

61 Selective Outrage: Revisiting the Atlanta School Cheating Scandal

Jennifer Berkshire: Welcome to Have You Heard. I'm Jennifer Berkshire.

Jack Schneider: And I'm Jack Schneider.

Berkshire: And today we are going to be talking about the Atlanta Public Schools cheating scandal, which wrapped up almost six years to date now. Jack, I don't know if you remember at the time just what a big deal this was. I'm going to rattle off a few quick facts. It was the longest criminal trial in Georgia history. It started out with 35 educators, all of them Black, being charged under the RICO statute. And that is what is used to go after mobsters. Basically they were being accused of organized criminal activity and when the case finally wrapped up, 11 of the 12 defendants were found guilty. A number of them are still in jail. And just to give you a sense of the drama around how this went down, I'm going to play a brief audio clip.

[Audio clip]

Schneider: I actually remember this case really well, Jennifer, because, the superintendent at the time of this cheating scandal was Beverly Hall and Hall was named National Superintendent of the year in 2009, and, you know, that's the equivalent of a Nobel prize for an urban superintendent and had been in her post for roughly a decade. When she won that award, Hall was a national leader. This is not just a regional story. This is as a result of her stature in the field or a truly national story.

And I think what's most interesting about this is that, you know, the theory of change behind test based accountability is that people will respond to increased pressure, and they will produce the kinds of results that you want to see from them. Right? The results, in this case being higher test scores and Hall became a national leader precisely because she was able to get those results.

It's a kind of classic exercise among policy analysts to lay out a kind of theory of change or theory of action and for test based accountability, the theory of action was that you would measure educators based on outputs like student standardized test scores and then hold them accountable for those scores and they would respond accordingly. But it's really interesting that it was not foreseen that one of the ways that educators would get those scores would be through, you know, what is colloquially referred to as juking the stats.

There are lots of ways to game these systems. We often see it happening through practices like teaching to the test or narrowing the curriculum. But of course the easiest way to get your stats is simply to cheat. And any policy analyst worth her salt will have an unintended consequences bucket in a theory of action chart and looking at cheating as a very rational response, right? It's interesting I think to think about it as an intensely rational response in light of the criminal charges here, right? That this is being treated as a kind of, you know, gross violation of

professional ethics and the law, when, if you look at it without those perspectives, if, you know, you take your legal glasses off, you take your ethical classes off, um, it is a perfectly anticipatable result.

Berkshire: Well, we are so excited to be joined now by Shani Robinson. Shani is the coauthor with Anna Simonton of a new book. It's called *None of the Above: The Untold Story of the Atlanta Public Schools Cheating Scandal, Corporate Greed, and the Criminalization of Educators*. It's quite a title and it's quite a book. Shani taught for three years in the Atlanta Public Schools beginning as a Teach for America corps member and she was the youngest of the teachers to be tried and convicted in that case, facing up to 25 years in prison. Shani, thanks so much for joining us. I want to start where the book does—in Atlanta. You make a forceful case that we can't understand the cheating scandal without knowing what came before it. Explain.

Shani Robinson: In the trial, during the closing arguments, one of the lead prosecutor's actually asked questions to the jury. He posed strange questions. They were strange to me, but he said, 'why is crime so high? Why are you scared somebody is going to hit you on the back of your head and take your car? Who's breaking into your house? You know, these educators, they cheated our children. They are helpless or hopeless.' So we were literally blamed for poverty and violent crime right in the courtroom.

But it wasn't just him. It was this overall sentiment that somehow we had cheated these children. And so it was very important for me to go back into the history to ask the question, who has actually been cheating, cheating these children from the beginning? They've been cheated in myriad ways, you know, from the destruction, the intentional destruction of their communities, through underfunding and privatizing their schools and now through criminalizing their educators.

Berkshire: You also tell us something about the history of the particular where the cheating scandal took place and it turns out that they all had something in common.

Robinson: If you look at the schools that were implicated in the cheating scandal, they were concentrated in black neighborhoods that have been under attack for decades, from urban renewal to the war on drugs, to the dismantling of public housing. And so they're in areas—my school in particular was in a community called Mechanicsville. But there's other communities such as Sweet Auburn, Summer Hill, People's Town, Fine City, South Atlanta, Now in the 1940s and 50s, these were tight knit communities with several black owned businesses. And in Mechanicsville specifically, they had grocery stores, libraries, a pharmacy, dry cleaners, a movie theater. These neighborhoods were safe. People rarely locked their doors.

But also during that time, more white people started moving to the suburbs and taking their money with them. And as the black population was growing it, it yielded greater black political wealth. And so Atlanta's white business elite was concerned about this. So the central Atlanta

Improvement Association, which was later known as Central Atlanta Progress, came up with what's known as the Lochner plan, which was basically this plan for highway construction to rip through the middle of these black communities. And so there were thousands of homes that were taken through eminent domain. There were thousands of people who were displaced from their households. And so then you have urban renewal projects that are also further displacing people. And so this is just the beginning of the dismantling of these communities.

Berkshire: I learned so much from your, your book. And one thing that really stood out to me was that the story of charter school expansion in the city was always tied to real estate interests and gentrification. We're seeing this in other cities now, but in Atlanta, it's really right in your face from the very beginning.

Robinson: The real scandal is that for decades private interests have been profiting off of public education while politicians drain schools of resources, which is an ongoing problem that's rooted in racism. And the schools on the indictment were in historically black neighborhoods that are being gentrified currently, and actually many of these neighborhoods are in special zones called tax allocation districts where a portion of property tax dollars, including those that belong to the schools are going instead to private developers. Atlanta Public Schools has missed out on \$434 million that has gone to building luxury condos and other private development.

And the schools hit hardest by that loss of resources are the ones where black educators were criminalized. And then you have past governors, Sonny Perdue and Nathan Deal. They cut the state's education budget almost every year they were in office totaling nearly \$9 billion in cuts, which was leaving neighborhood schools that struggle with bigger class sizes and fewer resources.

Berkshire: Your book also takes aim at the education policies that were swirling around Atlanta, namely the high stakes accountability movement. And one of the most outrageous details that comes out in the book is that even as Georgia was investigating a possible cheating scandal in schools all over the state, not just in Atlanta, it was submitting those same scores to Arne Duncan and the Department of Education as part of its Race to the Top application.

Robinson: To me, that was the biggest hypocrisy in all of this. That at the same time that the investigators were going into the schools, Sonny Perdue turned around and used those same scores in an application for the Race to the Top grant. And this actually happened in Washington DC as well. So during the trial there were actually two education officials that testified as to why they felt justified in using those scores. And one person was basically saying, 'well, 80% of the scores in Georgia were good.' And it's like, okay, well 20% of the scores were fraudulent, so you can't use those scores.

And then another person testified that, they were basically saying, 'well, we did take APS' scores into consideration, but that it didn't affect the state average.' And so I'm thinking, well, first of all, you would have had to take more than just APS' scores into consideration. You would

have had to take out all 20% of the inflated scores. And so I'm assuming, I can only assume, that she wanted us to believe that after removing 20% of inflated test scores that the state average didn't budge. That is very hard to believe. And so as far as we know, they never amended the application, saying that 20% of the scores were actually inflated.

Berkshire: Jack, I want to bring you back in. You just heard Shani Robinson talking about the fact that Georgia officials were touting test score gains in their effort to win Race to the Top money, even as they were investigating those gains. And of course their efforts paid off in a big way. Georgia won \$400 million from Arne Duncan et al. I feel like we need a little mini refresher here on Race to the Top because it really symbolizes the sort of peak test score mania that ends up with the scandal that played out in Atlanta.

Schneider: Race to the Top for those who have forgotten was a program initiated in 2009 as a part of the federal government stimulus package. In response to the 2008 recession, there were three rounds of it, and it was really the federal government's effort to enact major sweeping policy change by using federal dollars as an incentive. There's been research that has come out that has shown that essentially the federal government accomplished decades worth of reform in terms of enacting its legislative priorities, policy priorities, in a very short period of time, at least in the states that applied for Race to the Top funds, and especially in states that got Race to the Top funds, the two first winners were Delaware and Tennessee and in the next round, Atlanta was one of the winners and got \$400 million.

And these dollars were awarded not just on the basis of a plan that aligned with federal priorities.

Some of those priorities are really worth mentioning. One of them was enacting the Common Core State Standards, adopting those standards. Another was evaluating teachers by using student standardized test scores as a part of the equation. Atlanta's application, I thought it was really interesting that they talked about bringing Teach for America in. They talked about their focus on standards based accountability and as with many of the successful states they pointed to a successful track record of reform as a means of demonstrating to the federal government that they would spend these dollars responsibly.

Berkshire: Thank you Jack. That was very helpful. Shani Robinson: I want to talk a little more specifically about the case. You are one of 11 educators who was convicted of changing student answers from wrong to right on standardized tests and I should make clear here that you have maintained from the very beginning that you were innocent, but that wasn't all you and your colleagues were accused of. Because teachers got financial rewards when scores went up, you were also accused of being part of basically a criminal enterprise.

Robinson: I actually never received any money. You know we were later charged with racketeering, and the premise for it was bonus money. But I never received any money ever because my school, we didn't meet our district targets. And many of my co-defendants did not receive any money. Those that did might have received maybe \$500 or \$1,000. We know that

teachers put that much money back into their classroom each year anyway. So it was really hypocrisy that most of us did not get any money, but were charged with racketeering. The state received \$400 million and no one says a word.

Berkshire: You point out in the book that Atlanta wasn't the only school district that had a cheating scandal, but I actually had no idea how widespread this phenomenon was until I read your book. Of course Atlanta is unique in that it's the only place where teachers faced a criminal trial.

Robinson: What's even more disturbing is that this has been so wide spread across the country. The Atlanta Journal Constitution investigated and found suspicious test scores in over 200 school districts nationwide. I thinking it was like 70,000 schools. And then we also know that there've been over 40 states in this country that have had cheating allegations. Fourteen of those states, it was apparent widespread cheating. And in Washington DC there were 103 schools that were flagged for suspiciously high test scores.

But this widespread practice only became racketeering when the suspects were Black educators working under a Black superintendent. In other states, the consequences for cheating have been like firing or revoking teaching licenses. In a few places, teachers have been charged with misdemeanors but nowhere else have teachers faced such unfair overblown charges as in Atlanta.

And so there were 35 people and 34 of us were Black. There was one Filipino educator. And so yes, I was facing 25 years in prison. There were other people who were facing up to 40 years in prison and many of us outside of maybe a speeding ticket have never been in trouble ever. And here we are facing decades in prison.

Berkshire: I heard an interview on NPR about the book when you argued that this case was driven by racism. Basically the response, well how can it be racism when everyone who was involved in trying the case was black.

Robinson: That to me is the most frustrating part. The district attorney was Black, the prosecutors were Black, the mayor was Black. And so we get that question a lot. And again, we go back to the history of Atlanta. Atlanta is known as the city too busy to hate and it's all about image here. And so historically black and white elite, they worked together to make sure that the business community is, you know, flowing at all times, that everything is going well in the Atlanta business community. And they also work together to keep racial tensions down.

And so if you can make the situation look like it's black on black crime, there's going to be less racial tension. Nobody's going to be marching out of the street with protests, you know. And I felt the way it was portrayed in the media was that, you know, 'look at what these black educators have done to these black children, you know, how awful.' And so all of the blame, all of the accountability, all of the responsibility was placed on black educators. Just completely

forgetting about the past history of what has happened to their communities and their families. You know, I just thought it was ridiculous.

Berkshire: I went to Atlanta to record a podcast about a contentious and ultimately losing that would have created an opportunity school district modeled on the New Orleans recovery school district. But what I totally missed in my reporting is how officials who were pushing this policy also made use of the trial to sell the idea of school takeovers.

Robinson: That was the same day governor introduced the plan. And so that was a day that there was a lot of media coverage about the trial. And so, you know, intentional or not, to me, the trial was like a smoke screen in a lot of ways as to what was happening as far as education policy at the state level. And so it was almost in a sense of he was able to say, you know, 'look at how horrible the schools have become. You know, we need to take them over. They're failing.' And that was what the opportunity school district was about—taking over failing schools. And so yeah, he introduces his plan the same day that the state rests in our case.

Berkshire: It's been almost four years since the longest criminal trial in Georgia history wrapped up. I want you to talk briefly about what has and hasn't changed in the city. That intersection of school privatization, real estate development and gentrification that you write about just keeps accelerating even as perhaps more Atlantans are finally waking up to what's going on.

Robinson: They're taking millions of dollars from Atlanta Public Schools to public schools to build luxury condos. And actually my school was in a tax allocation district known as the Beltline. I'm not sure if you've heard about the Beltline, but it was getting a lot of attention during our trial. Basically it's like a glorified bike path, but it has, I mean, property taxes have skyrocketed along the beltline and so many people have been displaced and so some of these same people who were during the trial coming out and saying, 'oh, these poor children, you know, look what's happened.'

None of these people are saying anything when these same children and their families are now being displaced because of gentrification. No, everyone is quiet now and so you know, I tell people all the time, they don't, they never cared about those children. They were using them for their own political agendas.

Berkshire: Well Shani, as I'm sure our listeners can tell I learned a lot from your book. I want you to share with us a section that really stood out to me and I think we'll give everyone a sense of what they can expect when they buy *None of the Above* for themselves.

Robinson: "This was the world that my students inhabited. A world of decent paying jobs outsourced to countries where companies could more easily exploit workers, close knit black communities unraveled by city planners in their corporate influencers. Black homes lost to expressways, black parents in despair, succumbing to addiction and locked in cages for profit, black children left to fend for themselves and treated like hardened criminals. Black grandma's

shot down in their own homes by police. A court system with a penchant for theatricality and an acquiescent media industry to feed its spectators. White politicians suppressing the vote and gunning for the criminal justice system to swallow black families whole and an education system telling black students to forget all that. Just bubble in the right answer.

Berkshire: That was Shani Robinson reading from her new book. It's called *None of the Above: The Untold Story of the Atlanta Public Schools Cheating Scandal, Corporate Greed, and the Criminalization of Educators*. She wrote it with Anna Simonton. It's a fantastic book and I really hope that you'll read it. And Jack and I will be right back to talk about what we've learned from the Atlanta story and some well familiar historical themes.

[Music]

Berkshire: One of the questions that I put to Shani was whether this whole trial and the subsequent fallout has changed Atlanta's trajectory with respect to its schools because, you know, the legacy of the, of this, this case still like really reverberating in Atlanta and Georgia. And her answer was that, no, it hasn't changed that trajectory at all.

I think teachers like Shani and the other co-defendants really hoped that the trial would be an opportunity to put this vision of education reform on trial basically, right? And hold up its assumptions and, you know, like make people defend how they could submit scores that were being investigated to Arne Duncan, you know, for cash. Like how did they defend that? And basically that whole debate was treated as kind of off limits during the trial, that it was too complicated and weedy. And so instead, you know, it just all centered on how criminal the teachers were.

Schneider: This really reminds me of the case of the Gates Foundation in pivoting away from its policy priorities over the last, you know, 10 to 20 years, where they would find that the reform that they had thrown \$1 billion into, whether it be small schools or teacher evaluation didn't work. And then rather than stepping back and evaluating their approach and their assumptions, they declared that they had picked the wrong idea and then moved on to something new.

This is, you know, I think a really interesting parallel because it speaks to how powerful this particular way of thinking is when we're talking about educational policy and educational reform. That it actually makes more sense to people to treat teachers like they're in the Mafia and put them in jail than it does to actually question the underpinnings of this system that led to this kind of behavior.

Berkshire: You were talking about, about Race to the Top and how the measures of school quality that we have are just too narrow. And that's one of your favorite themes as our regular listeners can certainly attest to. But that's, you know, similar to the argument that Shani Robinson and her coauthor are making in this book, right? That basically the scores that were being gathered in no way reflected the experience of Atlanta and its children.

And what to me was so striking was how Atlanta got hit by all these historical forces simultaneously. So you see the crime bill sending people to prison, you see the introduction of for profit prisons, you see the end of public housing, and then you see the the introduction of the first for profit schools. And Jack, I'm going to put you on the spot. Who do you think was on hand to operate that first for profit school?

Schneider: I think I'm willing to take a guess on this, but can I just ask what decade are we talking about? Because the actors in this world come and go pretty frequently.

Berkshire: I'm going to answer that question with a musical clip.

Schneider: Okay. So I'm going 1990s on this one, which means that I think the answer is going to be Edison because they were the big players. Jennifer's nodding her head solemnly yes. Clearly disappointed that I got the right answer here. It's so interesting. You know, I said that, the cast of characters changes in the for profit world based on what decade you're talking about, but they don't really, right? Some of the names of the corporations change, but the figures who are involved are often the same figures. You know, some new ones come, some old ones go.

You know, it's interesting. Richard Barth was at Edison, Richard Barth, who is Wendy Kopp's husband. Wendy Kopp being the founder of Teach for America. You know, in addition to there being a kind of consistent cast of characters across time, I think it's also really interesting to see how closed the network of school reform is. That often the leaders of different organizations involved in quote unquote systemic reform are chummy with each other. You know, in some cases they're married to each other.

But you know, there is a kind of inner circle here that does lead to particular ideas being less likely to be questioned and other ideas being less likely to be considered. And I think if we're looking at Atlanta in the late 1990s, early two thousands, what we see is a city where the climate for reform was really typical of a lot of American cities and really oriented towards performance management, performance contracting, outsourcing, an orientation towards the free market. And you know, again, I think it's not entirely surprising to see that, you know, there was cheating, that there was fraud and abuse and that this is true not just in public education but in other sectors as well, and you know, this is another common theme across time.

Berkshire: Well, Jack, I don't think you'll be too surprised when I tell you what policy silver bullet, the Atlanta public schools will be pursuing next. That would be the subject of our last episode, the portfolio model.

Schneider: And I think listeners may also be interested to hear that in a planned future episode we'll be looking at what Edison schools eventually morphed into. They eventually got out of the public school business and change their name and are now providing in elite high priced for profit education to the extremely privileged via their avenues world school and we'll be talking to

a former employee of Avenues and hopefully we will not have to change his voice to protect his safety.

Berkshire: Well, it is that special time. Again when we tell you how you can support the show, please give us a five star review or tell your friends to listen to the podcast. That'll help us reach more people. And of course it's my job to try to lure you over the paywall. We rely on the support of our listeners to pay our outstanding producer and keep the podcast going. If you go to [Patreon.com](https://www.patreon.com) and search for, Have You Heard, you can see all the cool extras that are available for our subscribers. For example, we do an extended play edition that we like to call in the weeds and this episode, I'm springing this on Jack. He has no idea what the topic is. I figured since we have been hanging out in Georgia for the last 27 minutes or so, I'm going to suggest that we continue on the road south and we go to Florida, which is about to basically, and I don't think I'm exaggerating here, end public education as we know it. What do you think Jack?

Schneider: Before we head down south, let me just remind listeners that we will be up in the frozen north on April 8th. We'll be doing a presidential session at AERA and we'll be doing that in the morning so if listeners are going to be there in Toronto and they haven't booked their tickets yet, make sure not to leave until Monday afternoon or evening so that you can come say hello, check out our session and potentially participate in what I'm anticipating to be a really riveting Q and A afterwards.

Berkshire: So much for our listeners to look forward to! Until next time, thanks for listening to Have You Heard and we'll be back with another episode in two weeks.