



## REVIEW OF *REFORM WITH RESULTS* *FOR NEW JERSEY SCHOOLS*

*Reviewed By*

Alan R. Sadovnik, Rutgers University  
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### Summary of Review

A report published by the Lexington Institute presents findings on the effectiveness of New Jersey's *Abbott v. Burke* court decisions from the late 1990s through 2009. The report argues **that the reforms ordered by the state's supreme court failed to significantly increase student achievement** despite what it terms as dramatic increases in spending. Based on these findings, the report argues that the increases in spending in these urban districts and their continued dismal student achievement rates make New Jersey, and particularly Newark, ideal for instituting a number of reforms. These advocated reforms include parental empowerment, increases in the number of charter schools, changes in teacher union contracts, and the enactment of private school choice policies (e.g., vouchers). The report cannot stand as a research document and provides little or no empirical evidence to support its critiques of *Abbott* or its recommendations for reform. It omits important parts of the existing research literature, such as NAEP data showing New Jersey as high performing and as closing the achievement gap. The Lexington report contains no methodology to speak of. Overall, the report has little or no use for informing educational reform in Newark, New Jersey or nationally.

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# REVIEW OF *REFORM WITH RESULTS* *FOR NEW JERSEY SCHOOLS*

*Alan R. Sadovnik, Rutgers University*

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## I. Introduction

*Reform with Results for New Jersey Schools*, by Lori Drummer and Don Soifer and published by the Lexington Institute, presents their findings regarding the effectiveness of the reforms prompted by New Jersey's *Abbott v. Burke* litigation, including decisions of the state supreme court from the late 1990s through 2009.<sup>1</sup> The report argues that these reforms failed to significantly increase student achievement despite what it characterizes as dramatic increases in spending.<sup>2</sup> The authors state that the court-mandated reforms were too prescriptive and resulted in stifling bureaucratic expansion. Based on these findings, the report contends that New Jersey is now an ideal place to institute a number of reforms, including parental empowerment, changes in teacher union contracts, increases in the number of charter schools, and the enactment of private school choice policies such as vouchers. **The report's critique of the Abbott reforms and its recommendations for reform are consistent with recently elected New Jersey Governor Chris Christie's educational agenda.**<sup>3</sup>

## II. Findings and Conclusions of the Report

The Lexington report finds that despite dramatic increases in spending in the Abbott districts, student achievement has only marginally increased; and not to the degree that the large investments may be considered justified. The report **highlights Facebook founder Mark Zuckerberg's \$100 million gift to improve public education in Newark,**<sup>4</sup> **the state's largest city, and indicates that the failure of the Abbott reforms requires a different set of reforms to improve what it characterizes "as the extreme public costs and abysmal student performance in the state's urban districts" (p. 1).** The different reforms the report advocates would involve giving school leaders autonomy over finances, school level accountability for results, and school choice for parents (p. 1).

The report relies primarily on two sources for its findings, former Assistant Commissioner of Education, Gordon MacInnes' book, *In Plain Sight*<sup>5</sup> and the report *Money for Nothing* by the New Jersey school choice advocacy group, Excellent Education for Everyone.<sup>6</sup> It uses MacInnes, who from 2002-2007 was in charge of implementing the Abbott reforms and improving student achievement in the state's poorest districts, to argue that the Abbott reforms were ineffective. Whole School Reform (WSR) was especially singled out as an ineffective and expensive program.

The report uses *Money for Nothing* to argue that, despite funding levels dramatically above **those of most urban districts, Newark’s students continue to perform at extremely low levels and** with little or suspect transparency (p. 2). Using National Assessment of Educational Progress (NAEP) results from 2005 and 2009, the *Money for Nothing* report indicates although overall scores for New Jersey increased a little, scores for black students remained low and any gains at the fourth grade disappeared by eighth grade and high school (p. 3).

In terms of funding, the report cites *Money for Nothing’s* finding that Newark Public Schools (NPS) spent \$22,251 per student in 2006-2007 (p. 2). But this calculation does not count pre-K and charter school students, who are included in NPS funding. That is, **the report’s calculation** uses the whole amount received by the district, including the amounts passed through to charters and for pre-K, but it then eliminates the charter and pre-K funding from the denominator, making it appear as if the district schools receive more than they actually do. When these students are properly counted, the actual cost is closer to \$18,000 per student. The report then indicates that, from 1997-2006, when the Abbott districts had to be funded at the average of the highest wealth districts in the state, funding in **the urban districts increased “from \$9,675 to \$16,758—or an increase of 74 percent” (p. 4). It states that in the urban districts, there** has been little payoff with respect to student performance, especially for black students, and then concludes that the Abbott mandates hindered rather than helped improve urban schools.

The report contends that a different approach is therefore needed. It points to Newark as a good testing ground for the recommended reforms, because Mayor Cory Booker and Governor Christie have pledged a major shakeup of educational policies in this state-operated district (p. 7). These reforms, the report suggests, should begin at the school level, where leaders need control of their schools and teachers need more control of their classrooms. Teacher contract reform is also advocated, including the elimination of teacher seniority in layoffs and the implementation of a teacher evaluation system linked to student achievement. This type of evaluation should—according to the report—be used in tenure, dismissal and merit pay decisions. Such changes are presented as essential in order to remove these impediments to school improvement (pp. 8-9).

Finally, the report maintains that parental empowerment and increased educational options are essential **for educational improvement. MacInnes’ characterization of school choice programs such as vouchers, charter schools and magnets as “small scale triumphs” is cited as a rationale** for expanding these options. Citing evidence from the New Jersey Charter School Association, **the state’s charter advocacy group, the Lexington report also states that “charter schools in the state have a proven track record” (p. 11), with higher achievement and high school graduation** rates than public schools in the same districts and at a lower cost than district public schools (p. 11). Other options recommended in the report are statewide virtual schools and tuition vouchers for attending private schools.

### III. The Report’s Rationale for its Findings and Conclusions

As discussed below, the report is designed to offer a one-sided presentation, and it largely avoids research-based conclusions. Accordingly, the rationale appears to simply be a continuation of

the broad attack on traditional public education that began in 1983 with *A Nation at Risk*.<sup>7</sup> It is a straightforward advocacy document for market-based and competition-oriented reforms such as test-based accountability, the elimination of teacher tenure, and parental choice. Traditional public education is portrayed as responsible for limiting the life chances of low-income children **and children of color, and the report suggests that failures of New Jersey's Abbott reforms** justify the implementation of accountability and market-based reforms. Throughout the report, the evidence is tailored to support pre-determined analysis and conclusions.

#### IV. The Report's Use of Research Literature

The Lexington report makes little use of the existing literature, cherry-picks evidence from education advocacy groups and non-research based sources, and often cites them out of context. For example, the report cites *In Plain Sight* only when it is critical of Abbott, and primarily with respect to whole-school reform. **It fails to cite MacInnes' positive conclusions,** especially with regard to the moral necessity of adequate funding for poor students and the successes of its early-childhood and literacy programs. MacInnes believes that money does matter if spent wisely and effectively, and his book is not the universal condemnation of *Abbott* that the report insinuates. Similarly, with regard to school choice programs, while **MacInnes does characterize some as "small scale triumphs" he also argues that these cases** have questionable replicability.

Additionally, the Lexington report relies overwhelmingly on advocacy group reports and omits any literature that would paint a more complex or different picture. These omissions include the **summary by New Jersey's Education Law Center,**<sup>8</sup> as well as the critical review by Baker and Welner of the cohort of studies concluding that court-mandated school finance reforms have had disappointing results.<sup>9</sup> Through a reanalysis of history and data from Kentucky, Massachusetts, New Jersey and Wyoming (the four states analyzed by Hanusek and Lindseth),<sup>10</sup> Baker and Welner point to **positive effects from each state's court decisions. Similarly, Resch** demonstrates that Abbott spending had positive effects on student achievement and that the spending was a worthwhile investment—providing additional evidence that money matters and in New Jersey made a difference in the Abbott districts.<sup>11</sup>

*Education Week's "Quality Counts,"* as only one illustration, **belies the Lexington Institute's foundational claim of a failed system. According to the publication's latest rankings, New Jersey rated an "A-" grade** and is ranked third on the "Chance for Success" index based on 13 factors that have a significant impact on whether children succeed in school. In direct contradiction to **Lexington's findings, New Jersey also scored a second-place finish on achievement,** as measured by student performance on the National Assessment of Education Progress (NAEP). The state also recorded the highest graduation rate (83.3%) in the nation. Perhaps most importantly, given the focus on vulnerable students, New Jersey had among the highest rates for closing the achievement gap between low-income and non-low-income students between 2003 and 2009, narrowing the achievement gap 4.2% at the fourth-grade level and 4.1% at the eighth-grade level on NAEP scores. For the equity and adequacy of the education finance system, New Jersey posted the third-highest score among the 50 states.<sup>12</sup>

While New Jersey undeniably has remaining problems and *Education Week's* rankings may be argued, Lexington's use of NAEP scores to portray a poorly performing state simply does not match the facts.

It should also be noted that the Lexington report fails to include empirical studies on the effects of charter schools on student achievement. This includes both studies that support<sup>13</sup> and reject their conclusions.<sup>14</sup> Most striking is the omission of the work of Gary Miron, who has evaluated the statewide effects of charter schools for the past two decades.<sup>15</sup> Finally, although the report claims that teacher union contracts prohibit meaningful reform and protect incompetent teachers, the authors provide no empirical evidence to support their claims.

## V. Review of the Report's Methods

The report has no methodology to speak of. The report includes only a few descriptive charts of NAEP data which, as noted, vary considerably in interpretation from *Education Week's* interpretation. There is little to no discussion of the methods employed in the report, nor did the authors conduct any original analyses in their portrayal of achievement and funding data. The results are not consistent with New Jersey school funding and charter school research presented by a number of other educational researchers.<sup>16</sup>

With regard to charter school funding, Lexington fails to acknowledge that many of the most effective charter schools in the state, especially those that are part of national networks such as KIPP and Uncommon Schools, raise significant amounts of private philanthropic funding; reports about this funding are not readily available, and the funding raises these charters' per-pupil spending dramatically.<sup>17</sup> To cite only data from the New Jersey Charter School Association **interjects considerable bias. Similarly, the report's analysis of charter school performance cites** the most general evidence comparing district and charter schools in the same districts. Consequently, the authors ignore a body of research indicating that Newark charter schools perform at similar levels to district schools, when controlling for family background and other variables.<sup>18</sup> Without a more sound and comprehensive methodology, the reader has no way of knowing that charter school performance is, in fact, far more variable, and that there are significant numbers of failing charter schools in New Jersey.<sup>19</sup> For example, although the state achievement data cited from the New Jersey Charter School Association does show that charter schools have higher test scores than traditional public schools in the same district, without controlling for student background variables and percentages of English learners and students with disabilities, it is impossible to know if these differences are a result of charter schools or student population characteristics.

Outside of advocacy reports, there is little or no evidence given to support the efficacy of the recommended reforms. Yet, as summarized in the next section, there is a significant body of high-quality research that contradicts the report's conclusions.

## VI. Review of the Validity of the Findings and Conclusions

Based on the problems cited above, the report's **findings and conclusions are suspect**. Even an advocacy report has an obligation to reach conclusions based on all of the available evidence, not simply that which supports its point of view.

**Lexington's gloomy conclusions in the report about the *Abbott* litigation** appear to be vastly overstated. Even setting aside the limitation that the report evaluated all of the Abbott reforms merely on the basis of NAEP scores (which is an inappropriate strategy), the evidence does not support those conclusions. For instance, and in addition to the information presented above, achievement gains in elementary school appear to be related to the Abbott pre-school mandate.<sup>20</sup> Likewise, Linda Darling-Hammond **highlights the successes of Abbott's early childhood and pedagogic reforms**, as well as the successes of some of the urban districts. She **points, for instance, to Orange, which serves "more than 70% low-income students, 83% African American and the remainder Latino and Haitian," and notes that it "jumped from a 4<sup>th</sup>-grade reading proficiency rate of 22% in 1999 to 75% by 2007, nearly at the state average."**<sup>21</sup>

Regarding the paramount claim of massive increases in funding with little effect on achievement, it would be expected that this issue would be given close attention. Instead, the authors quote one source, provide anecdotes, and present their point through a chart of eighth-grade Black student NAEP reading scores compared with a separate chart for New Jersey total expenditures. The reader is expected to infer comparability and causality from this presentation. This is far from an acceptable procedure.

**The report's discussion of charter schools is also, as noted earlier, superficial and selective.** It ignores, for instance, the research of Lubienski and Lubienski, who found that when family background is controlled, district public schools outperform charters.<sup>22</sup> It also omits the Center for Research on Educational Outcomes (CREDO) study, which indicated that there were wide variations in the quality of charter schools in the United States and that, on the whole, charter school students performed below district public school students.<sup>23</sup>

**The report's discussion of the efficacy of vouchers also omits important evidence.** For example, Van Dunk and Dickman argue that, given the lack of accountability in the Milwaukee voucher program, it is difficult to make claims that students in voucher schools outperform those in district schools.<sup>24</sup> **Metcalf's studies of the Cleveland voucher program found that there was no significant difference in achievement between voucher students and their public school peers, after controlling for socioeconomic and other background variables.**<sup>25</sup> Overall, the research on voucher achievement suggests little if any effect.<sup>26</sup>

**Also problematic is the Lexington report's contention** that teacher union contracts contribute to lesser education quality in New Jersey. The authors use the Newark teacher contract to illustrate how it protects ineffective teachers from dismissal. Lexington contends the seniority-based layoff system in Newark results in retaining many experienced but ineffective teachers while losing many effective young teachers. The report calls for reforms in teacher evaluation and rewards, including merit pay for teachers who increase student achievement. However, the authors give no empirical evidence to support their claims or proposals and, again, ignore any

competing evidence. Merit pay is far from a proven strategy. An experimental study by the National Center for Performance Incentives at Vanderbilt, for instance, did not support the hypothesis that performance-based compensation results in increased student performance.<sup>27</sup> In addition, as Bruce Baker has pointed out, value-added models and non-seniority based layoffs are far more complicated and will not easily solve the problems outlined by Lexington.<sup>28</sup>

Finally, the report ignores decades of sociological research on education demonstrating that family background remains the strongest predictor of student performance. Although schools have the potential to close the achievement gap, it is also the case that poverty matters. Although not an excuse, poverty-related obstacles remain important in school and student success and failure. Using a natural experiment, a recent report from the Century Foundation, for instance, demonstrates that poor children residing in middle-class neighborhoods and attending middle-class schools achieve at higher levels than poor children residing in low-income neighborhoods and attending low-income schools—even when strong academic supports are provided.<sup>29</sup> Schools must be part of the solution, but families, communities, and the creation of economic and occupational opportunities are also central. Diane Ravitch, whose work was influential in advancing many of the reforms now advocated in this Lexington report, has now rejected them, concluding that research has demonstrated that they threaten the fabric of American public education.<sup>30</sup>

## **VII. Usefulness of the Report for Guidance of Policy and Practice**

The Lexington report is of little use in policy debates about the improvement of urban schools. School improvement should be driven by sound research studies that provide carefully collected evidence of the efficacy of different types of reforms and that are grounded in sound social science methodology. Given its failure to build on this type of research, this report will be useful only to those already predisposed to its point of view. For those truly committed to effective school reform, a more balanced approach is required. It is imperative that current reform efforts in New Jersey and especially those in Newark be informed by stronger research evidence as the city proceeds with its educational reform plans.



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3 Mooney, J. (2011, Jan. 12). **Gov. Christie's state of the state puts education reform front and center.** *NJ Spotlight*. The Lexington report also features a quotation from Gov. Christie.

4 In the interests of full disclosure, as co-director of the Newark Schools Research Collaborative at Rutgers University-Newark, the author is involved in providing research for the Newark Public Schools and the city to inform education reform plans in Newark.

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