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**FREEDOM FROM EQUALITY: DEMOCRATIC EDUCATION AND THE FAILURE
OF THE NCLB**

ANDREW X. FLEMING

Deeply rooted societal concerns about what role democratic ideals should play within systems of education, and how much sway the federal government should hold over educational institutions, have been at the forefront of American educational policy for decades. These questions have more recently been brought into the limelight once again within the context of the implementation of charter schools and the controversial No Child Left Behind act, and its subsequent failure. The expressed goal of this paper is to provide an examination of what philosophies and ideals of so-called "democratic education" are have played major roles in developing the discourse surrounding, and the implementation of, US federal policy in K-12 education. Through a brief survey of the philosophical writings which have largely informed US policy, an analysis of these writings within the context of the rise of American charter schools and the NCLB, and a reflection on the common problems that such philosophies are fraught with, this paper seeks to provide some hope for transforming future models of American education for the better. Specifically, this study aims at forging a more nuanced understanding of the underlining beliefs that have driven recent educational legislation, and how democratic education has further marginalized low-income and traditionally underrepresented students.

THE ROOTS OF DEMOCRATIC EDUCATION AND THEIR INFLUENCE ON THE NCLB

While the roots of democratic theories of education are deep running, perhaps the clearest connection between the democratizing philosophies of the nineteenth and twentieth centuries to the policy of modern America begins within the writings of John Stuart Mill. Mill theorized a proto-form of standardized testing as a means of ensuring a quality of education across diverse educational models, which he promulgated to be essential to creating a diverse electorate in any democratic society. Furthermore, he stipulated that this scientific testing, based in the positive method, should be implemented as a measure to ensure the separation of state motives from academic knowledge and the subsequent control of high-skilled professions that he thought would necessarily follow (1975, 99). Despite his yearning for an education free from state imposition, however, Mill never concluded as to how such a set of tests would be implemented effectively without state oversight.

What Mill did not foresee, nor did many policy-makers in the twentieth century, is the impact that standardized testing would have on developing what Paulo Freire has termed the "banking model" of education. And how this model of education might adversely affect democratic society as a whole. In this model of education, the teacher becomes the sole actor, whose role merely consists of striving to deposit sterile, objective facts into the passive receptacles that are the students (Freire, 2007, 69L). This systematic objectification of facts and the lack of qualitative thinking that it promotes in students, Freire says, is inherently oppressive (2007, 69L). Oppressive by virtue of the fact that it dehumanizes students and removes them from the processes of knowledge creation, and thus only serves to replicate society as it exists by creating citizens without critical-thinking skills who view the world as being largely unchanging and objective (2007, 69R).

In her *Democracy and Democratic Education*, political scientist Amy Gutmann took up the flag against this non-rational societal reproduction. In its place, she offered a model of education which sought to instill students with an understanding of democratic processes and the ability to think critically (1993, 1). This system of education, built to better enable productive "future democratic deliberations," was seen as a mechanism for replacing societal replication with a conscious social reproduction (1993 4). This conscious reproduction, according to

Gutmann would help to reject any "blind" allegiance to political systems or conceptions of what is good, helping to maintain democratic society while still allowing cultural evolution (1993, 5-6). Ultimately though, this thesis was flawed, as it presupposed without question that democracy is a good unto itself, by implying that democratic governance will be the final conclusion reached by any informed and rational citizens (1993, 7).

Building upon the foundations of these philosophies, the NCLB was the result of some few years of concentrated bipartisan efforts of US senators, private business interests, and US Assistant Secretary of Education, Diane Ravitch. Its purpose: to effectively reimagine the appropriate role of the federal government in dictating educational policy (Rees, 2014). Its result was implementing further requirements of standardized testing on children in the US, as well as installing a reward or punish system for teachers and schools, in an effort to increase institutional accountability in the American educational system (DoED, 2015a). Only five years after its inception in 2001, the NCLB proved to be a flop. The magnitude of its failure in increasing the quality of American education was only superseded by the scale on which it served to effectively bolster the gap in educational quality between districts of differing socio-economic statuses (Ravitch, 2011, 110).

The reasons for this stunning failure were many. The most glaring few of which were the governmental belief that underprivileged and marginalized populations would prefer to pack up their children to a distant and supposedly better school, thus choosing a nebulous "quality" education over their community; that adequate progress towards 100% proficiency in math and reading ("progress" to be deemed by state officials) must be met yearly or else flagging schools would face privatization and restructuring; and that the opening of charter schools by private entrepreneurs was to be favoured as a practice in promoting educational diversity (Ravitch, 2011, 100-101). As a whole, the NCLB served to decentralize and deregulate the processes of American education. All in the hopes that righteous and private benefactors would heed their civic duty to better the effectiveness of a seemingly flawed system, and decrease the plausibility of a federal-level monopolization of education.

In the wake of such a disappointment, the Obama administration began to grant a series of waivers to individual states in the hopes of alleviating some of the most harsh effects of the NCLB in favour of state-developed plans for educational models (Seaby, 2012). The bipartisan focus on accountability was no longer strong, however, and the act quickly came under intense scrutiny from republicans who claimed that the language of the NCLB did not allow for such waivers (Seaby, 2012). Tensions arose further when republican figurehead Mitt Romney, speaking on his proposed educational plan as presidential candidate, publically praised the apparent successes of the NCLB, citing improvements in standards and assessments for students taking standardized tests, although how this improvement was measured was not mentioned (Seaby, 2012).

Largely, partisan squabbling and private lobbying seem to have obscured how the NCLB utilized common conceptions of the democratic purposes of education. Particularly the role that variant interpretations of who the democratic process should favour and what problems it should alleviate have contributed strongly to the failure of the act. An issue that we shall examine now.

THE EQUALITY OF THE DOLLAR

That an ingrained fervor for free-market capitalism lies at the heart of much pro-charter school rhetoric in the debate surrounding the NCLB, there can be no doubt. In recent media coverage of her defeat in the 2014 senatorial race, democratic incumbent Mary Landrieu's unfortunately

common view to improving education in America was laid bare. Specifically, news writer Nina Rees nicely summed up Landrieu's belief that "the only way to offer this [high quality] education is by encouraging entrepreneurs to open new schools energized by new thinking and proven practices" (2014). A philosophy that Landrieu helped to reinforce during her senatorial years by using her position on the Senate Committee on Small Business and Entrepreneurship to ensure governmental funding for private interest groups aiming to develop charter schools (Rees, 2014). According to Rees, Landrieu's fight to make education truly "public," namely through charter schools, centered on an understanding which deemed high-quality education to be the sole determinant for elevating children from poverty (2014). And thus entrepreneurs, with their capital-driven interests, were deemed as being the best hope for the future of education.

This somewhat naive understanding as to how simple the mechanisms may be that contribute to the development of poverty, raises the question of who the *public* is in Landrieu's platform for education, and in the philosophy underpinning charter schools as a whole. Not to mention what the *purpose* of education is in the first place. Where, precisely, does plurality and democracy enter into this debate in practice? For Landrieu, as for many policy makers, the ends and means of education seem to be inherently tied to the betterment of the economic standing of American citizens. As such, charter schools have developed to take educational accountability out of government hands, and turn it straight over to the "public sphere" of private business owners.

In theory, the NCLB aimed at improving the education (and thus the lives and upward mobility) of students across America. In practice, the NCLB directly served as yet another catalyst for perpetuating the social stratification wrought by centuries of social inequality by leaving the fate of educational and tutoring services to businessmen (Ravitch, 2011, 99). John Dewey, famed philosopher and educational reformer, is of use in understanding precisely how such phenomena happened. He declared that we must form our educational models within the framework of those societal institutions which make up our political reality (2007, 47LR). Adding further that "...education will vary with the quality of life which prevails in a group" (2007, 47L). Hindsight being 20/20, it is now possible to see Dewey's words in action, in that the popular political reality of the US was and is one which endeavours to promote the legitimacy and growth of capital over the interests of individual human actors. As such, private business interests, when given increased control over education via the promotion of charter schools, served to ultimately perpetuate the existing social and economic marginalization of large swathes of the American populace. Dewey's assertion that "education proceeds ultimately from the patterns furnished by institutions, customs, and laws," while being a statement so broad as to be near meaningless, is nonetheless apropos when considering the rise of the education-as-business model from such a capital-driven society as modern America (2007, 49L).

ON THE RHETORIC OF ACCOUNTABILITY AND DIVERSITY

At the heart of such a topic as this lies the inevitable question of whether education should be placed under the purview of governmental control, or given to the personal freedoms of individuals, social groups, or in the case of the NCLB, corporate investments. Mill himself, a renowned fighter for social freedom, thought that education was perhaps the one area of society where individual liberty should be expelled before it could rear its ugly head to the detriment of society. To this end he wrote that the near "despotic control" which parents held over deeming what education their children should receive was a paramount threat to the development of educated citizens as it allowed for the neglect of a *proper* education (1975, 97). This idea should

not be misconstrued though. Mill by no means thought that governmental control was the solution to this problem. Rather, he suggested that the government merely enforce the testing of students across a diverse collection of schools utilizing various educational models, much as the NCLB sought to do (1975, 98). To this end there are two factors which have been largely valued both in philosophy of education and in the implementation of the NCLB. The first is *accountability*, the second *diversity*.

Concepts of accountability were central to the implementation of the NCLB and served to bridge the divide between the generally partisan politics of the US in passing it (Ravitch, 2011, 98). To this end, a series of "Accountability Conferences" were even held in the year following the arrival of the NCLB, to ensure its full implementation across the states (DoED, 2015b). The appeal of accountability ended there though, as states immediately began to utilize the ambiguous language of the legislation to avoid the strict punitive actions for schools demanded by the NCLB should they fail to adequately show progress across all student groups according to the standardized testing model provided. The most mind-numbing of these punishments being the mandatory "restructuring" of schools after five years of insufficient progress. This restructuring required any "failing" school to either "convert to a charter school; replace the principle and staff; relinquish control of the school to the state; or 'any other major restructuring of the school's governance'" (Ravitch, 2011, 98). A larger passing of the buck is hard to imagine. Yet this monumental lack of real accountability, one in which the governmental agencies and entrepreneurial profiteers of the educational market took no responsibility for the failing system, in which the majority of the US contented itself with the punishment of working educators rather than policy-makers, was fueled by the ideal of public accountability that is so common among the impassioned propagators of democratic education.

Perhaps this point is best made by Amy Gutmann, albeit unintentionally. In her *Democracy and Democratic Education*, published in the decade leading up to the NCLB, Gutmann proclaimed that all educators needed to be held "publically accountable" (1993, 1). This thought was followed some pages on in the work, where she presented the example of Socrates as being among the wisest of philosophers for knowing the limits of his knowledge, and as upholding the democratic ideal by enacting philosophic enquiry as "democracy's strongest moral defense" (1993, 7). This claim, of course, is a far cry from the story actually represented in the *Apology*, in which the pro-oligarchy Socrates was near unanimously sentenced to death by the whims of a democratic society. But the zealous call for someone, for anyone, to take the fall, continues on in the popular mythology of democratic education. Public accountability, it would seem, is not all it's cracked up to be.

On the other side of the coin, conceptions of diversity pepper the writings of democratic philosophers and the rhetoric of much news coverage of education. Again and again the boons of diversity are recited, and they are many, but their relation to democracy remains nebulous.

"As educators, we have the responsibility to ensure all students have the support they need to achieve their academic potential... We are committed to helping English learners achieve academic and linguistic proficiency through educational programs that help prepare them to graduate ready for college, career and life in a multicultural society.... Our diversity is our strength,"

said Paul Cruz, an interim superintendent in Austin (DoED, 2015c). "Only diversity makes change and progress," wrote Dewey (2007, 49R). Again, in a recent press release, Acting Assistant Attorney General Vanita Gupta said that "the diversity of this nation is one of its greatest attributes" (DoED, 2015c).

It should not have to be clarified, that living within a globalized society and within a country with such a broad array of cultures, languages, and religions as the US, utilizing the value of diversity to increase a mutual respect among citizens is of a paramount importance to national stability. Indeed, an increased systematization of inclusive practices at the institutional and social levels of our society is necessary for negating the oppression and repression of minorities (Freire, 2007, 71L). How does this value of diversity directly tie into the aims of democratic education though? Is the NCLB-created diversity of education for the betterment of American democracy? Does diversity in and of itself contribute to a more effective democracy? In a word: no.

The repression of minority groups is not strictly due to a lack of mutual democratic respect, as Gutmann would argue (2007, 2). Nor is it due to a lack of diversity in educational models, such as Mill would stipulate (1987, 98). Rather, it is endemic of democracy itself. By definition the democratic process must favour the whim of the majority over the will of the minority. Any attempt to reconcile this fact with notions of the value of diversity are flawed, albeit well-intentioned. Put simply, the only premise under which diversity could truly be argued to be a systemic good of democracy, is one which utilizes diversity as a means of limiting the power of majorities within the democracy. This, however, is a *non sequitur*, as it attempts to limit the power of the democracy through non-democratic means, e.g. by altering the make-up of majority voting demographics.

Indeed, the larger part of democratic theories of education strike a tenuous balance between the nonrepression of minorities and the seemingly inherent value of the democratic process. These theories rely upon an uneasy alliance between the valued multitudes of society, envisioned as strivers for diversity of thought and freedom of action, and the protection of this diversity by the dreaded state, which is nearly always depicted as being entirely bent upon a pathological indoctrination of the masses for its own nefarious ends. There is an undercurrent of fear felt in the writings of all the philosophers thus far mentioned. Fear of state-control. Fear of repression. Fear of unity of purpose. From Gutmann's testimony that all societies which are united by a common good are "without exception repressive and discriminatory," to Mill's warning that the state's control of education would lead to a "despotism of the mind" (Gutmann 2007, 2 and Mill 1987, 98). A fear of encroaching state control seems to drive the entire philosophy of democratic education.

This fear is well drawn out in Gutmann's work, where she cites both the persecution of witches in puritan New England and the modern persecution of gay communities across the US (1993, 2). These are both quite well-thought-out examples of the terror that a lack of diversity can inspire. To assert that they were strictly products of a greater-good mindset though, as Gutmann does, is both ahistorical and misses the underlying source from which such persecuting movements draw their power entirely. In each example, the capacities to instill a fear of the minority, as well as to act upon that fear in the form of the persecution of the minority, is the direct result of the superiority given to the mindset of the majority. A superiority that is the basis of the democratic process. Within democratic political models Mill's ideal of the greatest good *for the greatest number* would, perhaps, be better stated as the greatest good determined *by* the

greatest number. As such, while diversity can absolutely encourage the value of, and respect for, differing ideals, any claim that diversity promotes democracy in practice, or vice-versa, is false.

What are we to make of this truth in the context of modern American policy regarding charter schools and standardized testing? What are we to think of the efforts of the NCLB to increase educational diversity and its subsequent failure in decreasing educational inequality? Put plainly, the NCLB has failed *because* of its underlying preference for the freedom of choice, both at the state level and in regards to the role of private businesses in developing educational reform. Freedom and equality, while mutually beneficial in moderation, become wholly incompatible at an extreme. And it is this extreme freedom (freedom of the states in determining notions of adequate progress and the implicit encouraging of the entry of private business interests into the educational sphere) granted in the NCLB's model of education which has reinforced the absence of equality at the ground level for many students across the nation.

CONCLUDING REMARKS

By and large, democratic philosophers have been historically outspoken in their enmity for anything resembling state control of education, and have grown evermore eager to show resentment when the state has not served in its utmost capacity to protect their view of what is right and desirable for society. This understanding of the state, as an abstract entity which should only exist to serve the best interests of humanity, while simultaneously never controlling any aspect of it, is farcical. As has been shown here, a decentralized and deregulated educational model is rife with the capacity of profit for private interests and the expense of further marginalizing underrepresented populations. The NCLB should serve as an example for any future proposals at further opening education to the interests of private businesses or the public at large. Despite the best of intentions, the very core of democratic education's methodology is fundamentally biased to perform in such a way as to oppress the minority of any culture and to promote wide-sweeping changes of institutional norms based upon the whims of a culture's majority. In an effort to provide a better alternative towards improving the educational system of the US, future research should carefully consider an effective and universal state educational model and how such a model might be implemented. The fact of the matter is, that so long as we as a society are to strive for the further development of social and economic equality, democratic education as it has been implemented to date, will never be desirable.

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