
Democracy & Education

Education “Failure” Narrative Indispensable to Failed School Privatization Schemes Organized by a Failed State

A Response to *Public Schools At-Risk: Examining a Century of U.S. Media Coverage of ‘Unsatisfactory Student Performance’ and the Rise of School Privatization*

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Abstract

Frenkiewich and Onosko (2020) maintain that American public education has functioned as a pillar of democracy and a force for progress for most of the twentieth century, but they worry that a major turn to school privatization in recent years will undermine the democratic mission and vision of public schooling and harm society as well. The authors contend that school privatization is the latest attempt by federal and state officials to fix the seemingly intractable problem of “unsatisfactory student performance.” They contend that there is a well-funded and organized effort by neoliberals and privatizers to create and multiply charter schools and education vouchers that undercut public schools, meritocracy, and educational opportunity. This response and discussion highlight the cause of the rise of school privatization and its relationship to the neoliberal “failure” narrative.

This article is in response to

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Introduction

INDIVIDUALS CONTINUALLY FAIL and succeed in all kinds of endeavors no matter which type of society or historical period they live in, but it is only under capitalism with its attendant ideologies of individualism, competition, consumerism, meritocracy, and the free market that failure and success take on very specific connotations and consequences. “Failure” and “success” are built-in features of a so-called free market society that rests on “winners” and “losers.” In such a survival-of-the-fittest society, so-called rugged individuals are supposed to fend for themselves and work hard to succeed and get ahead of others, which usually means securing

education credentials, earning a high income, gaining status, acquiring privileges, and more. This is how you become a successful self-made winner in the meritocratic hierarchy, but if you fail or lose, then it is your own fault, either because you did not work hard enough or because you lack the merit or mental ability (IQ) to succeed. After all, “not everyone can be excellent.”

This is where victim-blaming ideology comes in to absolve capitalism, which supposedly gives everyone an equal opportunity

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to succeed. Major social problems like poverty and inequality are supposedly not big obstacles to success and achievement; it is all about individual effort and talent. To be sure, though, if getting ahead, winning, and succeeding were as straightforward as attending school, working hard, and taking advantage of opportunities, many more people would be successful and prosperous, but the reality today is that poverty, inequality, debt, unemployment, underemployment, and other serious social problems keep getting worse (Gould, 2020). Clearly, success and achievement do not increase when many social problems go from bad to worse.

The capital-centered failure-success logic goes beyond individuals and is typically generalized and applied to various institutions and enterprises within capitalism, and perhaps no other institution has borne the brunt of the dreaded failure label than public education and certain groups of students in particular. Reflecting the wider norms, premises, and standards of a free market society based on a privilege distribution system, the failure narrative has been central to education discourse since the inception of common schooling in the mid-19th century. It has been used to pathologize, devalue, and scapegoat public education for generations, mainly through the corporate media. And in a double irony, school failure also goes hand in hand with a litany of failed school reforms. Ravitch (2000) brought this out in *Left Back: A Century of Failed School Reforms*, and Payne (2008) highlighted it in *So Much Reform, So Little Change: The Persistence of Failure in Urban Schools*. Frenkiewich and Onosko (2020), for their part, noted that:

After more than a century of unsuccessful efforts to identify remedies for unsatisfactory student performance and allay the social anxieties they trigger for the nation, the two most important causes [of “failure”] sit like elephants in the educational policy board room: poverty and structural racism. (p. 19)

Perhaps the most prominent instantiations of the top-down education failure narrative are the infamous 1983 *A Nation at Risk* federal report and the No Child Left Behind Act of 2001 (discussed later) that further reinforced the disinformation that American schools, students, and teachers are failing and others are beating us.

Frenkiewich and Onosko (2020) are concerned about the role, significance, and impact of the education failure narrative, especially the notion of student failure. They contended that school privatization, the latest top-down education reform effort, will erode democracy, reduce equal opportunity, increase segregation, diminish transparency, and not improve schools or achievement. These conclusions are borne out in many works, including Saltman’s (2012) *The Failure of Corporate School Reform*, which shows how and why advocates of school privatization (e.g., billionaires like Bill Gates, Eli Broad, Sam Walton, and others) have self-servingly framed public schools, especially urban schools, as failing. Frenkiewich and Onosko have contended that the outsourcing of public education to the private sector is a retrogressive development and that few problems will go away as poverty increases (p. 19). It is well-known that poverty is constantly growing, linked to segregation (structural racism), and the main cause of academic under-achievement (Orfield & Lee, 2005; Reardon, 2011).

In the final analysis, with or without derogatory labels for “failing” students and “failing” schools, no substantive sustainable advances can be made without addressing inequality and poverty head-on, which means addressing society and the failing economic system it is based on, which in turn requires democratic renewal that vests real decision-making power in the polity. Privatization only increases inequalities, especially for marginalized children, which is why Frenkiewich and Onosko (2020) concluded that no “magical cure can be found in the marketplace of corporatized private schools” (p. 19). Put simply, the aim, standards, content, direction, and results of corporatized, privatized, and marketized education arrangements are inconsistent with modern democratic norms and the public interest.

Before proceeding any further, it is useful to note that the *Oxford English Dictionary* defines *fail* as: “To fall short in performance or attainment.” “Omit to perform.” “To be unsuccessful in an attempt or enterprise” (Oxford English Dictionary, n.d.). *Performance* refers to “the fulfillment of a claim, promise, or request” (Merriam-Webster, n.d.). Another, more revealing, definition of *performance* is: “the manner of reacting to stimuli: Behavior.” It must be asked: performance and failure according to whose standards, criteria, and aims? Failure and success take place in very specific contexts (e.g., in class-divided societies) and are not empty abstractions.

Academic Performance and Failure Labels

Frenkiewich and Onosko (2020) have maintained that American public education has functioned as a pillar of democracy and a force for progress for most of the twentieth century, but they worry that a major turn to school privatization in recent years will undermine the democratic mission and vision of public schooling and harm society as well. They argued that the discourse of failure over the past 100 years, especially the different ways “underperforming” students have been (mis)labeled, may reveal reasons for society’s recent turn away from public education in favor of privatized education arrangements. Through extensive documentation of an “archeology of labels” used by major newspapers (e.g., *New York Times*) for more than a century to describe “unsatisfactory student performance,” the authors exposed America’s problematic approach to tackling “failing” or “underperforming” students and how different school reform efforts have themselves failed to substantially improve achievement. These students are typically minority students, immigrant students, special needs students, and poor students. The authors contended that school privatization is the latest attempt by federal and state officials to fix the seemingly intractable problem of unsatisfactory student performance. They also note that there is a well-funded and organized effort by neoliberals and privatizers to multiply charter schools and education vouchers that undercut public schools, meritocracy, democracy, and educational opportunity. As a result, public schools are at risk, which means that the nation is at risk as well.

Following the thread presented by the authors and the definition of failure provided earlier, it may be asked: why is public education no longer considered by the rich and powerful to be “an

essential mechanism for advancing the country's democratic ideals, institutions, and economic interests?" (Frenkiewich and Onosko, 2020, p. 1). What, at this time, is public education failing to perform from the perspective of the powers that be? Why do the rich and powerful want education to perform other functions? What is school privatization supposed to achieve or solve for them?

Frenkiewich and Onosko (2020) clarified that their research does not strive to put forward a specific "truth" about 'academic achievement' or 'student performance' in school, other than to say that various measures used over the decades served, in part, as beacons to gaze upon marginalized children who represented larger social, economic, geopolitical, and xenophobic anxieties" (p. 3). They added that while it is easy to get caught up in the exact meaning of each term or phrase used to describe poor-performing students over the years (e.g., backward, slow, special needs, mental retardation, at-risk), "all of the terms, regardless of decade, are associated with some form of perceived learning or developmental 'deficit'" (p. 5). With these caveats in mind, the authors began by focusing on the discourse of student failure through three distinct time periods to characterize how the nation has approached failure and governed public education in different ways over time: 1900–1945, 1945–1975, and 1975–present.

Failure in the Pre-Neoliberal Period (1900–1945)

Frenkiewich and Onosko (2020) showed that the term *backward* best captured the racist eugenicist notion of ability during the 1900–1945 period. This is when *IQ* and *intelligence* became conspicuous concepts to account for "backwardness" and "poor performance" among many students. Such students were often deemed threats to Protestant Anglo-American culture and the nation's prosperity. Thus, norming student differences in academic ability accelerated in the early 20th century. Sorting and ranking students required a new calibration of success and failure during this time to ensure the right kind of meritocratic social order. More often than not, segregation was offered as the way to deal with differently abled youth.

Here it can already be seen that "deficient" individuals are being targeted as the cause of the failures of capitalist society. This is a self-serving strategy to apologize for and preserve the capitalist status quo by scapegoating not just individuals but "deficient" individuals. According to this logic, if only all individuals were intelligent and high-performing, then all would be well. In this way, the roots of the failures of capitalist society are located outside the economic system itself. From all this it follows that there is no need for an alternative to capitalist society—we just have to "fix" "deficient" individuals.

Interestingly, prior to 1960, well before the neoliberal period, there were no references to *autism*, *learning disabled*, or *developmental delays* in major newspapers. The expression *emotional disturbance* was also largely absent prior to 1945. *Autism* and *emotional disturbance* thus appeared well after the end of World War II.

Failure in the Pre-Neoliberal Period (1945–1975)

But starting with the 1945–1975 period, which corresponds roughly with the "Golden Age of Capitalism" and the Cold War

(Marglin & Schor, 1990), the term *slow learner* appeared. This period also corresponds to, among other things, a decline in eugenics ideology, two major wars, the rise of the Civil Rights movement, increased funding for public schools, passage of the Elementary and Secondary Education Act of 1965, and an escalation of the arms and space races between the U.S. and the U.S.S.R.

Frenkiewich and Onosko (2020) showed that the "media term of 'slow learner' increased 138% between 1945 and 1954, while 'backward' decreased in use 79% between 1935 and 1944 and was rarely used in newspapers after 1950" (p. 10). This shift took place in the context of economic prosperity for (nearly) all and at a time when public schools were not as heavily pathologized, devalued, or scapegoated by the corporate media as they would become in the neoliberal period (post-1975).

In this pre-neoliberal (Keynesian) period—the era of the welfare state—the cause of failure gradually shifted from biological and individualistic explanations for "poor performance" to socioeconomic conditions and failed justice. In short, environmental factors (e.g., family, poverty, etc.) gradually became more common explanations for "poor performance" than the double helix (DNA).

In this way, the focus of government efforts to improve achievement shifted and unfolded in the context of significant geopolitical, social, and economic developments that shaped American society and education. Frenkiewich and Onosko (2020) reminded us that "the Cold War and Sputnik, the civil rights movement, *Brown v. Board*, and Johnson's War on Poverty served as accelerants for unprecedented federal financial commitment to and oversight of public education during the second half of the 20th century" (p. 11). While integration and opportunity increased somewhat during this period, the dominant view of the political and economic elite was that "underperforming" children and school dropouts were supposedly the cause of American inferiority and Soviet superiority in the 1950s and onward. It was in this environment that special education and education for all emerged as a way to improve all-around student achievement and project national power. But despite the war on poverty, the second New Deal, and other developments, the infamous achievement gap persisted.

It is also worth noting that the decline in the use of the phrase *slow learners* and the rise in the use of the expression *special needs students* between 1945–1975, was accompanied by the rapid medicalization of *learning disabilities*, which resulted in a large increase in youth being diagnosed with ADD (attention deficit disorder) or ADHD (attention deficit hyperactivity disorder). Indeed, "By 1975, 40% of children diagnosed with a 'learning disability' were also diagnosed with 'hyperactivity' or 'short attention spans'" (Frenkiewich and Onosko, 2020, p. 13). Today, in the neoliberal period, millions of American youths continue to be (mis)diagnosed with ADD and/or ADHD. These are the youths most frequently approached from a narrow behaviorist perspective and, oftentimes, the least likely to succeed academically. It is unlikely that biopharmacological "remedies" will disappear any time soon.

Failure in the Neoliberal Period (1975–present)

By the late 1970s and early 1980s, corporate profits had once again begun to decline and the social welfare state and Keynesian policies were revealing themselves to be increasingly inadequate for maintaining a certain rate of profit for major owners of capital, which in turn had a direct downward impact on the rate and amount of investments the rich and their governments were willing and able to make in social programs, public enterprises, and private capitalist firms (Bakir & Campbell, 2010). Funding for schools and other social programs and enterprises began to be restricted and diverted to the rich after 1980. Special education funding in particular came under greater scrutiny. It gradually became clearer that the right to education was increasingly being reduced to cost and budgetary considerations even though the U.S. does not lack the money to fully fund schools. While corporations and military and security programs were being funded to the tune of hundreds of billions of dollars annually, federal investment in education, and special education in particular, always remained inadequate. During this period as well, federal efforts to integrate schools and impart greater advantages and privileges to low-income minority students failed to significantly alter de facto segregation. The Nixon administration, for example, played a big role in opening the door to school-choice schemes like magnet schools that compelled schools to compete for scarce resources. In these and other ways, the stage was gradually set for smashing the public school “monopoly” and outsourcing it to private interests in the form of charter schools and vouchers. It should be appreciated that the 1983 *A Nation at Risk* federal report and the 2001 No Child Left Behind Act went a long way toward providing a justification and plans for broad school privatization.

Before diving deeper into the last two decades of the 20th century and the first two decades of the 21st century, some additional context and discussion are needed to better frame some of the developments highlighted above.

The Doctrine of DNA

During the first period (1900–1945), poor performance was cast mainly in biological terms. “For nearly a century, eugenicists and biologists had searched for the cause of unsatisfactory student performance in the body,” Frenkiewich and Onosko (2020, p. 12) told us. It was thought that certain students (e.g., “backward” students) were “failing” due to some measurable biological defect. Those who “performed well” were seen as biologically “fit” and “intelligent” while “poor performers” were considered “unfit” and “unintelligent.” And since genes are fixed and presumably cannot be changed, nor can intelligence and the unequal wealth distribution corresponding to its gradations. From this, it follows that social and economic inequality reflect a hierarchy of natural abilities and not something inherent to capitalist society itself.

This mixes up two separate categories with different properties: biology and society. Social differentiation (inequality) comes to be explained by biological endowment, a notion that directly negates the conclusion that all humans have rights by virtue of being human and that rights are not based on ability, biology, or

passing an intelligence test. Everyone has a human right to education regardless of such considerations.

For biological determinists and hereditarians, biological diversity/inequality corresponds to and generates the vertical classification of humans, that is, the ranking of humans (e.g., winners or losers) (Williams, 1990). Biological determinism does not recognize that rights belong to all equally and are achieved through society. Biologically we are all unequal and different, it is true, but what counts is our rights as organized by society. Biological inequality is natural and inevitable, but social inequality is not.

The biological interpretation of failure, ability, and status is best exposed and refuted in Lewontin’s *Biology as Ideology: The Doctrine of DNA* (1991). The ideology of biological determinism was also repudiated in *Not In Our Genes: Biology, Ideology, and Human Nature* (Lewontin et al., 1984).

These scholars have effectively critiqued the idea that one’s genetics represent the end-all and be-all in the development of an individual’s intelligence and their social status. They have argued that biological determinists have misconstrued and misapplied the role of biology in the development of ability, while largely ignoring the role of the environment, specifically society, in shaping and socializing individuals and their consciousness, abilities, aspirations, and status. Even when refuted and discredited, however, such retrogressive ideas can still hold sway.

But there is more to the biological determinism narrative, especially as it applies to capital-centered rewards (for success) and punishments (for failure). The doctrine of DNA has specific implications for who “gets ahead” or “fails” and is central to the nature of prevailing political-economic arrangements and the inequalities inherent to these outmoded arrangements.

Biology, Behaviorism, and Neoliberalism

Biological determinists are the close cousins of behaviorists, who are concerned only with what is observable and measurable, and who reduce social relations to an ensemble of punishments and rewards (Kohn, 1986). “Do this, and you will get that,” lies at the heart of this outmoded Skinnerian ideology and practice that continues to undermine many individuals and institutions. If you pass a high-stakes standardized test, for example, then you are “intelligent” and worthy, have merit, and gain opportunities and rewards. You are a “success.” If you fail such corporate tests, however, then you are “unintelligent” and punished by being deprived of recognition, advancement, a diploma, job, income, and opportunities; you end up experiencing civil death. Behaviorism has always provided a pragmatic justification for failure in a class-divided society and allowed ruling elites to exploit how, when, and which school reforms to self-servingly develop and impose on public schools.

Behaviorism at its core is empiricist and non-dialectical and reduces humans to a simple input-output mechanistic model that fetishizes stimulus-response dynamics and dismisses consciousness, agency, and context. For behaviorists, “failure” and “inappropriate behaviors” are remedied (controlled) through negative consequences (punishments). Those who improve or “succeed,” “earn” and “deserve” their place in the meritocratic

hierarchy and may even become part of the “best and brightest,” the so-called “natural aristocracy.”

Importantly, Garrison (2018a) argued that “behaviorism is the *psychological foundation* of a neoliberal outlook, underpinning the human capital conception of skill” (p. 323, emphasis added). This connection is significant and revealing. Here we begin to see the inseparable link between biological determinism, behaviorism, and neoliberalism, a main feature of which is school privatization. Privately operated “no-excuses” charter schools, for example, are a textbook example of the connection between all three. Such schools are typically segregated and notorious for authoritarian boot-camp style practices that heavily control student behavior through a complex set of Skinnerian rewards and punishments (Lack, 2009; Sondel, 2016). Compliance is the goal. Failure to obey means you are (eventually) ejected from the school, which happens often, which is why student turnover rates are high in charter schools (Annenberg Institute, 2014). Kohn (2018) remarked:

Plenty of policies and programs limit our ability to do right by children. But perhaps the most restrictive virtual straitjacket that educators face is behaviorism—a psychological theory that would have us focus exclusively on what can be seen and measured, that ignores or dismisses inner experience and reduces wholes to parts. It also suggests that everything people do can be explained as a quest for reinforcement—and, by implication, that we can control others by rewarding them selectively. (para. 1, emphasis added)

It is important to appreciate the nexus between behaviorism, neoliberalism, control, and obedience, which is typically accomplished through mismeasurement using top-down performance-based metrics. Neoliberalism has greatly intensified the obsession with failure and success through punitive high-stakes standardized testing, big data, measurable performance, and new managerialism, the organizational form of neoliberalism (Beckmann & Cooper, 2005). “Failure” becomes even more quantifiable and coercive under neoliberalism. Kohn would argue that this “new managerialism” further refines a long-standing system of threats and bribes. All of this also dovetails with Garrison’s (2018b) observation that, for behaviorists, democracy and rights are fictions. Consent, free will, and collective decision-making cannot be harmonized with control and obedience. Neoliberalism is incompatible with shared governance.

Given that advocates of school-choice schemes relentlessly promote the “public schools are failing” narrative, an understanding of neoliberalism is key to comprehending why the nation, and much of the globe, has turned to school privatization. Public schools have suffered and declined in various ways while charter schools and vouchers have multiplied in the neoliberal context.

Neoliberalism is a new political-economic stage of capitalism that started in the late 1970s to restore profitability for owners of capital. Its main features include privatization, deregulation, and abdication of government responsibility for the well-being of people. This includes cutting or eliminating many social programs that emerged during the period of the social welfare state and a steady lowering of living and working standards for the majority.

Neoliberalism has meant endless attacks on workers’ wages, salaries, pensions, benefits, and healthcare (Porfilio & Malott, 2008).

Neoliberalism intensifies inequality and individualism, erodes democracy, further marginalizes the polity, emphasizes free market relations and economic instrumentalism, and funnels public funds and assets to the private sector (Harvey, 2005). A public education system designed to promote meritocracy, opportunity, democracy, and the public welfare is of little use in the neoliberal period. Public schools as “Pillars of the Republic” (Kaestle, 1983) become irrelevant in the current stage of capitalism.

Neoliberalism, to continue, further privileges owners of capital, stresses competition and entrepreneurialism, and eliminates a modern conception of social responsibility. According to neoliberal ideology, governments are bad, and private business, market values, “choice,” unhindered markets, and “efficiency” are good. Today, water, roads, hospitals, schools, municipal services, parks, libraries, railroads, and airports are being rapidly privatized to give “consumers” many “choices” through “competition.”

The turn to privatized education arrangements is part of the neoliberal dismantling of the welfare state, the scaling-back of Keynesian policies, the rise of austerity, and the tearing up of the old social contract that had for decades provided a safety net for millions and an equilibrium between capital and labor. The steady de-funding of social programs and public institutions has intensified since the late 1970s and perpetuated disequilibrium. Public schools across the country have experienced sustained funding cuts in recent decades (Center on Budget and Policy Priorities, 2018).

It is particularly significant that neoliberal ideology reduces humans to consumers and shoppers, thereby eliminating any notion of democratic citizens and a modern conception of human rights. Neoliberal ideology gives us “market citizens” (Lynch, 2017), which is no small matter because market citizens emphasize *me* while democratic citizens value *we*. This, in turn, impairs democracy and intensifies individualism and a fend-for-yourself ethos. This is why charter school advocates reduce parents to consumers who shop for a school. Ironically, it is charter schools that choose parents and students, not the other way around.

The shift from viewing individuals as humans and citizens to viewing them as consumers, proprietors, and choosers is significant because it redefines the very concept of a human being (Murphy, 2000). One’s rights as a human differ from one’s rights as a consumer. In the world of charter schools, this means that the legal relationship between parents and charter schools differs from the legal relationship between parents and public schools. The same applies to teachers in both settings, which is one reason why the vast majority of charter school teachers are not unionized (Winston, 2016). This represents a shift from public consciousness and standards, to privatized consciousness and standards.

Saunders (2010) tied together some of the different dimensions of neoliberalism from which much can be extrapolated about contemporary realities:

[Neoliberalism] has resulted in drastic cuts to state supported social services and programs, the extension of an economic rationality to

cultural, social, and political spheres, and the redefinition of the individual from a citizen to an autonomous economic actor. As the neoliberal hegemony increasingly shaped individuals' common sense, commodification, commercialization, and marketization, as well as the extension of market logic and the prioritization of economic outcomes, have come to redefine the purpose and role of social, cultural, and political institutions. (p. 42)

Neoliberal ideas and policies affect every sector of the economy and every sphere of society, nationally and internationally. For neoliberals, everything, including education, should be run like a business. This is why Wall Street and hedge fund managers see education as a large untapped market. There is a reason that charter schools and vouchers came into being in the neoliberal period and not before. In short, the entire neoliberal political-economic project institutionalizes commercial values and a new type of moral regulation in K–12 schools, higher education, and other sectors (Saunders, 2010). It significantly restricts democracy, which many believe is the opposite of the aim and function of public education.

Margaret Thatcher and Ronald Reagan are the most prominent early proponents of neoliberalism (Bockman, 2013), but it should be stressed that neoliberal ideology and policies are supported by both political parties in the U.S. Neoliberalism is not simply a right-wing or Republican project. Over the past few decades, both Democrats and Republicans have supported many neoliberal policies and arrangements in different spheres (Gabbard, 2008). Charter schools, Race to the Top, Common Core, the No Child Left Behind Act, and other neoliberal education policies have long had bipartisan support.

A Nation at Risk, NCLB, and Privatization

From 1975 to the present, big strides have been made by neoliberals toward dismantling welfare state arrangements established in the first part of the 20th century and privatizing different public enterprises, including public education. Much of this was often done in the name of “not wasting any more precious dollars on failing public schools.” The turn to privatization was supposed to improve efficiency, accountability, and results. Maximizing “customer satisfaction” and expanding “individual choice and competition” quickly became guiding catch-phrases in the neoliberal period.

Among other things, consistent with behaviorism, *A Nation at Risk* “recommended” more “rigorous and measurable standards,” which legitimized punitive top-down high-stakes standardized testing, which in turn became a key weapon in setting up schools for “failure” and eventual takeover and privatization. “Test-punish-privatize” quickly became the modus operandi of data-obsessed neoliberals. “Starve it-test it-demonize it-privatize it” is another version of this antisocial mantra. These corporate tests, Garrison (2009) reminded us, are used to establish and document failure to justify new arrangements that better serve the emerging order for the political and economic elite. That is, previous arrangements no longer suited the needs of narrow private interests and new ones are needed, namely school

privatization. In other words, privatization is supposed to solve, at least ostensibly, the problem of “omitting to perform” (failure).

It is important to stress that punitive high-stakes standardized tests, privately-operated charter schools, and voucher schemes are organized and promoted by big business (Ravitch, 2010). They are central features of the neoliberal corporate school reform agenda. They are not the product of grassroots movements. And while *A Nation at Risk* did not mention charter schools per se, it did recommend longer school days and school years—something many charter schools embrace, even though there is no evidence that this improves achievement. The fact that thousands of nonprofit and for-profit charter schools have closed over the years bears this out (Persson, 2015). It is also no accident that Budde, the author of the first blueprint for charter schools in the U.S., made frequent reference to *A Nation at Risk* in his 1988 publication *Education by Charter: Restructuring School Districts. Key to Long-Term Continuing Improvement in American Education*. Importantly, Budde’s 126-page blueprint appeared only five years after the publication of *A Nation at Risk* and preceded the nation’s first charter school law, established in 1991 in Minnesota, by only three years.

For its part, the widely-rejected bipartisan No Child Left Behind Act of 2001 (NCLB) played a major role in facilitating school privatization through a series of school sanctions that resulted in closing many public schools, especially urban schools, and replacing them with privately-operated non-profit and for-profit charter schools. Vouchers and Opportunity Scholarship Programs (like the one in Washington, D.C.) also proliferated in this period. Many cities and states now deploy vouchers. In fact, recent news reports indicate that in the post-Trump era, numerous states have rapidly launched a large number of initiatives to multiply voucher arrangements and charter schools. Unfortunately, the Every Student Succeeds Act of 2015 (ESSA) continues the neoliberal legacy of the infamous NCLB Act. Like its predecessor, ESSA is a top-down punitive political project that has nothing to do with learning and teaching. Both acts have scapegoated education and arbitrarily labelled thousands of schools as “failing” while expanding vouchers and privately-operated nonprofit and for-profit charter schools. It is also revealing that most charter school advocates do not feel threatened by President Joe Biden or Secretary of Education Miguel Cardona. They believe that high-stakes standardized testing and charter schools will persist under the new administration.

Mandated Failure, Eroding Commitment to Public Education, and the Rise of School Privatization

Why has America been so obsessed with “failure” for so long? What is the purpose of constantly over-documenting “failure”? Why is public education persistently pathologized, devalued, and scapegoated in the corporate media?

First, while education is not recognized as a basic human right by the U.S. legal system, it is legally a state responsibility, which means that failed schools are the product of a failed state—a failed neoliberal state. Public schools have been mandated to fail. The state, in short, is not taking up its social responsibility to provide

the right to education with a guarantee in practice. Few schools are fully-funded, for example. Second, while “school reforms” only make sense if there is “school failure,” “school reforms” have little to do with actually improving schools and more to do with the narrow interests of the political and economic elite. As Garrison (2009) noted, education reform is a tool to “institute and justify substantive changes in the governance and functioning of education” (p. 2). Among other things, this usually means less democracy in education and more top-down autocratic arrangements. And third, Garrison (2009) argued that “failure,” first and foremost, “points to the problem of reproduction” (p. 3), that is, “the claim that an institution is failing is a claim that it cannot reproduce or serve its social function” (p. 3). More specifically, failure is “the claim that something cannot be repaired, but must instead be replaced” (p. 3). And failure necessarily entails devaluing and discrediting something. Major newspapers, for example, routinely demonize and discredit large urban school systems and their leaders. A classic case of this is the *Democrat and Chronicle* newspaper in Rochester, New York, which has been vilifying the Rochester City School District for decades and simultaneously promoting neoliberal “solutions” with regularity. Articles defending public education and critiquing school privatization are very rare.

Neoliberals are deliberately devaluing and discrediting public schools in order to justify privatization, even though privatization increases problems. Because neoliberal ideology restricts democracy and expands heavy-handed top-down arrangements, neoliberals and privatizers have no interest in public schools promoting democracy. All of this gives rise to a failed state that cynically claims that public schools are “failing” and therefore we need charter schools and vouchers to somehow preserve the discredited capitalist social order. In their 1990 classic, *Politics, Markets, and America’s Schools*, Chubb and Moe went so far as to casually state that “too much democracy” in public education is a major block to school privatization. Privatization requires more authoritarian and autocratic arrangements.

The move away from a public education system controlled by a public authority to education arrangements that are privatized, corporatized, and marketized represents a major shift in the governance, social function, aim, funding, content, and results of education. While charter schools are uncritically called public schools, there is nothing public about them, legally or otherwise. Charter schools mark a sharp break with the 170-year-old American public system school system. They differ from public schools in many ways. They are not even state agencies, properly speaking. They are essentially pay-the-rich schemes masquerading as arrangements that “empower parents,” “increase choice,” “expand opportunity,” “promote competition,” “save minority kids,” “enhance accountability,” and “promise better results.”

Unlike public schools, charter schools cannot levy taxes, are governed by unelected individuals, are 90% union-free, use selective enrollment practices, intensify segregation, spend a lot on advertising and marketing (just like a private business), often lack employee pension plans, usually offer fewer services and programs

than public schools, typically implement longer school days and school years than public schools, prioritize profit over education, and usually pay teachers less than their counterparts in public schools. Charter schools also have a higher percentage of inexperienced teachers than public schools and a higher employee turnover rate than public schools. Further, courts in many jurisdictions have ruled that charter schools are not public schools, usually because they are not considered political subdivisions of the state, that is, they are not governmental units or agencies like public schools. The record also shows that the charter school sector is continually plagued by extensive fraud and scandal, and that charter schools fail and close regularly.¹ Many other critical differences exist between public schools and deregulated charter schools, showing that charter schools represent a significant departure from long-standing public school arrangements.

But why establish such arrangements that, more than anything else, amount to wrecking activity, more segregation, less democracy, poorer results, and greater divisiveness? Why do the powers that be need such capital-centered education arrangements? Is a nationwide public school system that strives to promote democracy and serve the common good no longer needed in a society based on mass industrial production?

Frenkiewich and Onosko (2020) have contended that “rising costs associated with special education, racism related to public schools increasingly serving students of color, and an orchestrated, well-funded messaging effort by advocates of privatization to frame public schools as ‘failing’” have “contributed to the recent abandonment of public schooling” (p. 4) and the rise of school privatization.

Using the lens of political economy, I maintain that, first and foremost, education and other social programs, public enterprises, and state agencies are being rapidly and deliberately privatized, at home and abroad, as a way for major owners of capital to avert the inescapable law of the falling rate of profit. The intentional elimination of the public interest and the funneling of public funds and assets away from social programs and public enterprises and into the hands of the rich through neoliberal state restructuring is the key driver of privatization of education and other agencies and sectors. In other words, major owners of capital are striving to maximize profits by taking over greater portions of the state and its enterprises, institutions, and agencies.

Charter schools, vouchers, and other pay-the-rich schemes are a response by major owners of capital to the deepening economic crisis facing the financial oligarchy. Staving off the law of the falling rate of profit under capitalism is a political-economic project which has nothing to do with improving social programs and public enterprises like public schools. Privatization increases corruption, lowers quality, reduces efficiency, raises costs, restricts democracy, and exacerbates inequalities. It solves no problems and does not serve the general interests of society. State-sanctioned school-choice schemes that funnel public funds and assets to

1 In recent years, Diane Ravitch’s blog (<https://dianeravitch.net/>) has become a robust repository of hundreds of articles and reports on all of these well-documented dimensions of charter schools.

private interests will not strengthen opportunity, democracy, or meritocracy. They will not advance a modern nation-building project—they will only further stratify, fracture, and undermine education.

The need to defend public education and the public interest has never been more important. Education is a right, even though the U.S. Constitution does not recognize it as such. Rights cannot be waived, forfeited, given, taken away, or reduced to cost or budgetary considerations. Education is a social responsibility and an investment, not a derogatory cost or liability. As such, it must be fully funded. Privatization in education and other spheres and sectors is moving forward rapidly, which means that many more problems are going to arise and intensify. Developing social consciousness of these realities and phenomena is key to unleashing the human factor in defense of public education and against privatization in all its forms.

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