying that “the question of if we needed more was
being answered by the corporations that were trying to build more. They would point to waiting
lists, say it was so unfair that these poor children could not get into the schools they wanted to
get into.” Brian Backstrom, a prominent charter school advocate, also described the tactical
advantage of pointing out waiting lists for charter schools: “In talking with decision makers, we
liked using enrollment waiting list counts ... we could use verifiable numbers as evidence of
demand. Noting how many new charter schools we could open and full [sic] up instantly just
with waiting-list kids was good stuff” (Backstrom 2015). Although some school choice
advocates questioned the wisdom of couching charter schools and the demand for them in market
language (Henig 1994), this tactic of talking about policy solutions in market terms proved to be
very popular among advocates of school choice initiatives broadly, and charter schools
specifically (Robenstine, 2001; Holley, Lueken, and Egalite, 2013).

City Hall officials confirmed that the Albany lobbying office had two priorities for 2007:
securing more education funding and increasing the amount of charter schools (Gardiner 2007).
With Elliot Spitzer, a Democrat, as the new Governor, speculation was rife about a potentially
smooth collaboration between the Governor and Sheldon Silver, Democratic Assembly Speaker.
Would members of the same political party agree on a path for charters? One newspaper article
guessed that a shared political party just might “give the issue life again,” after Pataki’s
relationship with Assembly Democrats had gone sour in recent years.

Not everyone in New York City was on board with lifting the charter cap, however. The
United Federation of Teachers (UFT), headquartered in the big apple, stood opposed. The UFT
claimed that there was demand for public schools as well: the city had 13,000 students on
waiting lists to attend the best public schools, so prioritizing charters made no sense to the group
(Gardiner 2007).
Spitzer knew that a new charter cap would only come through bargaining, and he planned to link the cap lift to two other issues in order to gain broad support. First, the new Governor also set his sights on making pre-k available to all children. Second, the Governor wanted to force public disclosure on a school funding formula that was largely secret and favored suburban districts (Cooper 2007). These two issues had long been important agenda items for Assembly Democrats, who would have to vote in favor of the new Governor’s budget proposal in order for them to pass.

**Non-Governmental Charter Advocates and Opponents**

Charter school opponents warned that an increase in charter schools could permanently damage, or even take apart, the public school system. Recalling the debate of 1998, they characterized charters as a great threat to the public school system. Of the charter fight, American Federation of Teachers’ Van Meter stated: “You look very closely when funding comes from people who would like to destroy you.” And mentioning a group that supported many of the charters in Albany, Ritchie of the Albany teachers union said: “Brighter Choice is not interested in coexisting with the Albany public schools. With the assistance of their deep-pocket, neoconservative friends and the Bush regime, they are attempting relentlessly to dismantle the Albany public schools” (Stulberg 2007, 30). Nancy Van Meter, a deputy director for AFT, claimed that “Albany is a district that’s been extraordinarily hard hit by the growth of a parallel system. What happens is that the district becomes crippled” (Stulberg 2007, 28). These interviews, conducted in 2006 but published in early 2007, show the panicked view of charters many public school advocates had at the time. In a recent interview, Andrea Rogers of the North East Charter School Network, a charter school advocacy group, seemed to confirm the
suspicions held by charter opponents during the cap fight. Rogers observed that “I don’t think charters are a threat to traditional schools yet, but I do think that some believe it can become one” (Rogers 2014).

This theme of crippling or seriously harming public schools was an echo of the original charter schools fight with a twist: now, charter school opponents could point to individual schools districts, particularly Albany, with a heavy saturation of charters and struggling public schools as an example of the danger of a potential cap-lift. Theresa Portelli, who sat on the Albany School Board at the time, much later recalled a meeting where a parent expressed this concern: “At one of our school boards meeting, a woman stood up and said ‘How can you teach children in a building that was created the same year Lincoln was assassinated?’ Charters added to the tax burden, and compounded public school fiscal troubles” (Portelli, 2014).

In addition to broad claims based on charter school data, newspapers and policymakers were also focusing their attention on individual schools and players in the charter school movement, hoping to build support by means of compelling examples calculated to demonstrate the danger – or promise – that charter schools posed for New York State education. One such example was that of New Covenant Charter School, based in Albany. The surrounding public schools had faced declining enrollment and increased competition from public charter schools. Here was an example used frequently by charter opponents to show the danger of authorizing too many schools. According to one charter school opponent, “New Covenant’s situation is not unique…prompting some observers to speculate the [public school enrollment] declines could be a factor in the legislative debates next year about raising the current cap of 100 charters”(Karlin, 2006). This strategy has powerful political and psychological implications. Emotional stories,
especially about a single individual or a powerful example, are indeed more likely to draw attention and support from onlookers (Västfjäll, Slovic and Mayorga 2014).

Charter schools proponents attempted to delegitimize concerns over shrinking public schools. Advocates claimed that downsizing of public schools did not mean there was not support for more charter schools. Charter supporters had always been quick to point out it was the public schools only that were suffering from declining enrollment. “For the vast majority of [charter] schools, there are waiting lists,” claimed Peter Murphy, director of policy at the state Charter Schools Association (Karlin, 2006). And in response to allegations that some charter schools were on the cusp of experiencing an enrollment plateau, James Merriman, Director of the Charter Schools Institute, predicted that the alleged fall in momentum for charter schools was “unlikely to happen once people know all the facts” (Merriman 2006).

Individual charter school operators were also going through public examination and critique. Eva Moskowitz, an entrepreneur and venture capitalist, was frequently highlighted during the cap debate and after. Moskowitz often bumped heads with other charter school opponents, and opened a school which was to serve as a model for future schools. According to a spokesperson for Moskowitz’s “model” charter school, students were doing well but the plan for replicating Moskowitz’ results was limited by the charter school cap (Garland 2006). Charter school proponents frequently pointed to the fact that charter applications had exceeded the cap of 100 permits. This was no coincidence. Years later, Brian Backstrom, Change-NY, looked back on his group’s role in the politics of the 2007 fight and explained: “For the cap lift, we helped people put together charter applications so that there were more applicants than spots; this put pressure on the local governments” (Backstrom 2014). This strategy of encouraging and helping to produce applications served both a practical and political purpose. In addition to actually
increasing the demand for charters, charter proponents could point to the powerful message sent by an increasing demand for charters “artificially” limited by the supply of permits.

**The Press**

Speculation about how the proposed charter schools cap would be negotiated in the legislature began in the press. The *Times Union* characterized the cap fight as a “battle royale,” shifting the discussion toward the melodramatic range (LeBrun 2007).

During these beginning stages of legislative discussions, both houses of the state legislature seemed to be divided in surprising ways. Instead of partisan allegiance, or the common upstate vs. downstate division, or cities vs. everyone else, the field for supporting and opposing charter schools was mixed. One *Times Union* piece divided proponents and opponents into those who had been “burned” by charter schools and those who had not. Assembly leader Ron Canestrari (D-District 106) admitted that pro-charter types saw local control – a mantra that had been repeated by teachers unions – as a “poison pill” (LeBrun 2007). Local control was a pithy phrase used to describe local school boards having final authority over whether or not a charter school could operate in their school district. Essentially, this provision conveyed to them the power of a charter school authorizer.

Soon after taking office, Governor Spitzer held a press conference at which he released his education policy plan. “A Contract for Excellence” included huge funding increases for public schools, which former Chancellor Carl Hayden characterized as “entirely novel…Pataki has decimated the State Education Department” (Odato 2007). In fact, the plan’s $7 billion in extra money for schools over the course of four years did draw a stark contrast between Spitzer and his predecessor, who was not as liberal with his funding of public education. In addition to
general funding, Spitzer mentioned the importance of transition aid for public schools losing students to charter schools in their district. The suggestion of aid notwithstanding, Spitzer was said to have received a “cool response” when he stated that reforms should also include raising the cap on charter schools to allow for 250 schools, up from the existing maximum of 100 (Odato 2007).

Transition aid and other forms of help to public schools left behind with students who did not enroll in charters were paramount in the demands of charter opponents. Eva Joseph, the superintendent of Greater Albany Public Schools, warned that “There absolutely can be no increase on the cap without some legislative relief in terms of capping the number of charter schools, the student population of charter schools, the financial impact of charter schools…A public school system cannot be expected to support two school districts” (Stulberg 2007, 27). And Albany Teachers’ Union President Bill Ritchie cautioned:

With the opening of more charter schools, the situation is deteriorating rapidly… The fundamentally flawed charter legislation is forcing the district and Albany voters, who have no say whatsoever in the expansion of charter schools, to fund two school systems and in effect privatize the already existing public school system. The largest charter school in Albany has been teetering on the edge of closure for several years and more than 600 children have been returned from it and other charter schools to the Albany public school system. This has a sabotaging impact on long-term planning for cities like Albany. (Stulberg 2007, 27)
Long after the conclusion of this cap fight, Alan Lubin of NYSUT commented about the relevance of this transition aid: “When we were losing budget money…public schools [were] starving in some cities like Albany” (Lubin 2014).

This focus on particular school districts and the need for aid was not lost on the Governor, and his education plan singled out districts with high concentrations of charter schools for the additional aid. Causal stories are a common form of public discourse, their purpose being to pinpoint the cause of a policy’s failure or of a system’s decline in order to assess actions that could be taken to stop or reverse the decline (Stone, 1989). In these examples, public school advocates blamed charter schools as the cause of public schooling’s decline. If charter schools could be characterized as the cause of a public school district’s woes, then at the very least transition aid to guard against the economic effects of their expansion could be seen as a natural solution to their promulgation. Ideally, charter schools should be stopped and the cap certainly not lifted, if the decline of public schools was to be reversed.

The response to Spitzer’s presser was mixed. Richard Mills, Commissioner of Education, said: “The Governor wants to see the money go to the right place. He wants to know how it’s spent, and he wants to see the students benefit…I think that’s exactly right” (Mahoney 2007). Sheldon Silver, the Assembly’s speaker and a charter opponent during the initial debate in 1997, insisted that “The charter entities that exist now are more than enough” (Mahoney 2007). Randi Weingarten, president of the United Federation of Teachers (the nation’s largest teachers union and a large player in New York State), said that the UFT would back an expansion of the schools if Spitzer agreed to change the law, including replacing secret ballot union elections with an open card check process (Gershman 2007). Of Spitzer’s plan for New York City, Weingarten said: “We are disappointed with his proposal on charter schools…The Governor’s proposal to give
Chancellor [Joel] Klein 50 charters to dole out as he wishes runs counter to his [Spitzer’s] pledge of top-to-bottom accountability” (Mahoney 2007). But despite opposition from some key players, others expressed the belief that the Governor’s landslide victory, coupled with a strong push for a cap increase from various key players in New York City, lent an air of inevitability to the process. Theresa Portelli, Albany School District Board member, recalled that “There was no debate about the caps. It was going to happen. It was like a tidal wave” (Portelli 2014).

The capital’s leading newspaper also jumped in to offer suggestions for the Governor’s education plan. Although the Times Union called Spitzer’s proposed reform “revolutionary,” the major flaw was, according to the paper, his call to increase the charter school cap. Instead, the editorial proposed there be a cap for certain districts, like Buffalo and Albany, where charters had saturated the landscape so much so as to threaten the public schools’ ability to “provide students with their constitutional right to a sound, basic education.” The article went on to warn that if schools were to be “allowed to cluster, then this once promising experiment could turn into a dangerous one” (Times Union 2007). This warning that charter schools might signal a death knell for traditional public schools was reminiscent of the same language used by charter opponents a decade prior. Furthermore, the language describing charters as a potentially dangerous experiment also called to mind the “experiment” language used to describe charters when they were first debated in New York State.

The language used by the Times Union is also interesting for its mention of education as a right. A good deal of recent research has been done on the topic of “rights rhetoric,” or language that labels various privileges we have come to expect as rights (Wellman, 1999; Hocutt, 2012; Varuhas, 2013; Rhodes, 2013). Recent academic literature on rights rhetoric is summed up by the following excerpt: “talk of rights has gotten completely out of hand… there is now a
widespread belief that one has a right to whatever one wants, needs, or takes a fancy to” (Hocutt 2012, 51). Indeed, society has come to expect a great deal of privileges as rights, whether or not they are contained in, for example, the United States Constitution. This classification of privileges as rights can be seen as another way to elevate the plane of discussion, and even to dramatize it. For if members of society (in this case, children) are being denied access to a right (as the Times Union suggested), is it not more important to enable that access than if the public good being discussed is simply a privilege?

Elliot Spitzer’s plan for charter schools did attempt to take into account union concerns. A card-check union election would be authorized by the Public Employment Relations Board in charters only if no irregularities were found. However, charter school advocates were not pleased by this vague language. New York Charter Schools Association president Bill Phillips told the Sun that he wanted to know the definition of “irregularity” (Gershman 2007). UFT president Weingarten noted that the organization supported “strong sanctions to stop employers dead in their tracks from firing teachers who want to join a union” (Education Week 2007). Clearly, the extent to which unions could be involved in charters would be an issue debated during the cap lift negotiations.

Not surprisingly, then, unions came to play a major role in shaping the cap lift debate. Charter school proponents, who had already characterized teachers unions as champions of the status quo, continued with this construction in order to push their “innovative” cap lift forward. In early February, the Times Union carried an editorial appearing in the Washington Post by George Will, a right-wing politico and conservative policy advocate. In the editorial, Will characterized the traditional school advocates in the following way: “The public school lobby, which apparently has little confidence in its product, lives in fear of competition… But the tide is
turning” (Will 2007). Will went on to claim that, despite efforts by public schools and teachers unions, “School choice is gaining ground in the city that has historically been ground zero for collectivist, centralizing liberalism” (Will 2007).

**Into 2007**

Spitzer won his election in November 2006 by a landslide. However, the administration’s education plan took a hit when three key charter school officials resigned in late January after Spitzer announced his proposal to lift the cap and provide transition aid to public school districts losing students to charters within their districts. The directors of two agencies that review charter schools applications, SUNY Charter Schools Institute, and the city Department of Education charter schools office, left office in late January, as did the president of the New York City Center for Charter School Excellence, which guides charters through the application process (Garland 2007). Although the directors and president gave no policy reason for their departure, the resignations would later play a role in the policy debate.

As in the original charter schools battle, the cap lift was subject to the use of life-and-death language. Specifically, students were characterized as helpless victims and the cap lift as an important lifeline to their intellectual success. Stanley Crouch, a *NY Daily News* columnist, said that “We should all know by now that the public school system needs to be overhauled, and the changes will not come about as quickly as necessary… Mayor Bloomberg and Schools Chancellor Joel Klein are serious about bringing New York’s public schools out of the darkness. That is why they want the cap removed. It is but one way to address a crisis in which many kids suffer from poor preparation or the intellectual suicide symbolized by dropping out” (Crouch 2006). Calling dropping out “intellectual suicide,” and blaming public schools for perpetuating
the phenomenon, was indeed an extremely dramatic attempt at shaping the cap debate. Similarly, Geoffrey Canada, the Harlem Children's Zone President and CEO, admonished charter opponents by asking: “If the city water system were failing and children were dying of thirst . . . Would the State limit the number of private relief organizations allowed to save our children? Of course not—and getting a good education can literally save a poor child’s life” (Russo 2006). This use of metaphor was intended to make more urgent the need for charter schools. The “life and death” stakes of a cap-lift policy were intended to grab viscerally at peoples’ political and/or policy leanings.

Additionally, proponents rejoiced at the prospect that an increase in the cap would signal that charters were here to stay. No longer would they qualify as the untested “experiment” opponents had first claimed them to be in the fight of 1998. Andrea Rogers, who was involved in the education policy community during the initial charter law, expressed this belief nearly a decade later when she reflected: “When the charter law was passed, one of the great victories [for opponents] was capping the charters to a hundred schools. I think the first time you blow the lid off the cap, it upsets people because with a hundred schools you’re there, but not really threatening. But if you blow the lid off once, you can do it again… That first cap lift was the first time when we saw a major shift in the understanding that charters are here to stay” (Rogers 2014). Looking back, Brian Backstrom of Change-NY, a charter advocacy group, expressed his belief that the “experiment” theme touted by charter opponents during the 1998 debate would have to be muted this time around for the cap lift debate: “When the cap debate rolled around, the experiment language died down because we had data to prove that our experiment was working” (Backstrom 2014). Although Backstrom was convinced that charter data proved the schools’ efficacy, charter opponents had their own data to disprove the claim. Finally, some
charter opponents also registered the shift in rhetoric surrounding charters from mere experiment to a more permanent place in New York State’s education policy landscape. Subsequently observed Melinda Person of NYSUT: “The first time around it was talked about as an experiment, like a pilot sort of thing. During the cap debate, it was being talked about as a solution…so very different language” (Person 2014). Theresa Portelli, who sat on the Albany School Board at the time, later recalled the experiment language by stating that, “The experiment rhetoric was a lie. Why would you need to lift the cap on a program that was supposed to be a limited experiment?” (Portelli 2014). Here, Portelli conveys her sense of resentment that use of the word experiment by advocates was actually meant to describe something that, in the long run, would not be limited in scope but, rather, a permanent element in the state’s education policy repertoire.

**Bickering in the Media**

The teachers unions fired back at charter advocates. The President of New York State United Teachers (NYSUT), Richard Iannuzzi, engaged in a print and radio campaign to dissuade constituents and legislators from the pro-charter message. Careful not to alienate the Governor, Iannuzzi (2007) praised the overall arc of Spitzer’s education plan in a March letter to the *Times Union*: “The Governor’s road map for public education clearly sets New York in the right direction …And there are a couple of potential detours that are cause for serious concern.” This was not a new message. In 2006, Iannuzzi had called charters a “failed experiment,” charter advocates “zealots,” and he insisted that “facts don’t lie.” Charters do not do a better job at educating children than traditional public schools, he maintained (Iannuzzi 2006).
In NYSUT’s radio ad on the subject, Iannuzzi warned that “Tax dollars should not pay for private school tuition, and tax dollars should not be used for more unregulated charter schools that aren’t accountable to the public” (Hammond 2007). This March radio spot was the first time the theme of accountability was really mentioned with regards to the potential cap lift. Although in a later Daily News piece, Iannuzzi admitted that “They’re [charter schools] not unregulated, no”—due to the application process, monitoring, and other requirements adopted as part of the 1997 Charter Schools Act—yet the message was clear: charters were a renegade policy tool (Hammond 2007). NYSUT spent $125,000 on billboards, newspaper ads, and radio spots to lobby against the cap lift. Another set of interest groups, the New York Charter Schools Association and Dems for Education Reform, spent $100,000 on an ad buy which warned that “special interests” were trying to fight Spitzer’s plan to lift the cap (Paybarah 2007).

A mail campaign was also launched by Teach NYS, an advocacy group pushing Governor Spitzer’s education agenda. An estimated 250,000 pieces of mail advocating for an increase in the charter cap were sent to households in the state, with a reported 750,000 in the works for after the budget debate. The spokesman for the group, Michael Tobman, stated that the flyers “went to districts with higher concentrations of Jewish and Catholic voters” (Paybarah 2007). This targeted mailing revealed that, outside of conservative and liberal allegiances, charter advocates were zeroing in on constituencies potentially interested in a charter school over a private religious school, if the charter school were tailored to meet community needs.

**Down to the Wire**

Despite a great deal of charter advocacy coming from New York City, the city council introduced a resolution in March opposing Spitzer’s proposal to raise the charter cap. Led by the
chairman of the education committee, 14 lawmakers introduced the resolution, which died on the floor. Although no official actions beyond the introduction of the resolution occurred, the move did indicate substantial political will in the city against raising the cap. A council member from the Bronx, Oliver Koppell, criticized charter schools for “cream skimming” from the public schools and for lacking diversity (Berman 2007). In other words, charters were being accused of admitting the best public school students, leaving behind in struggling public schools those harder to educate, as well as students coming from a low socio-economic background.

National education policy advocates also tried to influence the direction of charter school policymaking in New York State. In a letter to the Times Union, Jeanne Allen, President of the Center for Education Reform, posed her argument in the form of a question: “Why is the state preventing the growth of a movement that has parents and students who have been failed by the conventional public schools clamoring for new and innovative public charter schools?” (Allen 2007). Her answer was that unions feared any departure from the status quo. Allen also turned to measurement discourse in order to disprove charter opponents’ claims that charters were a “failed experiment.” Allen pointed out that charters educate “1.15 million students nationwide, the majority of whom are poor and minority.” She also made reference to “countless studies” demonstrating that, when compared to their counterparts in neighboring public schools, charter school students “are achieving at a rate as much as 5 percent higher.” Finally, Allen turned to the theme of accountability, noting that “since their inception in 1992, roughly 11 percent of charter schools have been closed—a level of accountability that cannot be found in the conventional public school system” (Allen 2007). Charter advocates may have viewed this reliance on data to prove charter schools’ value as an effective strategy, however no single study was mentioned, making it difficult to verify Allen’s claims.
Susie Miller Barker, currently the Executive Director of the State University of New York Charter Schools Institute, recently looked back and remembered the language of counting favorably in the 2007 debate, saying that “We never would have gotten the cap through if we hadn’t had a robust amount of positive charter stats” (Barker 2014). Andrea Rogers of NECSN, a charter advocacy group, retrospectively summed up both sides’ use of data in the following way: “When the debate about the cap came up, there was a big debate about ‘Is this working’ You can prove whatever you want to prove using statistics. There were studies showing they [charter schools] were succeeding, and equally valid studies showing they were failing” (Rogers 2014).

In this sort of political environment, it is doubtful that charter opponents were convinced by proponents’ data, and vice versa.

On April 1, the New York State legislature faced a deadline for passing a state budget for FY 2008, one including – or not – Governor Spitzer’s education policy proposals. Staff from the Governor’s office and the legislature moved into “high sausage-making mode,” trading policies and pork for line items in the proposed budget. A searing editorial in the Times Union criticized the legislative process, saying that “Many of us don’t get to…have the opportunity to be horrified until it’s too late to change the ingredients” (LeBrun 2007). Interestingly, the editorial mentioned the 1998 Charter Schools Act, concluding that the manner in which it was adopted (an early morning vote in exchange for a pay raise) had left voters with “indigestion” (LeBrun 2007). The proposal to raise the charter school cap was called “stupefying,” and Spitzer was characterized as a “steamroller” on the “fundamental” issue of charter schools. Giving veto powers to local school boards over new charter schools, which were characterized as a critical component of any “fix,” was, according to the author, “conveniently ignored by the Governor and by the Senate in the rhetoric over transition aid” (LeBrun 2007).
A letter to the *Times Union* from two Democratic representatives, Karim Camara (D-Crown Heights) and Sam Hoyt (D – Brooklyn), mere days before the budget vote tried to convince readers that charter schools were helping to educate public schoolchildren, not siphoning them from the public schools. Interestingly, the letter opened with the claim that one would be hard pressed to find a policymaker in the state who disagreed with the statement that “Every child in New York deserves to have a quality education” (Camara and Hoyt 2007). This ambiguous statement would indeed be difficult to argue with, and ambiguity is a feature of political rhetoric that can be particularly effective (Stone, 2002). One of the reasons why rhetoric that employs ambiguous statements such as “every child deserves a quality education” is so pervasive in politics is that ambiguity invites the use of imagination. Vague statements provide room for the projection of personal wishes and experience, drawing the observer into political debate as an emotionally engaged participant (Stone 2002, p. 157). Similarly, political symbols, such as “quality education,” and the ambiguity they entail, provide the vehicle through which a diversity of motivations, experiences, expectations, and values are turned into collective action (Elder and Cobb, 1983, p. 28).

The crux of the matter was how to get to the goal of quality education for every student, and here charters held promise. Camara and Hoyt prefaced their call for a charter schools cap increase by painting a picture of the education landscape in New York State. “Only 58 percent of New York ninth-graders emerge with a high school diploma four years later. That's the third-lowest graduation rate in the nation. For minority students, the numbers are particularly troublesome. Only a third earn a diploma” (Camara and Hoyt 2007). By using statistics and a story of decline to lay the groundwork for their argument, the two legislators used the language of counting to inject authority into their argument. The pair ended by saying that “we do not have
the luxury of turning our backs on models of public education we know are working...[and] proven to be exciting incubators of innovation in public education” (Camara and Hoyt 2007).

**Gambling with the Future?**

Charter advocates also took advantage of the very emotional charter lottery process in order to drive home their perceived need for more charter schools. The *New York Sun*, in a last-minute editorial on the subject, invited anyone who doubted what “was at stake with the charter cap” to attend a charter school lottery in Harlem where 600 parents vied for 105 spots in a kindergarten class. The lottery’s timing, just days before the budget deadline, “sends a message” according to the newspaper (New York Sun 2007). A later article described the lottery in ever more dramatic terms: “In a standing-room only crowd, parents cried in anguish or joy as they learned their children did or didn’t snare one of the coveted spots” (Melago 2007).

Indeed, the dramatic functional and representational nature of the lottery process in charter school operations makes it a salient symbol of schoolchildren (and their parents) yearning to leave failing public schools. A 2006 article describing the lottery process for one New York charter school painted the event itself as a performance:

At moments, the event felt more like the TV game show ‘The Price Is Right.’ Parents squealed and jumped out of their seats when their child's name was called.

‘Would scholar Bobby Bowman come on up,’ the head of the school, Eva Moskowitz, boomed into a microphone after Bobby's name was the first to be plucked from the box. A few parents did a little dance as they were handed a yellow piece of paper with instructions about how to officially enroll their child.
‘It's like ‘American Idol.’ I got my gold ticket to Hollywood,’ Nigel White beamed after his daughter's name was pulled from the box. (Kolben 2006)

Few other policy domains contain such a dramatic process for determining recipients of public goods. Although the parents who attend charter school lotteries ostensibly view charter school enrollment as an improvement over whatever public schooling their child has attended heretofore, their chance of placement at a charter school is left to a visually explicit, highly public, and emotional display. Imagine were such a process to be proposed for determining who among us gets Social Security benefits or food stamps.


[Director] Guggenheim capitalizes on the fears and hopes of these families, as evidenced in the final scene when we experience, alongside the children, the spectacle and theater of five charter school lotteries. Counting down the dwindling number of spaces left in the bottom corner of the screen, the shot zooms in on the heartbreak as four out of five students are denied enrollment. We are meant to feel outrage and grief. Yet, while Guggenheim capitalizes on the melodrama, the viewer feels emotionally manipulated; it seems that these children have been cruelly tricked into putting their unconditional faith in charter schools, only to be turned away, and we feel as if we were somehow in on it. (Harvard Educational Review 2010)
Brian Backstrom, a New York charter school advocate interviewed eight years after New York’s cap battle, described the symbolic power of the lottery in this way:

We [charter school advocates in New York State] absolutely played the ‘lottery losers’ sympathy card. As I recall, though, the most effective use of this was in *Waiting for Superman*, which came out just after our cap lift (if memory serves me right) – truly powerful real-life images there. *WforS’s* [sic] clips of lottery losers and the emotion it wrought reinforced for folks that they had done the right thing; if we had those video clips before we began our cap-lift effort, there wouldn’t have been a legislative battle at all, and probably not even a skirmish.

Eva Moscowitz and her Success Academies network always did the best at getting the most out of enrollment lotteries. Still does. (Backstrom 2015)

*The Onion*, a satirical newspaper, recently announced a streamlining of the established lottery process: “the New York City Charter School Center notified potential students this week that openings will now be filled by randomly distributing white pills to applicants and enrolling those left standing” (The Onion 2014). Students would be given either sugar pills or pills containing the drug pentobarbital, a strong sedative, in order to simplify the selection. Although the *Onion* spoof appeared after the New York debate and belongs to the realm of black humor whereas the *New York Sun* had seized on the lottery as a visceral symbolic image to provoke empathy for charter-hopeful students and parents, both are examples of spotlighting the questionable operations of charter policy for melodramatic purposes.
An Increase in the Charter School Cap

In time for the April 1 deadline, the New York State legislature passed Governor Spitzer’s budget proposal, including a provision for an increase in the charter school cap. Key players in the debate rejoiced or despaired. The Chairman of the Brighter Choice Foundation, a charter advocacy group, noted that “approval of the charter legislation by wide bipartisan margins signals a growing acceptance of public charter schools across the political spectrum,” and went on to call the cap increase a “major child-centered victory” (Carroll 2007). Chastising the Albany school district, Carroll said: “Having failed in its outward political strategy, the Albany district now needs to look inward. It must reflect on why so many economically disadvantaged parents are fleeing for public charter schools” (Carroll 2007).

The press analyzed Spitzer’s win by saying that lifting the cap would “give second life to an 8-year old experiment…lauded by school-choice activists but resisted by state teachers unions and school district bureaucracies” (Gershman 2007). Under the Governor’s original plan, New York City’s schools Chancellor, Joel Klein, was to gain the ability to open 50 new schools without the approval of the Board of Regents. In the final budget, Klein was not given such authority. The trustees of the State University of New York (appointed by the Governor), and the New York Board of Regents (a state entity largely controlled by Assembly Democrats), each was given the purview of approving up to 50 charters, raising the total allowed to 200 from 100. Governor Spitzer had proposed adding 150 schools in his executive budget in January, but the Democratic-controlled Assembly came back with a proposal that reduced the increase to 50 schools, reduced per-pupil funding for the schools by an estimated 20 percent, and required that charter schools be unionized if they exceeded 250 students (Gershman 2007).
Mayor Bloomberg and Chancellor Kelin did get their wish for 50 new schools in the city (Mahoney 2007). Nevertheless, he was disappointed with the cap-lift outcome. Immediately after the budget passed, the mayor stated that “It is a disgrace that when you have such demand there’s anybody, at any level of government, who’s trying to limit parents’ options, particularly given the success of most charter schools” (Garland 2007). He went on to state that “For reasons non-pedagogical, people are trying to limit parents’ choices…These are the same people who stand up repeatedly and say ‘I’m for parents; I’m here to help protect my constituents.’ …If they’re not standing up for parents, I’m just going to point it out to everybody” (Garland 2007). This “outing” of anti-charter advocates by the Mayor took the battle from policy to personal; the Mayor’s wording brought the issue down from politics to personal accountability and a charge of hypocrisy. It was reminiscent of the earlier attack ads on Assemblyman Ron Canestrari.

In addition to doubling the number of charter school permits to 200, the budget also provided additional funding for districts in which the alternative schools were located. This so-called “transition aid” was one of the bargaining chips Spitzer used to temper opposition from unions and local school boards. Furthermore, “A new local citizen input process would be permitted for new charter school placements, but it would not include the ability of local groups to block charter expansions. Unions that represent traditional public school teachers opposed the expansion” (Precious 2007).

Pundits tried to draw the implications of the cap lift for education policy in general. Education Sector’s Andrew Rotherham made a broader equity argument about charter schools: that their existence in a district raised parents’ expectations about public schooling in general. Drawing an analogy to coffee, he said: “If we capped Starbucks, would we see such a rapid shift in coffee consumption and quality over the last 20 years? Starbucks has changed consumer taste
and expectations and quality of coffee. Everyone expects better coffee now” (Stulberg 2007, 33). In other words, the cap lift was not only a charter school issue; due to the increase in charter schools, voters could also expect more from traditional public schools.

Meanwhile, Governor Spitzer called the doubling of new charter schools a “signature accomplishment” of his budget plan (Precious 2007). Garth Harries, director of new schools in the State Education Department, stated that “We don’t see it [the cap lift] as a problem…It’s not the bill that we would have written, but it’s absolutely a bill that we can live with” (Garland 2007). Peter Murphy, policy director for the New York Charter Schools Association, reacted to the cap lift by saying that, “The victory here is that you’ll have more charter schools and that the law remains largely intact…The message will get out that we’re now back in business” (Simon 2007).

Outside of lifting the charter school cap to 200 schools, Governor Spitzer’s budget raised school aid funding by nearly 9 percent, or $1.8 billion, to $19.6 billion over 2006. The budget provided additional funding to many of the 304 school districts in the state, and increased per pupil funding levels for universal pre-kindergarten for the first time since the program’s inception in 1998. Transportation aid increased by $1.4 billion, and building aid increased by $1.8 billion. New charter schools would have to be approved by March 15 in order to open for the new school year in September. Finally, the budget increased charter school transition aid (to traditional public schools) by $7.3 million to $22.5 million by expanding the eligibility criteria and the resulting number of qualified school districts (DiNapoli and Mallick 2007).
Table 5.1: New York State’s 2007 Executive vs. Enacted Budget, Charter School Policy Highlights

<table>
<thead>
<tr>
<th>Item</th>
<th>Executive Budget</th>
<th>Enacted Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cap Increase</td>
<td>Cap of 250 schools</td>
<td>Cap of 200 schools</td>
</tr>
<tr>
<td>Authorizers</td>
<td>Board of Regents, SUNY and the New York City School Chancellor to each approve 50 new charter schools</td>
<td>Board of Regents and SUNY would continue to be the only charter school authorizers in the state</td>
</tr>
<tr>
<td>Timeline for new schools</td>
<td>New charter schools must be approved by March 15 in order to open in September</td>
<td>New charter schools must be approved by March 15 in order to open in September</td>
</tr>
<tr>
<td>Additional Qualification Criteria</td>
<td>None</td>
<td>Charter school entities must require new charter school applicants to demonstrate significant educational benefit and be approved by any school district that already has more than 5 percent of its enrollment attending alternative schools</td>
</tr>
<tr>
<td>Funding for the Charter Schools Stimulus Fund</td>
<td>$6 million</td>
<td>$6 million</td>
</tr>
<tr>
<td>Transition Aid</td>
<td>$15 million in new transitional aid for five school districts that are currently affected by a concentration of charter schools: Albany, Buffalo, Lackawanna, Roosevelt and Schenectady</td>
<td>$7.3 million increase in transition aid by increasing the number of school districts that qualify for aid, no specific districts named</td>
</tr>
</tbody>
</table>

Conclusion: Charter Schools 2.0?

Substantively, lifting the charter school cap in New York State was largely an augmentation of the original charter law. Not surprisingly, many of the themes touched upon by policy advocates and media in the cap fight were similar to those that were used just under a decade prior, with a few exceptions. With the benefit of the distance of time, Alan Lubin of NYSUT looked back on the cap lift and the language used by advocates and opponents and concluded: “I don’t believe the messaging changed” (Lubin 2014). There were some subtle shifts, especially surrounding language that characterized the charter schools as “experiments.”
Furthermore, unlike during the original debate, some policy actors expressed frustration at the “inevitability” of the cap increase. Also, the original debate was linked to the legislative pay raise which provoked heated rhetoric surrounding the raise; no such link was required during the cap increase. Legislative negotiations did alter some details that accompanied the lift, as well as the size and scope of the cap increase.

Over time, charter school advocates and opponents have seen a shift in the way New York State legislates – and talks – about charters. Susie Miller Barker, Executive Director of the largest charter authorizer in the state, the SUNY Charter Schools Institute, recently observed: “I think one of the real significant changes in how we talk about charters over time is additional barnacles, regulatory barnacles that come every time there is a change in the charter school law” (Barker 2014). The evolution of New York’s charter schools law substantiates this claim. In addition to the cap lift, the legislature incorporated qualification standards for the charter school application process, as well as new transition aid (and regulations regarding its distribution). When New York State increased its cap again several years later as part of President Barack Obama’s Race to the Top program, more regulatory “barnacles” accompanied the policy change.

The next and final chapter will compare in more detail the political language used in debates over both the original charter school law and subsequent cap lift, including instances of dramatic and melodramatic language with reference to the framework laid out in Chapter 2.
Chapter Six

MELODRAMA, EDUCATION, AND THE POLITICAL PROCESS

Once upon a time, children attended schools to get an education. While attending school, children were called students. Today, instead of schools, charter school students often enter into buildings labeled academies. A glance at New York State’s 285 charter schools reveals such names as “Bronx Academy of Promise,” “Academy of the City,” “Buffalo Academy of Science,” and the “Collegiate Academy for Mathematics and Personal Awareness.” The founders of these new schools channel Plato: they hope to bring to their charter schools the air of schools for elites, where intellectual learning occurs. Larry Cuban, a professor emeritus at Stanford University’s Graduate School of Education, notes that this renaming of schools to academies carries with it a “kind of pizzazz and kind of a cachet” (Abrams, 2014). The renaming does not stop there. In many charter schools, students are called scholars. Julie Patterson, a teacher at Akili Academy in New Orleans, explains the change of label by noting that the term scholar implies ”We have big goals for you…We have big ideas. So you're not just a regular old student. You follow our values, you follow our school rules. That means you're a scholar" (Abrams, 2014).

The dramatic increase of the number of charter schools across the nation in the last decade has been nothing short of remarkable. Charter schools have changed education, and discussions about them galvanize those interested in education policy and its broader implications for the United States. Outside of the actual substance and teaching techniques these new schools employ, another curious observation can be made about them: many charter schools have taken to changing the language used to describe everything from the manner of instruction to the labels placed upon those attending the schools. This, too, is remarkable and would not be
taking place if the founders of this new education movement did not believe language to be paramount in the way their schools educate students and are perceived by parents and politicos alike.

This concluding chapter will seek to answer three questions with respect to education policymaking, in general, and the charter school debate, in particular. First, how does political language matter in regard to the nature and outcomes of the policy process? Second, what is the role of melodrama in political discourse? And third, is the use of language to advance reformist goals a positive or negative influence on the politics of policymaking, or something between the two? The previous case studies examining charter school policy in New York State provide useful illustrative material in exploring these questions.

**How Does Political Language Matter?**

Political language matters because politics is “the process of solving public problems…and that process takes place through communication” (Hahn 1998, p. 2). The language political actors use to discuss public issues reflects and sometimes augments the hopes and fears the electorate has deeply ingrained within itself. In fact, government deals with many issues that impact its citizens profoundly and indeed cause them a serious degree of concern: taxes, civil liberties, jobs, foreign policy, health, education, and so on. Therefore, a great deal of attention and controversy surrounds the perpetual debates concerning what the major problems in society are, who is to blame for them, how far they extend, and what the best methods are to solve them (Dery 1984; Rochefort and Cobb, 1993). In this context of apprehension and uncertainty, language serves as a way of signaling the nature, causes of, and solutions to public problems. In other words, language cues listeners and readers to superimpose their own
preconceived biases, experiences, and beliefs onto existing or new political problems and therefore serves as an important tool for policymakers in the political process (Edelman, 1998).

The charter school debate in New York State provides a pair of illustrative case studies for how political language matters. In them, we see all the major elements of political language, including problem definition, framing, symbols, narrative, and their constituent devices. As part of presenting these cases, this thesis has provided readers with after-the-fact commentary from the actors involved in bringing (or trying to prevent the arrival of) charters to New York State. This commentary demonstrates the importance of language in persuading and advancing (or inhibiting) political goals, and reveals that political actors consciously use language to influence the course of political events.

Various excerpts from interviews with policy advocates highlight the importance of language in the charter debate. Melinda Person, the New York State United Teachers’ Political Director, noted how the language surrounding charter schools changed over time, from the initial debate to the discussion surrounding a possible cap lift: “The first time around it was talked about as an experiment, like a pilot sort of thing. During the cap debate, it was being talked about as a solution…so very different language” (Person, 2014). Susie Miller Barker, president of the SUNY Charter Schools Institute, expressed her frustration or bemusement with language charter opponents use to this day, saying that “The other language is that there is no oversight, which makes me laugh” (Barker, 2014). And Brian Backstrom, a charter policy advocate, also made an observation about a shift in language during the cap debate, saying that “When the cap debate rolled around, the experiment language died down” (Backstrom, 2014). Although these mentions of language pertain to various facets of the charter debate, what they have in common is their observation of language as a distinct form of communication. New York State’s battle regarding
charter schools is a prime example of the importance of language in politics. Both proponents and opponents of charter schools used language as a key tool to influence the public and policymakers of the validity and importance of their stances.

An instructive use of language throughout the debate occurred when both proponents and opponents used the language of the marketplace to sway politicos and rally their respective bases. Opponents of charter schools used the language of free markets to talk about the schools negatively, and to evoke the negative connotations and narratives previously held by people about the marketplace. In a New York Times Sunday Magazine piece during the initial debate titled “Schools for Sale,” an opponent of charters likened a district having a magnet school as a “corporate subsidiary” relationship, and a charter school was compared to “having your own business” (Winerip, 1998). The article went on to discuss the danger of letting free market forces reign supreme in the field of public education. This connection between free markets in education and free markets elsewhere was made explicit by Noreen Campbell, executive director of the Educational Priorities Panel, when she stated that “The idea that the marketplace will help poor children in failing schools is somewhat questionable. Where have you seen the marketplace help poor people? (Rosenberg, 1998)” In this way, opponents of charter schools in New York State tried to take advantage of peoples’ previously held negative associations between free-market capitalism and its ability to help the underserved or vulnerable members in society.

Charter school proponents, however, had a decidedly different view of the free market and its ability to help underserved members of society, and therefore also tried to explicitly link charters to free market capitalism. Rev. Floyd Flake, an early charter advocate, tried to convince charter schools skeptics that “The truth is that charter schools embody the competitive models of market-based competition while serving the interests of teachers and minority communities
(Flake, 1998),” echoing others in their belief that charter schools would be “mainly unfettered by bureaucratic red tape (Tully, 1998).” What can the utilization of the same frame, capitalism, by issue opponents tell us about the importance of language?

This example from the charter school debate in New York State demonstrates that language can, and often does, act as a signifier to anyone who comes across its use in the political context. The association of charter schools with capitalism served to forward their vilification by teachers unions and public employees because those who identified with those groups were already likely to hold negative associations surrounding the concept of unbridled capitalism. Indeed, unions are seen as being in constant conflict with capital; public (government) the antithesis to private (enterprise). Conversely, proponents of charter schools gladly associated the structure with capitalism, in hopes that the symbol of free markets would play well with those who already held positive associations with it. In this way, language and specifically the symbolism associated with it, can “mobilize and direct the electorate, structure political debate and policy possibilities, and grant political leaders legitimacy” (Petracca, 1989).

Put another way, the stories about capitalism and free markets that circulate among charter school supporters and detractors create a background of taken-for-granted knowledge. Every appeal to associate charter schools with the free market hopes to take advantage of those pre-existing views, whether they are positive or negative. These associations, “which may or may not be true in a factual sense, are important to the definition of problems because they link public issues to widely accepted ways of understanding the world and to shared moral evaluations of conditions, events, and possible solutions to problems” (DeNuefville and Barton, 1987). If the free market has positive associations to me, then it is possible that charter schools, which introduce choice (another word associated with capitalism) and decrease public
bureaucracy, are a logical solution to a struggling public school system. But if I am leery of free markets, then the introduction of them to the public sphere, especially in a context that deals with the most vulnerable of populations (children, minorities, students with disabilities), is a dangerous gamble at best and a sure path to educational malaise at worst.

Another way that political language matters can be seen in the way that policy actors characterize certain populations and how that, in turn, influences policy decisions. In a way, this characterization of policy actors and target populations is not unlike using symbols (such as capitalism) to imply entire schema and the policy solutions which fit – or don’t - those symbols. By using language to highlight certain traits, and diminish others, in policy actors or target populations, policy actors focus attention on their preferred causes, effects, and solutions to policy problems. In the New York charter debate, charter school opponents and proponents characterized one another as villains; furthermore, both sides tried to characterize the target population of the proposed policy (children) in a similar way to different effect.

First, charter school proponents hoped to characterize the individuals opposing the policy as rigid bureaucrats, at best holding on to the existing system for their own sake and at worst inflexible to the point of harm to the children they were purportedly obligated to serve. Teachers unions were “villainized,” made to look as though they were composed of people rooting for an inflexible, harmful bureaucracy (Barker, 2014). An executive of a company hoping to establish charter schools in New York wrote that charter school opponents were “defenders of the status quo” who were resorting to “propaganda used by the education unions…as tired as the old, gray establishment they are fighting to preserve” (Coldwell-O'Brien 1998). Schneider and Ingram have specifically taken note of the fact that unions are often characterized in this way. Although powerful political entities, unions are often constructed as undeserving of policy change in their
favor (Schneider and Ingram 1993, p. 335). Indeed, “a great deal of the political maneuvering in the establishment of policy agendas and in the design of policy pertains to the specification of the target populations and the type of image that can be created for them” (Schneider and Ingram 1993). In other words, political language, and specifically, the characterizations of people fighting against the introduction and expansion of charter schools, mattered a great deal. If unions could be associated with a failing status quo, then the policies they were championing (not in favor of charters) could also be thought of as not forward-looking.

Opponents of a charter school law in New York State also saw their fair share of insult intended to associate them with a dangerous policy. In noting that for-profit companies would be allowed to open charter schools, one school superintendent warned that operators and charter schools proponents’ aim was to “endanger our system of public education, which is the foundation of our democratic society” (Gottlieb 1998). In a speech on the Assembly floor, Assemblywoman Clark pointed out that charter school proponents were “right-wing” (New York State Assembly 1998, p. 19). Seeing as how the majority of the state Assembly at the time of the original bill’s passing was Democratic, it would make sense that someone calling charter school proponents right-wing would help to erode support for the bill by constructing proponents of charters as tied to other conservative and presumably unpopular policies. Public officials must explain and justify their policy positions to voters by articulating a vision of what is in the public’s interest and then showing how a proposed policy is connected to shared public values. If the proponents of a policy are painted as not in step with the public good (in the charter school example, as only interested in making a private profit and coming from a “fringe” political orientation), then the policy becomes less palatable to legislators and policy actors. In this way,
the construction of charter school proponents and opponents mattered greatly to the charter school debate in New York.

However important the role of language was in constructing charter opponents and proponents, the social construction of children – the law’s target population - was paramount to the language used by advocates in order to sway individuals to support or oppose the law. Charter school proponents were of the opinion that since children constitute one of the most vulnerable populations and since they cannot effectively advocate for themselves with regards to policymaking, parental and policymaker involvement in changing a terrible status quo was of the utmost importance. It simply was not fair for children to be the victims of adult ambivalence in the field of education; charter school advocates were prepared to act on their behalf as soon as possible to keep them from a failing education system. Conversely, charter school opponents were wary of allowing children (also seen as vulnerable by opponents of the charter law) to become part of an education experiment, i.e., test subjects for companies interested in making a profit alone.

According to Schneider and Ingram’s theory on the social construction of target populations, policies for different problem populations are designed differently in their goals and in the instruments they incorporate. This has a great deal to do with the way in which a target population of that policy is socially constructed, which takes place through the use of language. Schneider and Ingram divide target populations into four categories: advantaged, contenders, dependents, and deviants. The more positive the social construction of the population, and the more powerful the population is politically and economically, the more likely they are to be affected by policy change in their favor (Schneider and Ingram, 2005). It makes sense, then, that policy advocates would use children (the target population) in order to effect or prevent charter
school policy change. Lawmakers want to appear to be in line with the interests of those in society deemed as “dependent” (Schneider and Ingram, 1993, p. 338). Those opposed to charter schools tried to portray children as especially vulnerable members of society who should not be eligible to grand sweeps in untested, potentially dangerous policy. In a letter written to the Governor before the charter school law was passed, a school committee member wrote about her worry that charter schools would “siphon off children” at the expense of public schools (Hiddemen Rice, 1998).

Charter advocates, however, saw an opportunity to use children as the exact reason policy change (in the form of charters) was needed. Before the law was even being officially considered, Governor Pataki put children front and center in his speech announcing the plan. He observed that Pataki’s speech put children in the spotlight. He emphasized that the children of New York “want to learn. They want to do well. They want to succeed,” and that the current system was letting them down (Pataki 1998, p. 16). In a speech on the floor of the Assembly before the charter school vote, Assemblyman Arroyo advocated for charters by juxtaposing children with the money being spent on ineffective education. He identified “a need to bring a change to our school system in which taxpayers’ money is going down the drain and the children are not getting the proper education” (New York State Assembly 1998, 21). Susie Miller Barker, now the Executive Director of the SUNY Charter Schools Institute, recalled that “One of the things that was significant [in the debate] was the commitment to serving underperforming populations of children, so that is socioeconomically disadvantaged children, which links to the ethnicities of children, etc., etc… Linking low socioeconomic children to charter schools absolutely helped New York adopt the law” (Barker, 2014). Children are themselves a
sympathetic segment of society; linking them to a low socioeconomic population (and heavily minority populations) upped the vulnerability ante so to speak.

When the law passed and some schools encountered waiting lists, a charter advocate noted that the corporations running the schools used the lists to point to children wanting more charters, saying the corporations were exclaiming “it was so unfair that these poor children could not get into the schools they wanted to get into” (Rogers, 2014). And an ad that ran during the cap lift debate featured a minority mother lambasting an Assemblyman for being “dead set against letting any more parents choose public charter schools for their children. Not everyone can afford to send their children to private schools like the one he attended…We don’t need him to place a cap on our children’s futures” (Benjamin, 2006). So not only were the children that stood to be affected by the law already members of a deserving, weak population but they were decidedly more so than their peers who could afford private education. This language mattered in the debate. Those who employed it sought to change peoples’ perceptions of who stood to benefit from more charter schools, which in turn affected lawmakers’ likelihood of supporting the policy.

Not only were children used in the debate as a focal point for advocates, advocates were fully aware of the potential of children to become central in their ability to persuade parents and policymakers, either of the importance or danger of education policy change. All that was needed was the right language to communicate the importance of their policy position. Brian Backstrom, Vice-President of Change-NY, a charter advocacy group, said of advocates using children to persuade others, “If you need education reform you are saying that schools are destroying kids’ lives. Parents don’t want to be viewed as bad parents when they choose a bad school for their kids…every single kid is affected by the education system” (Backstrom, 2014).
Here, Backstrom speaks of the importance of how parents view themselves vis-à-vis their children. This is important because advocates tried to shape that relationship by constructing children to be in need of parents who step in to help make policy change (in the form of charters, hopefully, if you’re an advocate).

It is one thing to talk about the purpose and intent of using language in politics, and another thing entirely to show when language influenced a debate, caused people to change their minds, increased or decreased the intensity of a conflict, moved policymaking decisions from one venue to another, and/or shaped policy design. Indeed, this is quite difficult to do because of the messy nature of social science. We cannot create an experiment whereby one policy discussion in a specific place, at a specific time, and with specific policy actors and electorate includes one type of language, and then recreate that environment with language being used another way and compare. For now, we can at best hope to find anecdotal instances where language was pointed to as the reason the trajectory or scope of a public policy changed course or was augmented/diminished.

In the case of charter schools in New York State, there are several instances where one can be reasonably sure it was language that changed the course of events. A radio ad released in the nascent stages of the charter school debate accusing a Democratic Assemblyperson of limiting children’s futures by not considering the bill caused such a furor that the State Assembly Speaker Sheldon Silver “told several members that they would not talk about the issue until the ads went off the air” (Medina, 2006). In this instance, dramatic rhetoric had the effect of shutting down communication between legislators.

Linking charter school policy to other policy domains (poverty, racial inequality, free market capitalism) galvanized actors to speak out in favor of – or against – the proposal. For
instance, Reverend Floyd Flake, a prominent religious figure in the African American community, was persuaded (and felt the need to persuade others) of the need for charter schools not because of their promise to improve education per se, but because of his belief that they would invigorate urban dead-zones and lift African American children out of perpetual malaise (Flake, 1998). And the characterization of the traditional school administration as a ravenous, awkward, dumb dinosaur (Ravitch and Viteritti, 1997) caused charter advocates to long for a system “mainly unfettered by bureaucratic red tape” (Tully, 1998).

But which side of the policy debate wins, and why? It is difficult to say in this case that charter schools succeeded in being adopted, and expanded, because of the language used to talk about them. A lack of State polling data and in-depth interviews with legislators regarding why they made the choices they did during the debates leaves us guessing as to how exactly language changed the course of school choice policy in New York.

One could imagine a study where the examination of language and its impact on policy (or, at the very least, public opinion) could bring us to a better understanding of the form and function of political language. If we tracked how, for instance, major news outlets talked about any given issue concurrent with public opinion and legislative action on that issue, perhaps we could arrive at clearer sense of how language impacts policy. Importantly, by tracking the level of dramatic language surrounding any issue (by coding for the various dramatic elements outlined in Chapter 2) and legislative action or inaction on that issue, we could at least determine whether or not there exists a correlation between emotional language and policy change.

In terms of studying the impact of political language using quantitative analysis, promising research has been done in recent months on language and its ability to persuade. Researchers have created an algorithm designed to measure readers’ approval of a public policy
(the Affordable Care Act) and, based on their rating, had the algorithm create new descriptions of the same policy that were found to be, by the end of the 90 minutes spent reading about the policy, more persuasive of the policy’s merits to the same readers. The study’s author noted that focus groups, A/B testing, and theory can help suggest themes for persuasive text, but not when it comes to shaping the actual words and sentence structure that resonates with the intended audience. Although this type of research is in its nascent stages, it provides insight into how studying political language may be able to take on more quantifiable variables as time goes on (Beauchamp 2015). It is obvious that the uses, successes, and pitfalls of political language is an area that cries out for more research.

Short of creating an exhaustive list of where language mattered in the New York State charter debates, this conclusion seeks to point out various key instances of language being used by advocates to persuade others in order to demonstrate the pivotal role of language in the political process. Furthermore, advocates’ conscious use of language – and their recognition of its use by opponents – makes obvious its importance as a tool in the policymaking process, particularly at the problem definition stage.

**What is the Role of Melodrama in Political Discourse?**

Melodrama elevates political language to a plane characterized by villains, victims, and heroes, life-or-death scenarios, and other words intended to evoke the most striking imagery. Melodramas, as a dramatic genre of plays, films, or TV programs, are characterized by exaggerated emotions, interpersonal conflicts, and stereotypical characters (Blain, 1994). Policy advocates use melodrama to stir emotion in the electorate to such great heights as to provoke voters and potential allies into action. In the charter school debate, emotions ran high,
interpersonal conflicts ran hot, and stereotyping of each side was rife. Advocates and opponents of charter schools regularly mentioned how important education policy was not only on the individual level (making or breaking a child’s future), but to securing successful, safe communities. Charter opponents lamented the demise of public education – a strong pillar of American society – that would be brought about with the introduction of charter schools. Especially in the initial debate, Pataki was often seen as at odds with the Democratic Assembly. Teachers and their bureaucratic unions were at odds with charter school companies and their executives, countering stereotypes of monolithic, stubborn bureaucrats with those of money-hungry corporatists.

In many ways, we are primed to view politics through a dramatic lens. “Political rhetoric and drama can be seen, and analyzed, as closely related forms of public speech. Like legal trials and Assembly speeches, Athenian theatrical performances and dramatic texts were closely bound up in the mediation of conflicting social values” (Ober and Strauss, 1990, pp. 237-238), and “drama and theatre participated in constructing a popular political discourse” (Wiseman, 1998, p. 2). Today’s society is no less steeped in the dramatic than the ancient Greeks; our love of blockbuster movies and soap operas, not to mention bad reality TV, demonstrates our penchant for the melodramatic. It should not be a surprise that policy advocates and political pundits employ the same strategies as does Hollywood to get our attention.

Melodrama elicits strong emotions. After all, it is the highest expression of our hopes and fears. In some ways, emotion can be politically productive. It heightens our attention to particular issues, candidates, and policies and promotes political participation (Jamieson and Cappella, 2008; Nadeu, Niemi and Amato, 1996). In a study of “sacred” rhetoric in presidential campaigns, Marietta found that this kind of emotional rhetoric “invokes nonnegotiable
convictions rather than reasoned consequences. This form of rhetoric, grounded in transcendent authority and moral outrage, provides an electoral advantage by inspiring greater political engagement and valorizing candidates in the eyes of voters” (Marietta, 2009, p. 388). So rhetoric with emotional appeal may indeed inspire greater engagement of target groups.

In addition to emotional appeal, melodrama is prone to elicit moral frames and judgments. In education policy, reform proponents ask questions such as: Is it just to allow children to attend failing schools in perpetuity? Is it fair to have dramatically different educational outcomes based on arbitrary school districts? How can we, as a society, stand by as children living in poverty see their problems compounded by a desolate education landscape? Indeed, there is a crucial role played by moral concerns in the formation of attitudes and a wide range of political behaviors. Political rhetoric plays an important role in facilitating the connection between moral intuitions and political attitudes. In a study regarding stem cell research and political rhetoric, researchers found that “individuals who are the most likely to have been exposed to political rhetoric have the strongest connection between their moral foundations and their attitudes” (Clifford, et al. 2015, p. 229). So insofar as melodramatic rhetoric elicits moral orientations, it may well affect political attitudes as well.

By its very nature, melodrama uses terms meant to evoke sensational feeling. Melodrama stirs up images of good, evil, victims, and villains. These kinds of big, ambiguous terms and depictions have power over us, but their ambiguity also means they limit policy advocates. Large dramatic terms reify: “they reduce uncertainties, flux, and contradictions characteristic of abstract concepts and political maneuvers to a misleading clarity and a substantive denotation, at least for the moment and for the particular situation” (Edelman, 1988, p. 1336). So, although
melodramatic constructions may elicit emotion, they do not much contribute to substantive
discussions of policy details.

Dramatizing policies and problems through the use of symbols and myths is a double
edged sword. On the one hand, the use of drama to draw attention to a policy can translate values
into policy proposals, and can be a powerful means to communicate to a broad public and rally
support. On the other hand, drama can conceal crucial contradictions and realities, legitimize
policies that benefit the powerful, and support anachronistic perceptions of social problems
(DeNeufville and Barton, 1987).

In an article on power, war, and dramatic narrative in the political realm, Michael Blain
looked to the theme of victimization as one that particularly lent itself to melodrama. Blain noted
that “Victimage rhetoric takes the form of melodramatic narratives of opponents engaging in
villainous acts of violation and of activist heroes struggling against villainous powers. In political
movements, this narrative pattern functions to differentiate ‘good’ and ‘evil’ subjects, which
permit activists to act on the actions of those they address” (Blain, 1994, p. 808). Blain noted that
particularly in instances where a country prepares for war, political rhetoric focuses on the home
country as victim and potential enemies as villains. The politics of the “other,” or those who are
not fighting for the home country, become particularly exaggerated: “The ‘others’ addressed are
multiple and historically specific agents and agencies, including antagonists, allies, enemies, and
publics… In the heat of battle, activists transform opponents and themselves into hyperbolic
characters by vilifying their adversaries while heroizing [sic] themselves and allies” (Blain,
1994, p. 808). So in addition to creating victims out of certain members of society, activists will
portray themselves as heroes able to act upon circumstances (through public policy) to save those
victims.
Although Blain was writing about the politics of war, the politics of education policy displays similar themes and effects. In the case of the New York State charter school debate, charter school advocates and opponents characterized children as victims in the great policy drama that was school choice. According to the advocates, charter schools and the teachers and administrators at their helm would steer to safety and success children otherwise doomed to educational and career failure. Conversely, charter school opponents characterized advocates as money-grubbing capitalists who were looking out only for their bottom line; children, already victims, would suffer at the hands of these corporate entities.

It is no secret that politicians often use victims for their own political gain. A case study of Reagan’s handling of the Challenger explosion explains how the President turned a catastrophe which could have reflected poorly on his administration into a patriotic rallying cry: “The deaths of the Challenger seven could have served as powerful symbols of failed policy and flawed leadership. Yet Reagan reconciled the failure of the shuttle and renewed U.S. commitment to the space program by sanctifying the crew and offering Americans consolation and purgation through sacrifice of the seven in vicimage” (Lule, 1990, p. 115). In the case of New York and charter schools, if charter proponents could portray children as victims, then they could use the notion of their perpetual victimhood in failing schools as a powerful impetus for reform. Conversely, charter opponents could warn parents of the danger of subjecting their children to a new, unknown (in New York, at least) policy that could possibly increase the pains of their dire situation.

Interesting research has been done on “outrage” politics, or the use of outrage to persuade viewers and voters. Outrage, and certainly its expression, is often melodramatic in nature and may have political implications. In recent article examining outrage discourse in both television
media and the internet, Sobieraj and Berry note that “Outrage discourse involves efforts to provoke a visceral response from the audience, usually in the form of anger, fear, or moral righteousness through the use of overgeneralizations, sensationalism, misleading or patently inaccurate information, ad hominem attacks, and partial truths about opponents” (Sobieraj and Berry, 2011, p. 19). Extreme political discourse in the form of outrage has negative effects on politics. Its use by politicos in the authors’ study produced a “bevy of misinformation and simultaneously shifted much attention away from thoughtful analysis of the proposal and toward the outrage purveyors themselves” (Sobieraj and Berry, 2011, p. 23). In the charter cap debate, voters were told that charter schools were a “way to address a crisis in which many kids suffer from poor preparation or the intellectual suicide symbolized by dropping out” (Crouch 2006). Unions were called “death on charter schools,” and a proposal to unionize charter school teachers would have a “devastating toll on more ambitious teachers” (Stern 1998). In these two brief examples, charter advocates used sensationalism and overgeneralizations; the language to express their outrage at charter opponents was meant to focus attention on the evils of unions and the extreme victimhood of children.

Scholars have researched specific political events and their melodramatic interpretations, and what those interpretations mean for politics. According to Sapiro and Soss, “Symbolic and dramaturgical theories suggest that in politics, as in a play, conflicts have meanings that extend beyond their manifest content. For the spectators, a concrete political event simultaneously exists as a drama over more enduring and significant values” (Sapiro and Soss, 1999, p. 286). In other words, political events interpreted as dramatic serve to trigger pre-existing frames and narratives that the electorate holds, and may help shape beliefs about not only specific events or policies but entire political orientations. Furthermore, heightened narrative in the form of melodrama
intensifies the divisions between actors. “Dramatic events are likely to be accompanied by more contradictory information as opinion leaders put different ‘spins’ on events and struggle to control rival interpretations” (Sapiro and Soss, 1999, pp. 287-288). So when rhetoric is elevated to melodramatic proportions, we identify within the plotline of any given story previously held beliefs, and rhetoric tends to be more conflict-ridden.

Melodramatic language often involves the rhetoric of crisis. Crisis rhetoric marks many fields and has been most notably studied with regards to healthcare (Hackey, 2012), immigration (Heir and Greenberg, 2002), and foreign policy (Crall and Thomas, 2013). Crisis rhetoric shares with melodrama its appeal to emotion and imminent threat, and may mobilize people to action. However, scholars have also called for extreme care in the use of crisis rhetoric, saying that politicos’ use of the “problem definition process should produce crisis classifications sparingly, considering and employing less confrontational instruments of power, without prematurely sending unnecessary signals to adversaries, contemporaries, and the public” (Crall and Thomas 2013, p. 189).

In addition to studying dramatic language in specific policy domains, scholars have turned their attention to movement politics and the potential for melodramatic framing within large-scale, often broad, political movements: “Political movements… are dramatic ritual struggles of heroes against villains, good against evil, the just against the unjust, to create, alter, or sustain power relationships” (Blain, 1994, p. 49). Although New York State education policy likely falls short of a political movement, charter school politics as a whole can certainly be seen as a key part of a reform movement eager to capitalize on market solutions to public problems. And in this context, the New York charter debate did include language geared towards framing
opponents and proponents as good or evil, intent on changing or maintaining status quo power relationships.

So the role of melodrama in political discourse is manifold. It can elicit action from people otherwise inclined to not do much about a situation. We are primed for high drama, and the connection between politics and melodrama goes back centuries. Although melodrama may draw attention to public policies and even encourage action, scholars have also pointed to the potential for dramatic narrative to obfuscate policy details and over-emotionalize policy. In this way, melodrama in the political sphere may have both positive and negative effects.

Political Language: Positive, Negative, or Something In Between?

It is no secret that in today’s world, “politics” is a dirty word. A good joke about the term clarifies the word’s origins thusly: poli- the root word for many, and tics – for blood-sucking creatures. In reality, the word politics stems from the Greek word for city-state, which signified a way of living centered on a code of social ethics and public service. Greek poets romanticized the civic virtues which the “polis” represented. But the word politics, for Americans, is “a good word gone wrong” (Klain, 1955). In a 2004 appearance on the now-cancelled CNN show Crossfire, comedian Jon Stewart of Comedy Central’s The Daily Show with Jon Stewart chastised politicos for their manipulation of language, saying that they contributed significantly to the country’s disenchantment with political affairs. Stewart asked the television hosts where they walked to immediately after presidential debates. Stumped by Stewart, the hosts allowed him to answer for them: “You go to spin alley, the place called spin alley. Now, don't you think that, for people watching at home, that's kind of a drag, that you're literally walking to a place called deception lane” (Stewart, 2004)? In Stewart’s view, these television personalities were in
the business of twisting the language of politicians and policy advocates. Language was a tool used to entertain at best and intentionally deceive at worst. This was what political language had come to – a far cry from the noble pursuit of civic virtue for which it was intended. In this light, what do leading thinkers in both the scholarly and popular worlds have to say about the potential and pitfalls of political language?

Any serious study of the impact of political language on society must reckon with the ideas of Murray Edelman, to whom entire issues of influential journals have been devoted (Graber, 1993). Edelman’s view of the way language is used in politics was not positive. His critical analysis of language’s detrimental part in the conceptualization of public problems is neatly summed up in the following passage:

Because public policies and rhetoric often create misleading beliefs about the causes and the nature of these problems, they do not solve them. While we increase expenditures, layers of bureaucracy and numbers of professionals dealing with crime, welfare, emotional disturbance and illness, the number of victims continues to increase. Rehabilitation and rational solution of problems occur mainly in rhetoric, rather than in fact. But the rhetoric and the myths evoked permit us to live with ourselves and our problems. They also guarantee that perceptions of threats and efforts to overcome them will maintain social tension, anxiety and continued susceptibility to verbal cues that legitimize elites and government policies, regardless of their effectiveness. (Edelman, 1998, p. 135)

In other words, Edelman believed that language and rhetoric are tools used by politicos to manipulate and obfuscate our perception of the nature, causes, consequences, and solutions to public problems. Instead of being a force for good, political language fools us into thinking that
we know the roots and resolutions to what ails us. Furthermore, language and the social constructions it creates allow society to accept as inevitable problems we should not. These beliefs perpetuate the suffering of populations whose standard of living could otherwise be greatly improved.

Another intellectual giant in agreement with these complaints is Noam Chomsky, who chastises policy advocates and the media both for using language to hinder social and political progress. Chomsky notes that the media’s role at present is to “turn people into submissive, atomized individuals who don't interfere with the structures of power and authority” (Olson, Faigley, and Chomsky, 1991, p. 3). Correspondingly, democratic governments use propaganda and "the manufacture of consent" in place of violence and force to control the masses. "Indoctrination is to democracy," he says, as "a bludgeon is to totalitarianism" (Olson, Faigley, and Chomsky 1991, p. 3). In other words, talk is cheap, and democracies use it to placate and confuse citizens. Importantly, Chomsky, a top scholar of linguistics, maintains that there is nothing inherently negative about use of language, only that language bent to the purpose of advancing political goals tends to be notably unhelpful to voters.

In his essay on politics and the English language, George Orwell observed that a “mixture of vagueness and sheer incompetence is the most marked characteristic of modern English prose, and especially of any kind of political writing” (Orwell 2005, p. 105). Furthermore, he believed that “In our time, political speech and writing are largely the defence [sic] of the indefensible” (Orwell, 2005, p. 114). Indeed, the imagery evoked by Orwell’s description of the typical political speech is terrifying:

When one watches some tired hack on the platform mechanically repeating the familiar phrases – bestial atrocities, iron heel, blood-stained tyranny, free peoples
of the world, stand shoulder to shoulder - one often has a curious feeling that one is not watching a live human being but some kind of dummy: a feeling which suddenly becomes stronger in moments when the light catches the speaker’s spectacles and turns them into blank discs which seem to have no eyes behind them...the appropriate noises are coming out of his larynx, but his brain is not involved as it would be if he were choosing his words for himself. (Orwell, 2005, p. 114)

Orwell’s description of political speakers and speeches is chilling and does not bolster faith in our ability to harness the power of language for good.

However, some of today’s political pundits and activists disagree. Frank Luntz, a chief Republican strategist who deals almost exclusively with how language can be used to advance or stifle specific political goals, had this to say about language and politics in his book *Words that Work*:

> You can have the best message in the world, but the person on the receiving end will always understand it through the prism of his or her own emotions, preconceptions, prejudices, and preexisting beliefs. It's not enough to be correct or reasonable or even brilliant. The key to successful communication is to take the imaginative leap of stuffing yourself into your listener's shoes to know what they are thinking and feeling in the deepest recesses of their mind and heart. How that person perceives what you say is even more real, at least in a practical sense, than how you perceive yourself. (Luntz, 2007, p. 2)

According to Luntz, a good pundit or strategist finds the absolute best words to describe policy, meaning the clearest, most descriptive language to explain the political world to voters.
Contrary to those who denounce the language of politics as Orwellian, Luntz proclaimed to NPR’s Terry Gross: “To be Orwellian is to speak with absolute clarity, to be succinct, to explain what the event is, to talk about what triggers something happening, and to do so without any kind of pejorative whatsoever” (Luntz, 2007). So what a good policy advocate should do when harnessing the power of language is simply to be clear and descriptive. Yet Luntz himself has come under much fire for his own discursive tactics on behalf of clients in the political arena, primarily members of the Republican Party. A recent op-ed in Salon describing Luntz and his role in the 2014 presidential election noted that “When it comes to a hired-gun like Frank Luntz, the chances that this is a conscious act of deception are high, indeed.” The article introduced Luntz as being “the messaging guru responsible for outstanding achievement in the field of bullshit. (Isquith, 2014)”

George Lakoff engages in similar work to Luntz but at the opposite end of the political spectrum advising Democrats. He is keenly aware of the importance of language in framing debates. In an interview with Berkley’s college newspaper, Lakoff noted the following:

Language always comes with what is called “framing.” Every word is defined relative to a conceptual framework. If you have something like “revolt,” that implies a population that is being ruled unfairly, or assumes it is being ruled unfairly, and that they are throwing off their rulers, which would be considered a good thing. That's a frame. (Lakoff, 2003)

In addition to recognizing the importance of language, Lakoff has made an effort to bring to the fore the way that conservatives use language to manipulate the electorate. Of conservatives and their conscious effort to use language to influence politics, Lakoff has stated:
Over the last 30 years their think tanks have made a heavy investment in ideas and in language…They have a huge, very good operation, and they understand their own moral system. They understand what unites conservatives, and they understand how to talk about it, and they are constantly updating their research on how best to express their ideas. (Lakoff, 2003)

But Lakoff believes that language can be used for good as well. Or, more accurately perhaps, to further liberal causes. As the founder and president of the now-defunct Rockridge Institute, Lakoff attempted to counter the various conservative think-tanks engaged in framing political debates. In a manifesto of sorts on the Institute’s website, Lakoff wrote of the responsibility liberals have to take back control of the most powerful tool in politics, language: “Reframing is telling the truth as we see it – telling it forcefully, straightforwardly, articulately, with moral conviction and without hesitation. The language must fit the conceptual reframing — a reframing from the perspective of progressive morality” (Lakoff, 2006). According to Lakoff and Luntz both, language can be harnessed for good in politics. But their respective definitions of the “good” is contradictory, a reflection of their divergent policy positions.

Beyond the skillful use of language, however, what other tools do we have to communicate ideas about government and governance? Language must be used, it would seem, to move policy from A to B or back again. And if that is true, then it must be able to be a force for good as well as bad. Cicero’s vision of language as a tool to overcome the pitfalls of politics seems heartening indeed:

Is there anything more impressive than seeing a man standing on his own in front of an immense crowd, armed only with this faculty [language], which, in fact, everyone got naturally?…What a force this is which moderates, modifies, and
manipulates the people’s passions, overcomes the judge’s scruples, shakes the firmness of the Senate; what a miraculous result a single man’s voice? (Dutu, 2011, p. 1091)

Language does have the potential to clarify and help policymakers and the electorate come to a better understanding of politics, both the substance and process of making law.

Indeed, perhaps the problems (and potential) of language are limited only by our own psychology. In the field of behavioral economics, much research has been done on the concept of confirmation bias, or the phenomenon of individuals ignoring information that negates their long-held beliefs, and integrating only information that confirms them. This bias has been shown to hold especially true for political beliefs (Bishop, 2009; Knobloch-Westerwick et al. 2015). In a psychological context where a person’s beliefs are especially difficult to influence with new information, the methods that political actors use to inform and persuade constituents are especially worthy of consideration. Specifically, the study of language in the political sphere is of the utmost importance because of its potential to influence.

But there is a serious distinction between influencing and mobilizing. If confirmation bias is truly as powerful as academics say it is, then it would seem to suggest that politicos would be well advised to spend the bulk of their time reaching audiences already likely to support a policy they are pushing. Luntz seems to understand this intuitively. One observation he made during his interview with Terry Gross addresses this. When Luntz says that “Because of my relationships in the corporate and political community, I have a fairly large group of friends who are interested in explaining themselves as effectively as they can to the audiences they wish to reach,” he implies that there are audiences his friends are not interested in reaching (Luntz, 2007). The language used to describe policies is tailored to the audience political actors intend to mobilize to action.
In other words, language is crafted to penetrate receptive minds; confirmation bias is a basic psychological reality that can explain how the “right” kind of language is accepted by the electorate (or segments of it) while the “wrong” kind is simply ignored.

This is noteworthy in the information age, where social media such as Twitter and Facebook are frequently assumed to bring together people of different nationalities and cultures to discuss a wide range of controversial issues. Articles on the intersection of social media, language, and politics have pointedly asked the question if social media is The Ultimate Voter Engagement Tool or Simply an Echo Chamber? (Harris and Harrigan, 2015). Research done regarding language use and new media confirms that the same biases and limitations found in older media exist here, too. An investigation of over one million new media users using 455 hashtags found that information streams are clustered around linguistic communities. Hashtags within the same language group are clustered around well-defined topics, such as health, entertainment, and politics (Bastos, et al. 2013). In other words, the use of language does not differ much on the Internet from older media; studying language and its implications is as relevant today as it ever was before.

Language is not a good or bad tool for describing policy. Today, language gets a bad rap. Stewart was right in his observation of spin rooms and pundits using language as a way to confuse and unnecessarily sensationalize politics. In the age of infotainment, language is too often used to entertain and make dramatic policy which should instead be clarified and carefully considered. But there is nothing inherently wrong with language as a tool for politics. It is the responsibility of pundits, advocates, and politicians to carefully examine their words before they employ them in the service of their trade, and our responsibility to think before we respond in kind.
As for melodrama and policymaking, my hope is that these case studies bring attention to an area in Political Science that is ripe for further study. Although politics has always been rife with drama, the twenty-four hour cable news cycle, coupled with narrowcasting and our shrinking attention spans, seems to have caused political debates to engage in melodramatic rhetoric far more frequently than before. Indeed, both Political Science and politics would be well-served by our taking a closer look into the causes and effects of melodramatic language in the political sphere.
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