
Teaching the market: fostering consent to education markets in the United States

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Abstract. Market-based reforms in education have garnered the support of politicians, philanthropists, and academics, reworking the nature of public education in the United States. In this paper we explore the methods used to produce consent for market-based reforms of primary and secondary (K-12) schooling in the United States, focusing on two case studies to interrogate how this consent is generated as well as how these reforms are resisted in place. In doing so we illustrate how market-making in public services is a contested terrain and the importance of understanding the nature of their roll-out at the local level.

Keywords: education, marketization, primary and secondary schooling, charter schools, mayoral control

In her 2009 book *Hidden Markets*, Burch describes the circular logic that informs education reform efforts in the United States: “markets provide the answer to the problems of government because they are markets. If the market fails, either the effects are not very important or somehow market mechanisms need to be strengthened” (page 18). In this paper we explore the methods used to produce consent for the institution of market mechanisms as the primary method of providing K-12 (primary and secondary school, approximately ages 5–18) schooling in the United States. We do so rooted in our understanding of markets as social institutions that, under neoliberalism, are created and/or reinforced by state actions (Block, 2011; Peck and Tickell, 2002).

We understand this shift toward marketization in education and its recent acceleration as being situated within the broad neoliberal shift towards privatization and deregulation of formerly public goods that has taken place over the past thirty years. As in other sectors that have been subject to this treatment, this process has occurred not simply through the retreat of the state but through the deliberate repurposing of the state to reshape its institutions in the image of a market (Peck and Tickell, 2002); indeed, many of the reforms that have taken place within education are the result of explicit state policies to create market pressures within education (Lubienski, 2005): These policies include (to name a few): the imposition of standardized testing as a method through which schools can be ‘judged’ by the market, the threat of school closures for ‘failing’ schools, and the use of selective grants to reward schools and districts conforming most closely to principles of deregulation and privatization.

Crucially, however, these marketization processes require careful priming in order to generate public consent for market-based reforms. In particular, the marketization of education is powerfully promoted through the notion of school ‘choice’. Presented as an apolitical and socially neutral mechanism for allowing parents to maximize their children’s educational opportunities, choice is endowed with a moral authority that obscures the power

dynamics inherent in who can exercise the power to choose and the available range of choices. This choice, it is argued, finds its natural expression in the expansion of markets as a supposedly level playing field where the best-performing options rise to the top and those that fail are eventually discarded. Indeed, as Rose (1999) claims, choice, defined as the individual maximization of opportunities, has become the litmus test by which good membership in the polity is defined. In this light, the term, like those used to describe other market-making projects in public services, hides assumptions about what kinds of choice can be legitimately exercised and under what circumstances. The power to 'choose' as it is understood under contemporary capitalism is a highly individualized capacity that seeks to maximize one's return on investment. Other alternative possibilities tend to fade out of view in the language of most market-based school reformers.

There is a temporal reason why education provides an excellent vantage point from which to understand how markets are created out of public services. Unlike many other social services, education in the United States has been relatively buffered from earlier rounds of marketization that occurred in fields such as welfare. Henig (2009) has referred to this buffering as education's "exceptionalism". Education systems in North America have typically been governed by semiautonomous public bodies such as school boards as opposed to being directly controlled by state and municipal governments. These institutions have served to 'buffer' education from the greater political pressure to reform all public services in the image of a market. This protection has been bolstered by arguments that democratic, plural education, with its key role in the socialization of future citizen-subjects, is a bedrock of North American liberalism (Perrucci and Wysong, 2006). However, more recently, against the backdrop of increasing income disparities domestically and diminishing economic competitiveness abroad, arguments about a failing education system acting as a barrier to economic competitiveness have become ubiquitous (Lipman, 2011; Ravitch, 2010). As a result, education's exceptionalism is disintegrating and calls to radically remake public schooling have multiplied. Nevertheless, narratives of education as a field in need of protection from market forces continue to be mobilized in order to contest marketizing forces within education.

As such, market-making within education is an active process that implicates several overlapping elements. On the one hand, many reforms require the use of state power to circumvent existing democratic structures so that market forces can be introduced within the provision of primary and secondary education. At the same time, the application of state power is not simply a matter of applying brute force; in order to generate public consent to these changes the public itself must be convinced of the merit of market or market-like principles, especially the principle of choice as a means of empowerment for students and their families. At the intersection of these applications of state power and discursive justifications are the embedded realities of how education marketization is rolled out in particular places and how this impacts the shape market-based reforms take in different sites [see, for example, Lipman (2013) for a discussion of the dialectic between mechanisms of consent and coercion employed in reforming urban schooling]. This intersection of policy, discourse, and place, as well as the still-active politics of resistance to market-based education reforms, makes market-making within education a legible process available for study by scholars and a particularly fruitful field through which to understand the roll out of market-based reforms in public services generally. In addition, our study adds to an existing and growing body of work in geographies of education that examines market-making in education as a central element in the more generalized changes taking place in social governance under advanced capitalism (Hanson Thiem, 2009). In particular, we join a conversation detailing how the discourses implicated in education market-making circulate through policy circles at different scales and form a

dialectic between national-level, ‘best-practice’ discussions and more localized adaptations of these discourses meant to persuade actors on the ground to adhere to them (eg, Holloway and Pimlott-Wilson, 2012; Purcell, 2011).

Our paper is divided into four major sections. We begin by briefly describing the history of market-making in Anglo-American public education systems, examining the networks of funding, advocacy, and activism that have fostered the creation of education markets. Next, we describe some of the discursive mechanisms by which consent to market-making is generated among stakeholder groups, discussing two important narratives mobilized to bolster market-making efforts: the intransigence of vested interests, particularly teachers’ unions; and the moral imperative of parents to exercise their right to choose educational opportunities for their children. This is followed by two, distinct, case studies that examine the infrastructures and discourses that privilege market-like behaviour in the field of education. The first describes how charter schools were brought to Washington State through a voter initiative after four previous failed attempts to do so. The second examines mayoral takeovers of education systems in places like New York City and Bridgeport, Connecticut. Importantly, neither case study is an example of the simple triumph of market forces, but rather contains many moments of ambiguity, contestation, and outright resistance that underscore the fragility of market-making processes. Finally, we conclude by connecting our case studies to possibilities for the further exploration of market-making processes by academics interested in the marketization process.

Methods

Both case studies are part of larger, ongoing research projects from which we drew in order to respond to the topic of this theme issue. They are meant to highlight some of the discourses used in persuading voters to accept market forms in education. The data collected in the Washington case were taken from a LexisNexis search of newspaper op-eds in three major urban areas of Washington [*The Olympian* (Olympia), *The Seattle Times*, *The Everett Herald*] from the period 1 September until 2 November 2012. Other data were collected from the Washington Public Disclosure Commission, a state agency charged with reporting amounts of spending by individuals and organizations in candidate and ballot measure elections. In the case of mayoral takeovers of education systems, articles regarding such takeovers have been consistently collected over the course of a year and a half (during 2012 and 2013) using a Google Alert, which has been supplemented through extensive web searching using software such as LexisNexis. In both cases our arguments are also informed by research conducted within the field of education more broadly.

Markets in Anglo-American education

The use of public policy to create education markets in the Anglo-American sphere has gained steam over the past three decades, coinciding with the rise of other neoliberal state-led policy-making endeavors (although, as discussed earlier, at a somewhat slower pace). These attempts have largely been inspired by a variation of public choice theory which suggests that, by allowing for consumer choice on an education ‘market’, competitive pressures will help make schools more efficient and more responsive as they compete for students (Lubienski, 2005). A key recent variation of this has been the implementation of high stakes testing as a means through which the market can make its judgment (Lipman, 2011).

At first market-based mechanisms in education mostly worked within the boundaries of a public system. Such an approach characterized the United Kingdom’s 1988 Education Reform Act which allowed parents to choose the public school their children would attend in an attempt to unleash competitive pressures within the public system (Ball, 2012; Taylor, 2001). However, at this time there were also attempts to move education away from public

provision such as the Reagan administration's promotion of vouchers that would have allowed parents to 'buy' education at schools of their choice (Rapp, 1989). These and other similar attempts to move education outside of public control were largely unsuccessful during this era (Ball, 2012). However, more recent attempts have begun to move control of publicly funded schools into the hands of nonprofit and for-profit organizations. In both the United States and the United Kingdom governments have allowed nonprofit and for-profit organizations to run schools using public money (termed 'charter' schools in the US and 'free' schools in the UK) and New Zealand has also recently adopted this model. These moves signal a new stage in market-making in education and what Ball (2012) has referred to as "the beginning of the end of state education".

In the country that is the focus of this paper, the United States, national-level policies have helped to produce market forms within primary and secondary schooling (Burch, 2009; Lipman, 2011). These changes have echoed existing reforms at the state level (notably examples in states such as Texas) and have helped push market-making measures in states that have yet to adopt them. George W Bush's *No Child Left Behind* began this process by imposing test score targets on schools and placing 'choice' provisions for 'failing' schools that allowed parents to transfer their children from these schools, providing vouchers for after-school programs and eventually for the closure of 'failing' schools and their reopening as charters (Burch, 2009). Barack Obama's *Race to the Top* has continued this process by offering grants to states that include eligibility requirements that reinforce the importance of high-stakes testing as well as the removal of restrictions on the number of charter schools (McGuinn, 2012). Cumulatively these changes have produced the conditions that will allow a public system (with some market elements) to be turned into a fully marketized system consisting of nonstate actors where judgments are enabled through the imposition of high-stakes testing.⁽¹⁾

Rather than simply being the province of government actors, market-based policies have also been promoted by a variety of groups with disparate interests and motivations. Notably, philanthropic organizations such as the Bill and Melinda Gates Foundation and the Broad Foundation have spent millions promoting market-based school reforms at a variety of scales from individual schools (Scott, 2009) to the funding of national-level think tanks and philanthropies (Dillon, 2011). These efforts have been matched by private industry actors attempting to make profits in the education sector. Recent exposés on the American Legislative Exchange Council (ALEC) have revealed the close ties between corporations focusing on education and policy makers in drafting legislation that allows for the creation of education markets (see Moyers, 2012). In Tennessee, for example, a state representative and ALEC member admitted that the legislation he had introduced to allow 'virtual' charter schools was drafted with help from K12 Inc., a for-profit firm that would be well placed to secure profits in the market created through that proposed legislation (Fang, 2011). So, while state actions are the key element creating markets, the emergence of market-making policies cannot be understood as the action of politicians alone but as part of a complex apparatus of politicians, philanthropists, and corporations.

Producing consent to education marketization

Market-based school reforms cannot only be understood through the actions of elites however. Parents and communities have also promoted the adoption of 'choice' policies throughout the United States (Hankins, 2005; Pedroni, 2007). The process of manufacturing consent to

⁽¹⁾These changes have also created new profit-making opportunities. *No Child Left Behind* helped open education services to private actors through mandating that contracts be tendered to the private sector as well as through creating new institutional imperatives such as standardized testing that allowed private actors to sell services such as test development and curriculum (Burch, 2009).

these reforms in the United States is one that relies in part on two related discourses. The first promotes well-worn tropes of the intransigence of bureaucracy, especially of teachers' unions, against the failure of public education (Goldstein, 2010). The second is a privileging of parental choice as the most legitimate mechanism for ensuring quality and accountability in education where parents and other forward-thinking stakeholder groups are portrayed as untapped sources of innovative thinking who can mobilize their ability to choose "correct" education options for their children. These tropes are reinforced with the further construction of school choice as not only desirable but as a known, technical solution to the problems facing public education; as the narrator in *Waiting for Superman*, a documentary promoting market-based education reform funded largely by the conservative Anschutz Family Foundation, puts it, "we know what works."

Together, these narratives constitute a constant discursive drumbeat that depoliticizes and naturalizes the abandonment of public education in favor of market-based alternatives even as it recruits parents and the wider public. The intertwining of these discourses is especially apparent in media portrayals of parental activism against unresponsive bureaucracies, such as *Waiting for Superman* and the 2012 fictional (but pitched as "mirror[ing] events that are taking place daily") film *Won't Back Down*. In both films parents and their teacher allies are cast as the underdogs who fight against bureaucratic indifference and complacency to secure a better future for their children. In this manner those who place themselves against market-based reforms are seen as entrenched interests who are arguing against the rights of parents to improve their children's future.

In describing this process, our intent is not to disparage parental involvement in their children's education, but rather to highlight how parental involvement is instrumentalized to further the project of creating markets out of public education systems. We also do not want to suggest that parents involved in market-based school reforms are simply the pawns of powerful actors, because this undermines the very real critiques of public education systems that they make. Many communities, especially racialized communities in urban areas, have valid claims that the existing public system has failed them through the systemic underfunding of schools in marginalized communities and through a curriculum that does not respond to their community's needs. These real and important critiques have led to the attractiveness of market-based reforms and thus parental support for such reforms cannot be understood outside of the context of an existing public system that leaves many behind (Lipman, 2011; Pedroni, 2006; 2007). As Pedroni (2006) notably points out in the case of African-American support for voucher programs in Milwaukee, the failure of the public system to address the needs of urban minority populations can and often does lead to alliances with conservatives. In the words of Wisconsin State Representative Polly Williams, "If you're drowning and a hand is extended to you, you don't ask if the hand is attached to a Democrat or a Republican" (quoted in Pedroni, 2006, page 265). However, within these seemingly contradictory positions lie strategic reappropriations of market-fundamentalist discourse that can be read as making claims in the state to fulfill its responsibilities, not cede them to the private sector.

Indeed, Scott (2011) makes the important point that, while there has been a focus on how some urban communities of color support market-based reforms, less attention has been paid to how such reforms are resisted in those same communities. Scott lists resistance efforts in New York, Philadelphia, New Orleans, and other American cities as evidence that market-based reforms are being contested. So while even as Scott claims "The current advocacy politics have created a context in which critics of market-based reforms are relegated to being supporters of an indefensible status quo" (page 594), market-based reforms can be successfully resisted. As our cases will explore, those opposing market-based school reform do have the ability to mobilize counternarratives to those promoted by market makers.

Nevertheless, market discourses, and particularly the notion of choice, powerfully inflect the political subjectivity of stakeholders in public education. The etymology of ‘choice’ in this context denotes individual empowerment and has its roots in the dismantling of the Keynesian welfare state, during which dependence on public entitlements was castigated and the primacy of the market as the arbiter of success was reinforced (Fraser and Gordon, 1994). Such dependence was and continues to be explicitly contrasted with the notion of ‘empowerment’, a state in which an individual exercised personal initiative to better his or her situation without the intervention of the state. Within education more specifically, 1983 saw the publication of *A Nation at Risk* (National Commission on Excellence in Education), a presidential commission which warned of waning American competitiveness in educational quality and planted the notion of a failing public school system in the mind of the wider public.

Since then, independence and self-entrepreneurialism have been increasingly linked to self-empowerment and the ability to choose for oneself without interference from the government (Rose, 1996; 1999). Against the backdrop of a neoliberal moral framework in which facilitating individuals’ self-interested behavior is seen as the highest form of public good (Mitchell and Lizotte, 2014) and as an expression of democracy (Apple, 2005), promoting the ability to choose is of paramount importance as a matter of policy. Such meanings in turn powerfully inflect the decision-making calculus of parents and other stakeholders in education. As Wilkins (2010) argues, parents often find themselves in contradictory positions where they are called to exercise their agency as responsible citizens by behaving as if they were consumers. One way in which this occurs is the creation of the ‘aspirational’ parent-citizen as a moral actor in educational governance. This idealized subject position is formed and reformed through multiple channels, including expectations about parental involvement and participation directly in their children’s schooling circulated among educators and parents (Holloway and Pimlott-Wilson, 2012). However, it is also defined in the context of education market-making through contrasts drawn between parents contributing to society more generally as in opposition to the selfishness of entrenched interests of teachers’ unions. An illustration of this contrast appeared during a 2010 round of negotiations between Seattle Public Schools and its teacher union, the Seattle Education Association, during which advocates for accountability and choice principles published the results of a survey (Our Schools Coalition, 2010) which broke respondents into the categories “taxpayers”, “parents”, and “teachers”, with taxpayers and parents being mutually exclusive categories. On three questions dealing with teacher evaluation, performance-based retention, and expediting the removal of ineffective teachers, a clear contrast was demonstrated between a “moral majority” of parents and taxpayers on one side, with intransigent teachers on the other. Results were reported listing high percentages of taxpayers and parents agreeing on the one hand and low percentages of teachers agreeing on the other. The message was clear: ostensibly politically neutral, commonsense measures meant to benefit students are supported by contributing, responsible citizens and opposed by enemies of children and their learning. As will be explored in the cases below, tactics such as these are indicative of the ways in which consent is generated for market-based reforms.

Bringing charter schools to Washington State

The term ‘charter school’ in the United States encompasses a diverse set of institutions governed by a variety of arrangements ranging from shared governance between a local school district and a school’s board of directors to for-profit charter management organizations (CMOs), which are nominally beholden to local district regulations but are largely autonomous in their day-to-day management decisions. What characterizes all charter schools is, as Hankins (2005) puts it, a “legal framework ... [that] gives the citizenry the opportunity to design and manage charter schools with taxpayer dollars.” Under this rubric, the range of actors

making up the ‘citizenry’ is open: grassroots parents groups organizing a new neighborhood school are discursively, if not materially, equivalent to for-profit CMOs. Indeed, as Gulson and Webb (2013) point out, what the charter school movement accomplishes politically is to conflate the opportunity to *choose* education alternatives with the agency to *produce* these alternatives. In other words, market-based school reformers tend to gloss over the disparities in access to the means of production of school alternatives even as they tout charter schools as providing a level playing field in which parents can make rational choices to maximize their children’s opportunities.

The promise of introducing greater accountability and responsiveness into the public school system has allowed charter advocates to successfully introduce charter school legislation in forty-two states as well as Puerto Rico. In 2012, Washington State became the 42nd state to allow the creation of charter schools after seven failed attempts through the legislative process as well as three failed citizen initiatives and referenda (in 1996, 2000, and 2004)⁽²⁾ (Shaw, 2011). At the time that Initiative I-1240 was proposed, Washington State’s educational achievement statistics were becoming a matter of mounting public concern; its high school completion rate placed it in a four-way tie for 32nd place in the United States (Shaw, 2012), and it ranked in the bottom third of states in terms of baccalaureate degree production by population (Washington Student Achievement Council, 2012). These and other data were touted heavily by proponents of I-1240 as evidence of a crisis in Washington in need of a radical solution. I-1240 narrowly passed with 50.69% of the statewide vote (Washington State Secretary of State, 2012). Examining the material and discursive resources deployed during the campaign is instructive in examining how, after almost two decades of being rejected by voters, consent to charter schools was successfully produced.

Saying “yes” to charter schools in Washington

Anchoring the ‘Yes’ campaign were two organizations that act as a major conduit for corporate philanthropy into market-based school reform efforts in Washington State: the League of Education Voters and the national organization Stand for Children’s Washington office (Fact Check Washington, no date). Supporting the coalition’s efforts to publicize the pro-charter message was \$11.4 million, of which three donors—Bill Gates, Alice Walton, and Paul Allen—contributed nearly two thirds of the total (Washington State Public Disclosure Commission, no date). Other perennial charter school supporters, including Eli Broad, Mike and Jackie Bezos (parents of Amazon.com founder Jeff Bezos), and Reed Hasting (founder of Netflix), contributed over \$100 000 each. Stand for Children, the League of Education Voters, and Democrats for Education Reform’s Washington State office also contributed several thousand dollars each in in-kind contributions of staff and facilities use (Washington State Public Disclosure Commission, no date). These contributions far outstripped money raised in previous attempts to authorize charter schools at the ballot box: in 2000, the first year for which these data are publicly available, proponents raised \$3.6 million, nearly all of it from Paul Allen (ibid).

Arguments in favor of I-1240 appeared in policy briefs, television ads, and newspaper op-eds originating from across the state. Interestingly, while the promise of choice was touted as a major benefit of authorizing charter schools, it was somewhat muted with respect to two parallel arguments: first, that Washington’s law would create a class of public charter schools that were not fundamentally different from both existing public schools and alternative schools, yet offered districts who wished to exercise choice and flexibility the opportunity to do so; second, through comparisons to elsewhere to make the case that I-1240 was a matter

⁽²⁾In Washington State, an ‘initiative’ is a citizen-sponsored ballot measure that requires a minimum number of signatures to be certified and can concern any issue of state-wide governance; a ‘referendum’ is a similar citizen-sponsored measure, but pertains specifically to repealing a bill passed by the legislature.

of urgent concern for the state's reputation and competitiveness, as well as for arguing why charter schools would be successful in Washington where others had failed. At the same time, conspicuously absent from mainstream media discourse was any mention of the highly racialized distribution of school disinvestment and failure. In contrast to many other large urban school districts, major metropolitan areas of Washington are majority white—70.1% for Seattle in 2010, for instance (City of Seattle, 2014). However, nonwhite populations are heavily segregated in certain areas of the city and particularly nonwhite school populations are even more heavily segregated, with certain primary schools' nonwhite enrollments approaching 97% (Shaw, 2011). Therefore, 'common sense' arguments in favor of charter schools tended to gloss over geographically and racially uneven distributions of school failures even as they generalized these failures over the whole of the state of Washington as evidence that change was needed (Lizotte, 2013).

Perhaps in recognition of the historic unpopularity of charter schools in Washington State, arguments in favor of I-1240 were careful to emphasize the limited and regulated nature of the initiative. I-1240 authorizes the creation of up to forty charter schools across the state during a five-year evaluation period, and only non-profit, non-sectarian groups can seek a charter authorization from the state. In an op-ed published in the 24 September 2012 edition of *The Olympian*, for example, the paper's editorial board argued:

"Charter schools are merely public schools released from traditional bounds. Charter schools can, for example, change their school calendar independently of the school districts in which they reside. They can strategically alter class sizes, and hire and fire teachers based on performance and school priorities.... Under I-1240, charter schools must meet the identical academic benchmarks and student performance assessments as traditional public schools" (The Olympian Editorial Board, 2012).

Rather than aggressively and directly promoting the promise of choice that I-1240 offered, opinion pieces tended to segue into that aspect after assuring undecided voters that charter schools were not, in fact, a radically new and untested idea. Interestingly, a common theme across op-ed pieces was the assertion that the possibilities for charter schools' success in offering local choice and flexibility were tied closely to the stringent oversight requirements built into I-1240; rather than invoking simplistic appeals to the market qualities that charter schools would inject into the public education sector, proponents tended to focus on the opportunities for parental participation. Several, for example, touted the requirements that newly formed charter schools provide detailed plans for soliciting parental involvement and the dedicated seat for a parent on the state-wide authorization board that would approve charter applications as strong points of I-1240.

Another set of arguments in favor of I-1240 made consistent reference to Washington's status as one of nine states without a charter law, fueling a sense of urgency with which Washington needed to join the apparent educational mainstream. Not infrequently, op-eds noted that this group of no-charter states was not one that Washington should be proud to find itself in company with, as in this editorial from *The Everett Herald*: "Forty-one states already allow charters, with Washington in a not-so-illustrious holdout class that includes West Virginia, Alabama, and Kentucky" (The Everett Herald Editorial Board, 2012). After invoking this group of abject states as ones whose policies should be avoided, the article went on to make further geographic comparisons that would help secure the success of charter schools in Washington state:

"I-1240 is predicated on the successful example of New York, which puts a premium on oversight and has cultivated programs that bolster outcomes for at-risk and low-income students. The tough-scrutiny method minimizes the number of failing schools, with a clear link between success and oversight, unlike states that have adopted more laissez-faire policies" (The Everett Herald Editorial Board, 2012).

This group of arguments recalls language used by reformers in other arenas of social governance. As McCann (2011) argues, making the case for bringing policy from one place to another often requires proponents to use place-based references highlighting the commensurability—or lack thereof—of one place to another. In some cases this meant using the Puget Sound region and its corporate economy as a geographic synecdoche for the entire state to represent Washington’s innovative track record and make the case for bringing equally innovative forms of education to the state:

“A region innovative enough to lead the world markets for airplanes, coffee, software and global health can surely be more aggressive reforming its schools ... [w]e cannot continue to put off change because it is uncomfortable and challenges the status quo. Nov. 6 will mark the fourth time voters have been asked about charter schools. The question has been refined over time to incorporate what has been learned from charters. I-1240 includes language taken from laws governing the best-performing charter schools. The creation of 40 public charter schools is a slow, careful step toward innovating and improving our public system” (The Seattle Times Editorial Board, 2012).

While highlighting Washington’s foot-dragging in passing a charter school law, references were also made to the advantage that Washington enjoyed by being one of the last adopters of charter schools in the country and therefore privy to the accumulated experience of other states. This ability to craft a law based on the successes and failures of other places led to the National Alliance for Public Charter Schools rating I-1240 #3 in the country soon after its adoption, based on its adherence to its model law (National Alliance for Public Charter Schools, 2013).

Resisting I-1240

Although I-1240 was passed on 6 November 2012, its margin of victory was extremely narrow—50.69% of the statewide vote. Opposing the Yes on 1240 campaign and its \$11.4 million war chest was No on 1240, which raised a total of \$26 302 (Washington State Public Disclosure Commission, no date) and relied heavily on volunteer labor to promote its message. Despite being outspent to this degree, No on 1240 was able to tap into voter suspicion around charter schools and especially the business elite that was financing the proponents. Tellingly, of eight op-ed articles that ran in the *The Seattle Times* arguing in favor of the initiative (no op-eds were published that challenged the initiative), online comments were overwhelmingly critical of the pro-charter stance, calling out the lack of oversight at both the state and local levels and the potential for charter schools to take the funding allocated to each student out of the public system. Indeed, opponents were able to draw on a January 2012 Washington State Supreme Court ruling in *McCleary vs. the State of Washington* that found that the state was not meeting its obligations under article IX, section 1 of the Washington State Constitution to “adequately fund” its K-12 education system (Washington State Office of Superintendent of Public Instruction, 2013). The state was ordered to fulfill this obligation by 2018 by increasing its expenditure per student to at least \$9710, at a total cost of several billion dollars to the public system (Ahearne, 2012).

Although proponents of I-1240 had occasionally argued during the campaign that *McCleary* was a clarion call to introduce innovative forms of education into Washington State, opponents were able to use the ruling as a basis for filing a lawsuit in King County⁽³⁾ Superior Court on 3 July 2013, asserting in part that charter schools’ diverting of funds from the public system would “[interfere] with the State’s progress toward complying with the Washington Supreme Court directive to the Legislature to fully fund basic educational programs by 2018, as set forth in the 2012 *McCleary* decision” (quoted Our Voice Washington Education Association, 2013). Plaintiffs include the League of Women Voters of Washington, Seattle-based Latino

⁽³⁾King County includes the city of Seattle as well as an expansive rural hinterland.

social justice organization El Centro de la Raza, and the state's teachers' union Washington Education Association. The case has yet to be tried, and the press is gearing up to dismiss the lawsuit as capricious (eg, The Columbian Editorial Board, 2013), but opponents of I-1240 have not backed down. Crucially, they have been able to bring attention to the disproportionate impact of school failure on communities of color, which was largely ignored in the dominant discourses surrounding I-1240. In contrast to the Bridgeport case described below, opponents have been able to proactively deploy a civil rights discourse as an argument against charter schools, while proponents largely left that terrain uncontested.

The rather equivocal language used by proponents of I-1240 highlighting charter schools' relative similarity to the existing public system may provide opportunities to argue that the priority for reform should be to augment the existing system rather than fund tangential sectors that may not improve educational opportunities as a whole. Beyond such speculation, however, it is worth noting that the League of Education Voters and Stand for Children's Washington office, two Seattle-based advocacy groups promoting I-1240, also supported the Washington Supreme Court's overturning of a ballot initiative requiring a two-thirds majority of the state legislature to pass revenue-raising bills. Such apparent ambiguity of political goals among the anchoring organizations in the pro-charter coalition raises the question of exactly how advocacy efforts have to adapt to local political circumstances in order to be palatable to stakeholders. Their positions also complicate narratives of public school reform as being driven by purely socially and fiscally regressive interests. The stances taken by such organizations point to the need to adapt to the local political climate; compared with cities such as Detroit, Chicago, and Philadelphia where draconian state action has gutted particularly communities of color as described by Lipman (2013), Pedroni (2011), and others, Seattle has experienced fewer (though certainly not no) instances of overt expropriation in its public school system.

What the case of I-1240 makes clear is that attempts to reform public schooling fall more into a process of 'marketization' that was responsive to the local political context. This meant emphasizing the restraint placed upon parental choice while promoting it as a mechanism to encourage market-like responsiveness on the part of the school system. Although a disproportionate amount of financial influence was wielded by proponents of market-based school reform, that influence alone was insufficient to sway public opinion, as previous attempts to introduce charter schools to Washington showed. Below, mayoral takeovers of districts offer a distinct set of cases that demonstrate a similarly fragile pairing of political power and discourse in order to move forward a market-based agenda in public education.

Mayoral takeovers and marketization

In a similar manner to ballot initiatives, mayoral takeovers of public schools from local school boards have formed a key site of both the neoliberal roll-out of market-based school reforms and of the countermovements that have contested these changes. As Lipman (2011) notes, controlling education via the mayor's office is a key goal of market-based reformers because it allows "the state to fast track neoliberal initiatives without the 'interference' of democratic deliberation" (page 60). Experience has shown that once control over education is concentrated in the office of the mayor, opposition to market-based reforms at the school board level is sidelined as market-based policies emphasizing competition between schools and teachers are implemented. Indeed, for this reason mayoral control has been heavily favored by market-based reformers and by corporate interests who seek to deal with a single person after meeting resistance to their policies at the school board level (Henig, 2009; Shen, 2012). However, placing urban education systems under mayoral control is a contentious issue that often faces strong opposition, especially during election campaigns. Therefore, in order to produce consent for mayoral takeovers, initiatives to place education systems

under mayoral control have been accompanied by campaigns that attempt to reframe what democracy in education means and to rearticulate it as the expression of individual choice (Apple, 2005).

Because market-based school reforms and mayoral control clash with understandings of 'democratic' education that focus on a collective, rather than individual, good, mayoral takeovers elicit strong resistance from groups who have opposing viewpoints on the future of education. The most established of these groups are teachers' unions; however, mayoral takeovers, like other market-based school reforms, have also been opposed along race and class lines (Scott, 2013). This is because they require the direct removal of power from elected school boards that are largely made up of the working-class, African-American and Latino communities who are the majority in many urban districts and who have traditionally fought for spots on those boards as a way of achieving more control over education in their communities (Shen, 2012). To illustrate how the roll-out of market-based reforms through mayoral control is a contested terrain, this section will examine the discourses used to both promote and resist mayoral takeovers.

Producing consent for mayoral takeovers involves the mobilization of vast resources to promote the supposed benefits generated by mayoral control. These resources include material and discursive support from the US federal government, which has a tremendous influence on education policies through its funding of primary and secondary education. The Obama administration has shown strong support for mayoral takeovers; Secretary of Education Arne Duncan (himself the former CEO of Chicago Public Schools) has publicly stated that "at the end of my tenure, if only seven mayors are in control, I think I will have failed" (quoted in Lipman, 2011, page 60). It can also be found implicitly in the federal *Race to the Top* program which offers grants to states that are awarded based on criteria set by the Department of Education. While mayoral control of education systems is not officially on the list of required strategies, McGuinn (2012) notes that there is a strong emphasis on centralization with governors in charge of writing applications and an assumption that systems with strong controls will be privileged in grant applications. Illustrating this, in 2010 Wisconsin Governor Jim Doyle attempted to use that assumption as a stick to push an attempted mayoral takeover of the Milwaukee school board, stating ahead of the state's application for *Race to the Top* that "Because state lawmakers haven't fixed the serious need to reform Milwaukee Public Schools, because we haven't created a clear line of accountability and the authority to bring change in Milwaukee, every other school district in the state is likely to miss out on this important opportunity" (Richards, 2010).

Similarly 'venture philanthropists' and other nonstate actors have spent time and money supporting mayoral control. Bill Gates, who has spent millions promoting market-based school reforms in general, made his support for mayoral control clear in an appearance on CNN, stating "You want to allow for experimentation. The cities where our foundation has put the most money is where there is a single person responsible. In New York, Chicago and Washington, DC, the mayor has the responsibility for the school system" (Campanile, 2009). In New York, both Bill Gates and Eli Broad donated millions to LearnNY, an organization promoting mayoral control. Likewise, the American Legislative Exchange Council has repeatedly pushed legislation that has undermined the power of school boards, seeking to centralize control over education (Underwood, 2013). More recently, prominent public intellectuals who support school choice have argued that elected school boards are a barrier to be removed so that effective reform can take place (eg, Hill, 2014).

Because of the financial and political support from powerful actors, campaigns promoting mayoral takeovers are able to mount extensive campaigns promoting mayoral control, often as part of larger efforts to implement market-based reforms. Bridgeport, Connecticut provides an illustrative example of the resources market-based reformers are able to draw

upon in order to roll out their chosen policies and the role that mayoral takeovers play in this process. In Bridgeport conflict over market-based reforms began in 2009 when two members of the Working Families Party were elected to the Board of Education and began to resist school closings and other actions of market-based reformers (*Connecticut Post* 2012). A year later, Bridgeport Mayor Bill Finch and his allies attempted to circumvent this resistance by organizing a state takeover of Bridgeport's system in order to implement new reforms centered on charter schools and competition between schools. As Finch told *The New York Times*, "Obviously we all have mixed feelings because we'd like to run our own business ... but in this case, getting the kids what they need *is more important than how we get there*" (Hu and Davey, 2011, emphasis ours).

According to e-mails released to the *Connecticut Post*, this takeover was months in the making and was supported by hedge fund billionaire Steve Mandel. Mandel worked largely through consultant Meghan Lowney, who successfully lobbied behind the scenes to promote the state takeover, writing in an e-mail that "Should the state (Department of Education) act to intervene, there is excellent private partnership to be activated" (Lambeck, 2011). Lowney and Mandel also had connections to ConnCan, a lobbying organization promoting charter schools in Connecticut (Lecker, 2012). The close ties between Mayor Finch, Steve Mandel, and ConnCan and their ability to spur the state to take over a city's education system illustrate the resources available to market-based reformers to effect change. However, despite these efforts, the Connecticut Supreme Court ultimately ruled that the state's takeover of Bridgeport's schools had been illegal because efforts to retrain the board to avoid deadlock had not been undertaken (Tepfer and Lambeck, 2012).

Following the court ruling, Mayor Finch attempted take over Bridgeport's schools through a referendum on mayoral control. However, unlike the illegal state takeover of the schools, this campaign required that Finch convince the residents of the city that removing local school boards was in their best interests. In order to do so, the 'Yes' campaign drew upon the ready-made network of reformers, attracting the support of New York Mayor's Michael Bloomberg and visits from the former Chancellor of Washington DC's public schools Michelle Rhee and her husband, former NBA star and current Sacramento mayor, Kevin Johnson, as well as a substantial amount in corporate donations (Eidelson, 2012). This superior financing was evident on the day of the vote, where market-based reformers had mass-produced shirts and signs in stark contrast to the handmade signs of the opposition (Lambeck, 2012). However, despite these greater resources, Mayor Finch's attempt to take over Bridgeport's education system was ultimately defeated 11 121 to 9231 (Lambeck, 2012).

Interestingly, the 'Yes' campaign in Bridgeport did not address what actual changes would be made through the referendum, relying on associating a 'Yes' vote with progressive ideals through slogans such as "If you believe quality education is a civil right, vote Yes on 1" (Residents for a Better Bridgeport, 2013). This pairing of education reform with the language of civil rights and democracy is one that campaigns for mayoral control have relied on heavily and that, as discussed earlier, draws upon real criticisms of a public education system that has failed marginalized communities in places like Bridgeport (Pedroni, 2007). In an editorial written by Kevin Johnson, former Los Angeles Mayor Antonio Villaraigosa, and Oklahoma City Mayor Mick Cornett, the authors asserted that education was the "civil rights issue of our time" and that mayors, not the federal government, were the ones leading the fight to reform education (Johnson et al, 2013). Such claims of mayors leading a civil rights battle are placed in contrast to school boards, which are painted as being captured by special interests and enabled through low voter turnout in school board elections. One example of this discourse contrasting mayoral control and school boards can be seen in an editorial discussing the New York mayoral campaign by StudentsFirst, a market-based reform advocacy group. StudentsFirst makes the claim that mayoral control is more democratic than

elected school boards because voter turnout is higher in mayoral elections: “almost a third of the city votes in mayoral elections. This means that significantly more of the electorate participates in mayoral elections, and, in turn, has a say in how their schools are run” (Bayer, 2013). By claiming market-based education reform as a civil rights struggle and by attacking the democratic credentials of school boards, campaigns supporting mayoral control attempt to gather community approval by constructing mayoral takeovers as both more progressive and more democratic than elected school boards while also appealing to concerns with real problems within the existing public system. In this way they hope to produce consent for the removal of institutions that oppose market-based reforms.

On a larger scale, linking school ‘choice’ with democratic ideals and the civil rights movement is also a strategy of groups of such as Democrats for Education Reform (Scott, 2011). As established earlier, market-based reformers’ use of the language of ‘choice’ to link market-based ideals with democracy is an important method of producing consent to their ideas. The words of one ad promoting school choice during black history month (which was presented in parallel to iconic civil rights images), illustrates this:

“Outdated policies and laws protect the status quo, not our children. Poor students are denied the tools to attend better schools, with more opportunities. Destiny should not be decided by zip code. School choice is the most important civil rights issue of our time” (Bernard Center, 2012).

Mayoral takeovers are also enabled by this broader work which promotes democracy as held in the ability to exercise individual ‘choice’ on the market rather than in a collective good. The association of democracy with the individual helps to allow the removal of elected school boards that are representative of local demographics to be seen as actually promoting democratic control of education.

However, the language of democracy is also one that is available to oppose mayoral control. Returning to Bridgeport, the ideal of democracy was a narrative tapped into by those opposing Mayor Bill Finch’s attempted takeover. The city’s North End Community Council opposed the takeover partly on democratic grounds, releasing a statement that read “Direct appointment to the board by the mayor is an inappropriate political short-cut that cheats the public out of their right to scrutinize and select the best and most motivated candidates for service on that critical decision-making body” (Lockhart, 2012). In Milwaukee during an attempted mayoral takeover, Jerry Ann Hamilton, president of the Milwaukee NAACP (National Association for the Advancement of Colored People), said the following about the mayor’s attempts to take over city’s schools, “We have struggled for over 100 years to protect and sustain our right to vote and we are not going to allow our rights to be taken away from us now.” Likewise, the Coalition to Stop the Milwaukee Public School Takeover listed a principle of protecting and defending voter rights as one of their three main goals (*Rethinking Schools* 2010).

Such opposition is supported by the long association with between the civil rights movement and education following *Brown vs. Board of Education* (Patterson, 2001) and through the strong value placed upon education in the ‘American dream’s’ meritocratic vision of advancement through hard work and education (Perrucci and Wysong, 2006). At the national level both Save Our Schools and Parents Across America, two groups opposing education reform, have tapped into these narratives. Save Our School’s organizing flyer entitled “The people’s education principles” promotes an alternative, social-justice-oriented vision for education by calling for the equitable funding of all school systems and an end to economic and racial segregation (Save Our Schools, 2013). By mobilizing for a collective vision of education that taps into meritocratic narratives such as the American Dream (support for equitable funding for *all* schools) and ideals of social justice (an end to economic and racial segregation), resistance to marketization is able to make a counterargument for a

collective approach to education as important and, indeed, democratic. In both Bridgeport and Milwaukee local groups have been able to effectively oppose mayoral takeovers partly based on collective, rather than individual, conceptions of democratic education.

Furthermore, because mayoral takeovers necessitate the removal of elected school boards which are commonly filled with African-American and Latino community members they often are opposed along race and class lines (Shen, 2012). This was the case in Bridgeport where a white mayor supported by the business community was seeking control over education in a majority African-American and Latino city. As put by one of that campaign's opponents, "It really came across as, 'Don't elect the board, let the white mayor elect the board'" (Eidelson, 2012). This can also be seen through the prominence of the NAACP in resisting the mayoral takeover in Milwaukee. Such racial politics offer another avenue of resistance to the marketization of education.

What is clear from the above is that mayoral takeovers and other methods of market-making in education are contested (often vigorously) by groups that are able to tap into education's ready available counternarratives of collective democracy as opposed to individual 'choice'. In both Bridgeport and Milwaukee these narratives were able to successfully gather the support needed to rebuff the forces pushing for marketization. While mayoral takeovers and other efforts to make markets in education are often successful, there is room to push back against powerful actors promoting market-based reforms despite their greater resources. Contrary to views of marketization as unfettered, efforts to protect public education illustrate the contingent nature of market-based reforms and the room for resistance. Even in cities where mayoral takeovers have been successful, mayoral control has continued to be resisted as witnessed by Washington DC Mayor Adrian Fenty losing an election largely based on his education reform policies (Rotherham, 2010).

Conclusion

We have argued that proponents of market-based education reform have access to a wide variety of discursive and material resources as they attempt to produce consent for their projects and that the preponderance of these resources has been instrumental in presenting market-based school reforms as common sense. However, at the same time, resistance to these narratives has been marshaled, sometimes successfully as seen in Bridgeport. As both case studies show, selling market-based school reform is not a straightforward process of extolling neoliberal virtues of competition, choice, and accountability. In Washington State, proponents emphasized the relatively modest reforms represented by I-1240 as a way of assuaging fears and defeating opponents' arguments; in the case of mayoral control of school districts, proponents struggled to portray a system of education oversight by a single executive as reflecting a civil rights agenda and greater democracy. In both cases, promoting market-inspired solutions depends on presenting reforms as simultaneously innovative and of urgent necessity, while casting opponents as obsolete, intransigent, or simply ignorant. Nevertheless, those who resist dominant narratives are able to exploit the fragility of the pro-market narratives and turn them around to demonstrate their deleterious effects on public education and democracy more broadly.

Based on these cases we see opportunities to expand analysis of some of the mechanisms that produce both consent and resistance to the marketization of public services. For example, the case of I-1240 suggests that effective coalition building, in concert with strategic ties to philanthropic capital and influential public intellectuals, is required in order to generate and sustain consent to market-based school reforms. Although the pull factors of philanthropic gifts form a powerful incentive for schools, districts, and politicians to undertake neoliberal forms of school reform (Mitchell and Lizotte, 2014; Saltman, 2011), how philanthropy interacts with existing advocacy infrastructure in place is still understudied. In particular,

many organizations that provide corporate and philanthropic financing and push for market-based school reforms are situated ambiguously with respect to the overarching neoliberal agenda and simultaneously promote economically progressive agendas. While the sheer power of corporate philanthropy and the influence of dollars is a major force in promoting market-based forms of social governance, it cannot account by itself for the alignment of groups whose political goals are not reducible to a monotone ideological standpoint.

Finally, examining market-based processes of school reform offers opportunities for engagement with other literatures documenting processes disseminating and codifying neoliberal governance as well as the study of local instances of policy applications of mobile ideas. For example, while the literature on policy mobilities (eg, Cook and Ward, 2012; McCann, 2011) has spoken persuasively to the importance of exploring the spaces in which practitioners of social governance interact and exchange ideas, these analyses have not yet been systematically applied to the field of education reform and many other market-making projects. And yet, these moments of exchange and appeals to external models of ‘success’ figure prominently in how consent is generated for the making of markets. This paper and other contributions to this theme issue have attempted to move towards more localized understanding on market-making, but there is still much work to be done on the subject. Related is the idea that moments of failure are equally important to study as moments of success in informing neoliberal policy learning (eg, Peck et al, 2009). There has as of yet been little systematic evaluation of how exactly the lessons from policy failures are reincorporated into the larger knowledge-making regimes.

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