

Connecting the Dots

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Echo Chamber: The National Education Association's
Campaign Against NCLB

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The National Education Association, the nation’s largest teachers union, opposes the federal No Child Left Behind Act, the first version of the federal Elementary and Secondary Education Act that the powerful union has not backed. The NEA has launched a high-profile legal and political battle against NCLB. It has also carried out another, less visible campaign against the law, pouring money into organizations that echo the union’s criticisms of NCLB but often leaving the public unaware of the organizations’ financial ties to the union.



Introduction

The 2.8 million-member National Education Association (NEA) is the nation’s largest teachers union and arguably the most powerful organization in American public education. In 2005, it joined eight school districts in Michigan, Texas, and Vermont in filing a lawsuit against the No Child Left Behind Act (NCLB), the 2002 law that holds schools that take federal compensatory education aid strictly accountable for their students’ academic achievement. The law requires schools to assess student performance annually and allows students

in low-performing schools to transfer to better public schools or receive federally funded tutoring. It also imposes consequences on schools that fail to educate students to state standards for multiple years.

The NEA opposes these NCLB accountability provisions, including standardized testing, consequences for teachers and other educators, and a range of remedies for students, including the transfer provision, reconstitution of school faculties,

*Due to an editing error the original graphic accompanying this report included Americans for Democratic Action as a recipient of NEA money. This is incorrect. We regret the error.

the transformation of failing schools into charter schools, and the handing over of failing schools to for-profit school-management companies. In its lawsuit, dismissed in November 2005 by the U.S. District Court for Michigan’s Eastern District and now before the U.S. Court of Appeals for the Sixth Circuit, the union argues that the federal government has failed to properly fund NCLB and that states, therefore, are not constitutionally required to comply with the law.

Less conspicuously, the NEA has given millions of dollars to numerous organizations that have echoed NEA’s criticisms of NCLB. The union has supported independent partners that have waged publicity campaigns against NCLB, have encouraged their memberships to oppose NCLB, or have produced studies and articles critical of the law. Says a prominent professor at Columbia University’s Teachers College, who didn’t wish to have his name printed because he maintains a working relationship with the union: “The [NEA] has a lot of money for research, but it wants the conclusions to match its agenda.”

Many organizations fund other groups that are sympathetic to their policy agendas. There is nothing illegal in doing so, and there is nothing illegal in accepting such contributions. The federal Labor Management Reporting and Disclosure Act (LMRDA) requires labor unions to itemize all expenses of \$5,000 or more, and the NEA complies with the letter and spirit of the LMRDA. This report does not include any evidence to the contrary. The Internal Revenue Service requires recipient organizations to report detailed information to the federal agency on the sources of their funding, but it does not require such organizations to make the names of their donors public in their tax filings.

The involvement in the political process of the NEA and the organizations that it funds is an ordinary and important part of democratic discourse. American government is built in part on the notion that an engaged citizenry helps supply checks and balances on the actions of elected officials. And

organizations that do not receive NEA funding have criticized NCLB. In the words of Joel Packer, the NEA’s manager of NCLB policy, the NEA supports outside organizations “directly or indirectly, jointly or independently,” if they share a common agenda with the NEA. “Our members expect NEA to work towards changing NCLB.”

But the NEA does not disclose many of the financial relationships with organizations that share its opposition to NCLB in ways that make the relationships clear to policymakers, the public, or even the press. Nor have many of the recipients of the NEA’s largesse publicized their financial ties to the union. As a result, many observers don’t know the relationships exist. A parent reading a newspaper story or glancing at a billboard on the way home from work can’t be expected to track down minutiae in legal documents kept on file in a government office to learn that organizations and their research and rhetoric are sponsored by NCLB’s most powerful critic and are not the independent, third-party voices that they are often portrayed as being in the media and by the NEA. “We have all kinds of organizations that want this law changed,” NEA President Reginald Weaver declared during the union’s annual Representative Assembly in Orlando this month. “It’s just a matter of the political climate.”

It is no less important for policymakers and the public to know that the NEA is funding many of the organizations that it claims are demanding changes in NCLB than it is for the public and policymakers to know that the National Rifle Association is bankrolling pro-gun groups—in both instances, transparency helps ensure the integrity of the policymaking process.

The NEA was encouraged to establish surrogates in education policy debates well before the enactment of NCLB. The Kamber Group, a Washington, D.C.-based consulting and public-relations company, urged the union in a 1997 report to go into “crisis mode” to protect public education from policy initiatives over which the union had no control, in part by getting other outside groups to help fight the

union’s battles. “In some cases, having third parties where purported self-interest is not an issue will greatly strengthen the credibility of the pro-public education position, and prevent the Association from harming its image by being out front alone on an issue of controversy and importance,” Kamber argued. “In all cases, the Association is helped simply by increasing and mobilizing its allies—all of whom have a vital stake in the future of public education. In every case, this is an approach the NEA should pursue with vigor.”¹

The NEA embraced the strategy, and it may be making a difference for the union. A 2003 poll by *Education Week* and the Public Education Network found that 40 percent of the public favored NCLB, while only 8 percent opposed it. Most of the country (49 percent), it seemed, did not know enough about NCLB to say one way or the other. The NEA, with considerable help from an advocacy group called Communities for Quality Education (CQE) and other outfits, set out to change those numbers. CQE funded television ads, organized rallies, and conducted studies on the potential impact of NCLB provisions on specific states and communities. A year later, the same poll showed that opinion had shifted dramatically, with favorable impressions dropping to 36 percent and opposition growing to 28 percent.

Organized teachers, of course, are not alone in their determination to influence public opinion on NCLB through media outlets and think tanks. The U.S. Department of Education came under fire in 2005 after *USA Today* reported on the existence of a contract between the department and Armstrong Williams, a columnist and television commentator. The contract paid him \$240,000 to promote the law on his nationally syndicated TV show.² And teachers unions themselves have reported funding links between conservative foundations and organizations promoting private-school vouchers.

The Wisconsin Education Association Council, for example, in 1998 published *Anatomy of a Movement: Wisconsin Vouchers and the Bradley Foundation*.

The press should ask the same questions about funding sources but often doesn’t, or doesn’t mention such relationships in its news coverage.

This Education Sector report examines the financial relationships between the NEA and a number of organizations that have been sharply critical of NCLB.

Advocacy Groups

On the eve of a 2004 debate between Vice President Dick Cheney and Democratic challenger Sen. John Edwards at Case Western Reserve University in Cleveland, **Communities for Quality Education** advertised on three billboards in downtown Cleveland. All three publicly dared moderator Gwen Ifill to ask the candidates about the shortcomings of the federal No Child Left Behind law.

The eye-catching signs, one of which was located near Cleveland Browns Stadium, pictured Ifill on one side and Cheney and Edwards on the other. They read: “Hey Gwen, Ask them why we pay \$1.5 billion to label our top schools failures.”³

At the time, Ohio had deemed some of the state’s top-performing districts—including Hudson and Shaker Heights—to be failing under NCLB. Districts were claiming that they were spending millions of dollars to implement the new law and that teachers’ jobs were being threatened. Who better to raise this important question on whether or not the federal law was working than an independent “education advocacy group” with seemingly no horse in the race?

What most Ohioans didn’t know, however, was that the “education advocacy group” was essentially a nonprofit subsidiary of the National Education Association.

Founded in 2004, primarily with seed money from the NEA, Communities for Quality Education was originally called “America Learns” and listed several

prominent NEA officials as its board of directors, including Anne Davis, president of the Illinois Education Association; Robert Bonazzi, executive director of the New Jersey Education Association; and Maurice Joseph, NEA's deputy general counsel. The organization's original executive director was John Hein, who had served previously in the governmental relations office of the California Teachers Association.⁴

The organization's Web site declares: "We're building our fundraising base with the help of individuals and organizations that share our goals and priorities." Union records show that NEA-related funding streams have supported the organization since its inception. The NEA originally asked its state affiliates to contribute \$1 per member to support CQE. One union, the Delaware State Education Association, even increased its annual dues to cover the cost of the contribution. The DSEA's executive board informed its teacher delegates that the donation was necessary "since the so-called No Child Left Behind Act does threaten what we care most about—a strong public education system for every child."⁵

The NEA itself contributed \$2.5 million to CQE in the 2004–05 fiscal year, according to the union's disclosure reports filed with the U.S. Department of Labor. NEA state organizations, including NEA-Pennsylvania, kicked in smaller amounts (\$28,800 on April 1, 2005), and the NEA's political action fund (the Fund for Children and Public Education) contributed a combined \$1.15 million to CQE in 2004 and 2005. Still another report noted a \$4 million contribution during the 2003–04 school year by the NEA's media fund.⁶

To cite just one example of how portions of the larger campaign sometimes play out at the state level, CQE teamed up with the Civil Society Institute in 2005 to produce a report on NCLB for another group called MassPartners for Public Schools.⁷ The report declared that a majority of the public schools in Massachusetts were headed for the failing schools list under the "flawed" NCLB law. The report was officially released on the steps of the state capitol

in June 2005. A press release for the report listed as a contact person Laura Barrett, who was also a "communications consultant" on the staff of the Massachusetts Teachers Association at the time.⁸

Journalists have only infrequently pointed out the relationship between the NEA and the CQE. Mark Guydish, a columnist with the *Times Leader* in Wilkes-Barre, Pa., called CQE to find out about the organization, rather than just writing about what CQE was saying in a press release. "Why doesn't Communities for Quality Education make its link to teacher unions perfectly clear?" Guydish asked in his column. "The same reason the Bush administration didn't tell anyone it was paying a syndicated columnist to write good things about No Child. In seeking headlines, both sides have made the message more important than the actual law."⁹

Communities for Quality Education is not unique in appearing to receive most of its funding from the NEA or its state and local affiliates. Another nonprofit outfit, the **Great Lakes Center for Education Research and Practice**, has supported a host of studies and reports critical of NCLB and "high-stakes testing." All have been funded entirely with money from the NEA and several state affiliates. Based in East Lansing, Mich., the center pays particular attention to issues in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. In addition to receiving two separate payments of \$100,000 each from the NEA in the 2004–05 fiscal year, the center collects an additional \$60,000 per year in membership dues from state affiliates in the Great Lakes region.

Center officials note that they have never hidden the fact that the center is supported by the NEA. "This financial support does not dictate the mission of the center nor does it determine the topics of research and projects that we support," Teri Battaglieri, director of the center, wrote recently.¹⁰

To date, however, none of the center's reports on testing or NCLB would be considered supportive of either. Often the center's work, while based on

empirical data, is presented in inflammatory ways, usually by overhyping worst-case scenarios and forecasts. One study commissioned by the center declared that nearly all schools in the Great Lakes region would eventually be considered failing under NCLB, one of the scare tactics often used nationally to discredit the feasibility of the law.¹¹ In the case of Michigan, for example, the report presented a doomsday scenario based on the fundamental requirement that all students must be proficient in their subject areas by the 2014 school year, a goal that many critics—and even supporters—of NCLB believe to be unreachable. At the same time, however, data maintained by state education officials showed that 88 percent of Michigan’s 3,670 public schools made Adequate Yearly Progress (AYP) under NCLB in 2005, meaning they were not currently considered “failing schools.”¹² Additionally, of the failing schools in Michigan that have been forced to undergo restructuring because of NCLB (a factor that wasn’t considered in the union-funded work), 85 percent met state standards in the 2004–05 school year.¹³ The Great Lakes Center and the NEA’s Michigan affiliate are also linked on a personal level: Teri Battaglieri is married to Michigan Education Association Executive Director Lou Battaglieri.

Union-Funded Research

Some of the most powerful voices of support for the NEA’s opposition to NCLB come not from groups started by the unions but from outside organizations that already have established relationships and reputations with policymakers, reporters, and editorial boards. The NEA has funded the work of a number of these organizations.

In February 2006, for example, the **Harvard Civil Rights Project**—a well-known and prolific education policy center run by professor Gary Orfield—released four separate studies that were critical of NCLB. The NEA funded all of them, and that fact was disclosed in each paper, but coverage of the reports by major news organizations such as Reuters and the *Chicago Sun-Times* made no mention of the NEA funding.

Nor did the Civil Rights Project’s press release on the research or an NEA press release praising the reports.¹⁴

“The Harvard Civil Rights Project studies provide the first look at the effects of NCLB on poor, minority children, and the view is more alarming than even we expected,” said NEA President Weaver in the NEA release. “Instead of improving education and options for poor, minority students, NCLB appears to present more barriers.”¹⁵

Another long-established think tank that has been vocally opposed to NCLB and receives significant funding from teacher unions is the Washington, D.C.-based **Economic Policy Institute (EPI)**. The institute, which is highly visible in the national press, tends to focus on the impact of other societal problems on schools. EPI’s Richard Rothstein, a former *New York Times* columnist, argued in a 2004 essay in *The American Prospect* that NCLB and its testing requirements were “doing great and needless damage” to students.¹⁶ The NEA paid EPI \$70,000 in 2005, a fact not disclosed in the essay.¹⁷

EPI frequently conducts research into issues of teacher quality and teacher pay, and sometimes the information gathered in this research is used by other NEA-funded groups to bolster the argument that teacher pay is simply too low for schools to attract “highly qualified” teachers as required by NCLB.

For example, EPI and the Pennsylvania-based **Keystone Research Center (KRC)** teamed up to produce a book in 2004 called *How Does Teacher Pay Compare?*. The book refutes the argument that teachers earn as much as other professionals (who work a longer day and year than teachers) when you break it down by hourly wages. No one in his right mind would expect the nation’s two largest teachers unions to pay for a book that argues otherwise, but the study proved to be productive for more than just arguing for higher salaries for teachers. In Pennsylvania, the two organizations used the results of the study to criticize NCLB, arguing it was more evidence that NCLB was not properly funded, as the

NEA claimed in its lawsuit. “The federal No Child Left Behind Act mandates that Pennsylvania’s school districts must hire more highly qualified teachers to receive full federal funding,” a joint press release quoted Peter Wiley of KRC as saying. “One has to ask, if these salary trends continue, will schools be able to hire teachers they need under NCLB?”¹⁸ The Pennsylvania State Education Association, an NEA affiliate, paid EPI \$37,500 and KRC \$34,520 for their work on the teacher-pay project. Neither KRC’s news release on the findings, nor EPI’s widely distributed press release accompanying the book, nor the book itself disclosed that the NEA had contributed funding to the project.

Political Bedfellows

In addition to having a strong political presence at the national level, the NEA’s state affiliates typically are among the most powerful interest groups in states where the union has a significant presence. The union is active in statewide and district-specific political campaigns and, as a result, is typically the most powerful force in these states on all legislation pertaining to public education. State legislatures, as it happens, have emerged as vocal NCLB critics.

On Feb. 23, 2005, a special task force of the **National Conference of State Legislatures** (NCSL) issued a report ripping NCLB, claiming it was interfering with the traditional role of states in education and setting reading and math standards that were impossible to meet.¹⁹

This description of the study, from the *Salt Lake Tribune*, was typical of the considerable news coverage it received:

With its list of 43 recommended changes that Congress needs to make to the law, the bipartisan National Conference of State Legislatures delivered one of the most politically damaging indictments of Bush’s signature education reform measure since Congress approved it in 2001.²⁰

To be sure, NCLB has created new pressures and new layers of accountability for some states, and some degree of resistance from state education departments and legislatures was to be expected. But an important link between the NEA and the legislator group was largely hidden from the general public.

The NCSL, whose stated purpose is to “promote the effectiveness, independence and integrity of the Legislative Branch,” received two different contributions from the NEA in 2004, just a few months before the task force report was released, one for \$8,200 on Sept. 27 and one for \$13,000 on Nov. 8. Union records on file with the Department of Labor describe both contributions as “external ed policy contributions.”

An NCSL official acknowledged only one of those contributions, saying it was for a project on educational technology. The conference’s NCLB task force, the official said, operated independently of outside contributions and influences. “This contribution was in no way connected to the activities of the task force,” David Shreve, a senior staff person to the task force, said in an e-mail.²¹ Kay Coles, a state legislative policy specialist in the NEA’s government relations office, is a member of the board of directors for the NCSL Foundation for State Legislatures.²²

These financial and leadership ties were not disclosed by either NCSL or the NEA at the time of the release of the conference’s NCLB report. But the NEA publicly applauded the report in a release titled “NEA Praises Latest Bipartisan Findings That ‘No Child Left Behind’ Law Urgently Needs Repairs.” The report’s author, Scott Young, a senior policy specialist at NCSL, later became senior policy adviser to Communities for Quality Education, the NEA-funded anti-NCLB advocacy group.²³

The NEA has also given money to another organization representing elected officials that has been critical of NCLB, the Atlanta-based **National Conference of Black Mayors** (NCBM). The union

gave the group \$5,000 in 2005, within months of the organization's passing an official resolution urging changes to NCLB that would water down the criteria used by states to determine whether a school has made Adequate Yearly Progress under the law. The resolution also called for redefining "highly qualified teachers" under the law as merely those who had "achieved full licensure/certification under state standards."²⁴ Under existing federal guidelines, teachers must demonstrate "subject matter competency," either by majoring in the subject they are teaching or by earning advanced certification in their state in the specific subject area. The final line of the NCBM resolution read: "NCBM commends NEA for its leadership role in meeting the challenges necessary to ensure equal educational opportunities for all our children."²⁵ But the resolution did not mention the NEA's financial support to the mayors' organization.

Civil Rights Groups

A number of civil rights organizations have either been silent on NCLB or have criticized the law, despite NCLB's focus on improving the academic performance of underserved students of color. Some of them have funding from the NEA. One example is the **League of United Latin American Citizens**

(LULAC). Another is the **National Indian Education Association (NIEA)**.

The League of United Latin American Citizens, a Washington, D.C.-based organization, received \$45,000 from the NEA on Oct. 19, 2004, for "voter registration." LULAC's President Hector Flores on April 22, 2005, came out in support of the NEA's legal challenge of NCLB.²⁶ The NEA did not mention its financial support of LULAC in press materials prepared by the union that month, when it released to the public a letter from Flores to NEA President Weaver congratulating the NEA for its lawsuit against NCLB. In March 2006, the NEA co-sponsored a national summit on Hispanic education with LULAC in Denver.

The National Indian Education Association received a \$5,000 contribution from the NEA on April 6, 2005. Months later, at the group's annual conference in Denver, it released a report declaring that NCLB was contributing to a "crisis in Indian education."²⁷ NEA President Weaver issued a press release in conjunction with the study in which he was quoted as saying, "The NIEA report is just another example of how the so-called No Child Left Behind law doesn't help students."²⁸ The press release made no mention of the NEA's payment to NIEA.

Endnotes

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- ³ Shannon Mortland, “Billboards Send Message to VP Debate Moderator,” *Crain’s Cleveland Business*, Oct. 4, 2004, p. 34.
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- ⁵ Mike Antonucci, “‘America Learns’ Gets A Name Change,” Education Intelligence Agency *Communique*, May 19, 2004. Available online at <http://www.eiaonline.com/archives/20040510.htm>.
- ⁶ Mike Antonucci. “Numbers Game: NEA’s 501(c)(4) Forms a 527,” Education Intelligence Agency *Communique*, Aug. 16, 2004.
- ⁷ Officials with the Civil Society Institute note that the institute has received funding from neither the NEA, nor the American Federation of Teachers (the nation’s second-largest teachers union), nor the federal government to study the NCLB law.
- ⁸ The press release can be found online at http://www.resultsforamerica.org/calendar/files/0623_press_release.pdf.
- ⁹ Mark Guldish, “Please Consider the Source—On Both Sides,” *The Times Leader* (Wilkes-Barre, Pa.) July 25, 2005.
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- ²³ Scott Young’s biography is available on the Web at <http://www.njasa.net/70179839122730/lib/70179839122730/NCLB%20Brochure.pdf>.
- ²⁴ National Conference of Black Mayors, Resolution 11, April 29, 2005, 31st Annual Convention, Columbus, Ohio.
- ²⁵ *Ibid.*
- ²⁶ A copy of the April 22, 2005, letter from Hector Flores to Reginald Weaver can be found at <http://www.nea.org/lawsuit/lulac.html>.
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- ²⁸ NEA press release is available at <http://www.nea.org/newsreleases/2005/nr051006.html>.