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# The Media Got it Wrong! A Critical Discourse Analysis of Changes to the Educational Policy Making Arena

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Abstract: The context for education policy making has changed dramatically in recent years. Policy-making at the state-level has become characterized by near-unprecedented enactment of neo-liberal education policies, increased influence of so-called Education Reform Advocacy Organizations (ERAOs) and increased challenges to unions' political influence. In this article, I explore the news media's characterization of power and political influence in this new policy making arena. I offer case study analysis of a Massachusetts law, passed in the summer of 2012 with support from a non-profit advocacy group called Stand for Children, that limits seniority-based tenure for public school teachers. I use Critical Discourse Analysis to explore how themes, or discourses, common to this new context of policy making played out in the media coverage of the law, and I identify and characterize differences between media coverage of the law and the historical account as told in stakeholder interviews with major players involved in policy debate and development. Ultimately, I suggest that differences between media and interview data can tell us a lot about power and political influence in a time of dramatic policy change.

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## Lose Medios de Comunicación se ha Equivocado! Análisis Critico de Discurso del Escenario para la Formulación de Políticas Educativas

Resumen: El escenario para la formulación de políticas educativas ha cambiado dramáticamente en los últimos años. La formulación de políticas a nivel de estado ha comenzado a caracterizarse por la promulgación casi sin precedentes de políticas neoliberales en educación, el incremento de la influencia de las llamadas organizaciones que promueven reformas educacionales (ERAOs) y el incremento de los desafíos de influencia política de los sindicatos. En este artículo, exploro la caracterización de la prensa escrita del poder y la influencia política en este nuevo escenario de formulación de políticas. Se presenta un estudio de caso de la Ley de Massachusetts, aprobada en el verano del 2012 con apoyo de un grupo sin fines de lucro que promueve reformas llamado Stand for Children. Esta ley limita los cargos vitalicios basados en antigüedad para los profesores de escuelas públicas. Utilizo un análisis critico de discurso para explorar como los temas, o discursos, comunes en este nuevo escenario de formulación de políticas se presentan en la cobertura de los medios de comunicación sobre esta ley, e identifico y caracterizo las diferencias entre la cobertura de los medios de comunicación y el relato histórico descrito en entrevistas con los principales actores involucrados en el desarrollo y debate de esta política. Finalmente, sugiero que las diferencias entre la información de los medios de comunicación y las entrevistas pueden decirnos mucho acerca del poder y la influencia política en un tiempo de cambio dramático en las políticas.

Palabras-clave: organizaciones que promueven reformas educacionales; análisis critico de discurso; nuevo escenario de formulación de políticas

## A Mídia Entendeu Errado!: Análise Crítica do Discurso di Mudança no Ambiente para a Formulação de Políticas de Educação

Resumo: O ambiente para a formulação de políticas de educação tem mudado dramaticamente nos últimos anos. A formulação de políticas no nível estadual está agora caracterizado 1) pela promulgação de políticas neo-liberais de educação quase sem precedentes, 2) pelo aumento da influência de organizações que pretendem defender a Reforma da Educação (ERAOs), e 3) pelo aumento dos desafios contra a influência política dos sindicatos. Neste artigo, eu exploro a caracterização do poder e da influência política nesta formulação nova de políticas feita pela mídia de noticías. Ofereço analise e interpretação dum caso duma lei de Massachusetts (E. U. A) que passou no verão de 2012 com o apoio de um grupo de advocacia sem fins lucrativos chamado Stand for Children (Suporte de Crianças). Esta lei estabaleceu limites de posse baseada em antiguidade para os professores de escolas públicas. Eu uso Análise Crítica do Discurso para explorar como certos temas, ou discursos, tornaram-se comuns nesta nova arena de formulação de políticas jogado nos meios de comunicação com respeito a esta lei. Eu, tambem, identifico e caracterizo as diferenças entre a cobertura da mídia sobre a lei e o relato histórico dado em entrevistas com os participantes que foram os atores principais envolvidos no debate e elaboração de políticas. Finalmente, eu sugiro que as diferenças entre os dados na mídia e os dados das entrevistas podem nos dizer muito sobre o poder e a influência política num momento de mudança dramática na

**Palavras-chave:** organizações que pretendem defender a Reforma da Educação; Análise Crítica do Discurso; ambiente para a formulação de políticas de educação

#### Introduction

The arena for educational policy making has changed dramatically in recent years. A diverse array of policy proposals is now debated and developed by and increasingly diverse array of high-powered, high-level political actors (Buras, 2011; McDonnell, 2009; McGuinn, 2012a). New to state-level policy making, a loosely-federated group of non-profit advocacy organizations have enjoyed remarkable success in recent years (McGuinn, 2012a; Sawchuk, 2012a, 2012b, 2012c). Meanwhile, for better or worse, entrenched political actors, like teachers' unions, now face credible threats to their longstanding hold on political power (Avlon, 2012; Carey, 2012; Sawchuk, 2012d). As political dynamics have changed, so have the policies themselves. Fueled, in part, by incentives in President Obama's Race-to-the-Top competitive grant program, states have embraced a wide variety of reforms that are commonly considered part of the "neo-liberal" agenda for school improvement (McGuinn, 2012a), which aims to make public education function more like private business.

While new power dynamics have had a strong impact on legislation across the country, we know little about them. In response, I explore a recently passed Massachusetts law that makes major changes to state policy regarding tenure and job security for public K-12 teachers. I focus in particular on the political influence of Stand for Children, a non-profit advocacy organization that receives funding from major national foundations, such as the Gates and Walton Family Foundations. In October 2011, Stand for Children announced that it was collecting signatures for a ballot question that aimed to limit seniority-based job protections in Massachusetts. Unexpectedly, Stand for Children and the state's largest teachers' union announced in May 2012 that they had joined hands to develop "compromise legislation" that moderated some of the more extreme measures of the ballot initiative. Shortly after its announcement, the compromise law was passed with overwhelming support from the Massachusetts legislature.

While a forthcoming analysis will explore the full policy trajectory of the law (Ball, 2005), this article focuses on the media's coverage of a convoluted policy process, nearly unprecedented in the state's history. Because the law's policy changes align with the neo-liberal agenda for educational reform, I treat the Massachusetts legislation and policy trajectory as a case study of near-nationwide changes to state-level education policy and politics. I use a Critical Discourse Analysis framework to identify common themes in the media's discussion of proposed policy changes and the media's framing of the major political actors shaping the law. I then compare media discourses to the results from interviews with prominent stakeholders involved in the policy debate. I argue that the examination of news media can provide an indication of the dominant values and beliefs shaping public perception of key players in the policy process. Meanwhile, juxtaposed against media coverage, interview data helps to compare media discourses against the lived realities of those involved in the policy debate. I argue, ultimately, that differences between media and interview data tell us a lot about the changing political dynamics of the new policy making arena.

#### The "Great Teachers, Great Schools" Case Study

Spurred by President Obama's Race-to-the-Top competitive grant program, the Massachusetts Department of Elementary and Secondary Education approved a new system for teacher supervision and evaluation in June 2011. The new system combined classroom observations with measures of student performance to rate teachers on a four-point scale from "exemplary" to "unsatisfactory." In the "Great Teachers, Great Schools" ballot question, Stand for Children proposed adding "teeth" to the new system in the form of higher consequences for underperforming teachers. Resembling a "last-in, first-out" model, Massachusetts' law at the time

allowed districts to use a teacher's length of service at a particular public school as the primary factor in decisions about dismissal or in-district transfer. As originally written, the ballot question aimed to prohibit such practice, replacing seniority with performance evaluations as the primary factor in personnel decisions. Organized originally as a ballot initiative, Massachusetts' citizens would vote to approve or reject the proposed policy changes in the November 2012 election.

Upon its formal announcement, the ballot initiative came under immediate criticism from the state's two teachers' unions, the Massachusetts Teachers Association (MTA), an affiliate of the National Education Association, and the Massachusetts chapter of the American Federation of Teachers (AFT-MA), an affiliate of the American Federation of Labor. For the unions, the timing of the ballot question was extremely inconvenient politically. In addition to the US Presidential election, the Massachusetts ballot featured a highly contested US Senate race that would turn out to be the most expensive in US history (Cilizza, 2013). Instead of spending money in support of the generally pro-union Democrats in each race, teachers' unions would have to divert funds to fight the ballot initiative. Additionally, at the time, it was reasonable to believe that the anti-seniority ballot question could draw conservative voters to the polls, potentially tipping the US Senate race towards Republican Scott Brown.

Early in the campaign, the unions' main opposition came in the form of a lawsuit challenging the form, rather than the content, of the ballot question. In January 2012, the MTA filed a lawsuit challenging the constitutionality of the ballot initiative's summary. The union argued that the ballot initiative violated state law prohibiting ballot questions from containing multiple, unrelated parts and requiring that ballot questions are accompanied by a short, readable summary. Little, however, in state history suggested that the lawsuit was anything but a long shot. The last time a court had ruled in favor of plaintiffs with a similar argument was 1999, in a dispute about a ballot question that would legalize dog racing.

Worse for unions, early polls suggested that Stand for Children, a relative newcomer to state-level policy making in Massachusetts, was headed towards victory on Election Day. Often cited in the media coverage, for example, a UMass Amherst poll indicated that the "Great Teachers, Great Schools" ballot question had the support of 85% of likely voters. Nonetheless, the stakes were high for Stand for Children as well. Formed originally as a community-based, grassroots organization, the ballot initiative was on of Stand for Children's first major forays into major state-level policy making in Massachusetts. The outcome of the initiative, therefore, had strong implications for the organization's standing as a future player in the state policy arena.

Given its lead in the polls, then, many were shocked when Stand for Children and the MTA, the larger of the state's two teachers' unions, announced publicly that they had developed a compromise bill in closed-door negotiations. Officially announced in May 2012, the compromise law was passed without amendment by both chambers of the Massachusetts legislature in late June 2012 and signed into law shortly thereafter. Following announcement of the compromise law, Stand for Children removed the ballot question from the November 2012 election. See Figure 1 below for a timeline of major events in the policy trajectory.

In important ways, the compromise law limited the reach of the ballot initiative. Massachusetts typically awards Professional Teacher Status, a close analog to tenure, to teachers in good standing after three years of service. While the initiative aimed to eliminate due process protections that come with Massachusetts' professional licensure, the compromise law preserved these protections. Under the ballot question, a teacher with higher performance evaluations based on the state's new evaluation rubric could replace another, regardless of whether s/he had attained professional licensure. Under the compromise, however, teachers with professional licensure retained preference over non-professional status teachers, regardless of their performance evaluations.

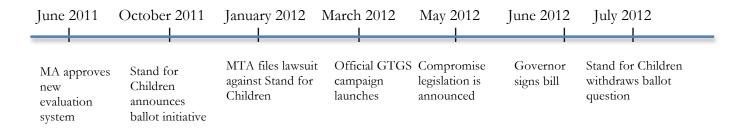


Figure 1. "Great Teachers, Great Schools" Policy Timeline

Additionally, the ballot initiative aimed to give the state veto power over district-level evaluation protocols, effectively nullifying local-level collective bargaining over teacher evaluation. The compromise law, however, preserved districts' freedom to collectively bargain the parameters of their teacher evaluation system without fear of a state-level veto. Lastly, in compromise negotiations both sides agreed to push back the effective start date of the law. If passed as a ballot question, antiseniority provisions would have become effective roughly seven-weeks later, at the start of the 2013 New Year. The compromise bill, however, will not be implemented in all Massachusetts districts until the start of the 2016–2017 school year, giving schools a few years to pilot the new evaluation system.

As with most compromises, both sides claimed victory. In light of the differences between the ballot question and the compromise law, the MTA published a list of 31 provisions initially included in the ballot question and argued publicly that it was able to narrow the compromise bill down to two provisions. Meanwhile, Stand for Children countered that, despite changes in the compromise bill, the law ultimately accomplished the organization's key political objectives: limiting the role of seniority in K-12 personnel decisions. Others certainly agreed. In recognition of its efforts, Stand for Children's Massachusetts chapter was awarded the "Game Changer of the Year" Eddie Award at the 2012 summit of the Policy Innovators in Education Network.

In the first section of this article, I offer a brief characterization of the new context for state-level educational policy making. Then, after discussing my theoretical framework, a version of Critical Discourse Analysis, I offer a critical case study analysis of the policy process in Massachusetts. I explore how themes, or discourses, common to this new context of policy making played out in the media coverage of the law. I then identify and characterize differences between media coverage of the law and the historical account as told by major players involved in policy debate and development. I pay particularly close attention to the media's portrayal of how major players influenced the policy's trajectory, and I characterize and critique the media's answers to complicated questions about the role of unions and non-profit advocacy groups in a changing policy context. I use Critical Discourse Analysis to examine the following questions:

What does the "Great Teachers, Great Schools" case tell us about media coverage of changes to the state-level policy making context?

What frames were used to characterize the two major players in the compromise negotiations, the MTA and Stand for Children? What discourses about unions and ERAOs are evident in the media's framing of each major actor? What events, relationships and beliefs appeared to shape the policy trajectory, as told by stakeholders involved in the policy making process? How did the media coverage

differ from accounts told by those involved in the policy making process?

What are the implications for understanding nationwide changes to educational policy making?

#### ERAOs, Teachers' Unions and The New Policy Making Arena

A dominant force in American educational policy making since the *A Nation At Risk* report, neo-liberalism has risen to new levels of prominence in the No Child Left Behind Act of 2001 and, later, in the Race-to-the-Top competitive grant program (see Hursh, 2005, 2007; Mehta, 2013; McGuinn, 2012a, 2012b). Neo-liberalism aims to apply market principles, such as competition and choice, to ensure that the educational system more efficiently provides social "goods," such as high-quality teachers, to its "consumers," America's public school students (Friedman, 1995; Rizvi & Lingard, 2010; Robertson, 2000; Whitty, Power, & Halpin, 1998). Because it aims to make public schools function more like private business, I use the term "neo-liberalism" as a closely related synonym of terms like "marketization" and "corporate-oriented" reform. The neo-liberal agenda calls for a wide array of education reforms, including increased access to charter schools, the proliferation of alternative routes into teacher and test-based evaluation of K-12 teachers, to name just a few (see Friedman, 1995). However, given its relevance to the law studied in this article, I focus on neo-liberal reform of teacher tenure and job security.

Tenure reform in the neo-liberal tradition often calls for removing job protections, such as seniority-based tenure, which, according to critics, allow under-performing teachers to remain in the profession (Apple, 2006; Hursh, 2009; Tabb, 2002). In recent years, especially, reform of tenure has gotten remarkable traction in state legislatures across the country. Since 2010, for example, nearly two-thirds of US states have changed their teacher evaluation, tenure and dismissal policies to align with a so-called business model for public education, where employees' job security is linked more closely to job performance (McGuinn, 2012a). In 23 states, public districts are required by law to use standardized test results in teachers' evaluations and, in 14 of these, poor evaluations can be used to dismiss teachers often regardless of their length of service (McGuinn, 2012a). In 2009, not a single state required that evidence of teacher performance was the primary criterion in teacher tenure; by 2012, that number jumped to nine (National Council on Teacher Quality, 2012).

Non-profit advocacy organizations have played a critical role in passing neo-liberal policy, despite fervent resistance from state-level teachers' unions. Newly influential in state-level policy making, these groups have been variously referred to as advocacy organizations (Sawchuk, 2012a), "education upstarts" (Brown, 2012), and Educational Reform Advocacy Organizations (ERAOs) (McGuinn, 2012a). In this article, I use the latter term, ERAOs, because it distinguishes these groups from advocacy organizations that are not oriented towards "reform" in the neo-liberal sense of the word: dramatic change to longstanding public bureaucratic infrastructure.

A few of the most prominent organizations include Michelle Rhee's StudentsFirst, Jeb Bush's Foundation for Excellence in Education, and Jonah Edelman's Stand for Children, the group studied here (Brown, 2012; Carey, 2012; Sawchuk, 2012b: Ujifusa, 2013). While there is not a single leading group, ERAOs have formed a partnership in the burgeoning Policy Innovators in Education Network, which currently supports 39 ERAOs in 26 states, including Stand for Children (McGuinn, 2012a). Driven by different organizational mission statements, ERAOs have been influential in advocating for a variety of neo-liberal oriented reforms, including everything from the enactment of "parent trigger" laws to the expansion of alternative routes into the teaching profession (see Avlon, 2012; Brown, 2012; McGuinn, 2012a; Sawchuk 2012a, 2012b, 2012c, 2012d). Stand for Children has been particularly influential in the area of tenure reform, helping to pass major policy changes in Colorado and Illinois in addition to the law studied in this paper.

Despite having made a big splash in state houses in recent years, we know relatively little about ERAOs and their influence in the educational policy making arena. Many ERAOs, including Stand for Children, were founded as a community-based organization oriented towards improving local schools through grassroots community organizing. However, despite claims to grassroots organizing, little is known about who is pulling the strings at influential ERAOs. Although funders may be attracted by ERAOs' perceived ability to work with community groups (Sawchuk, 2012a), their endorsement can be a sort of fatal embrace. Many ERAOs have found it difficult to maintain their grassroots identity while also accepting funding from major national organizations (Sawchuk, 2012c). As I discuss below, the case studied here exposed similar questions about the identity and purpose of Stand for Children's Massachusetts' chapter. In this article, I explore these questions in the context of the "Great Teachers, Great Schools" ballot initiative.

Additionally, I aim to shed light on Stand for Children's political relationship with the state's largest teachers' union, the MTA. As seen most notably in Illinois, ERAOs and teachers' unions have clashed openly in recent years over changes to public school policies (Carey, 2012). Amidst rising anti-union public sentiment, ERAOs have emerged as a credible threat to unions' longstanding influence on educational policy making. Anti-union sentiment has led to high-profile policy changes in erstwhile union strongholds, such as Wisconsin, which successfully reduced collective bargaining rights for public employees, and Michigan, where lawmakers recently passed Right-to-Work legislation that significantly limits union activity at the state level. Further, a recent report found that participation in public sector unions is at its lowest point since the 1930s, and that teachers' unions, in particular, have experienced the most precipitous downfall (Bureau of Labor Statistics, 2012). Below, I use the "Great Teachers, Great Schools" case to explore the relationship between ERAOs and unions during a time of dramatic policy change.

#### The Critical Discourse Analysis Framework

I use Critical Discourse Analysis (CDA) to explore the media's coverage of the "Great Teachers, Great Schools" policy trajectory. CDA is premised on the notion that political power is visible in the arguments, or discourses, used by proponents and opponents of neo-liberal reform (Fairclough, 2003, 2004; Luke, 2002; Rogers, 2004a). Guided by CDA, I argue that language used in the media coverage legitimizes certain perspectives about educational policy making while marginalizing others. Below, I seek to identify dominant perspectives in the media coverage of the case studied here and to critique the coverage for important perspectives that may be missing or marginalized.

I use the concept of "discourse" as a heuristic for understanding the media's perspectives about the role of ERAOs and teachers' unions in the Massachusetts case. Consistent with Fairclough (1995, 2003, 2004) and other CDA scholars (Gee, 1999; Rogers, 2004a), I identify discourses as the themes that establish relationships between different elements of a text. According to discourse analysis theorists, individual statements draw from common narratives to appear to be part of a comprehensive, over-arching truth. Foucault (1972) explains that discourse is not an "internal construction" developed "in the mind of man" (p. 60). Discourses do not appear whole in any single text. Instead, as understood by CDA, discourse is an "anonymous dispersion though texts" (Foucault, 1972, p. 60; see also Bacchi, 2000; Ball, 1994, 2005; Sharp & Richardson, 2001), formed not by a single author, but by the combination of themes, topics, perspectives that appear across a full body of text. In this case, multiple news articles tell competing narratives about the new educational policy making arena; these narratives are "co-authored" by the combined statements, arguments and themes seen throughout the news coverage.

Important for the research conducted in this article, discourses are used not only to characterize certain policies, but also to characterize policy actors. As illustrated above, in recent years we have seen an unprecedented increase in the "diversification and expansion of players in the education policy arena" (DeBray-Pelot & McGuinn, 2009, p. 29; McDonnell, 2009; McGuinn, 2012a) that characterizes the new policy making context. New players, like ERAOs, benefit from discourses that give them credibility in educational policy making and, likewise, they struggle against discourses that challenge their purpose or standing. Similarly, as illustrated by MTA's compromise with Stand for Children, entrenched players, like teachers' unions, face competing discourses about their role in a shifting policy environment.

Fairclough (1995) notes that "changes in society and culture manifest themselves in all their tentativeness, incompleteness and contradictory nature in the heterogeneous and shifting discursive practices of the media" (p. 52). Analysis of media discourse is, therefore, particularly important during a period of near-unprecedented change in educational policy making, especially regarding the political influence of teachers' unions and ERAOs. To capture major changes to educational policy making landscape, I rely heavily on an adapted version of Fairclough's (1995) framework for applying CDA to the analysis of media (see Figure 2).

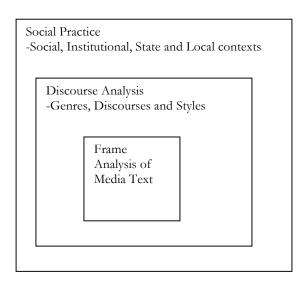


Figure 2. Critical Discourse Analysis of Media Text

Fairclough (2004) defines social practice as a discrete event that leads to "the selection of certain structural possibilities and the exclusion of others" (p. 115). Applied to policy analysis, social practices are the actions that shape political decision making and relationships regarding a particular issue. Further, as described by Fairclough (2003), social practice is a broad analytical category that includes the interaction and relations between key individuals as well as the beliefs and attitudes that appear to shape policy debate and political maneuvering, each of which is particularly important to the case studied in this article. Fairclough (2003) disaggregates social practice at the societal, institutional and local levels (Woodside-Jiron, 2004). However, because I am conducting a case study of state-level politics, I add a fourth designation: that of the state-level.

I focus analysis of social practice at the state- and local-levels, specifically: the particular events of the policy trajectory that occurred leading up to the enactment of anti-seniority legislation in Massachusetts. I argue that events at the state level are indicative of changing relationships between ERAOs and unions that characterize social practice at the institutional level, as seen in changing policies regarding teacher tenure in many public districts across the country, and societal

levels, as seen in major changes to public attitudes about teachers' unions. In the case studied here, social practices were identified via analysis of interviews with stakeholders involved in the policy debate and development.

In the CDA framework, discourse is an important element of social practice (see Fairclough, 2003). Discourse analysis, then, can help us understand social practice through "the systematic study of ways of interacting (genres), ways of representing (discourse), and ways of being (style)" that animate the policy arena (Rogers, 2004b, p. 56). I focus, in particular, on discourse and style in the media coverage of the case studied below. Although genres certainly differed within the media coverage (i.e., feature articles, op-eds, letters to the editor, etc), the analysis of changes in genre only provides limited insight in understanding changes in the policy making context. I argue that discourses generated different "ways of being" in the world for Stand for Children and the state's two teachers' unions, enabling certain political possibilities while constraining others.

#### Media Data Sources

In the analysis conducted here, the "text" studied is composed of the full body of media coverage on the ballot initiative and the compromise law passed by the Massachusetts legislature. I collected media articles between October 2011, when Stand for Children announced the ballot initiative, and July 2012, when compromise legislation was signed into law. I built a portfolio of media articles via a Google News Alert for "Stand for Children" and "Massachusetts Teachers Association." I then conducted electronic searches of "Massachusetts Newsstand" and "Lexis Nexis" to identify any missing articles. Because they are valuable reflections of public opinion, I included Op-Eds and Letters to the Editor as well as online blog posts. However, in order to keep analysis manageable, I did not review comments sections of online articles, and I did not include audio or video sources.

Table 1 below contains a summary of the articles throughout the policy trajectory. Following the guidelines above, I located 105 total media articles, with 56 that covered the ballot initiative and 49 that covered the compromise legislation. Using the policy timeline depicted in Figure 1, I identify the number of articles published between major events in the policy trajectory. Key events in the policy timeline where chosen in order to demonstrate the dialectical relationship between discourse and social practice. As one might expect, for example, discourses describing the union changed in interesting ways following major events, such as MTA's announcement of its lawsuit against the ballot initiative. Similarly, discourses about both major actors changed in important ways when the two groups announced that they had worked together to develop a compromise bill that would obviate the need for the ballot question. I use the temporal boundaries below, then, to help to understand and explain changes in the media discourse over time.

Table 1

Media Data Sources

Time Period	Article Count
Stand for Children Announces Ballot Initiative (Oct 2011)	Total: 14
to MTA Lawsuit (January 2012)	
MTA Lawsuit (January 2012)	Total: 18
to Official Campaign Launch (March 2012)	
Official Campaign Launch (March 2012)	Total: 24
to Public Announcement of Compromise Legislation (June 2012)	
Public Announcement of Compromise Legislation (June 2012) to Governor Signs Compromise Legislation (July 2012)	Total: 49

#### **Interview Data Sources**

I then compared discourses evident in the media coverage with responses from stakeholder interviews and analysis of documents created by proponents and opponents of the campaign. As noted above, interviews helped me to understand the non-discursive aspects of social practice, such as the key events of the policy trajectory, and the relationship between Stand for Children and MTA as well as the beliefs and attitudes of key stakeholders involved in the policy debate. I conducted interviews with 32 stakeholders in the Massachusetts educational policy making arena, including representatives from Stand for Children and the MTA, as well as currently practicing teachers and principals, leaders of influential professional associations, and local community organizers. See Table 2 for a full list of interview participants. Lastly, I analyzed documents created by those on various sides of the debate, such as the official legislation as well as talking points memos from influential stakeholders.

Table 2
Interview Participants

Organization/Affiliation	Title		
Stand for Children	Executive Director		
	Policy Director		
	Government Affairs Director		
	Parent Member		
	Teacher Member		
	Teacher Member (formerly)		
	Community Organizer (formerly)		
Massachusetts Teachers Association	President		
	Vice President		
	Director of Political Research		
	Local Union President		
	Local Union President		
	K-12 Teacher		
	K-12 Teacher		
	K-12 Teacher		

Table 2 (cont'.d) *Interview Participants* 

Organization/Affiliation	Title			
	President			
	Vice President			
	Political Organizer			
American Federation of Teachers – Massachusetts	Local Union President			
	Local Union Political Director			
	K-12 Teacher			
Massachusetts State House	Staff Member - Massachusetts House of			
Massachusetts State House	Representatives			
State-Level Business Association	Executive Director			
State-Level Business Association	Senior Vice President of Communications and			
State-Level Dusiness Association	Research			
State-Level Business Association	Executive Director			
Massachusetts Association of School	Executive Director			
Superintendents				
Community-Based Advocacy Organization	Community Organizer			
Community-Based Advocacy Organization	Community Organizer			

#### **Data Analysis**

I focus data analysis on over-arching discourses seen in the text, as opposed to a more fine-grained analysis of sentence structure, clause and tone seen in examples of CDA that more closely align with the tradition of Systemic-Functional Linguistics (see Young & Harrison, 2004). In characterizing media discourse, I aim to explore "variable and changeable discourse practice" (Fairclough, 1995, p. 65) regarding the characterization of Stand for Children and the MTA. Data analysis occurs at each level of the framework depicted in Figure 2.

I firstly conducted a frame analysis to identify common ways of representing each of the major actors in the media text. Unlike discourses, frames do appear whole in a single text or statement. As the term implies, frames are windows into viewing the underlying discourses shaping the debate. Entman (1993) describes framing, as the process of deliberately selecting aspects of a perceived reality and making them "more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described" (p. 52). Especially important for the analysis conducted in this article, frames use social discourses, drawn from dominant cultural norms, to market certain perspectives or beliefs to the general public.

To identify key frames, I conducted a simple tally of the articles that were tilted towards support or critique of Stand for Children and/or the MTA. I then generated codes from the earlier characterization of ERAOs, unions and their respective roles in the new policy making arena. I employed open coding as an analytic strategy with the goal of noticing and indexing media representations of Stand for Children and the MTA, and analyzing media frames for commonalities or patterns (Coffey & Atkinson, 1996; Erickson, 1986). For example, I indexed instances where unions were framed as either resistant, or smartly adaptive, to the rise of ERAOs. I also remained

open to emergent characterizations of ERAOs and unions not seen commonly in research or public debate.

Based on frames identified, I characterized the discursive styles, or social identities, of the major actors in the policy trajectory. I used analytic memoing to identify "key linkages" demonstrating that multiple instances of data are "analogous instances of the same phenomenon" (Erickson, 1986, p. 148), or discourse. By linking data thematically, I began to develop assertions about how each group was framed at various points in the policy's trajectory. I then compared burgeoning assertions with "discrepant cases" (Erickson, 1986), or disconfirming evidence, in order to develop a nuanced picture of how and why frames appeared to change over time. Lastly, I compared media discourses with data from stakeholder interviews, paying close attention to the characterization of each major stakeholder, especially regarding their political motivations, their influence on the policy's development, and their potential future role in state-level policy making. Ultimately, I use CDA of media and interview data to illustrate the complex and iterative relationship between discourse and social practice in a time of rapid policy change.

#### The Media Got it Wrong

I firstly conducted a tally of articles that appeared to argue in favor or against the political motivations of each major organization; Table 3 below updates Table 1 with the results of this tally. Especially early in the policy trajectory, many articles devoted a few lines to the ballot question alongside a generally matter-of-fact depiction of all of the ballot questions proposed for the November 2012 election. These articles are included in the overall tally of media sources and are coded in the analysis below; however they are not counted in the tally of articles that tilted towards support or critique of each major player.

Following the October 2012 announcement of the ballot initiative, a limited number of articles titled towards a positive portrayal of Stand for Children and its role in state-level politics. Additionally, articles generally avoided offering either support or critique of the MTA. However, after the MTA filed a lawsuit against Stand for Children, the media turned more critical of both organizations. Articles leaned heavily towards critique of Stand for Children following the official announcement of the ballot initiative, and again largely ignored the MTA. However, tables turned dramatically following the public announcement of compromise, as articles tilted decidedly towards a favorable portrayal of Stand for Children while simultaneously demonstrating measured praise and critique of the MTA's decision to compromise.

The many and at-times unpredictable gyrations in the media coverage illustrate that media text can be "valuable material for researching change" (Fairclough, 1995, p. 52) because media text captures the shifting nature of social relationships. In this section, I use frame analysis to characterize the shifting patterns of the media text studied here and to identify the discourse used to characterize each major player in the policy process. I then compare media discourses to the actual social practices that shaped the policy trajectory. For conceptual clarity, I discuss each organization in turn, focusing firstly on discourses and social practices related to the MTA and then engaging in a parallel discussion regarding Stand for Children. Ultimately, I argue that the media got it wrong, largely projecting broad social discourses that glossed over the complex political relationships that animated the policy development process.

Table 3
Results of Article Tally

Time Period	Article Count			
Stand for Children Announces Ballot Initiative	Total: 14			
(Oct 2011)	D	0 1	D	3 <i>F</i> /T/ A
to	Pro-	Stand	Pro-	MTA
MTA Lawsuit	Stand:	Critique:	MTA:	Critique:
(January 2012)	_	4	0	0
	5	1	0	0
MTA Lawsuit	Total: 18			
(January 2012)				
to	Pro-	Stand	Pro-	MTA
Official Campaign Launch	Stand:	Critique:	MTA:	Critique:
(March 2012)				
	2	5	3	7
Official Campaign Launch	Total: 24			
(March 2012)				
to	Pro-	Stand	Pro-	MTA
Public Announcement of Compromise Legislation	Stand:	Critique:	MTA:	Critique:
(June 2012)				
	0	15	3	0
Public Announcement of Compromise Legislation	Total: 49			
(June 2012)				
to	Pro-	Stand	Pro-	MTA
Governor signs Compromise Legislation	Stand:	Critique:	MTA:	Critique:
(July 2012)				
	15	3	6	6

#### The Mighty Have Fallen

As on might expect, media coverage of the "Great Teachers, Great Schools" debate emphasized the high-stakes politics of battle and conflict. Constructions of the unions primarily followed three major events: the initial launch of the campaign in October 2011; MTA's lawsuit filed against the initiative in January 2012; and the announcement and enactment of compromise legislation in early June 2012. At each point, media framing drew from, and sometimes challenged, dominant discourses about teachers' unions and their political motivations. Ultimately, constructions of both unions, the MTA and the AFT-MA, represented what many believed to be the crossroads faced by teachers' unions in the new policy making environment.

Media framing of the MTA and its motivations relied, initially, on dominant discourses about teachers' unions as primarily oppositional. Articles typically predicted a "rancorous fight" (Boston Globe, 2012) or a "mega-battle" (WCVB, 2012) between Stand for Children and the teachers' union. The following characterization is common:

An education reform group called Stand for Children, is pushing a law on teacher evaluations. The organization's political director, Christian Price says the proposal would make teacher performance, and not seniority, the priority when it comes to layoffs. The proposal has drawn the ire of the politically powerful Massachusetts Teachers Association. The union has said it may go to court to keep the question off the ballot (Tuthill, 2012).

Typical of media coverage as a whole, the excerpt above draws attention to MTA's political "ire" while framing the ballot initiative as a common sense reform. Other articles, likewise, explained that the initiative has "inflamed tempers among the state's powerful unions" (Cheney, 2012) and that Stand for Children is "ringing alarm bells among the state's teachers' unions" (Urbon, 2012). Considered collectively, pre-compromise articles framed the MTA as something of an angry sleeping bear roused into action by an ostensibly harmless ballot initiative.

As noted earlier, MTA filed a lawsuit in January 2012 challenging the constitutionality of the ballot's summary. Adding to the discourse of union opposition, much of coverage over the winter focused on the lawsuit while paying little attention to the merits of MTA's legal claims. As in the excerpt above, it was rare in early coverage for an article to introduce the ballot question without mentioning the union's lawsuit in the next line. There was suspense, perhaps, in the notion that, so early in the campaign, the political behemoth had begun its counter-attack. Meanwhile, for the months in between the lawsuit announcement and the compromise, little was said about the MTA that challenged or nuanced the dominant discourse about the union. It is also worth noting that, in pre-compromise media coverage, the state's other major teachers' union, the AFT-MA, was not mentioned at all. As I discuss below, it is surprising, then, that the AFT-MA figured prominently in post-compromise media coverage.

The media's characterization of MTA changed in important ways after the union joined hands with Stand for Children to develop a compromise bill. As a whole, in the post-compromise coverage it was much less common for MTA to be described as politically powerful. A new framing emerged, arguing that, threatened with a more far-reaching ballot question, the "MTA had little choice but to cave" (Faraone & McQuaid, 2012; see also: Education News, 2012; Levenson, 2012a). Many articles quoted the MTA President as saying that the union wanted to "avoid a divisive ballot initiative" (e.g., Murphy, 2012; Phillips, 2012a, 2012b). No longer portrayed as powerful, the MTA was framed as having folded to political realities, in part due to its own inability to counter Stand for Children's political advocacy.

Although much less common, a few articles framed the MTA as politically savvy in negotiating with Stand for Children to write the compromise legislation, and in the process, preserving some union interests. In post-compromise coverage, the union was described as open to reasonable, but modest, reforms, hoping "that reform can be accomplished with a scalpel as opposed to a sledgehammer" (Berkshire Eagle, 2012). Nonetheless, for the media, there was no strength in compromise. In the 12 articles that covered the governor's signing of the compromise legislation, terms like "powerful" or "formidable" were not used once to describe the MTA, a marked shift from the dominant framing of teachers' unions in pre-compromise coverage.

It is within this context that the AFT-MA perhaps unexpectedly entered the media's coverage for the first time. When the compromise was announced, AFT-MA released a public statement disparaging the compromise deal as "extreme legislation" that undervalues teacher expertise and experience. With many articles noting both the governor's and the legislature's support for the bill, AFT-MA was easily framed as being on the wrong side of the momentum, "eternally out-of-touch" (Boston Herald, 2012) and irrationally committed to defense of the status quo.

Although the media's characterization of AFT-MA differed decidedly from its portrait of the MTA, coverage of the AFT-MA nonetheless adhered to the over-arching discourse about unions evident in media coverage: that the mighty have fallen and are now facing a tough crossroads. In the case of the MTA, the union's efforts at compromise were a sign that unions have caved in to political pressure from Stand for Children. Meanwhile, in the case of the AFT-MA, the union's efforts at opposition were framed as too little, too late. In this way, the MTA and AFT-MA represent each side of crossroads that some say unions may be facing in the new policy environment: No longer able to unilaterally impose policy preferences, unions have been forced to

choose between sticking with the issues that made them so influential in an earlier era or risking irrelevance by embracing some form of, often corporate-oriented, change to public school infrastructure.

#### The Strong Survive

It is striking how much the media coverage differed from the account of social practice as told by stakeholders actively involved in policy debate and development. Stakeholder interviews with union leaders as well as non-union stakeholders, however, revealed that the MTA appeared to have the upper hand in contract negotiations and that, ultimately, the union was able to remove the provisions most offensive to their agenda without giving up much in return.

Representing large urban districts, transfer and dismissal was much more common in AFT-MA-represented schools than in districts affiliated with the MTA. For example, many MTA districts feature a single high school; in these districts transfers are less common for the obvious reason that there isn't another school in the system with a comparable teaching position. Also, because large, urban districts are typically under-resourced, dismissals necessitated by budget cuts, often referred to as a "reduction in force," are much more common in AFT-MA districts than in the smaller, wealthier districts more commonly affiliated with the MTA. Given the proposed changes in the ballot question to teacher transfer and dismissal, then, the initiative was much less threatening to the MTA than to the AFT-MA.

Additionally, it is important to note that Massachusetts' tradition of local control allows individual school districts to engage in collective bargaining about policies governing teacher seniority and job protections. Due to variation at the district-level, the ballot initiative was a more significant threat for AFT-MA than it was for the MTA. As described in an interview with the MTA president, over two-thirds of MTA's contracts already resembled Stand for Children's proposal in their preference for performance evaluation over seniority. For this reason, especially, there was much less at stake in the law for the MTA than for the AFT-MA in which over 80% of contracts favored seniority over performance evaluation, as confirmed by the AFT-MA state president as well. A great irony, then, is that while the Stand for Children ballot initiative was framed in the media as an attack on state teachers' unions, it was already consistent with collectively-bargained union contracts in the majority of districts affiliated with the MTA.

Key policy stakeholders argued that, because there was less at stake for the MTA, the union actually had the upper hand in negotiations with Stand for Children. Several interview participants confirmed that the preservation of due process and collective bargaining rights were major victories for the MTA and, indeed, a sign of their strength. For example, a local business leader actively involved in the policy debate explained that "the real winner on substance was [the MTA President] because he got a pretty favorable settlement," referring, specifically, to the preservation of collectively bargaining over teacher evaluation. This is particularly illuminating coming from the senior officer of a business organization, typically thought to be at odds with unions over policy issues, especially regarding teacher tenure. He continued to explain that the MTA president "came out looking good to a lot of people, statesman-like." Others in the policy making arena, from business organizations and other influential professional associations, echoed this assessment, referring to the MTA president as a "great leader" who deftly managed the Stand for Children negotiations while minimizing its impact on union interests.

In the case of the MTA, then, the media flatly got it wrong. While the media claimed that the MTA had conceded on key issues, policy stakeholders argued the exact opposite: that the MTA had successfully wrangled concessions from Stand for Children. Without giving up much on its side of the negotiation, the MTA was able to preserve collective bargaining and due process rights for its

members and avoid an expensive summer advocacy campaign that would have almost certainly diverted union funds from the state's US Senate race. Interview participants noted that MTA's ability to negotiate compromise was particularly impressive in light of polls indicating that voters overwhelmingly supported the ballot question.

I now turn to the media framing of Stand for Children, and I discuss differences between the media's discourses about the organization and the accounts of social practice as told by policy stakeholders. As with its construction of unions, I argue that the media got it wrong in its characterization of Stand for Children and, in the process, promulgated a perhaps misleading portrait of a major player in the new policy making arena.

#### A Rising Star

Compared to its construction of the unions, media coverage of Stand for Children took a more convoluted path through various and at-times contradictory frames about the organization and its political motivations. At first, Stand for Children was framed as a community-based organization representing local issues. Then, later in the campaign, the media began to use discourses about corporate control to frame Stand for Children as an outsider pursuing national interests. Ultimately, the media settled on a framing of Stand for Children as a political upstart who, against the union's best efforts, had won a place in Massachusetts policy making.

In very early coverage, Stand for Children was framed as a community-based organization that was seeking commonsense and modest reforms to Massachusetts' teacher evaluation laws. One Op-Ed, for example, highlighted Stand for Children's connection to the local community and its support for non-controversial school improvement, saying that "Stand for Children members in Worcester share a common refrain in our work to improve schools [and] always do what's best for children" (Elmes, 2011). Unlike subsequent reporting, in 24 articles published during the first three months of coverage, only one article mentioned Stand for Children's national organization and ties to big business.

Following the initial campaign launch in March 2012, articles from multiple sources began to challenge the organization's grassroots image. Stand for Children was increasingly defined as "a national organization based in Portland, Oregon with a presence in nine states" (e.g., Lowell Sun, 2012). Also, with increasing frequency, articles highlighted Stand for Children's ties to big business, noting, for example, that "its advisory board includes officials from Bain Capital, Fischer Lynch Capital and other businesses" (e.g., Cheney, 2012; Lowell Sun, 2012; WCVB, 2012). Several articles charged that Stand for Children had also turned its back on its grassroots membership. One newspaper, for example, broke from its own earlier framing of Stand for Children as community based, claiming that the group was "actually a 'bait and switch' operation that works to win the confidences of a local community only to eventually resort to its own agenda, which most often is one that promotes privatization of public education and the neutering teachers' unions" (McFarlane, 2012). The same article went on to quote a former Stand for Children member in saying, plainly, that "they stopped listening to members and started pushing their own agendas" (McFarlane, 2012). By mid-May 2012, only weeks before the compromise deal was announced, Stand for Children's image had morphed into its opposite. No longer a ground-up organization, representing the interests of Massachusetts' parents and teachers, Stand for Children was framed vividly as having descended on the state from its national headquarters, intent on pushing its funders' reform agenda.

As in the media's characterization of the MTA, the decision to compromise challenged dominant framing in the media's portrait of Stand for Children up until that point in the policy's trajectory. In particular, after touting a fight in pre-compromise coverage, the media needed a winner, and interestingly, Stand for Children was chosen as the clear favorite. Many articles quoted the Executive Director of Stand for Children's Massachusetts' chapter in saying that the

compromise law "accomplishes the key policy objective" of the original ballot question. One article, headlined "Stand for Children has record of winning concessions," applauded Stand for Children for "pulling off a major coup: using hardball tactics to compel the state's largest teachers' union to give up some of its cherished seniority rights" (Levenson, 2012a). When Stand for Children's ties to business were mentioned, it no longer had the sting of an attack on the organization's integrity. One article explained, for example, that Stand for Children "used a potent combination of money and political organizing to succeed where other groups have faltered" (Levenson, 2012a). The frames used to define Stand for Children had morphed yet again: once criticized as an outsider, in the eyes of media, at least, Stand for Children appeared to have earned credibility as a player in the state policy making community. While the MTA had to compromise to keep their seat at the table, Stand had won their seat through deft political maneuvering. Taken together, the media's framing of Stand for Children appeared to rely on emergent discourses about ERAOs as rising stars in state-level policy making, capable of achieving heretofore unthinkable changes in the status quo.

#### A Future Uncertain

As was the case with the MTA, interviews with those involved in state-level policy making indicated a large disconnect between media discourse and the events of the policy trajectory. In particular, the media's framing of Stand for Children glossed over much of the nuance of the policy development process, ultimately painting a misleading portrait of the group and its role in the state. Far from having won a seat at the table, interviews with policy making stakeholders indicated that Stand for Children's future in state-level policy making is uncertain at best.

Many people I interviewed were confused about Stand for Children's transition from a community-based organization to a state-level advocacy group. Again, typically considered allies of ERAOs, a member of the state business community explained that, since the law was passed, "I haven't heard much from Stand for Children, and I never knew what our relationship was like anyway." He continued to explain that "I also don't know, because of that national/local issue, who you're talking to." Interestingly, business leaders typically suggested that Stand for Children "needs to rehabilitate it's image" and "build their esteem" in part by returning to its community-based model because "that will make people want to work with them." One leader explained that before the "Great Teachers, Great Schools" campaign, Stand for Children "would be helpful in mobilizing people for an issue" and "that endeared them to people." By ostensibly abandoning its grassroots mission, however Stand for Children appears to have harmed relationships with its most natural allies, further isolating themselves from the state-level policy community.

The harshest criticism of Stand for Children, however, came from its own former members. In early May 2012, disaffected Stand for Children members wrote an open letter questioning the organization's ties to big business. The letter charged that "Stand for Children abandoned its own local members – us – to follow the lure of millions of dollars from Bain Capital, the Walton Foundation, Bill Gates, and other who had an agenda in conflict with our previous efforts" (Citizens for Public Schools, 2012). When discussing the "Great Teachers, Great Schools" campaign, the authors of the letter stated baldly that "this ballot measure fits the ideology of its corporate sponsors, but it is not what we want for those who teach our children" (Citizens for Public Schools, 2012). Interviews with former Stand for Children members corroborated this perspective. One of the authors of the open letter, a formerly active Stand for Children volunteer, explained that she left Stand for Children, in part, because she learned that "contrary to actually organizing locally, they are actually taking instructions from on high about the kinds of things they should be working on."

Meanwhile, a former community organizer with Stand for Children's Massachusetts chapter raised damaging questions about Stand for Children's "community presence." He explained that,

instead of building a grassroots base of active members, as a community organizer with Stand for Children, he was responsible for finding "folks that would be pre-disposed to arguing in favor of [the "Great Teachers, Great Schools" ballot question] anyways regardless of if they had something substantive to say or not and get them to be on board." While it is troubling that Stand for Children may have overstated the extent to which member input played a role in shaping policy outcomes, it is outside the scope of this paper to explore these allegations in sufficient detail. Nonetheless, criticism from former Stand for Children members echoed one of the larger questions about Stand for Children and its future role in the state: is Stand for Children driven by grassroots community organizing or by the policy preferences of its national funders? Far from having won a seat at the table, Stand for Children appears, in its move away from grassroots advocacy, to have further alienated itself from the policy making community, choosing instead an uncertain future with few obvious political allies.

#### Discourse and Social Practice in the New Policy Making Arena

In its characterization of the MTA and Stand for Children, the media largely got it wrong. Contrary to dominant discourse, the union was not exclusively or ideologically beholden to opposing new policies and the advocacy organization, Stand for Children, was not the polished operative that earned political standing through strategic maneuvering. At a broad level, the case studied here illustrates the pitfalls of relying on broad social discourses, often promulgated through mass media, to understand the particular social and political relationships that animate state-level policy making. Due, in part, to the very-American tradition of state-level experimentation, neighboring communities and states may exhibit very different political cultures. As one might expect then, broad social discourses are farsighted: They cannot see or explain what is nearest, the rich complexity of local variation. In this case, at least, coverage on the whole generally failed to capture the so-called micropolitics (see Ball, 2005) that often shape legislation in important ways.

It is important to note that pressure to attract readers may force the media's embrace of broad and sensational social narratives that cannot adequately capture local-level political realities. As noted by Haas and Fischman (2010), news coverage often operates "strictly within the limits of public understanding and tolerance to maintain large circulations and high advertising revenues" (p. 537; Fairclough, 1995). Further, recent economic pressures have consolidated media outlets into larger corporations that often manage newspapers from long distances. Indicative of this trend, at the time of this study, the state's largest newspaper, the Boston Globe, was owned and operated by the New York Times Company. Run by out-of-state corporations and/or under pressure to turn a profit, it is perhaps understandable that coverage of the policy making process tended towards a sort of "horse race" journalism (Moses & Saenz, 2008, p. 301) that emphasizes the sensationalism of battle and conflict between unions and ERAOs, while generally avoiding a more textured discussion of who these groups are and of the policies they promote.

Although news coverage may not accurately reflect the nuances of social reality, it can be a valuable vehicle for understanding patterns of public debate (Allan, 1999; Haas & Fischman, 2010). Viewed this way, the "Great Teachers, Great Schools" case provides a glimpse into the uncertain, shifting terrain of state-level educational policy making. It may be tempting to believe the dominant narrative that unions are in irrevocable decline while ERAOs and the neo-liberal agenda quickly and inevitably transform the public system in the corporate image. This case study offers one data point to the contrary. While some may argue that union compromise is one step towards irrelevance, the data here suggest the opposite: that the MTA's compromise may be an indication that some unions are retaining influence by adapting political tactics to fit a new and more complicated policy environment. Likewise, it can be tempting to assume that one example of neo-liberal policy will

inevitably be followed by the next. Data here, meanwhile, suggest that neo-liberal reform may, in some cases, fall victim to its own success, that the hardnosed tactics influential in passing one bill can alienate the partners necessary to remain relevant in the next policy debate.

The "Great Teachers, Great Schools" case, then, provides reason to re-think what "power" and "political influence" mean in the new policy making arena. While political power may have previously been associated with uncompromising political influence, this kind of politics may not be possible in an increasingly polarized, high-stakes policy environment. As indicated in stakeholder interviews, power may depend more on a group's ability to make strategic compromises, to maintain a consistent vision for school change, and to preserve productive working relationships with others in the policy community. Indeed, compromise may be a sign of union strength, and while it grabs headlines, bold political maneuvers may ultimately limit a group's long-term political impact.

Understanding changing political dynamics is especially important because the fate of major policy change hangs in the balance of battles currently shaping the educational policy making arena. Political power (and political discourse) set boundaries on the kinds of policies that are possible, or not possible, in the current policy arena. In particular, proponents of neo-liberal policy may benefit from discourses that promise the inevitable, broad acceptance of the so-called business model for public education and the corresponding decline of teachers' unions. The "Great Teachers, Great Schools" case demonstrates that lines of political influence are changing in dramatic and complicated ways, and that it may be premature to consider the future direction of educational policy making as inevitable or in any way settled.

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