

# ***Crisis in Public Education—***

## **Lessons From the Past, Context for LA and Oakland Conflicts**



*On January 5, 2019 approximately 50 people attended a forum on the crisis in public education. The forum, held in Oakland, CA and sponsored by the Peace and Freedom Party, took place nine days before Los Angeles teachers began a citywide strike. The Oakland forum aimed at providing background for a likely teacher strike by the Oakland teacher union (OEA – Oakland Education Association).*

*Four panelists participated in the forum:*

- *Keith Brown, OEA President*
- *Michael Shane, Oakland teacher and member of a caucus in OEA*
- *Bob Mandel, former OEA exec board member and veteran of the 27-day 1996 OEA strike*
- *Jack Gerson, former OEA exec board and bargaining team member.*

*The forum may be viewed in its entirety via the following video link:*

<https://www.youtube.com/watch?v=BHYee0-el4A&feature=youtu.be>

*Below is a transcript of the remarks made at the forum by Utopian supporter Jack Gerson. Gerson's comments on the impending strike are placed in the context of a broader discussion of the state, corporations, and teacher unions in the current period.*

**JG:** Folks can probably see by now that there wouldn't be enough time to go over what's been done to Oakland, even if we had 24 hours. I'm going to try to amplify some of the things that Bob talked about, and Keith and Shane also [*the previous speakers*], and I'm going to talk a bit about bargaining.



Bob talked about what happened with CTA [*California Teachers Association, the state's National Education Association affiliate*] around Proposition 13 [*in 2004, CTA pulled the plug on their petition to amend California Proposition 13 to increase corporate property tax and close corporate loopholes*]. You won't hear that from CTA, but I can verify it because we found out about that at a meeting at CTA State Council in, I believe, 2010 [*actually, 2009*] of two committees: the Financing Public Education committee, which I was on, and the Political Involvement Committee. There were about 150 to 200 people in the room, including top CTA staff [*and officers*]. I asked them why they had backed out [*of their Prop 13 initiative*] six years earlier. And at first, they responded with the line that they had used up until then: "Well, we only had 40 to 45 percent support in preliminary polling." They hadn't even begun to campaign, and they had 40 to 45 percent support. [*I responded*]

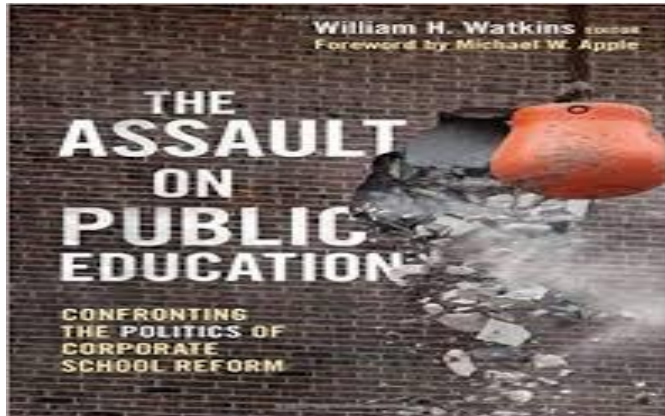
"That's a reason to pursue it and win, not to pull out." Then one of the top staffers spoke and said that the Chamber of Commerce had approached us and told us that if we didn't pull Prop. 13, they would go after the agency shop (dues checkoff). And so, the CTA staffers said, we had to pull it. Well [*by that logic*] you have to lose every fight that means anything. Because they always [*will threaten to*] do that. So that to me was a graphic lesson in how CTA backs off. And on how CTA won't fight forward. We need the resources that CTA can provide, but we can't have confidence in how they're going to proceed.



I recall walking into the [*California Public Employee Relations Board*] Fact-finding Panel on the OEA / OUSD [*Oakland Education Association / Oakland Unified School District*] contract dispute in January 2010. I walked in with Bob [*Mandel, another panelist*]. And Bob said to me, "You know, it looks like there are three sides here: the district, the state, and the union. But really, there's only one side." CTA staff made the presentation for us. The school district administration co-opted some of the largest private contractors to the state education department to be part of the district's bargaining team and to serve as the district's representative on the Factfinding Panel. These people [*CTA staff, private consultants, state bureaucrats*] traveled around the state together, holding Factfinding Panels into local disputes in community after community. It was one big happy family. They were there to get to "yes", not to fight. We won't get what we need unless we fight.

Yesterday, one of the teachers involved in the recent Oakland High wildcat (or sickout) asked if there really is a conspiracy to destroy public education in Oakland, or whether it's just incompetence. I

gave the answer that I usually give: "Well, it's hard to tell how much is ineptness and how much is malevolence." But then, after I thought about it for a second, I said, "Well, there's been an assault on public education and on the public sector that's been going on for half a century." Whether or not we call it a conspiracy, it's a planned assault that's been going on for decades. I first came



across this in 1972, when I was in my mid-twenties and teaching in New York City. At the time, there was something called the Economic Development Council of New York. It was essentially a sitting committee of the CEOs of the largest corporations in the New York area, which at that time meant some of the largest corporations in the world. It included the head of Mobil and the head of Esso (that was before they merged to form Exxon). The heads of Metropolitan Life and New York Life. The head of AT&T [*actually, of New York Telephone*]. And others. I still remember some of their names – William Ellinghaus; George Shinn. They put out big, glossy brochures and lobbied the New York daily newspapers' editorial writers to say that the cost of public services was strangling the private sector, and that something had to be done. We had to bell the cat. We had to cut public services, and we had to go after those public sector unions. There was a transit strike. They blamed that on that less than one-tenth of one percent that were inconveniencing the other more than 99.9% by demanding decent pay and decent services for transit.

In 1972 the Economic Development Council, working through the Ford Foundation, with Ford Foundation educational director Mario Fantini as point person, sent teams into junior high schools in Manhattan to "prove" that class size doesn't matter – that smaller class size doesn't help student achievement – and that teacher



preparation doesn't matter. They asserted that we could cut teacher preparation time in half and increase class size and students would do as well or better. Well, their plan didn't succeed at that point in time. But that was the opening attack. What came next, three years later, as people may remember, was the New York fiscal crisis of 1975 – Big Mac [*the Municipal Assistance Corporation*] and the Emergency Financial Control Board, run directly by the bankers. The bankers – the David Rockefellers, the Walter Wristons, and so on – stepped out from behind their desks and took control of New York. And William Simon, Gerald Ford's secretary of the treasury, said "We're going to teach this city a lesson so that no city again tries to go where this one did." That is, to try to provide some public services. To try to provide something to public service unions. This was a concerted effort and war, and things proceeded from there.



In 1982, the Reagan administration came out with the "A Nation at Risk" report [*claiming that failing public education was putting the U.S. at a competitive disadvantage economically and even militarily.*] Shane [*Michael Shane, another panelist*] discussed what happened next – the Business Roundtable heavily funded a campaign to impose high stakes testing based on rigid standards. It's important to recognize that this was a bipartisan attack. When Congress passed the No Child Left Behind legislation in 2001 [*actually, January 2002*], the strongest proponents of No Child Left Behind were Democrats. And very liberal Democrats. Senator Ted Kennedy. And Representative George Miller (from the Bay Area, from Martinez), who to this day is probably still demanding that teacher evaluations be based on student scores on high stakes tests. So, let's be clear: that's what the liberal wing – indeed, the left liberal wing – of the Democratic Party has long stood for. It has stood, in particular, for pumping wealth from the public to private

corporations and billionaires. That's what neoliberalism is. It's the commodification and recommodification of everything that can be commodified. Privatize everything, and pump wealth to the private sector. And deregulate capital and corporations, and regulate people. Especially workers. Especially students. Especially unions.



I'm running short on time, so I'm going to have to jump to the 2003 state takeover of the Oakland Unified School District. In 2003, the state of California took over the Oakland school district, ostensibly because there was a \$37 million deficit. When they left six or seven years later, the deficit was \$111 million. They exactly tripled the deficit – they're good mathematicians. Background: In 2002, someone named Jack O'Connell, who had been a Democratic Party state legislator, ran for and won the post of state superintendent of public instruction. In prior elections, the total spent on campaigns for that position ran in the neighborhood of \$50,000. But in 2002, Los Angeles billionaire Eli Broad and his allies, John Doerr (Mr. Silicon Valley venture capital – he provided initial funding for Google and Amazon, among others, and was the main venture capitalist in the New Schools Venture Fund that Shane mentioned), and Reed Hastings (the CEO of Netflix; before that the CEO of Pure Software; and at the time the president of the state board of education) gave a combined \$500,000 to Jack O'Connell's campaign. He got another \$100,000 from someplace else: CTA. So, O'Connell, with \$500,000 from the billionaires and \$100,000 from CTA, became superintendent of public instruction. Democratic state senator Don Perata of Oakland, the president pro tem of the state senate, wrote and pushed through SB 39, which put OUSD into state receivership. Oakland's Democratic Party mayor, Jerry Brown, and Jack O'Connell asked Eli Broad to name the first state administrator for OUSD. Broad named Randolph Ward, who just

happened to be enrolled in Eli Broad's Urban Superintendents Academy.

Randolph Ward ran the Oakland school district with a crew of Eli Broad trainees who took over administration. Ward / Broad collaborated with the Gates Foundation, which in Oakland worked through BAYCES (Bay Area Coalition for Equitable Schools – it now calls itself the National Equity Project). BAYCES / Gates handled academics (including testing and instruction), Broad handled administration. The Broad philosophy was that school districts were like big corporations and should be run as such, with schools as profit centers and students as revenue sources. Eli Broad said it was insane to run a big corporation from the bottom up, so school districts had to be run from the top down. And Broad / Ward proceeded to try to extract a profit from the student revenue sources, by severe downsizing [*to "cut costs"*]: By shutting down the libraries in almost every middle school and in most high schools; by laying off scores of custodians; by almost eliminating the maintenance department (Gerald [*panel chair*], who was a school electrician, can testify to that); and so on. Adult education, where Bob worked, which had over 30,000 students in 2003, was gutted to the core. In 2003, there was a 4% across the board cut in the pay of all OUSD employees, and this pay cut was supported at the time by CTA and by then-OEA president Sheila Quintana. And those are only a few of the cuts that were enacted.

In 2006, OEA prepared to strike against this. We had labor council sanction; we were supported by the other school worker unions who pledged to honor the lines. But at literally the eleventh hour, with most teachers asleep, preparing to get to their lines by 6am, then-OEA president Ben Visnick unilaterally called the strike off – without consulting with or even informing executive board members, as he had promised to do in the (we thought) unlikely event that he wanted to accept a new district offer. State administrator Ward showed up at bargaining and made a few concessions, and Ben Visnick said, "We'll take it." I remember this clearly, because we had to get out to school sites early to tell people that we weren't striking. People were shocked: "What? What do you mean there's no strike?"

So, what was given away by Visnick? Well, previously, OEA had fully employer paid health care. That was given up, and to this day we haven't gotten it back.

In the next round of bargaining, starting in 2007, we sunshined three main demands. One was for restoring fully employer paid health care. Another was for a maximum class size of 15 in all decile one and two schools (that is, the lowest achieving schools – nearly all the schools in the flatlands of Oakland) and a maximum class size of 20 in all other schools. And the third demand was for a 20% across the board pay increase. When we made those demands, Ward Rountree, the CTA executive director for Oakland, scoffed at us. He said we were out of our minds. The scoffing from Ward Rountree and others lasted until OEA members heard what the demands were. There was an overwhelming response in favor of them. And in fact, when teachers in other school districts heard, they had the same positive response. And so, from being scoffed at, we became celebrities, with our "great bargaining demands" featured in CTA's newsletter for Alameda and Contra Costa counties.



But almost immediately, CTA staff began a war of attrition to grind the demands down. They told us that we have to be realistic. "What's the real bottom line? Come on. Sure, we're glad that people like your demands, but what are you really going to settle for?" Now, if you go for their approach, if you establish that bottom line, then you're throwing out your sunshined demands. First of all, CTA will let the district know what the "real" demands are. Secondly, the district will have people who will find out anyway. So, don't go there. Instead, we called for complete transparency. We put out



bulletins to the members after every negotiation and whenever any substantive proposals were put forward in bargaining. (CTA lectured us about doing that – they scolded us for it.)

When we went into the Factfinding Panel, I was taken aside by a senior staffer from CTA state headquarters who grilled me on what I planned to say. He wanted to make sure that I was “safe” to allow into the room. I told him that I just planned to talk about how to get to “yes”. And then I walked into the room.

Gerald [*the chair*] says “take your time”, but I want to only say one more thing, because I think that there needs to be time for comments so people can ask what they want to ask. OK.

Bob stressed that it’s really important to fight for the money. We need to fight for it in three ways. One way is to cut the tremendous amount of waste. But that’s not enough to restore everything that’s been cut, leave aside to provide what’s really needed. Because, as Shane said, the status quo is unacceptable. We don’t want to go back to the way things were in 1954, or in 1964. We want to fight forward for what’s really needed, so that public education isn’t susceptible to the kind of attacks we’ve been describing.



Second, we need to stop the flow of money out, the outrageous outsourcing. Oakland is now outsourcing 3.5 times per student what the average school district does in California – and the average school district outsources way too much. If we did that, we could recover close to \$70 million per year. That would be a huge start.

Third, we need to go after the banks and corporations to provide what’s needed. Bob didn’t mention that he and I, along with five other Oakland teachers, were arrested in Wells Fargo Bank’s downtown Oakland branch in May 2011. Following that, we actually

got a sit-down meeting: OEA and a few other school worker unions met with Wells Fargo Bank's top Bay Area executives. They did not give us the \$100 million we were asking for.

And one final place to go after money is the state, which tripled our deficit. Which sued the district for having excess administrators during the state takeover – when the state was administering the district. They sued Oakland for their own malfeasance. We still owe the state on the \$100 million loan made when the state took over the district. And recall, they tripled the district's debt. We're still paying interest on that loan every year, making annual payments of \$6 million or so. That should be repudiated. Not only should there be a moratorium on the interest payments, the entire loan should be forgiven. If these politicians in Sacramento are real, then they'll do that. They're not, so they won't, but that's what we have to fight for. Thank you.

[Following public comments, each speaker made brief concluding remarks. Here are Jack Gerson's]

**JG:** People will remember the 2012 strike by the Chicago Teachers Union (CTU), which got national attention. Following the strike, CTU leaders went around the country claiming that they'd won a great victory. But six months after the strike ended, the Chicago school administration closed over 50 schools. In fact, the Chicago school administration, and Chicago Mayor Rahm Emmanuel, had warned before, during and after the strike that they planned to close at least 50 schools. The CTU bargaining team did put opposition to school closures on the bargaining table, but the district said sorry we're not going to bargain it, and the CTU leadership dropped the demands against school closures (that is, it was not one of their strike demands). I expect that in Oakland (and in Los Angeles), if the union demands no school closures, the school board and superintendent will say that school closures fall outside of the contract and will refuse to bargain it. But nevertheless, even if it isn't a formal demand at the bargaining table, a demand for no school closures can be a central demand of the strike. You can strike and say that the demand for no school closures is as important, or maybe even more important, than the formal bargaining demands.

Second, every spring there's a parade of private contractors into the school board meetings. They were all given multi-million-dollar contracts for the whole school year, but these contractors almost invariably claim that all of the contract money has been used up midway through the school year while the work they contracted to do is incomplete. And the school board almost always gives them more money to finish the work that they originally contracted to complete. Sometimes they receive nearly double the amount that was originally agreed upon. There needs to be a moratorium on that. No more pass-throughs. Every contract up for renewal has to be very carefully examined. It may be, unfortunately, that for this school year a few contracts need to be extended because they're providing things that students need. But most of the contracts don't need to be renewed. And we should shut those down. There's over \$80 million that goes out every year in contracts. That money should be reclaimed.



One more thing [*in response to a comment*]. It's absolutely true that the driving force in low student achievement, its highest correlate, is inequality – poverty – and that's a function of race and class. So, it's not going to be eliminated under capitalism. But how do we make the fight for better education part of, and connected to, a fight against capitalism? Right now, we have a fight on our hands against the destruction of public education nationwide. We have to take that defensive struggle and turn it into an offensive struggle. But we don't do that by starting with simply revolution. We have to do both.

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