

# THREAT FROM THE RIGHT INTENSIFIES

May 2018



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# Introduction

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This report, *Threat from the Right Intensifies*, is the third in a periodic series issued by the MTA to alert members and others about the current status of efforts to undermine public education and destroy unions. The last edition of the report, *Threat to Public Education Now Centers on Massachusetts*, was published amid our efforts to fight what would become Question 2 on the 2016 Massachusetts ballot — an attempt to radically expand charter schools. As most readers are aware, the MTA and its allies in the Save Our Public Schools coalition defeated Question 2 in a landslide, winning 62 percent of the vote on Election Day.

Throughout the campaign, the pro-charter forces, with Governor Charlie Baker front and center, put forth falsehoods intended to distract the public from the toll the initiative would take on the students in the Commonwealth's public schools. But the true level of deceit embraced by the initiative's supporters became glaringly clear only after the election, when the state Office of Campaign and Political Finance leveled the largest penalty in its history, fining Families for Excellent Schools — Advocacy more than \$400,000 and requiring it to disclose the names of prominent donors whose identities it had kept hidden during the campaign.

While the result of the No on 2 campaign stands as a great victory for public education in Massachusetts and elsewhere, election night also dealt unions and the public good a massive blow: the election of Donald Trump as president. Trump, whose policies are allied with the goals of many of the groups described in the following pages, went on to name billionaire privatization and voucher advocate Betsy DeVos as his secretary of education. Not long afterward, Trump appointee Neil Gorsuch was confirmed as a U.S. Supreme Court justice. Those two developments, accompanied by many others, helped pave the way for today's reckless White House agenda of promoting educational privatization, health care cuts, unchecked corporate influence, environmental degradation, attacks on immigrants, and opposition to commonsense gun control.

One crucial result of the election is the virtual certainty that *Janus v. AFSCME*, a case intended to undermine public-sector unions and disempower their members, will bring an affirmative ruling from the Supreme Court, with Gorsuch playing a deciding role. The right wing hopes and believes that the case, which seeks to prohibit unions from collecting agency fees, will be fatal to organized labor throughout the country. But unions themselves will have a great deal of influence over their own fates, notwithstanding the many powerful entities aligned against them. That knowledge is at the heart of the *All In* effort, which is gaining traction across the state as members talk to one another, organize and build the power of their locals and the MTA. It is also evident in the recent strikes and other actions that have drawn national attention to the needs of students and educators in states such as West Virginia and Oklahoma.

So it is clear that once again we are at a point where much hangs in the balance.

There can be no doubt that even with unchecked charter expansion in abeyance for the time being, unions and their allies in the social justice movement face a daunting set of challenges. With the 2018 election drawing near, huge amounts of money are being amassed by the right as it seeks to keep its hold on Congress and to defeat any progressive measure that makes it to a state ballot. The

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*Janus* case must be treated as an existential threat. Takeover zones are the latest concept among the so-called “disrupters,” who have turned their attention to removing groups of schools from the control of local elected officials and giving oversight to appointed boards. In addition, as this report will detail, the forces behind charters, vouchers and other forms of privatization are now intrigued by the prospect of “personalized learning,” with its potential to generate massive profits and displace professional educators in public schools, colleges and universities. These forces are working hard to make Massachusetts a testing ground for their unproven strategies and are being met with open arms by officials of the Department of Elementary and Secondary Education, among others.

In approaching these attacks, it pays to keep in mind that in many respects they amount to putting a new face on programs that are similar to the ones that MTA members have been fending off for years. Right-wing money and “reform” advocates were speaking loudly during the Question 2 campaign even as it collapsed among the electorate — and it is highly possible that a Trump-induced swing of the pendulum could be in the offing this November. Progressive efforts are alive and well within the MTA and in Massachusetts as a whole. On every front, we are determined to advance the interests of all students and all members, including education support professionals and adjunct faculty. This year, the association is a key participant in the coalition seeking to ensure a \$15 minimum wage and paid family and medical leave for workers. We are proudly engaged in the battle to enact the Fair Share Amendment — which would add a 4 percent tax on annual income over \$1 million and constitutionally require that the resulting funds be spent on public education and transportation — and are committed to finding another path to ensure adequate revenue if the Supreme Judicial Court unwisely knocks the measure off the ballot.

As in past iterations, the intent of this publication is to provide clarity about the threats we are facing. This statement is as true today as it was when it was written for the introduction of the 2016 *Threat* report: “In the following pages, readers will find cause for concern, and perhaps alarm. Although no such report can cover every group or every entanglement present in the web of big money and advocacy, there is abundant evidence here that achieving victory in Massachusetts is part of a broader playbook — and it is serious business to the forces that are out to destroy public education and educators’ unions.”

Yet that was before we so decisively won the No on 2 campaign. It was before the beginning of *All In*, and it was at a time when we were at an earlier stage of organizing to become a member-driven union. The answer to the threats, now as then, lies in understanding our power and building it further, even when it looks like the odds are against us — voting without fail for pro-public-education candidates, supporting legislation to strengthen our schools and colleges, and advocating for ballot initiatives that will help ensure a strong future for Massachusetts. Our members took up the challenge in 2016, and there is every reason to believe they are ready to do so again today.

# **MEETING THE PRIVATIZATION PLAYERS**



Supporters of Massachusetts public schools landed a stunning blow against the charter movement in 2016, rallying voters to reject a closely watched ballot initiative that would have raised the state cap on charter schools. The winning argument in defeating Question 2 centered on funding: Charter schools drained more than \$450 million from public schools the year the vote was held. Massachusetts residents agreed that students and school districts were paying too high a price for charter schools at the expense of public education — and that a radical expansion would unacceptably increase the amount being diverted.

Governor Charlie Baker spent a large amount of political capital arguing in favor of lifting the statewide cap on charter schools, personally campaigning, rallying voters and appearing in ads — including one paid for by Democrats for Education Reform. He encouraged contributions from political supporters, only to see the measure lose by a decisive 62-to-38-percent vote.

Public school proponents, with substantial leadership from the Massachusetts Teachers Association, beat back record spending by the pro-Question 2 campaign, which was largely coordinated by the New York charter group Families for Excellent Schools. Millionaires and billionaires — from within the state and outside of Massachusetts, representing privatization advocates, charter school proponents and hedge fund investors — helped pour nearly \$29 million into the campaign, dwarfing all other ballot spending. No Massachusetts ballot measure has ever been as costly, and no other pro-charter ballot campaign in any state has ever raised and spent as much money as the Question 2 campaign.

Opponents — organized under the umbrella of the Save Our Public Schools coalition — prevailed while spending far less: \$15.4 million.

With the charter cap challenge at bay for the moment, public school advocates still face a menacing future: new and renewed threats to their own funding and the very future of public education, orchestrated by the Baker administration, local donors and out-of-state contributors.

- While continuing to prop up charter schools, privatization devotees are pressing to duplicate a Massachusetts-made takeover model that imposes charter-like structures, including removing democratically elected school committees for schools in designated “Innovation Partnership Zones.”
- Wealthy charter school proponents with names such as Gates, Zuckerberg and Walton are pouring money into a rapid buildup of unproven “personalized learning” products and models that threaten to diminish the role of educators and use classrooms to pursue profits.
- A National Right to Work legal challenge to union agency fees, the *Janus v. AFSCME* case before the U.S. Supreme Court, aims to achieve what right-wing ideological backers have long hoped — to drastically reduce the influence of educators and their ability to organize, advocate for public education and fight off privatization.
- Corporate and small-government forces are working through the Pioneer Institute, the Massachusetts Fiscal Alliance, the Massachusetts Taxpayers Foundation and allied business groups to cut taxes and reduce revenues for education, posing a direct threat to public-sector employees and public education.

## Threat From the Right Intensifies | Meeting the Privatization Players

- A presidential administration led by President Donald Trump and Education Secretary Betsy DeVos is advancing more private school options and diminishing the public commitment to schools and public higher education.
- The steadily spreading network of right-wing advocacy groups, think tanks and law firms that have been organizing for decades to privatize schools and cripple progressive supporters of public education is awash in money, fueled by a Wall Street boom and donor pledges that transfer billions to nonprofits.



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## Education Privatization Players

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Money continues to be a challenge for supporters of public education. The pro-privatization side has a deep well of donors with rapidly growing wealth. Some of these same deep-pocketed anti-public-education donors also figure prominently in looming tax and labor challenges.

**Families for Excellent Schools.** In addition to being the most expensive charter campaign in history, Question 2 represented another dubious “first.” No other Massachusetts campaign in history has paid as high a fine as the \$426,466 levied against a campaign fund called Families for Excellent Schools — Advocacy for funneling more than \$15 million in what the state deemed illegal contributions through a political committee that hid donors’ identities. FESA agreed to dissolve and, under state orders, disclosed all donors. The state banned the parent group, Families for Excellent Schools, from fundraising or engaging in election-related activity in Massachusetts for four years. The Massachusetts ban became moot when the New York-based FES announced it was shutting down after its executive director, Jeremiah Kittredge, was dismissed from his job following sexual harassment allegations.

The state’s Office of Campaign and Political Finance also forced disclosure by a second campaign committee that supported the charter measure and opposed a ballot initiative legalizing marijuana. The Strong Economy for Growth Ballot Committee, which had helped Baker in his 2014 campaign and was advised by Baker’s top fundraiser, spent nearly \$1 million on the charter question but failed to report its contributors. Committee contributions included \$20,000 from Romney for President Inc. and \$600,000 from the nonprofit QXZ Inc., funded and run by Philadelphia investor and charter backer Jeffrey Yass. The OCPF required the group to register as a campaign committee, disclose donors and forfeit its \$31,000 balance to the state.

These unprecedented sanctions on two committees supporting the charter initiative illustrate the high stakes of Question 2. The forced disclosures shed light on more than half of the money raised for the question, revealing the depth of influence from Baker’s allies, including hedge fund and investment executives and right-wing ideologues who prefer charters as private educational options over public schools.

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Once all of the contributions were disclosed, the Baker alliances stood out. State Board of Elementary and Secondary Education Chair Paul Sagan, who oversees all preK-12 public education in Massachusetts, gave \$100,000 to the pro-charter side that was initially disclosed and another \$496,000 that became public only after all concealed contributions were identified.

During the campaign, Akamai Technologies, on whose board Sagan was serving and which he had once led as CEO, benefited from a \$700,000 state tax break that helped finance a company expansion. The Massachusetts Economic Assistance Coordinating Council approved the break in September 2016, in the final two months of the charter campaign. A Securities and Exchange Commission filing a few months earlier showed Sagan owning 705,789 shares of Akamai stock, worth about \$36 million at the time the tax break was approved.

Other Baker administration figures and allies also made large contributions. Technology Secretary Mark Nunnally, a former Bain Capital executive, and his wife, Denise Dupré, gave a combined \$525,000.

Cable television magnate Amos Hostetter, a donor to Baker's 2018 re-election campaign, gave more than \$2 million. During the charter-expansion effort, Hostetter was fighting a waterfront project under review by the Baker administration. News accounts noted that some of Hostetter's contributions coincided with decisions by state environmental officials that were favorable to his view.

Pro-charter donors included executives with companies that do considerable amounts of business with the state. Dozens of executives from at least eight investment firms gave to the campaign at the same time that their firms were being paid to advise the state pension fund. During the campaign, public campaign finance records showed that executives tied to the eight firms together gave \$775,000 to support charters, and the arrangement prompted a "pay-for-play" complaint from the state's educators' unions.

Once the state forced disclosure of all of the money contributed to the charter campaign, it became clear that pension-advising executives together gave far more than initially believed, a figure exceeding \$5 million.

Money from Baker allies combined with funding from out-of-state billionaires to finance the charter campaign. Former New York Mayor Michael Bloomberg, Walmart fortune heirs Alice and Jim Walton, and Texas philanthropist John Arnold — all aggressively supporting charters and in some cases backing private school vouchers — contributed to Question 2 in amounts ranging from \$250,000 to nearly \$1.5 million.

Donors who supported the Republican Governors Association political committee in 2014, providing money that Baker said was critical to his election, also weighed in. Republican mega-donor and Baker backer Seth Klarman, president of the Baupost Group, gave the RGA \$400,000 for the 2014 cycle. At \$3 million, Klarman was the largest single donor to the charter campaign.

Federal donor records show that \$50,000 Question 2 donor Daniel Loeb, founder and CEO of Third Point LLC, a New York asset management firm, gave the RGA \$1 million in 2013-2014. Loeb chairs the board of Success Academy charter schools in New York and co-founded StudentsFirstNY, which initially housed Families for Excellent Schools. Former Alliance Capital executive Roger Hertog gave \$50,000 to the RGA in 2013-2014 and \$225,000 from 2010 through 2015 while writing a \$25,000 check to the FESA campaign committee and sending \$1.6 million to Families for Excellent Schools of New York.

Loeb and Hertog were just two of the Question 2 donors from New York who are also leaders in the Manhattan Institute think tank, which issued a report supporting more charters in Massachusetts and hosted Baker as a speaker during the campaign.

EMC Corporation, since bought by Dell Inc., gave \$75,000 to a charter campaign committee and \$25,000 to the now-sanctioned Strong Economy for Growth Ballot Committee. Some three dozen EMC company executives, led by CEO Joseph Tucci, gave to Baker's 2014 campaign and are supporting him in his 2018 bid for re-election.

**Hard feelings after a crushing loss.** The spectacular defeat and stinging campaign finance rebuke left hard feelings that continue to linger in political and policy debates. But Question 2 proponents are now advocating different approaches with similar goals.

Baker had glibly dismissed questions about fundraising, including contributions by his allies. He called criticism of the initially disclosed \$100,000 contribution by BESE Chair Sagan a “nothingburger” — even though, as previously noted, later donor disclosures showed that Sagan had given a total of \$596,000 to the campaign.

After working so hard to win the charter campaign, Baker tried to distance himself from the outcome, blaming irregularities on the hard-charging FES fundraisers. The OCPF “did an investigation, concluded that they violated the law, and fined them appropriately for that. But that’s on the group,” Baker was quoted as saying after the fine was announced.

Proponents also unsuccessfully pursued a legal maneuver to circumvent the cap. In 2016, a Superior Court judge rejected a lawsuit filed on behalf of five Boston students that sought to declare the cap unconstitutional, and the Supreme Judicial Court considered an appeal in October 2017. Opponents of the suit — including New England Area Conference of the NAACP, the Boston branch of the NAACP, and students of color, students with disabilities, and English language learners — argued that charter schools take money away from local school systems and cited voters’ rejection of the Question 2 measure.

The Pioneer Institute, a Baker-friendly think tank, was a leading booster of the suit through its newly created legal center. But that strategy, like Question 2, ultimately ended in failure. On April 24, 2018, the SJC affirmed the Superior Court’s dismissal, saying that it found no violation of either the education clause or equal protection rights embodied in the Massachusetts Constitution.

“The education clause provides a right for all of the Commonwealth’s children to receive an adequate education, not a right to attend charter schools,” the SJC wrote.

The campaign, the decisive loss and the hidden money have all contributed to raise more questions about charter schools in Massachusetts. As *The Boston Globe* put it: “That campaign left charter schools with a bruised reputation.”

Some supporters were even more pessimistic. “The bipartisan coalition that was strongly in support of charter schools — equally Republican, equally Democrat, equally independent — has been shattered through this campaign and the tactics employed by FES,” Marc Kenen, former executive director of the Massachusetts Charter Public School Association, said in surveying the fallout that remained into 2018.

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**Charters continue to pose a threat.** Even with the outcome of the ballot initiative, the charter industry continues to grow in Massachusetts — just at a slower pace than its ardent supporters had hoped. New charters and expanded schools are being approved by the Board of Elementary and Secondary Education, and out-of-state money continues to flow into Massachusetts to support existing charter schools and charter networks.

With charters benefiting from tens of millions in outside financial help, the state’s spending on them is also escalating, siphoning even more money from public education. Charters will sap an estimated \$507 million from public schools in fiscal 2018, with Boston, Lynn, Lawrence, Springfield and Worcester among the localities hardest hit.

A 2017 study published in *Educational Researcher* examining philanthropic support for charter schools from 15 foundations concluded that after Washington, D.C., and Rhode Island,

Massachusetts attracts the most out-of-state donor funding for charter schools per student, an average of about \$500 for each child. Whether from within the state or outside its borders, financial support continues to come from a mix of Wall Street “disrupters” and supporters of Governor Baker — along with the deep-pocketed ideological donors from across the country who want to reduce public spending on public education.

Charter advocates are continuing to seek ways to leverage local and out-of-state financial support toward their goal of privatizing more of the state’s education system. Today, charters are operating as test markets for new technology products and vendors that companies want to sell to public schools. Charter supporters are backing public school restructuring that is creating charter-like models for schools through “empowerment” zones — actually takeover zones — and other governance changes.

With the closure of Families for Excellent Schools, donors and operatives with ties to FES are on the move again, supporting new education advocacy groups, including at least one — Massachusetts Parents United — that says it hopes to speak over educators’ unions in the continuing fight for more charters.

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## Massachusetts Parents United

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Donors and principals of the record-fined Families for Excellent Schools — Advocacy are moving over to new groups with similar goals of steering more public money into privatized school options and continuing ties to the politically active group Democrats for Education Reform.

Previous FES leaders and donors, promising a “Parent Revolution” in 2018, launched a group in April 2017 to organize through Massachusetts Parents United in Somerville. MPU has a political arm, Massachusetts Parents Action, that says it supports candidates and elected officials who “pledge to put the needs of children as a top priority.” It claimed 7,500 members in March 2018 with several local chapters.

Business incorporation records show that MPU’s president, clerk and director is Keri Rodrigues Lorenzo, former state director for FES and a strategist in the failed Question 2 campaign. Rodrigues Lorenzo also sits on the advisory council of Wall Street-backed Democrats for Education Reform Massachusetts, a political committee that bankrolls legislative races and sponsored a 2016 pro-Question 2 ad starring Baker.

Rodrigues Lorenzo describes MPU as the “charter school of parent advocacy organizations” and says it has enjoyed great growth in the past year. She told the *Boston Herald* that “the voices of parents are being co-opted by a number of different groups,” including educators’ unions.

Three donors identified as supporting the MPU are familiar from the 2016 charter fight:

- The Walton Family Foundation, the \$3 billion grantmaker for heirs to the Walmart fortune, whose board includes pro-Question 2 donors Jim and Alice Walton and whose grants have provided millions for charter schools and groups that promote school vouchers and private school scholarships.
- The Barr Foundation, the charitable giving arm of Question 2 megadonor Amos Hostetter, which has been instrumental in providing seed and expansion money for charter schools.
- The Longfield Family Foundation, funded by Blackbaud executive Charles Longfield, who personally spread \$776,000 in Question 2 contributions across three campaign committees and whose company develops technology sold to schools.

A fourth donor to MPU is the National Philanthropic Trust, a \$4.3 billion donor-advised fund that pools contributions and then funds causes backed by trust contributors. Because of the way donor-advised funds are structured — and there are several active in the charter and education privatization drive — it’s nearly impossible to identify how specific donors are directing their trust gifts.

Tax records show the trust supports a variety of groups while giving substantially to private education causes including charter schools, the school voucher group Alliance for School Choice, and national think tanks on the right such as the Cato Institute and the Heritage Foundation. Foundation records show that the NPT’s largest donors include two charter boosters: Michael Bloomberg’s Bloomberg

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Philanthropies and Paul Allen, the former Microsoft executive who has helped bankroll charter advocacy and charter schools on the West Coast.

The Dalio Foundation of Connecticut, the personal foundation of hedge fund manager Ray Dalio, gave the trust more than \$56 million from 2012 to 2015 while steering millions more to charter schools. Dalio, Bloomberg and other billionaires fund CT Forward, a group that partnered with Families for Excellent Schools to expand charters in Connecticut.

**Continuing drain by Massachusetts charter schools.** While operating under the charter cap, the state is approving new charter schools where possible. Some of these new schools are drawing on support from donors who were behind Question 2.

Since the November 2016 vote on the ballot initiative, the state has approved new charters including the Old Sturbridge Academy Charter Public School, the Hampden Charter School of Science — West in Westfield and the Map Academy Charter School in Plymouth. The BESE approved the Phoenix Academy Public Charter High School in Lawrence in February 2018.

Each of the new charter schools, plus expansions approved for existing schools, escalates the drain on funding from school districts already hurt by money lost to charter schools.

**Old Sturbridge Academy Charter Public School in Old Sturbridge Village.** Earlier rejected by the state, the Old Sturbridge charter received approval to open in August 2017, partnering with EL Education, a company formerly operating as Expeditionary Learning. EL Education, which provides curricula for seven other Massachusetts charter schools, specializes in project-based learning, a model sometimes paired with personalized learning tools. The company has collected more than \$500,000 in grants from the Barr Foundation. The new school pulls funding from 11 area districts. One of the districts is Southbridge, which has been identified as chronically underperforming by the BESE. Southbridge is anticipating a 10 percent budget cut in fiscal 2019 in part due to enrollment lost to the charter school.

**Hampden Charter School of Science — West in Westfield.** This math/science-focused charter is the sister school of the Hampden Charter School of Science in Chicopee. Critics have linked the Hampden brand to a controversial network of schools thought to be inspired by Turkish cleric Fethullah Gulen. Attorneys for the Turkish government filed a last-minute challenge to the school, contending it has ties to Gulen, who inspired the Hizmet Movement, which the Turkish government has blamed for influencing a July 2016 coup attempt in Turkey. An attorney told the BESE that Gulen-linked schools “abuse a type of visa intended for foreign workers with specialized skills to bring in teachers from Turkey — thus denying jobs to qualified American teachers — and then overpay the Turkish teachers and force them to pay kickbacks to Gulen’s followers,” *The Boston Globe* reported.

Organizers of both Massachusetts Hampden Charter Schools have denied ties to Gulen, though public databases tracking H-1B records show the first Hampden school has relied heavily on visas. Records show that the Hampden Charter School of Chicopee applied for at least 13 H-1B visas from 2014 to 2016, seeking one Turkish-language teacher but otherwise seeking math and science instructors, an IT systems administrator and a dean of students. By comparison, the much larger Boston Public Schools had just four H-1B visa applications over a longer period, from 2014 through 2017, including one application that was withdrawn.

**Map Academy Charter School in Plymouth.** Scheduled to open in 2018, Map Academy will pull funding from the Carver, Plymouth and Wareham school districts. The school is designed to enroll students who have dropped out of school or are at risk of dropping out. On top of the public school funding the school will consume, Map Academy is also receiving support of at least \$350,000 from the Barr Foundation.

**Phoenix Academy Public Charter High School in Lawrence.** The new Phoenix Academy school draws funding from the Lawrence, Haverhill and Methuen districts. Phoenix, which operates charter schools in Chelsea and Springfield, was founded by Beth Anderson, chair of the Massachusetts Charter Public School Association, who co-chaired Baker’s Education Transition Committee after his 2014 election. Anderson was the initial chair of the Public Charter Schools for Mass ballot committee, which sponsored the Question 2 initiative, and she led the charter school association when the group made a controversial contribution to the initiative. Hostetter’s Barr Foundation gave \$450,000 to Anderson’s nonprofit overseeing the Phoenix schools and provided another \$100,000 to pay for Anderson to participate in the 2017-2018 Barr Foundation Fellows Program.

**The immediate future of Massachusetts charter schools.** While outside forces and local donors press to expand charter schools, there are some signs that the post-Question 2 school landscape may be shifting. In February 2018, teachers and staff at two City on a Hill charter schools in Roxbury decided to organize and join the Boston Teachers Union.

In organizing, educators cited governance — an ability to participate in decisions about their schools — as one leading reason for the change. “After years of decisions that affect teachers and students at City on a Hill being made without teachers’ input, we need a union to ensure our voices are heard,” said the educators’ spokesman, Donald “Max” McCullough III, a teacher at City on a Hill Circuit Street. “Organizing together, through our union, is the best way to advocate first for the needs of our students, and for our own needs as urban educators.”

A third charter school, Conservatory Lab Charter School, was considering becoming part of the Boston Public Schools. School leaders said they believe the move could provide greater access to innovations in the district and provide more stability for teachers. Boston Public Schools officials are worried about the cost of the proposed move since the financial responsibility would fall fully on the district.

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## Creeping Privatization through Takeover Zone Models

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In the wake of the charter campaign, the *Globe* posed the question: “After the charter defeat, what’s next for urban education?” Uncertainty over Baker’s education agenda was compounded by the June 2017 death of Education Commissioner Mitchell Chester. Baker, Education Secretary James Peyser and BESE Chair Sagan “had all their eggs in the charter school basket and that didn’t work out as they’d hoped,” former Education Commissioner Paul Reville noted as Baker and his education team prepared to name Chester’s replacement.

Choosing a permanent education commissioner in January 2018 gave the Baker administration the opportunity to signal its education plans. Among the questions were: “Would the administration focus on the 90 percent of students attending public schools or double down on charters?” “Would the choice of commissioner signal a continued emphasis on privatizing school functions that can be removed from direct public oversight and follow Baker’s support for legislation that would give the state more power to take over and privatize public schools in certain ‘zones?’” “Would there be more failed takeovers like that of the Dever Elementary School in Boston, run by private education company Blueprint and beset with high teacher turnover and the uneven performance of a half-dozen principals?”

Sagan and Peyser, who controlled the new commissioner pick, tapped Jeffrey Riley, the state-appointed receiver of the Lawrence schools who hired charter operators and charter consulting firms to help reshape schools in the district. The takeover zone created in Lawrence evolved largely into a charter zone, featuring schools and contractors favored by the nation’s largest supporters of education privatization. UP Education Network, a recipient of NewSchools Venture Fund money, runs two schools. MATCH Education, whose donors include NewSchools and BESE Chair Sagan, provided tutoring. Phoenix Academy, led by Anderson, opened a school. The National Center on Time and Learning, co-founded by Chris Gabrieli, a hedge fund-manager-turned-consultant and a force behind the current Empower Schools, was hired as a consultant. In 2013, the Lawrence Teachers’ Union opened a school.

As has happened so many times in the education “reform” movement, the lack of empirical evidence of significant student achievement has not discouraged rapid implementation of privatization in more schools. The Lawrence experience inspired experiments in Salem and Springfield and is being promoted in other states.

Charter school strategists and donors are increasingly entrenched in the takeover model targeting lower-performing schools. Riley’s appointment suggests that the Lawrence strategy and charter-like models that Lawrence inspired may be more broadly implemented, accelerating the blurring between public and private school resources.

**The Springfield experience.** The takeover model implemented in Springfield is an 11-school project initiated by Empower Schools, partnering with the Department of Elementary and Secondary Education, the Springfield Public Schools and the Springfield Education Association.

In this model, governance by the elected School Committee was the first feature to be eliminated for the schools involved, replaced by an appointed board. Consultants and Baker allies joined School Superintendent Daniel Warwick, Mayor Domenic Sarno and School Committee Vice Chair



Christopher Collins on the new Springfield Empowerment Zone Partnership governance board, which Gabrieli chairs.

The other members tapped by the commissioner include consultant and former BESE member Beverly Holmes, former chair of the BESE's Charter School Committee; YMCA of Greater Boston CEO James Morton, reappointed by Baker to the BESE; and John Davis, senior trustee of the Irene E. and George A. Davis Foundation, which supports charters and gave \$110,000 to Families for Excellent Schools and \$50,000 to a second pro-Question 2 group, Education Reform Now, in 2016.

The Progressive Policy Institute describes the partnership as “an attempt to create within the public schools the conditions that make charter schools successful, without the poisonous politics that often accompany expanding charters.” One charter operator running schools is the UP Education Network. Meanwhile, veterans of charter groups such as KIPP and New York charters Democracy Prep and Bronx Preparatory lead more schools.

**Chris Gabrieli designed the takeover zone.** The takeover model was inspired largely by the work of Gabrieli, a failed Democratic candidate for Congress, lieutenant governor and governor who previously chaired the Springfield Finance Control Board. Gabrieli calls his school strategy the “third way” because it is not a straight charter or public school model.

Still, Gabrieli has a long track record of backing charters. He started Massachusetts 2020, which later became part of the National Center on Time and Learning and was split in 2016 between two entities, Empower Schools and the Harvard Redesign Project. He participated in Boston Forward, a group of charter school leaders and other privatizers working to influence the 2013 Boston mayoral race on a platform of lifting the state charter cap. Gabrieli chairs the Massachusetts Board of Higher Education and is partner emeritus of the venture capital firm Bessemer Venture Partners. He has funded the political pro-charter group Democrats for Education Reform, and while he supports Democratic candidates, he also is a maxed-out donor for Baker's re-election. Gabrieli is a board member of NewSchools Venture Fund, the venture capital nonprofit that formerly employed Peyser, and provides critical funding to charter schools and education startups.

Gabrieli's groups, Massachusetts 2020 and the National Center on Time and Learning, which evolved in part into Empower Schools, have received funding from donors including the Ford and W.K. Kellogg foundations, as well as from Gabrieli's own foundation. They have also collected nearly \$5 million from education privateer Eli Broad, about \$800,000 from The Boston Foundation, at least \$656,000 from the Bill & Melinda Gates Foundation and at least \$300,000 from Amos Hostetter's Barr Foundation.

Tax returns show that Gabrieli's NCTL was run by a board that included former Massachusetts legislator Marty Walz, a leading spokesperson for the Question 2 campaign who joined the board in fiscal year 2015.

Gabrieli helps lead another education nonprofit, Transforming Education, or TransformEd, that works with social-emotional assessments and uses teacher and student surveys to develop students' MESH — or mindset, essential skills and habits. TransformEd is squarely in the privatization space as part of the Boston Charter Research Collaborative, made up of six charter schools or charter management organizations, Harvard University and MIT. It is partnering with the NewSchools Venture Fund on ways to assess how students progress in developing MESH. In some schools, TransformEd uses student and teacher survey instruments sold by the for-profit company Panorama

Education — whose investors include West Coast charter donors Laurene Powell Jobs and the Chan Zuckerberg Initiative.

**Takeover strategy to breathe life into charters.** The empowerment zone model is now being pitched in other states, including Delaware, where former Massachusetts education adviser and NewSchools Venture Fund honoree Paul Herdman has pushed the idea through the Rodel Foundation. In a Louisiana document, Empower noted its work with groups including The New Teacher Project and Achievement Network, among others — organizations that rely on funding from some of the nation's largest education privatization donors, including the Michael Dell, Gates and Walton foundations.

Recasting public schools into charter-like schools has its fans, especially among charter supporters who recognize that the term “charter school” can immediately divide the community. In 2016, Gabrieli organized a conference sponsored by MassInc and The Boston Foundation that explored using his “third way” approach to press for changes in schools without the polarizing debate that inevitably arises when charters are suggested. Avoiding the word “charter” is reminiscent of advice from Republican pollster Frank Luntz, who counseled so-called school choice advocates to stop using the word “vouchers” to describe taxpayer-funded tuition for private schools and instead use the friendlier term “opportunity scholarships.”

Education Secretary Peyser acknowledges that no matter what the structure is called, it still looks like a charter. “Some people may hear the term ‘third way’ and think that it’s a substitute for charter schools, a means of getting the benefits of charters without all that nasty controversy,” Peyser said at the 2016 conference. “There’s more than a little truth to that political analysis.” WBUR reported Peyser saying that he considers “third-way approaches ... as a strategy to supplement, not replace, charter growth.”

The Center for Reinventing Public Education, a charter supporter whose current donors include the Gates and Walton foundations and the U.S. Department of Education, highlighted the Springfield takeover zone in an April 2017 study as a less combative way to shake up schools. The study was paid for by the John and Laura Arnold Foundation of Texas, which has supported charters and Massachusetts nonprofits helping expand the state’s charter footprint. John Arnold made a \$250,000 donation to the Yes on Question 2 campaign.

The center concluded that it is too early to gauge student outcomes in the takeover zone, but said, “The model fills a gap for state and district leaders wary of growing conflict over charter schools and state takeovers and looking for new ways to instill transformative improvements in low-performing schools.”

In 2018, the CRPE called for a new political strategy to expand charters nationally that included using charters to “experiment” more with personalized learning, pursue changes in state laws that “allow rapid transformation of districts and schools,” and seek out “new sources of teacher talent and new school staffing models.”

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## Funding the Privatization Movement

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Forces intent on privatizing larger swaths of public education have never lacked for money. From the start of attempts to promote and pass home-schooling and private school voucher laws to today's drive to expand charters, free up funding and tax breaks for private schools and create a new school market for tech products, local and national donors have enthusiastically poured millions into political, advocacy and governance efforts. They want a stronger private hand in education and want to reduce the influence of educators who believe in keeping the "public" in public education.

The money behind attempts to remove public school control from public hands comes from a potent mix: the Wall Street wealthy, deep-pocketed right-leaning donors committed to reducing the public school footprint, and titans of emerging technology.

Massachusetts has always had its fair share of donors willing to underwrite advocacy and policy changes through the Pioneer Institute or to underwrite charter growth through foundations, donor-advised funds and venture capital vehicles. Local millionaires and billionaires are pushing privatization through their support for Baker's education policies.

In a key development, however, the 2016 Question 2 campaign spotlighted the potential depth of national privatization money targeting the state. Names like Walton, Bloomberg, Arnold and Yass gave big, either directly to the campaign, to the secretive campaign committees or to the nonprofit Families for Excellent Schools.

These donors are important to consider as a backdrop to the 2018 gubernatorial election, given Baker's political investment in the campaign's outcome. They also will figure in continuing attempts to broaden new privatization avenues — untried "personalized learning" strategies that are attracting fresh out-of-state money with marquee donors led by Bill Gates and Mark Zuckerberg and the takeover zone model championed by Gabrieli and Empower Schools.

This mix of local and national money, documented through campaign finance records, foundation grants and nonprofit tax records, poses a tremendous challenge, as these donors are some of the wealthiest people in America and represent many donors who have committed to giving away the bulk of their fortunes trying to reshape the causes they care about. For many of them, the cause is education.

**Commitments from local players.** Many of the top local donors intent on privatizing schools made money from Boston-area hedge fund and investment firms.

- Fidelity Management CEO Abigail Johnson was a \$70,000 donor to the Question 2 campaign, leading more than 30 other Fidelity executives who together gave another \$65,000 to the pro-charter ballot measure while the company was advising the Massachusetts Pension Reserves Investment Management Board on investments. The company's donor-advised fund, the Fidelity Charitable Gift Fund, steered \$111,650 to the Pioneer Institute in 2015 alone, while the company's Fidelity Foundation gave Pioneer \$50,000 in 2003 and has provided substantial funding to charter schools in Massachusetts and other states.

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- Notable Bain Capital executives supporting Baker’s charter push include Joshua Bekenstein, Bain’s co-chair. Bekenstein gave \$1.29 million to the charter campaign, leading a total of \$1.5 million in Bain contributions. His wife, Anita Bekenstein, gave another \$1.25 million. The Bekensteins support charters and pro-privatization groups, including giving more than \$1 million through their Joshua & Anita Bekenstein Charitable Fund to the advocacy group Stand for Children. Bekenstein personally has provided critical support to The Boston Foundation and two key education investment groups that have helped grow charter schools: the Boston-based New Profit and the national charter school investment group NewSchools Venture Fund. Bekenstein sits on the board of New Profit, an education incubator managing a \$12 million grant from Gates and Zuckerberg to expand personalized learning.
- Bain’s engagement includes senior adviser and former managing director Paul Edgerley, a \$40,000 Question 2 donor, who uses his \$88 million family foundation to promote education privatization through direct support to charter schools and grants to charter starters New Profit and Strategic Grant Partners. Edgerley’s wife, Sandra Edgerley, who co-leads the family foundation, is on the Board of Directors of The Boston Foundation, a major donor to groups included in Question 2’s Great Schools Massachusetts coalition and a backer of Gabrieli’s Empower Schools.
- At least 10 executives from Highfields Capital gave a total of \$2.9 million to Question 2, including Managing Director Jonathon Jacobson, who donated \$2 million, and Managing Director Joseph Flanagan, who gave \$500,000. Highfields analyst Charles Ledley, another Question 2 donor at \$50,000, has served on the boards of Democrats for Education Reform and Education Reform Now, a group he helped launch — and fund through personal loans — that helped establish Families for Excellent Schools.
- Summit Partners’ Managing Director Martin Mannion gave \$130,000 to the charter campaign. Mannion is on the board of the UP Academy charter school and helped launch and fund Strategic Grant Partners, a local fund that pumps money into expanding charter schools.

**Baker’s charter backers paid to advise MassPRIM.** The firms of hedge fund and investment executives throwing financial support behind Baker and his charter agenda have been retained for lucrative state work.

Executives at seven financial firms, identified by the state as advisers to the Massachusetts Pension Reserves Investment Management Board, made substantial contributions to the Question 2 campaign, and many of them support Baker’s political campaigns. A business leader participating in the activities of an eighth company was also involved: Kraft Group owner Robert Kraft, a director of pension adviser Apollo Global Management, gave \$100,000 to Question 2 through the charter committee Expanding Educational Opportunities. Contributions from executives at the firms — believed to total \$775,000 based on donations publicly available a month before the November 2016 vote — actually totaled \$5 million and helped pay for a Question 2 television advertisement starring Baker, a potential violation of federal “pay-to-play” laws. Fully disclosed campaign finance records showed, for instance, that executives at PRIM adviser Highfields Capital gave \$2.9 million to the charter campaign and executives at Bain Capital, also advising PRIM, gave a total of \$1.505 million.

Contributions were also made by executives working for Berkshire Partners (\$350,000), Fidelity Investments (\$135,000), Summit Partners (\$130,000), State Street Corporation (\$13,000) and Charles River Ventures (\$10,000).

In a formal complaint filed with the SEC, the Massachusetts Teachers Association and the American Federation of Teachers Massachusetts said, “While none of the more than \$775,000 in contributions have gone directly to Governor Baker’s re-election campaign, their use in television ads and other public communications prominently featuring Governor Baker paid for by the recipient ballot measure committee provides a ‘thing of value’ that could influence his election to office. If so, this is an impermissible circumvention of the Rule by doing indirectly what the contributors cannot do directly.”

The extent of the investment advisers’ support was just one issue that would come to light once the Question 2 campaign was forced to disclose all of the money it received.

**Spotlighting Question 2 funds concealed from voters.** Charter backers used a half-dozen campaign accounts to move money around while funding the ballot measure. Some major Question 2 contributors preferred supporting the charter campaign through the Families for Excellent Schools — Advocacy account, which by its structure as a 501(c)(4) committee shielded the names of donors, who in total contributed more than \$15 million.

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*Experts noted that the amount of hidden money made it hard for voters to know who was influencing the Question 2 campaign.*

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Experts noted that the amount of hidden money made it hard for voters to know who was influencing the Question 2 campaign. “When you get money from 501(c) groups that don’t have to disclose donors in a ballot campaign, it really does take away from the ability of the electorate to place those messages in the context that comes from that funding,” Pete Quist, research director for the nonpartisan National Institute on Money in State Politics, said in discussing Question 2. “The ability of the electorate to have that understanding is really important in the context of what motives the people running those ads may have. It’s all about having an informed electorate and an accountable democracy.”

While executives at Highfields Capital Management gave a total of \$2.9 million, only \$42,500 of that was initially reported; the balance came to light after the state forced FESA to disclose all donors. Likewise, nearly all money contributed by Bain Capital executives — \$1.4 million of \$1.505 million contributed — was funneled through the FESA account.

Blackbaud scientist Chuck Longfield gave \$126,000 to Question 2 committees that reported their donors and another \$650,000 to the donor-shielding FESA account.

Sunlight on Question 2 money exposed donors like Hostetter, the Boston cable magnate and Barr Foundation philanthropist. Previously secret charter contributions included \$2.025 million from Hostetter, who at the time of the charter campaign was fighting construction of a Boston hotel near his office. His checks to support Question 2 coincided with state regulators’ consideration — and ultimate rejection — of the project, the outcome Hostetter sought. It was, as the *Globe* noted, “more than \$2 million worth of bad timing and a smack of terrible optics.” Usually a reliable Democratic donor, Hostetter and his wife together have contributed \$4,000 to the re-election of Baker and his running mate, Lieutenant Governor Karyn Polito.

The forced disclosure of donors to the secretive Families for Excellent Schools — Advocacy account also cast light on the campaign’s largest contributor, Baupost Group Chair Klarman. Until FESA contributions were exposed, it appeared that the Republican megadonor and Baker confidant had given just \$40,000 to the campaign. When FESA donors were named nearly one year after the ballot election, Klarman’s name showed up with another \$3 million in contributions and as the benefactor

on a \$300,000 campaign loan. Klarman has been one of the region's largest donors to the Republican Party and is a leading philanthropist with his \$616 million family foundation. His Baupost Group is one of the largest holders of Puerto Rican debt.

**Massachusetts Public Charter School Association's 'public' contribution.** A final irregularity on the pro-charter side occurred when the state's charter school association made a \$100,000 contribution to support Question 2. Organized as a 501(c)(3) entity, the association derives nearly half of its funding from public sources — namely dues paid by publicly funded member charter schools. The OCPF later concluded that the association erred in failing to segregate the private funds it claims it used for the contribution.

**Understanding the out-of-state influences.** Because of the deceptive financing used by the pro-charter side, voters never had the chance to identify all of the donors financing the charter campaign. The exposed FESA records showed the extent of out-of-state influence.

Donors whose wealth comes from two major retailers — and longtime supporters of private school vouchers — provided substantial support.

Walmart heir Alice Walton gave nearly \$1.5 million to Question 2, including \$750,000 in undisclosed money. Her brother, Jim Walton, gave \$1.125 million that was disclosed as required by the campaign. The Waltons account for several billion dollars of support for charters, vouchers and other education privatization efforts through their family foundation.

Californian Doris Fisher, billionaire widow of Gap founder Donald Fisher, gave \$350,000 to the secretive FESA account. Her son, John Fisher, once part-owner of the failed Edison schools, contributed \$150,000 to the same account. Over the past 15 years, Fisher family members have given extensively to voucher efforts in California and other states, and one research account tags them as the largest donors to charter schools in the country.

Forced campaign disclosure in 2018 showed that charter backer Yass, co-founder of Philadelphia's Susquehanna International Group, gave \$600,000 to the Strong Economy for Growth Ballot Committee, which steered almost all of its money to Question 2. Yass so firmly believes in privatizing schools that he wants Philadelphia parents to receive vouchers of \$10,000 per child, paid for by the per-pupil amounts earmarked for public education — money that could be spent on private, religious or charter school tuition.

Connecticut investor Jonathan Sackler, who has contributed millions of dollars to charter groups and schools, gave the FESA account \$70,000. Sackler's family fortune comes from OxyContin manufacturer Purdue Pharma. A donor to Democrats for Education Reform in Massachusetts and other states, Sackler founded the charter group Connecticut Coalition for Achievement Now and a sister national group called 50CAN committed to expanding charters across the states.

## **Charter Backers Broaden Support to Embrace Personalized Learning**

What Baker couldn't achieve at the ballot box with his base of local support — rapidly expanding the number of charters and steering more public money into private hands — some major national donors are trying to achieve with their sheer wealth. Billionaire donors made even richer by the Wall Street boom are intent on remaking education and devoting tens of millions of dollars to growing the number of charters and shaping a marketplace of educational products for use in all schools.

Two key local philanthropic groups, Strategic Grant Partners and The Boston Foundation, provide critical support to charter schools and are steering funding to the personalized learning movement. A third group, the Barr Foundation, has been flexing its muscles in promoting charters while supporting groups that hope to grow technology in schools.

National donors with similar goals — big names like the Walton Family Foundation, the Bill & Melinda Gates Foundation and the NewSchools Venture Fund — complement these local funders, directing millions more into privatized models. Working in tandem, local and national donors are helping make Massachusetts a proving ground for the next “innovations” in education.

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The numbers are staggering, though not surprising considering that half of the 10 wealthiest people on the 2017 *Forbes* 400 list of richest Americans — Microsoft founder Bill Gates, Facebook founder Mark Zuckerberg, oil and gas magnates David and Charles Koch and former New York mayor and businessman Michael Bloomberg — are actively engaged in reshaping education with private models or challenging unions to achieve their scorched-earth education policies.

The wealth of two other billionaires on the 2017 *Forbes* list supports the same goals. Financier Warren Buffett is giving Gates much of his wealth to give away through the Gates foundation. *Amazon.com* shares that company founder Jeff Bezos gave his parents fund a foundation actively supporting charter schools.

Others among the wealthiest individuals on the *Forbes* list, members of the Walton family, plan to follow through on a \$1 billion commitment to advance charter schools and advocacy to encourage a hospitable policy environment — while pouring money into the anti-union National Right to Work Legal Defense Foundation, which provided attorneys for the *Janus* case. NewSchools Venture Fund, a Massachusetts-friendly national incubator that provides startup and operating funding for charter and education companies, is calling for \$4 billion in spending to develop, research and grow “innovations” in schools that include more technology in classrooms. With public schools eyed as a new market for tech products, newer donors, including Zuckerberg, are getting involved.

Donors have different reasons for their largesse. The Waltons traditionally have supported privatizing schools as an ideology. NewSchools represents the market-driven mindset that sees a return on investment. Still more donors, including Gates, Zuckerberg and many Massachusetts donors from the investment community, believe an influx of money can “disrupt” education sufficiently to effect changes. All of these philosophies treat schools as a commodity ripe for tinkering.

**The Boston Foundation's billion-dollar influence.** With \$1 billion in assets and \$140 million in 2016 grants, The Boston Foundation is a significant local supporter of education, health and wellness, economic development and community causes. The Boston Foundation supported the state charter law's inception and has been a booster throughout the law's expansion and debates over lifting the charter cap.

Through its initiatives and donor-advised funds, The Boston Foundation provides financial support to public schools but is also one of the largest sources of financial aid to the charter movement. The foundation provides funding directly to charter schools and chains, touts research supporting charters, and sponsors events that highlight charters' progress. It provided the Pioneer Institute with some \$250,000 in operating support from 2008 through 2016.

In the Question 2 campaign, The Boston Foundation paid for a flawed study by the partisan Massachusetts Taxpayers Foundation that claimed charter schools did not take money away from public schools. The study was quickly cast aside after public school supporters noted that it did not consider how funding losses affect local school budgets.

The Boston Foundation gave at least \$1.3 million to the NewSchools Venture Fund of California when Peyser worked as the fund's East Coast manager and helped direct \$12 million into growing Boston charter schools.

While charter backers — many of them donors to The Boston Foundation — search for a new strategy, foundation President Paul Grogan will act as a key link to donors' emerging interest in other privatization models, including those focused on personalized learning. Grogan is a board member of New Profit, the Boston incubator channeling national foundation money to expanding personalized learning in Massachusetts and other states. The Boston Foundation is steering money directly into personalized learning, with gifts such as a \$75,000 grant in 2017 to the Center for Collaborative Education for its Personalized Learning Network and a \$150,000 grant to help the Boston Public Schools chart a personalized learning strategy.

In 2017, the foundation received \$50 million — its largest gift on record — from a company that stands to benefit from growth in personalized learning: Curriculum Associates, a North Billerica-based game, testing and curriculum provider with online products that are popular in charter schools and used in public schools. Curriculum Associates is a donor to the LearnLaunch Institute, the state's partner in its sweeping personalized learning initiative, and it was a top sponsor of the LearnLaunch 2018 conference.

**Strategic Grant Partners helps charters and eyes personalized learning.** The much smaller Strategic Grant Partners, a Boston fund, has concentrated its giving in recent years almost exclusively on education privatization.

SGP board members and donors include the Edgerley, Klarman, Bekenstein and Jacobson families, along with Dupré and Nunnally. The Boston Foundation gave SGP more than \$1 million from 2014 through the Question 2 charter year 2016. Seth Klarman's Klarman Family Foundation is a notable donor, giving SGP more than \$10 million from 2008 through 2016.

SGP provides a limited number of grants, but funding is significant. For the fiscal year ending June 30, 2017, SGP gave \$2.8 million to the UP Education Network, \$1.5 million to the MATCH



Foundation, affiliated with MATCH charter schools, and \$251,000 to the Phoenix Charter Academy Foundation.

Another nearly \$1.7 million that year helped Educators for Excellence, an alternative to the National Education Association and American Federation of Teachers. Educators for Excellence was created by Education Reform Now, the education advocacy group started through Democrats for Education Reform, and the Education Equality Project, which later merged with Stand for Children.

Like other charter donors, SGP is moving into the online and tech space, giving \$750,000 to a California group called EducationSuperHighway whose mission is concentrating on internet access for classrooms so that students can “take advantage of the promise of digital learning.”

Another \$785,000 helped the New York nonprofit New Classrooms Innovation Partners Inc. pay for math instruction that clearly diminishes the teaching role. SGP grantee information says the math project pairs “teacher-led instruction” with strategies that don’t require a teacher: “small group collaboration, peer-to-peer collaboration, independent online instruction, independent virtual reinforcement, and independent practice.”

**Locally connected donor-advised funds in on the action.** Donor-advised funds such as the National Philanthropic Trust and The Boston Foundation have become increasingly influential players in promoting education privatization and supporting right-leaning groups. That tracks a massive uptick in money flowing through such funds, driven largely by gains in the stock market and donors’ enthusiasm for turning their philanthropic resources over to fund managers.

Two more funds with local ties, both connected to investment firms, are among the largest donor-advised funds in the country. The Fidelity Charitable Fund is the donor-advised giving arm of Fidelity Investments of Boston. The Vanguard Charitable Endowment Program is a similar fund that has operated with a Boston address, managed by The Vanguard Group.

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The structure of donor-advised funds, as *Forbes* noted in 2016, “guarantees anonymity.” Donors including individuals, families and foundations contribute to the funds, creating a pool of money that can in turn be donated to nonprofits. These donors can recommend where to direct the fund grants, or the funds can steer donors to specific causes. Unlike contributions through a personal or family foundation, the exact source of a donor-advised gift is often unclear, which is problematic for transparency.

Donors benefit from an immediate tax break and their invested contributions can grow in the fund until being paid out in grants. With more lenient distribution rules, donor-advised funds can distribute more than private foundations. The growth of these funds is shaking up philanthropy. NPT President and CEO Eileen Heisman told *Fast Company*: “Four times the amount annually is going out of donor-advised funds than comes out of the private foundation world.”

All of this giving helps both progressive and right-leaning nonprofits, depending on donors, though some funds have specific missions. Donors Trust and Donors Capital, for instance, are sister donor-advised funds that support right-wing nonprofits and represent one of the largest sources of money for anti-tax, anti-public-school and anti-worker causes.

While both the Fidelity and Vanguard funds provide support to higher education, public schools, community charities and causes, they increasingly show up as donors to groups promoting a greater private role in education — significant considering that both funds have exploded in size. Fidelity's assets jumped from \$10 billion in the fiscal year ending in June 2013 to \$16 billion just three years later. Vanguard's fund grew from \$3.6 billion in 2013 to \$5.7 billion in 2016. Contributions surged for both funds in 2017, largely from donors reacting to proposed changes in how nonprofit gifts would be treated under the 2018 federal tax overhaul.

Money flows between the funds, with Fidelity sending some \$22 million to Vanguard in 2015 and 2016 and Vanguard giving nearly \$14 million to Fidelity in the same two-year period.

Vanguard doled out some \$21 million to charter schools nationally in 2015 and 2016. Four charter schools in Massachusetts shared \$855,000 in Vanguard grants over the two years, and the national KIPP Foundation collected more than \$5 million. Fidelity made about 1,500 charter school grants in those years, including \$5.5 million to Massachusetts charters.

Vanguard gave \$260,000 to the Question 2 charter group Families for Excellent Schools and \$1.1 million donor to New Profit, the Boston incubator at the center of a major philanthropic push to expand personalized learning.

The funds also steer money to national groups on the right that engage in education advocacy, press anti-worker and anti-labor activity and advocate for smaller government and drastically reduced taxes. Vanguard has been a substantial donor to nonprofits connected to the National Rifle Association, providing at least \$380,000 to the NRA Civil Rights Defense Fund, the NRA Foundation and the group's New Mexico training and hunting facility, while Fidelity donors gave \$82,285 in 2015 and 2016. Vanguard gave \$1.2 million to the National Right to Work Legal Defense Foundation, while Fidelity donors added \$115,060 in 2015 and 2016. Vanguard donors gave Boston's Pioneer Institute \$30,500 in recent years and national anti-tax group Americans for Tax Reform another \$65,000. The Fidelity fund — with at least three Fidelity Investment executives in leadership positions at the think tank — gave Pioneer \$111,615 in 2015 alone.

Vanguard provided a staggering one-time grant of \$10 million to Teach for America Boston and waded into the charter expansion effort with \$260,000 to Families for Excellent Schools. Fidelity donors gave \$2.8 million to FES in 2015 and 2016 during the Massachusetts charter campaign.

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## National Donors as Longtime Players in Massachusetts

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Three of the major national donors cited above leave a big footprint in Massachusetts when it comes to shaping the direction of education and will figure in evolving “innovations” that guarantee more privatization.

**NewSchools Venture Fund.** The 20-year-old NewSchools Venture Fund, the California-based incubator with a substantial presence in Massachusetts, helped shape the Massachusetts charter school landscape and appears poised to similarly grow the educational technology sector in schools.

Operating as a nonprofit, the NSVF collects funding from megadonors and provides seed money and ongoing support to a portfolio of charter schools and charter management companies, education companies and nonprofit advocacy groups. It finances large charter school chains, injects capital into single schools and startups, and provides operational support for groups promoting charters and other forms of privatization.

NewSchools is becoming an increasingly large source of funding. Revenues totaled \$25 million in 2012 and rose to \$95 million by 2016.

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Education Secretary Peyser worked at NSVF before joining the Baker administration, and he helped steer \$12 million to the Boston Charter Replication Fund, which provided critical support for schools including MATCH, UP and Excel Academy. The NSVF gave Families for Excellent Schools \$500,000 in 2014 to open its Massachusetts operation, essentially creating what would become the 2016 Question 2 charter school campaign.

Another Massachusetts investment was \$100,000 in 2016 to a new group called Latinos for Education, which also receives funding from the Walton Family Foundation and says its mission includes creating “a stronger collective voice of Latino advocates for educational opportunity.” Baker appointed the group’s CEO, Amanda Fernandez, to the BESE in September 2017.

The NSVF has long advocated using technology products in schools and has been stepping up investments in companies and schools built to take advantage of the rapidly expanding ed-tech market. It spun off a for-profit investing arm in 2015, NewSchools Seed, owning 80 percent of the fund, which concentrates on educational technology companies. In 2016 the NSVF created a second for-profit fund with a 50 percent ownership called NewSchools Capital.

NSVF CEO Stacey Childress, who previously directed the Gates foundation Next Generation Learning team supporting personalized learning technology, says one question the fund is tackling in 2018 takes on ed-tech products: “Is education technology poised for a new wave of innovation?” She has answered her own question by calling for \$4 billion in spending over the next 10 years to underwrite “innovative” districts and charter networks complemented by “an ecosystem of nonprofit and for-profit organizations ... growing rapidly, providing services, technologies, talent, and R&D (research and development).”

A sixth round of NSVF financing in March 2018 solicited projects for “developing technology-enabled learning experiences, instructional content, learning diagnostics, administrative tools and other products.” The fund sees technology as a preK-through-higher-education investment, concluding from its work that students would benefit from technology tools in the classroom as early as preschool.

At least two of the seven nonprofits being funded through the Gates-Zuckerberg New Profit project to expand personalized learning receive funding through the NSVF, including Transcend, which works mostly on charter and private school models, and Valor Collegiate Academies, a charter chain in Nashville, Tennessee.

Started with seed money from venture capitalists and donors including the Walton and Gates families, the NSVF counts on a “who’s who” of donors from the charter and education privatization world. The Chan Zuckerberg Initiative, the Doris & Donald Fisher Fund, the Laura and John Arnold Foundation, the Michael & Susan Dell Foundation and the Eli and Edythe Broad Foundation are \$5 million-plus donors, alongside Gates and Walton.

Smaller donors include the Bezos Family Foundation and the Omidyar Network, a philanthropic vehicle of eBay founder Pierre Omidyar. Laurene Powell Jobs served on the board as recently as 2016. Current board members include Chris Gabrieli, Connecticut charter booster Jonathan Sackler and California venture capitalists and NSVF co-founders John Doerr and Brook Byers. NSVF’s 2016 tax return shows it paid Gabrieli’s TransformEd \$314,476 for a research partnership.

**The Walton Family Foundation.** Few donors have supported education privatization to the extent of the Walton family, and none has been as direct about its intent to reshape education with such a substantial private hand. Once the leading voice behind private school vouchers, the Walton Family Foundation has expanded its portfolio into other forms of privatization and in 2016 said it had supported one-quarter of the 6,700 charter schools created in the United States.

With philanthropy fueled by the family’s holdings in Walmart Inc., the Waltons plan to spend \$1 billion on K-12 education by 2020, primarily advancing privatized school options and funding groups that will help promote them. Board members include siblings Alice and Jim Walton, Question 2 standouts.

In Massachusetts, the Waltons’ hand has been evident in funding Families for Excellent Schools and Education Reform Now, groups behind the Question 2 campaign. They fund New Profit and NewSchools Venture investment funds to underwrite educational startups, Massachusetts charters and personalized learning companies. The Waltons help KIPP Massachusetts schools, MATCH schools and the charter-promoting Charter School Growth Fund, which is behind Uncommon Schools.

The Waltons provide more than half of the \$1.5 million in outside contributions reported by the Massachusetts Charter Public School Association and have been reliable donors to the Pioneer Institute’s work of influencing public policy to broaden privatization throughout government. While advocating for charter schools, the foundation also provides one-quarter to one-third of the revenues of the national voucher group Alliance for School Choice.

The concentrated push to impact education policy on everything from how charters are built to what tools are used in classrooms comes from the next generation of Waltons. Carrie Walton Penner is

vice chair of the California Charter Schools Association and a board member of the KIPP Foundation and the Charter School Growth Fund. Her husband, Greg Penner, chairs the Walmart Inc. board.

Going forward, the Waltons will influence even more education policy in Massachusetts. The family's \$1 billion initiative targets the District of Columbia and 12 cities, including Boston, funneling money into growing charter schools, increasing "public schools of choice" and funding private schools. The Walton initiative plans to impact teacher and administrator recruitment and training and finance advocacy efforts that claim to represent parents and community groups.

With their long history of pushing more public education dollars into private hands, the Waltons at the same time have been targeting the most formidable impediment to achieving that — educators and their unions. While directing millions of dollars to charters, vouchers and tax credits for private school tuition, the Waltons have likewise poured millions into groups trying to weaken labor, including the Association of American Educators, an "alternative" teacher organization, and its sister group in Louisiana. The AAE could not function without the Waltons' outsized financial support — some \$5 million from 2007 through 2016 — which accounts in some years for nearly half of the group's budget.

The Waltons have been donors of at least \$610,000 to the National Right to Work Legal Defense Foundation, whose attorneys are leading the *Janus* case, and provided at least \$625,000 in recent years to Americans for Prosperity, which pushes anti-union measures in states, including right-to-work laws.

When the Waltons focus on a project, the foundation goes all in. Consider San Francisco, where the Waltons are backing a new nonprofit, Innovate Public Schools, which promises — just as Families for Excellent Schools did — to give parents a voice in public education. Education researcher Diane Ravitch told the *San Francisco Weekly* that she considers the setup an assault on teachers — an effort by the family foundation to "demolish the teachers' union in San Francisco."

**The Bill & Melinda Gates Foundation.** Microsoft founder Bill Gates is a veteran of K-12 education experiments and has poured more than \$1 billion through the Bill & Melinda Gates Foundation into efforts to remake public schools.

From redesigning schools to supporting more charters to investing in for-profit companies prepping new products for the education market, Gates has been a hands-on "disrupter," wielding the resources of the largest U.S. foundation. In 2016, the Gates Foundation and its rapidly growing assets directed about \$370 million in grants to U.S. education, much of it encouraging "reforms" and "innovations."

Gates has made a significant impact on efforts to expand charter schools in Massachusetts and supported advocacy that encourages public school privatization. In addition to supporting the NewSchools Venture Fund and other charter donors, Gates has given Teach Plus, the Boston group that purports to speak for teachers nationally, more than \$18.5 million. Educators for Excellence collected \$4 million in 2016.

Empower Schools, an architect of the Lawrence, Salem and Springfield school plans, has received at least \$2.5 million from the foundation, which directed another \$100,000 to the Lawrence Public Schools to promote work among district schools, charter schools and Empower to impose more charter-like operations.

Gates' direct support makes a significant impact on an issue such as education not only because of the sheer sum of money involved, but also because foundation projects tend to attract more donors. Buffett is entrusting the

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*With their long history of pushing more public education dollars into private hands, the Waltons at the same time have been targeting the most formidable impediment to achieving that — educators and their unions.*

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bulk of his fortune to Gates to distribute through philanthropy; both Buffett and Gates led the campaign to create the “Giving Pledge,” encouraging wealthy families to give away most of their money. Gates’ support for schools has encouraged major gifts from Eli Broad, Michael Dell, the Walton family and John and Laura Arnold, among others, triggering a tsunami of funding for a particular “reform.”

Like other tech giants, Gates is enamored of technology and its use in classrooms. He was an early proponent of personalized learning, with its emphasis on technology, and his foundation website shows the foundation spending tens of millions of dollars supporting digital and computer-based instruction in schools. The Online Learning Consortium in Newburyport, a backer of digital coursework in schools, has collected at least \$2.7 million from Gates. A 2017 Gates Foundation-funded RAND study appears to be the sole supportive research citing any effectiveness of the personalized instructional approach.

Gates’ latest project is a partnership in Massachusetts with Facebook’s Zuckerberg to test new approaches to personalized learning. The duo combined to give \$12 million to Boston incubator New Profit, whose backers include local and national pro-charter donors; that’s a portion of the \$22 million Gates has given New Profit since 2014. New Profit will use the money to give \$1 million each, plus extensive management support, to seven groups in several states that are promoting various aspects of personalized learning. The funding is significant because it marks the opening of direct collaboration between tech titans Gates and Zuckerberg and, if successful, could be the first instance of many. History shows that if Gates believes a project to be effective, he will double down and provide more funding, attracting still more donors.

Gates has given another \$3.8 million to LearnLaunch, the entity working with the state through a consortium to broaden personalized learning through educational products.

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## The Pioneer Institute

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No recap of local influencers would be complete without recognition of the Pioneer Institute, the think tank that for 25 years has been an unswerving policy and strategic partner in the state's relationship with charter schools. Pioneer also links Massachusetts to the national right-wing network of donors, think tanks and advocacy groups carrying out an anti-tax, anti-union, anti-public-education agenda.

A proving ground for right-leaning Massachusetts policymakers, the Pioneer Institute was an early advocate of recasting state education policy to favor more private options. Helpful in drafting the state's first charter school law, Pioneer today wants more charters in Massachusetts and projects a state and national message calling for laws that allow public money to be spent on religious school tuition.

For right-leaning legislators and advocates of privatization, Pioneer is a reliable source of "studies," white papers and other tools used to make the case for smaller government and more private control of taxpayer money.

In addition to privatizing schools, Pioneer has been jockeying to insert its anti-tax sentiments into tax and employee legislation and ballot initiatives. Its policy priorities call for curtailing spending on public employee pensions and benefits, reining in allegedly excessive governmental regulation, privatizing government services, and evaluating health care reform from a free-market perspective.

Operating with a legal center and policy centers focusing on education, government and health, Pioneer reports committing about one-third of its spending to education. Targeting K-12 education, Pioneer has been a relentless booster of charter schools, education savings accounts providing tax breaks for private school tuition, and takeover zones.

In January 2018, Pioneer released a documentary that hopes to make the case for lifting laws that block public money from being used to pay tuition at private religious schools.

Through its recently formed PioneerLegal center, the institute acts as a right-wing law firm in court cases advancing pro-business and pro-privatization arguments. PioneerLegal attorneys submitted an *amicus* brief supporting a lawsuit hoping to block the Fair Share Amendment surtax on annual income of more than \$1 million from the November 2018 ballot. The group also signed an *amicus* brief with the veteran conservative law center Pacific Legal Foundation urging the U.S. Supreme Court to take up the *Janus* agency fee case and a second union challenge. It filed an *amicus* brief with the Massachusetts Supreme Judicial Court for the high court's review of the ultimately unsuccessful lawsuit seeking to raise the state's charter school cap.

Pioneer typifies the revolving-door mentality that allows political operatives access to elected leaders or that provides job opportunities to staffers who once worked at the State House. Baker and Peyser are both former executive directors of Pioneer, which has helped launch — or cushion — the careers of still more politicians and state officials.

Pioneer alums have served as staffers and advisers to recent Republican governors, and some staffers of Republican administrations have found a landing place at Pioneer after their State House work concludes. Former Pioneer Executive Director Steven F. Wilson advised then-Governor William

Weld in crafting the state's original charter school law. Charles Chieppo, the institute's senior media fellow and a former director of the Pioneer Institute's Shamie Center for Restructuring Government, was a policy director for former Governor Mitt Romney. One of Baker's "Better Government" transition team members, John Siviolella, started PioneerLegal, the think tank's law arm.

The most glaring instance of the pipeline running from Pioneer to the governor's office is former Executive Director Peyser. When Baker took office in 2015, he tapped Peyser, a former Weld adviser and chair of the state Board of Education, as his education secretary. At the time, Peyser was leading the East Coast business of the NewSchools Venture Fund as it worked to expand the local footprint of education companies and charter school chains and was helping facilitate a flow of funding from NewSchools to Boston to grow the city's charter schools. He was on the board of the New York charter advocacy group Families for Excellent Schools when FES was gearing up to push the 2016 charter initiative through a new Boston office.

**Founded and inspired by Boston's Lovett Peters.** Pioneer was founded in 1988 by oil and gas executive Lovett Peters, who died in 2010. Peters' obituary noted that Pioneer "strongly influenced education changes in the early 1990s and honed the careers of key figures in political circles," including Baker.

Peters provided the initial funding for Pioneer, then attracted more like-minded donors from within Massachusetts and outside the state. He encouraged, then helped grow through contributions from his Ruth and Lovett Peters Foundation, the State Policy Network, a group of loosely affiliated state-based think tanks like Pioneer that were modeled after the Heritage Foundation. In 1998, Peters was among the donors of the right's first high-profile anti-worker ballot measure, the California "paycheck protection" initiative that marked the start of the right's coordinated state-by-state assault on unions that continues today with the *Janus* case.

The Lovett & Ruth Peters Foundation continues to be a major benefactor of Pioneer and larger national free-market groups. One of Peters' legacies is that the foundation gives, alongside the DeVos and Koch families, to the right-wing Donors Trust and Donors Capital funds, which help underwrite policy and advocacy groups nationwide.

Peters launched Pioneer primarily to influence education policy, and he touted Pioneer's work in Massachusetts as an inspiration for other states tackling privatization initiatives. He told an SPN gathering in 2003 that Pioneer had been instrumental in securing support for authorizing Massachusetts charter schools by enabling supporters to "get a camel's head under the authorization tent" as a first step to promoting "school choice" in the state.

**Key national partners in State Policy Network, Atlas Network and the Charles Koch Institute.**

While working in Massachusetts to shape policy and legislation, Pioneer also has been a team player in the loosely affiliated groups of think tanks working together through major national think tank networks.

Pioneer is also a well-regarded member within the larger Atlas Network, named for the philosophy of author Ayn Rand, which has a mission of building a world "where limited governments defend the rule of law, private property and free markets." Atlas provides funding and training for think tanks globally, encouraging established think tanks like Pioneer to share their expertise with newer groups. Through the Atlas network, Pioneer's studies and advocacy activities are promoted to its more than 450 member groups worldwide.



In the United States, Atlas members include State Policy Network think tanks and about 120 more policy groups of all sizes: the major national think tanks such as the American Enterprise Institute and Heritage Foundation and hard-hitting advocacy groups from the Koch brothers' network such as Americans for Prosperity and FreedomWorks.

Pioneer has also been a member of the Charles Koch institute, which was started, run and funded by right-wing activist Charles Koch. Charles Koch has taken a personal interest in Pioneer, providing funding to the think tank. His brother David Koch gave Pioneer at least \$400,000, according to Pioneer annual reports.

The Koch Institute is encouraging think tanks such as Pioneer to create legal centers to argue anti-government cases. PioneerLegal fits this bill, pursuing court cases that support Pioneer's agenda. A sister law firm, the Illinois Policy Institute's Liberty Justice Center, is co-lead plaintiff in the closely watched anti-union *Janus* case and, like Pioneer, belongs to the Koch Institute network.

**Funding force behind charter expansion, private school options.** Pioneer advisers and staffers helped shape the state's first charter school law and have worked since then to expand the number of charter schools opening in the state — and to increase the stream of money flowing from public coffers into private hands. Pioneer's tax return says it promotes "a portfolio of public and private school choice options including charter schools, regional vocational-technical schools, inter-district choice programs, tax credit strategies to increase access to private and parochial education and expanded virtual learning programs."

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*While Massachusetts was awash in outside influence during the 2016 charter campaign, with funding and strategic advice flowing in from out-of-state education privatizers and profiteers, Pioneer helped provide a local voice for the campaign, with a steady diet of pro-charter materials.*

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While Massachusetts was awash in outside influence during the 2016 charter campaign, with funding and strategic advice flowing in from out-of-state education privatizers and profiteers, Pioneer helped provide a local voice for the campaign, with a steady diet of pro-charter materials. Pioneer released a series of "studies" in the final weeks of the campaign claiming charter school effectiveness for minority and special needs students. After the failure of Question 2, Pioneer claimed that gains driven by "reforms" such as charters were evaporating from lack of leadership.

Recent activity continues Pioneer's push to blur the lines between public and private funding and schools. Its 2017 film, "Big Sacrifices, Big Dreams: Ending America's Bigoted Education Laws," attacks the so-called Blaine amendments on the books in more than three dozen states that ban the diversion of public funds to religious schools. In the film, paid for by local donors and EdChoice, Pioneer contends that Massachusetts and other states should be able to use taxpayer money to fund parochial and faith-based schools.

**Backing 'empowerment zones' for more charter-like public schools.** With Question 2 and the ballot-driven charter expansion dead, "the Commonwealth must pursue ways to incorporate the reforms into traditional public schools that have made Massachusetts charters so successful," writes Pioneer Distinguished Fellow in Education Tom Birmingham, who helped craft the state's Education Reform Act, which introduced charter schools into Massachusetts. Springfield's empowerment zone, he contends, "represents a step in the right direction in a post-Question 2 world."

**Pushing the 'anti-tax-and-spend' argument against 2018 Fair Share and employee initiatives.** This year the institute is jockeying to be a player opposing the progressive Fair Share Amendment campaign to add a surtax on annual incomes exceeding \$1 million. In February 2018, Pioneer

released a “study” citing Connecticut’s experience with taxes on high earners as an attempt to blunt the support for the 4 percent surtax — a campaign-directed work product reminiscent of the 2016 Pioneer “studies” that tried to make the case for more charter schools.

The institute’s right-leaning law center, PioneerLegal, filed an *amicus* brief to support blocking the Fair Share Amendment from the November 2018 ballot. Filing with the right-leaning Tax Foundation, Pioneer argues that the question is too broad and that its passage “would result in poor and risky fiscal policy.”

**Pushing a weaker Pacheco Law.** Pioneer takes credit for encouraging greater privatization in transit and continues to push to weaken employee protections and pensions. A July 2015 Pioneer report contended that the Pacheco Law, which provides taxpayer protections when considering privatizing government services, was too costly for the state, and Pioneer pushed legislative changes that removed the transit system from the law’s protections for three years. Pioneer got to work during transit’s Pacheco timeout.

In an Atlas Network article touting Pioneer’s involvement, current Executive Director Jim Stergios claims credit for forcing outsourcing that has privatized warehouse operations, cash handling and the paratransit service known as “The Ride.” The outsourcing push gave privatization advocates more leverage in forcing concessions from unions representing T workers and fuels an ongoing effort to trim pension benefits in the name of savings — a common argument Pioneer makes when also pushing for a diminished defined benefit for teachers.

**Funding from reliable right-leaning donors favoring a small-government agenda.** Donors Capital, the donor-advised fund for some of the right wing’s wealthiest and most politically active families, including the Kochs, gave Pioneer at least \$218,000 from 2011 through 2015. Donors Trust, the affiliated donor fund to Donors Capital, gave the pro-Question 2 coordinating nonprofit Families for Excellent Schools \$100,000 in 2014.

The Walton Family Foundation gave Pioneer at least \$905,000 from 2011 through 2015, including some of the policy group’s largest grants. Local donors include The Boston Foundation, financial supporter of a Question 2 charter funding study that admitted it never looked at the impact of charters on district budgets. The Flatley Foundation, which was established by the late developer Thomas J. Flatley, gave Pioneer at least \$318,500 from 2003 to 2011, and son Dan Flatley is a recent donor of more than \$25,000. The foundation of the late Lovett Peters has contributed at least \$200,000 in the past three years.

The late Kingman Webster and his wife, Dee Kingman, gave \$100,000 in 2016, while also providing substantial support to charter schools through their foundation. The New York foundation of the late Frank Stanton, longtime president of CBS, gave Pioneer more than \$450,000 from 2011 through 2015.

In addition to its substantial Walton Family Foundation support, Pioneer relies on some of the right wing’s biggest donors to education privatization. The Thomas Roe Foundation, a philanthropic vehicle created by the late Thomas Roe, founder of the State Policy Network and the Heritage Foundation, gave Pioneer \$60,000 from 2014 through 2016, and the Lynde and Harry Bradley Foundation has given at least \$50,000. EdChoice, a pro-voucher and pro-charter nonprofit formerly called the Friedman Center for Educational Choice, was a \$25,000 donor in 2016.

**Who's involved?** The Pioneer board is led by Chair Stephen Fantone, founder and CEO of Optikos Corporation, and Vice Chair C. Bruce Johnstone, a managing director and senior marketing investment strategist at Fidelity Investments. Former Fidelity executive Steven Akin, now retired as president of Fidelity Personal Investments, joined the board in 2017 and has been listed in Pioneer annual reports as a \$25,000-plus donor.

Other board members are politically connected figures and investment executives, including David Boit, president of Loring, Wolcott & Coolidge wealth advisers; Ellen Herzfelder, former Massachusetts secretary of environmental affairs in the Romney administration; Fiduciary Wealth Partners founder and managing partner Preston McSwain; and Mark Rickabaugh, executive vice president and co-chief investment officer at Anchor Capital Advisors.

Pioneer lists John Kingston — founder and president of the nonprofit group Better for America, which tried to draft a third-party presidential candidate in 2016 — as a board member. Kingston is a 2018 Republican candidate for the U.S. Senate.

Pioneer also has advisory boards that attract politically connected figures active in education, pension and tax battles. Pioneer's "Opportunity" advisory board includes leaders from groups at the center of 2018 ballot and legislative skirmishes over raising and reducing taxes. The Massachusetts High Technology Council, Massachusetts Retailers Association, Massachusetts Business Roundtable and Associated Industries of Massachusetts — all influential business groups opposing the Fair Share Amendment — are represented on the Pioneer "Opportunity" advisory board.



**PROFITS OR  
PROFESSIONALS?  
TECH PRODUCTS  
THREATEN THE FUTURE  
OF TEACHING**



While the charter movement regrouped after the 2016 ballot defeat, a new classroom-based trend — “personalized learning” — is spreading at an alarming clip, speeding up the creeping privatization threatening public education. Personalized learning has a broad definition, covering everything from products and tools that control curriculum and instruction to online platforms and the use of technology in classrooms.

Although some supporters downplay the emphasis on technology, most personalized learning approaches encourage more computers and software in classrooms to replace or upset traditional teaching. More states are beginning or extending these experiments to achieve the stated goals of personalized learning — providing instruction tailored to each child — with no hard evidence to support the benefits of largely untested products flooding classrooms.

RAND researchers, who have done substantial work studying PL, are blunt about the lack of results. “The evidence base is very weak at this point,” John F. Pane, a RAND senior scientist who holds the group’s distinguished chair in education innovation, told *Education Week* in November 2017. A study that year by the supportive Gates Foundation showed only modest gains in math and what authors considered statistically insignificant gains in reading.

Even ardent promoters of the strategy admit that supporting evidence is thin. Susan Patrick, president and CEO of the International Association for K-12 Online Learning, one of seven groups receiving funding from a Gates-Zuckerberg partnership designed to expand PL practices, conceded as much. “The research on [implementation] is not well developed, absolutely not,” *Politico* quotes Patrick as stating. She contends that personalized learning strategies were developed based on research about how students learn best.

Despite this lack of evidence, tech titans and hedge fund investors are fueling the PL push with hundreds of millions of dollars in commitments to ensure that more schools add technology tools and embrace more digital learning. Companies eyeing huge potential returns are promoting PL through nonprofits and using schools to test-drive products for the market. U.S. Education Secretary Betsy DeVos calls PL “one of the most promising developments in K-12 education.” Many others, including mainstream funders such as the Carnegie Corporation, are wading into personalized learning as the movement catches on.

California schools, with Silicon Valley in their midst, are ground zero for personalized learning products and models — but Massachusetts is emerging as a national center for PL experiments as well. School districts, with state help, are partnering in initiatives paid for by corporations and foundations eager to spread personalized learning for profit or for ideological reasons. Private money is pouring into startups and established companies to speed educational technology tools to market.

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*California schools, with Silicon Valley in their midst, are ground zero for personalized learning products and models — but Massachusetts is emerging as a national center for PL experiments as well.*

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One highly troubling development is the public-private partnership between the Department of Elementary and Secondary Education and the LearnLaunch Institute, a Boston nonprofit that runs a for-profit education investment and incubator arm. The Massachusetts Personalized Learning Edtech Consortium, or MAPLE, includes 37 school districts with varying experience in implementing personalized learning. A smaller project operated through the Center for Collaborative Education, a MAPLE partner, is working with schools in four school districts, including Boston, to design and apply personalized learning plans. The CCE receives financial support from the Barr Foundation, the Nellie Mae Foundation and the U.S. Department of Education, among other donors.

At the same time, Massachusetts is home to a closely watched PL private investment project. A first-ever partnership between the Bill & Melinda Gates Foundation and the Chan Zuckerberg Initiative is steering \$12 million into privatization incubator New Profit in Boston to grow seven nonprofits focused on personalized learning — companies with products and think tanks that can help make the case for PL. The New Profit investment represents a fraction of what Gates and Zuckerberg have committed to technology-based instruction, but it is noteworthy for relying on a Massachusetts incubator, supported by local and national charter and privatization backers, to channel the money into the marketplace.

This rapid buildup of experiments and the mingling of public and private money are already having a profound effect on the education profession. Though some supporters pay lip service to educators, saying that they will receive much-needed help from technology, personalized learning clearly diminishes the role of hands-on instructors.

Indeed, there is a possibility that educators could end up as monitors — someday perhaps even bystanders — in classrooms where children are working on their own with technology. “This Orwellian phrase of ‘personalized learning’ is taking away human contact in education,” Leonie Haimson, executive director of Class Size Matters and co-chair of the Parent Coalition for Student Privacy, told a conference audience in 2017.

Schools can use technology for shortcuts. The DeKalb County Schools near Atlanta created “virtual learning days” to make up for two snow days in 2018, an approach that several other Georgia school districts and more states are trying as weather intensifies. “The practice is relatively new so there’s not a track record on whether digital learning equals a day spent in a classroom,” *The Atlanta Journal-Constitution* reported. The Massachusetts DESE leaves decisions about at-home work for makeup days to local school districts.



## **Personalized Profits: The Market Potential of Educational Technology Tools**

Supporters of privatizing public education are betting on computer-based learning to grab a greater share of public education dollars. Numerous companies — including small startups, large education firms such as Pearson and McGraw-Hill Education and tech giants Google and Amazon — are testing or selling products for this market, which was estimated by one finance group to be worth \$43 billion in 2015 and is expected to climb to nearly \$94 billion by 2020.

Not only is the preK-12 market wide open to profits, but the higher education market is promising still more gains for technology companies, threatening college and university teaching positions. A House Republican rewrite of the Higher Education Act rolls back regulations that online providers consider “burdensome” and have worked to eliminate, *The Wall Street Journal* reported.

In recent years, McGraw-Hill, traditionally a textbook publisher, has acquired at least four companies that specialize in personalized learning products for the classroom. In 2015, sales for McGraw-Hill higher education digital products outpaced print revenues for the first time ever, and the company’s annual report that year forecast what the company saw as “significant growth opportunity for the use of personalized learning programs.” Investors are on board. International consulting and research firm Prequin noted in 2015 that worldwide, North America — namely the United States — has the world’s highest concentration of technology investors in the education sector, with the most potential to grow. “Investor expectations for significant growth in education markets are likely to be driven by rapidly expanding global economies, new models for education (e.g., in line with technological advancement), as well as the opportunity gap left by tighter public sector budgets,” the firm predicted.

With massive investments and companies looking for breakthrough products, there is great pressure to produce results, profits and success. “If Boston can lay claim to anything, it should be that we’re [the] country’s center for education,” said Mark Miller, a co-founder and chair of LearnLaunch. “This is really important work and other people also are looking at us to prove it first.”

## **State-Funded Personalized Push in Massachusetts: MAPLE and LearnLaunch**

The personalized learning fad created MAPLE, a partnership between the DESE and the LearnLaunch Institute. It is an intricate mix of public and private money at the center of the state's digital learning ambitions. MAPLE's founding executive director, David O'Connor, is a former executive at education companies Pearson and TEACH-NOW and worked for four years at Amplify when it was owned by Rupert Murdoch's News Corporation.

LearnLaunch does business through two entities: the nonprofit LearnLaunch Institute, which was started in 2012 and sponsors MAPLE, and a for-profit business that provides seed funding, exposure and guidance to tech startup companies. In the fiscal year that ended in June 2016, before the MAPLE partnership was announced, the LearnLaunch nonprofit reported a total of \$667,367 in revenues, including contributions and conference revenue. It paid more than one-third of its revenues that year to its for-profit side for management and rent.

MAPLE promises to accelerate the spread of unproven personalized learning under the mantle of innovation. Participating schools are in districts that have already decided to pursue districtwide PL strategies and in districts still considering implementation. MAPLE says it offers its partner districts a chance to network with each other, connect with researchers and develop tools to help implement personalized learning plans.

Schools, MAPLE says, can also "gain insight into the Massachusetts landscape for personalized learning" — which means exposure to education companies and new products. While advising the state and school districts through MAPLE, LearnLaunch runs the LearnLaunch Accelerator, a for-profit entity that helps early-stage technology entrepreneurs grow their startups. The accelerator supports new software and products for preK-12, higher education and company uses.

In Massachusetts, LearnLaunch pitches and tests school products with teachers and administrators, including those in the consortium. A MAPLE "learning tour" of a Natick elementary school in December 2016 showcased the math application TenMarks, a tech startup whose minority investors included LearnLaunch co-founder Jean Hammond before it was bought by Amazon in 2013. More "learning tours" are scheduled in 2018.

LearnLaunch Accelerator portfolio companies secure audiences with educators. In June 2017, for example, eight companies that have received startup funding through LearnLaunch met with Medfield School District teachers. The event gave four new LearnLaunch companies and four earlier-funded companies a chance to test and pitch their products. LearnLaunch publicized positive comments from teachers about the products, a type of back-door endorsement.

MAPLE school leaders participated in a February 2018 LearnLaunch "Across Boundaries" conference, which pointed to a range of challenges and opportunities for preK-12 schools and showcased complementing technology. Higher education sessions examined tools to simplify online learning to boost enrollment and strategies to help educators embrace online learning.

MAPLE's resources also advise districts on how to procure products while sympathizing with companies trying to do business with schools. "Providers are extremely frustrated with procurement," advised a Gates Foundation-funded report offered by MAPLE, "Improving Ed-Tech Purchasing."

Providers are “concerned about gaining visibility in a crowded market, limited information on what teachers need and how districts do business, a fragmented procurement policy environment that is different from district to district, and lengthy timelines for purchases, among other things,” the report states.

Marketing by for-profit companies in Massachusetts schools worries public education supporters, and the MTA is on record opposing the MAPLE Consortium. In an August 2017 letter to Acting DESE Commissioner Jeff Wulfson, MTA leaders wrote that while innovation can be healthy, educators and learning experiences will suffer from so-called personalized learning that “depersonalizes the classroom.” Members are “deeply troubled,” the letter said, that the state teamed with a partner invested in companies trying to find business in schools.

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## Who's Behind the MAPLE/LearnLaunch Collaboration?

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After the state investment in MAPLE, two foundations are identified as the consortium's primary donors: the Barr Foundation, already noted as a charter supporter, and the Nellie Mae Education Foundation, which is pouring millions of dollars into personalized learning throughout New England. Nellie Mae is the wholly owned subsidiary of student loan provider SLM Corporation, or Sallie Mae.

A closer look at the MAPLE and LearnLaunch collaboration, however, shows many corporate and foundation checkbooks tied into the consortium through sponsorships, grants and showcased products.

**Funding and support.** LearnLaunch identifies 10 groups — advisers, think tanks and product partners — supporting the MAPLE Consortium, including the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts ASCD, the Massachusetts Computer Using Educators, the Collaborative for Educational Services and the New England Secondary School Consortium.

Some of MAPLE's partners rely on education company support for their work. The nonprofit Collaborative for Educational Services promises school districts “the best available rates” to work with its partner education technology companies. MassCUE identifies dozens of partner companies, but notes, “Their inclusion does not mean that we endorse their company or products. However, we do encourage school districts to contact them to learn more about their company.”

Two more MAPLE supporters are nonprofits receiving funding from the \$12 million Gates-Zuckerberg partnership through New Profit in Boston: LearningAccelerator and the Highlander Institute.

Future Ready Schools — a project of the Alliance for Excellent Education that is working in 30 states to expand personalized learning — is also a MAPLE partner, along with its primary donor, the Friday Institute. Future Ready Schools works with leaders of urban and rural school districts and relies on funding from companies heavily invested in educational technology products, including Apple, Pearson, McGraw-Hill Education and Google for Education, in addition to the Gates Foundation.

National organizations with involvement in Future Ready Schools, which provides support and ongoing learning opportunities for teachers, cover a range of educational thought and include the AFT, the NEA and the Council of Chief State School Officers, along with Teach for America and the right-wing National Council on Teacher Quality.

**LearnLaunch 'primes the pump' for new products.** Thomas Vander Ark, former education director at the Gates Foundation and now an education company investor, credits LearnLaunch with raising Boston's profile as a center for educational entrepreneurs.

The for-profit side's LearnLaunch Accelerator invests up to \$120,000 in startups and provides access to mentors and coaches — and, in Massachusetts, introductions to schools — in exchange for a stake in the company. It also provides a campus to house startups.

LearnLaunch's founders include Jean Hammond; Eileen Rudden, founder of Sankaty Growth Partners, a former chief officer of college and career preparation for the Chicago Public Schools and a 2009 Broad Fellow; and Mark Miller, founder and managing partner of Good Harbor Partners, who has started or run several educational technology companies and who now chairs LearnLaunch.

LearnLaunch grew from investing in startups and helping entrepreneurs sell their products. Before the MAPLE Consortium, LearnLaunch at times dispensed aggressive advice to companies trying to crack the preK-12 market. "You will need to cultivate excited teachers and schools that can share their experiences with potential customers," one LearnLaunch blog post advised companies making pitches to private schools in 2015.

At a 2014 workshop, LearnLaunch startups got advice on promoting products to school districts, higher ed institutions and state education agencies. Co-founder Rudden reported that one tip from a successful LearnLaunch startup executive — from TenMarks — suggested that companies "prime the pump" by offering a "freemium" model. Teachers get free access to a product, then companies can "convince leaders to upgrade to the paid version," she said. Today, Rudden is one of seven leaders of the MAPLE Consortium.

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*Co-founder Rudden reported that one tip from a successful LearnLaunch startup executive — from TenMarks — suggested that companies "prime the pump" by offering a "freemium" model.*

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Corporate and foundation donors support the nonprofit side of the umbrella company LearnLaunch. The nonprofit LearnLaunch Institute identifies McGraw-Hill, Pearson, the Barr Foundation, the Gates Foundation and the Nellie Mae Education Foundation as sponsors, along with consulting companies Education First and Parthenon-EY.

The Gates Foundation provided nearly \$800,000 in 2015 and 2016 grants for sponsorships and to support MASSNET, the Massachusetts School Network Edtech Testbed, to test software in six Boston public schools. The Nellie Mae Education Foundation has provided at least another \$517,208, and the Barr Foundation has given at least \$464,000 in grants and sponsorships.

LearnLaunch's Across Boundaries conference brings together companies, foundations and preK-12 and higher education educators and administrators, a prime opportunity for corporate pitches. Curriculum Associates was its top sponsor for the 2018 conference, joining Cengage, Nellie Mae and Pearson as sponsors. Chris Gabrieli, chair of the Springfield Empowerment Zone Partnership, was on the conference advisory board for the event.

On *LearnLaunch.com*, the website of the for-profit business, sponsors include Cengage Learning, McGraw-Hill Education, Pearson, Houghton Mifflin Harcourt and Boston's Curriculum Associates — companies with growing educational technology businesses — among its corporate donors. Events showcase companies, such as a March 2018 webinar targeting special education sales that was pitched as "An EdTech Market Opportunity Larger Than You Think!" to participants. Panelists included the CEO of Education Modified in New York, which sells a special education platform.

## **Gates and Zuckerberg Support PL Nonprofits Through Boston's New Profit**

With MAPLE underway, the state's stake in the evolving personalized learning marketplace was cemented in 2017 with the first Gates-Zuckerberg joint venture: the \$12 million grant to Boston-based New Profit to support personalized learning at seven nonprofits.

Although the nonprofits funded through the project are located in other states, the Gates-Zuckerberg gift catapulted New Profit — and the Boston educational technology cluster — into national prominence, with more resources and a higher profile.

Charter supporters from within the state and elsewhere fund and help run New Profit, with the Gates Foundation serving as one of the largest donors well before the Zuckerberg gift. Contributions helped boost revenues and investing power from \$24 million in 2014 to \$39.2 million in 2016. Charter leaders Joshua Bekenstein, co-chair of Bain Capital, and state Technology Secretary Mark Nunnally sit on the New Profit board with The Boston Foundation's Paul Grogan and Teach for America founder Wendy Kopp.

It is unsurprising that charter and PL supporters meet up at New Profit, since the strategy used to invest in personalized learning mirrors the strategy that donors used to expand the national charter footprint. Major donors direct funding to growing charter school entities, but also fund the advocacy groups that can help make the argument for the charter spread.

With the Gates-Zuckerberg partnership, New Profit is steering money to a network of groups that can do the same: produce and market the products used in personalized learning and provide tools to help publicize, sell and advocate personalized learning.

Five of the New Profit recipients — ImBlaze, The Learning Accelerator, PowerMyLearning, Transcend and Valor Collegiate Academies — emphasize educational technology in their models.

- ImBlaze, an internship platform, was developed by the nonprofit Big Picture Learning in a collaboration with the for-profit ECHO Technology Solutions.
- The Learning Accelerator uses donor contributions to provide funding to schools and organizations for blended learning projects, with the Gates Foundation being a leading contributor. Another major donor is the Jaquelin Hume Foundation, a longtime proponent of vouchers and one of the largest givers, after the Walton Foundation, to the Association of American Educators, which pitches itself as an alternative to the NEA. Hume Foundation Executive Director Giselle Huff chairs The Learning Accelerator board.
- Personalized learning platform PowerMyLearning has been heavily funded by the Gates Foundation, providing at least \$4.5 million, and by the Laura and John Arnold Foundation, a top charter donor, with \$1.7 million.
- Transcend, part of the NewSchools Venture Fund portfolio, is a school design nonprofit that collects substantial support from Silicon Valley donors.

- Valor Collegiate Academies, a chain of charter schools in Nashville that uses PL as part of instruction, receives funding from the Vanguard Charitable Fund, the NewSchools Venture Fund and The Eli & Edythe Broad Foundation.

Two New Profit recipients, the Highlander Institute and the International Association for K-12 Online Learning, or iNACOL, provide research and advocacy to support PL growth.

- The International Association for K-12 Online Learning issued a paper in February 2018 calling on states and policymakers to reconsider teacher training, credentialing and assessments to catch up with the technology-focused classrooms. iNACOL's donors include the Gates Foundation, the Walton Family Foundation and the Nellie Mae Education Foundation. The Hume Foundation is a top donor, with Huff on the board.
- The Highlander Institute, based in Rhode Island, provides technical assistance and help to school districts pursuing personalized learning and has been a significant source of support to Rhode Island's statewide PL initiative. The Gates Foundation provided funding for Highlander in years preceding the New Profit project.

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## Funding from the Chan Zuckerberg Initiative

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The seven nonprofits supported through the New Profit initiative can thank Facebook founder Mark Zuckerberg for half of the funding they will receive. Zuckerberg is a relative newcomer to education philanthropy, but his wealth — an estimated \$74.5 billion — makes him an instant player.

His earlier philanthropic attempts have included giving \$100 million in 2010 to the public schools in Newark, New Jersey, with the intention of turning around the schools in five years; about one-quarter of the Zuckerberg money went to charter schools. In 2015, he started the Chan Zuckerberg Initiative with his wife, Priscilla Chan, to promote personalized learning and medical research.

Zuckerberg argues that software is a critical tool in changing how students learn. He hired engineers through the CZI and partnered with Summit Public Schools, operating as charter schools, to develop and test the Summit Learning Platform through Facebook. Zuckerberg also hired veterans of the Gates Foundation, including former U.S. Deputy Education Secretary James H. Shelton, to run the initiative. Shelton told *Education Week* that the CZI will distribute “hundreds of millions of dollars per year” for education-related causes.

In 2018, Zuckerberg and Chan announced a \$30 million gift to Harvard University and the Massachusetts Institute of Technology to develop a Web-based tool that can identify children facing potential reading problems and guide future literacy products.

In addition to pooling money with Gates, the CZI has funded technology-centric strategies with partners who otherwise support expanded school “choice,” even school vouchers. CZI joined the right-wing Jaquelin Hume Foundation and other donors in supporting Rhode Island’s PL initiatives.

The CZI gave an undisclosed amount to support state and district expansion of personalized learning through Chiefs for Change, the right-leaning education group formed through the Foundation for Excellence in Education nonprofit founded by former Florida Governor Jeb Bush. Bush started the group as a national platform for his market-based education policies in Florida, including vouchers, but Chiefs for Change broke away from the FEE in 2015 to recruit bipartisan members, including Boston Public Schools Superintendent Tommy Chang. Still, Chiefs for Change supports expanding school “choice” options through more charters and relies on funding from Gates and the Walton family.

Unlike the Gates Foundation, which operates as a nonprofit that reports grants and expenses, the CZI is a limited liability corporation. That gives Zuckerberg the flexibility to fund nonprofits and for-profit companies and spend on lobbying and political campaigns without the full public accounting that is required for 501(c)(3) foundations.

If they continue working through the CZI, it may be hard to tell what Zuckerberg and Chan are influencing — which is important, given that the couple say they will give away 99 percent of their Facebook shares, as *Education Week* reported, emphasizing software “that understands how you learn best and where you need to focus.”

Using a company structure for philanthropy is becoming more commonplace among donors, experts say, a trend that contributes to the lack of transparency around education policy. Stanford Professor



Laura Arrillaga-Andreessen told *The New York Times* that an LLC provides “the ability to act and react as nimbly as need be to create change, and you have the ability to invest politically, in the for-profit sector and the nonprofit sector simultaneously.” With more donors choosing a corporate structure over a nonprofit structure, she said, “We are now seeing a blurring of the lines between the sectors in a way that was not even discussed 10 years ago. The way that we are going to solve social problems is by working with multiple different types of investing.”

This influx of potential billion-dollar fortunes, mixing charitable contributions with for-profit motives, is turning traditional philanthropy on its head. *Inside Philanthropy* notes that the CZI model — selling technology products, making grants to nonprofit and for-profit providers, and investing in ed tech — “is likely to create some tricky issues over time for the organization and its partners to navigate.”

## **Personalized Learning Support from Laurene Powell Jobs**

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Laurene Powell Jobs, widow of Apple founder Steve Jobs, is another philanthropist who has used the LLC approach through her Emerson Collective to give away money to nonprofit and for-profit groups while engaging in advocacy and political activity. Worth an estimated \$19 billion, Powell Jobs joins charter enthusiasts Alice Walton and Fidelity CEO Abigail Johnson among the wealthiest women in the world.

Like Walton and Johnson, Powell Jobs is using her financial clout to inject a greater private role in public schools. Her money shows up in Massachusetts through a school design competition, charter school support and investments in education companies, sometimes in tandem with Gates and Zuckerberg.

Until recently, Powell Jobs kept a relatively low profile in her education philanthropy and education company investments. In the past two years, however, she has been headlining major investments in education and immigration reform. In 2016, she created the Emerson Collective Foundation, steering some philanthropic money through a more traditional nonprofit to continue her giving.

Nationally, through the Emerson Collective, Powell Jobs launched a \$100 million school design competition, “XQ: The Super School Project,” to encourage new approaches to high school structures. The \$10 million-per-school winners include six charter schools and four public schools. One winner was part of Summit Public Schools, host of the Zuckerberg-developed Summit Learning Platform. Another \$10 million winner was the Powderhouse Studios proposal for a new alternative school in the Somerville Public Schools; Somerville was also a finalist for the funding. Powderhouse is proposed as a year-round program with a project-based curriculum.

Powell Jobs is a former board member of the NewSchools Venture Fund. In the 1990s, she started College Track, a nonprofit group that provides tutoring and mentoring to prepare low-income students for college. She joined the Walton and Gates foundations in funding Parent Revolution, the California group that championed the so-called Parent Trigger device, advanced in states through model legislation from the American Legislative Exchange Council to allow wholesale takeovers of schools and for-profit school managers.

While supporting school design competitions and pumping money into nonprofits, the Emerson Collective has been spending money on Massachusetts education, including personalized learning companies. The collective led a \$16 million investment that funded Boston startup Panorama Education, a data analytics company whose investors include Zuckerberg and Google Ventures. As noted previously, Panorama Education uses surveys of students, teachers and parents to help schools guide curriculum and make decisions, and it works with Gabrieli’s Transforming Education group.

Boston-based education software startup Ellevation received \$6.4 million in co-investments from a group led by the Emerson Collective, with other funders including Zuckerberg Education Ventures and the Omidyar Network, funded by eBay founder Pierre Omidyar and operated as a nonprofit and LLC company.

The Emerson Collective joined Zuckerberg and Chan in providing funding to expand AltSchool, a company that may have found a way to charge schools to help develop products. One California

## **Threat From the Right Intensifies | Profits or Professionals? Tech Products Threaten the Future of Teaching**

school district will pay \$5,000 per teacher for AltSchool's personalized learning platform, support and professional development opportunities. Teachers will provide feedback to the company to refine the product in what AltSchool executive Devin Vodicka calls a "mutual learning experience."

## **Baltimore County's Cautionary Personalized Learning Tale**

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The drive to put more technology in classrooms, whether in the form of laptops or software, can create a complicated relationship between schools and private companies. “An industry has grown up around courting public school decision makers and tech companies are using a sophisticated playbook to reach them,” *The New York Times* noted in reporting on relationships between school administrators and companies.

The *Times* likened the promotion of laptops, software and educational products to strategies used by drug manufacturers to gain exposure for their pharmaceuticals: drug makers “cultivate” physicians and trade groups to secure use of their products, just as technology companies woo administrators and other educators. Likewise, schools also can feel pressure from research or advocacy groups underwritten by PL supporters.

The experience in the Baltimore County Public Schools and other districts — with a Massachusetts twist — exposes vulnerabilities emerging in the corporate rush to the market. Former Baltimore County Superintendent Dallas Dance pleaded guilty in March 2018 to perjury for failing to report consulting fees from a technology company that he helped hire as part of a massive move to technology for county schools.

Investigations showed that Dance helped negotiate an \$875,000 no-bid contract with SUPES Academy while receiving consulting fees from SUPES and affiliated companies. Dance also collected consulting fees from four school districts and two other groups, all of which he failed to disclose.

One group paying Dance was the Education Research & Development Institute, a Chicago firm that connects school decision-makers with technology companies. The ERDI charges school vendors reported fees of up to \$66,000 a year to arrange meetings with superintendents who provide product feedback and endorsements. The ERDI paid Dance and the interim superintendent who replaced him to participate in conferences that promoted ERDI client products to other school districts, news accounts said.

Four companies identified by *The Baltimore Sun* as ERDI clients — including LearnLaunch sponsor Curriculum Associates of Massachusetts — received no-bid contracts or extensions in Baltimore County while Dance was superintendent. Curriculum Associates first received a no-bid three-year contract with Baltimore County in April 2014, *The Sun* reported. In June 2017, five months after Dance participated on an ERDI panel showcasing Curriculum Associates products, the Baltimore County Board of Education approved a \$2 million expansion of the company’s no-bid contract, increasing the total to \$3.2 million.

The ERDI’s current list of “professional colleagues” on its website does not mention Curriculum Associates, but does list LearnLaunch sponsors McGraw-Hill and Pearson as partners, as well as Amplify, former employer of MAPLE Executive Director O’Connor.

Curriculum Associates was identified as an ERDI partner as recently as November 2017, when news outlets reported that the Youngstown City School District in Ohio had contracted with the company for its iReady product while ERDI was paying consulting fees to district Chief Executive Officer Krish Mohip. Mohip maintained there was no problem because he was not paid directly

by Curriculum Associates. ERDI routinely pays superintendents for their guidance, a practice documented at least as early as 2005, when *Education Week* examined such contracts, and appears to do business with Massachusetts superintendents.

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## Quick PL Growth Spurs Privacy and Academic Worries

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The seemingly bottomless pool of money behind personal learning will open up schools to a crush of more technology. This rapid spread raises concerns beyond the potential influence of for-profit companies and the sheer lack of evidence supporting the worth of privatized learning. Educators and parents worry about the unfettered access to student data it often provides, and even neutral or supportive groups agree that technology is spreading so quickly that privacy protections are hard to manage.

Because for-profit companies are behind many of the technology tools, questions linger about products collecting massive amounts of student data that could be used for commercial gain. The Summit Learning Platform, developed by Zuckerberg through Facebook and used in some Massachusetts schools, has faced tough questions over its data protections. The national inBloom project, which collected student information to share with vendors developing educational products, was abandoned in 2014 because of privacy worries, but companies including LearnLaunch partner Pearson sell similar technology tools.

The National Education Policy Center concluded in its 2017 annual “Report on Schoolhouse Commercializing Trends” that the lack of transparency — not knowing how companies can use data they generate from students — presents a huge challenge. “Corporations that gather this information may claim to refrain from using it for commercial gain, but there are no guarantees,” the report said. “Security is also a concern: recent high profile breaches and hacks demonstrate that many education technology applications lack adequate data security to protect the student data they collect.”

Report co-author Faith Boninger told *EdScoop* that the center also wants to ensure that students are not being used as “guinea pigs” by companies testing their products.

Educators worry about how technology can affect student achievement. Online learning, part of the PL push, has been in schools for years, but its ease of use has led to shortcuts. Educators and the organizations that represent them, including the NEA, have raised concerns about the widespread use of “credit recovery,” a process in which students can retake coursework or failed classes.

The National Center for Education Statistics shows increasing use of online distance learning in schools, heavily focused on credit recovery. There are fears that allowing more students to re-take courses is ripe for abuse if schools use the tactic to boost passing grades. iNACOL, otherwise a proponent of online learning, says: “Too often, credit-recovery ‘solutions’ have lowered the bar for passing.”

Products posing the most problems “are often computer-based software programs that are low-cost, have very low levels (if any) of teacher involvement, and require very little of students in demonstrating proficiency. They are used primarily because they are inexpensive, and they allow schools to say students have ‘passed’ whether they have learned anything or not,” iNACOL reported.

**Words of doubt from a PL advocate.** While personalized learning promises to mix more private and public resources, not even all privatization advocates necessarily think it is a good idea if implemented quickly. In an op-ed titled “Don’t let personalized learning become the processed food of education,” Michael Petrilli, president of the right-wing Thomas B. Fordham Institute, noted that in the rapid spread of personalized learning, “We in education have a bad habit of taking good ideas to their logical extreme.”

**TAX-CUTTING FEVER  
THREATENS PUBLIC  
EDUCATION AND OTHER  
PUBLIC SERVICES**





With the Baker administration's continuing support for charters and other strategies to shift resources away from public education at all levels, a dual funding threat looms on another front as well: confirmed revenue reductions from federal tax changes and a challenge to state tax receipts.

These threats to revenues are aimed at all levels of government. Changes under the deceptively titled Tax Cuts and Jobs Act will reduce federal revenues by an estimated \$1.5 trillion, leaving the education-unfriendly Trump White House and Republican-controlled Congress to parcel out the remaining resources.

In Massachusetts, anti-tax groups and their corporate allies hope to force even more cuts with a state sales tax reduction and sales tax holiday while working to defeat a revenue-increasing plan to pass the Fair Share Amendment, which would place an additional 4 percent tax on annual income over \$1 million to support public education and transportation.

With passage of the federal tax law, reductions in the federal commitment to services, including education, seem a given, with states feeling the pain. "To the extent that federal spending cuts occur, residents of Massachusetts will experience cuts to federal programs and cuts to state programs supported with federal dollars," the Massachusetts Budget and Policy Center predicted, noting that federal dollars funded one-quarter of the state budget in 2017. "Federal cuts will also make it less likely that there will be federal and state investments to improve education, infrastructure, or other programs that support the long-term health of our state's economy."

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Policy changes included in the new federal tax law will affect local resources for schools. PreK-12 public education is expected to take a hit in states such as Massachusetts given the law's \$10,000 cap on the mortgage interest deduction, which could ultimately slow down high-end home sales and make it harder for states and localities to raise taxes to maintain and increase funding for public education.

While public schools and services will suffer from the tax changes, the highest earners in Massachusetts will not. The Institute on Taxation and Economic Policy estimated that federal tax cuts will reduce federal taxes paid by the highest-income 1 percent of the Massachusetts population by more than \$2.96 billion in 2019, the first year the cuts are fully in effect. Lower-income families will see their taxes increase within 10 years, the institute said.

Provisions in the federal law will limit the deductibility of state and local taxes, or SALT, generally affecting higher-income taxpayers. The institute estimated, however, that other changes in the federal tax law will more than make up for any losses the wealthier might feel. For the highest-income households in Massachusetts — those with annual incomes exceeding \$1 million — "the average tax cuts from other federal changes in the law are more than twice the average size of the impact from the loss of SALT deductibility," the institute concluded.

Finally, the federal tax law includes a provision that extends a tax break to families choosing private schools over public education. So-called 529 tax-free saving accounts, formerly available only for use for college expenses, have been extended to include tuition at public, private or religious K-12 schools, yet another threat to public education.

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## The Fair Share Amendment

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Although projections show that wealthier Massachusetts residents will receive the largest tax cuts and benefits under the Trump tax changes, well-funded groups representing some of the state's wealthiest residents are fighting the revenue-generating plan offered through the Fair Share Amendment. They are also opposing efforts to increase the minimum wage to \$15 and provide paid family and medical leave.

Indeed, these same groups are seeking more tax reductions, supporting proposals to reduce revenues for schools and public services through a lower state sales tax and a permanent sales tax holiday.

The Massachusetts High Technology Council, Associated Industries of Massachusetts, the Massachusetts Competitive Partnership, the Retailers Association of Massachusetts and the local chapter of the National Federation of Independent Business — groups whose members include the state's largest employers and which are led by influential advocates of government privatization and reduced spending — are lining up on the anti-revenue side as the 2018 election approaches.

While some local corporate groups have at times supported broad-based tax increases for education and transportation, they are balking now at tax changes that would affect their members and member companies. They are aligned with traditional tax-cutting groups, including the Massachusetts Fiscal Alliance and the Massachusetts Taxpayers Foundation, with research and rhetorical support coming from the Pioneer Institute and potentially the Beacon Hill Institute, among others. National anti-tax groups are eyeing the Massachusetts revenue debate and are seen as likely to wade into the state with money and advocacy support.

As recently as 2016, the business groups worked in concert in a political effort targeting public schools. The Massachusetts High Technology Council, the Greater Boston Chamber of Commerce, the Massachusetts Business Roundtable, the Massachusetts Fiscal Alliance, the Massachusetts Taxpayers Foundation and the Massachusetts Technology Leadership Council all belonged to the Great Schools Massachusetts coalition organized to support the Question 2 charter initiative.

**Raise Up Massachusetts fights for workers, families and the Fair Share Amendment.** The Raise Up Massachusetts coalition, whose members include the MTA, other unions and community and faith groups, collected more than 157,000 signatures in 2015 to qualify the Fair Share Amendment for the ballot. In 2016 and 2017, the Legislature voted twice — as required for the constitutional proposal to advance — to place the amendment on the 2018 state ballot.

If approved, the Fair Share Amendment's 4 percent tax on annual income over \$1 million would generate approximately \$2 billion per year in much-needed funding for public schools, public colleges and universities, roads, bridges and public transportation.

Corporate interests and privatization advocates, however, wasted no time in moving to challenge the amendment's inclusion on the ballot. Massachusetts High Technology Council President Christopher Anderson led the lawsuit filed in 2017 seeking to block the amendment, using private attorneys from a local firm to argue against the measure, with the heads of Associated Industries of Massachusetts, the local chapter of the National Federation of Independent Business, the Massachusetts Taxpayers Foundation and the Massachusetts Competitive Partnership also signing on as plaintiffs. The state

Supreme Judicial Court heard arguments on the case in February and had not yet handed down a decision as this report went to press.

While advocating for the Fair Share Amendment, Raise Up Massachusetts is supporting bills pending in the Legislature that would require employers to provide paid family and medical leave and boost the statewide minimum wage to \$15. Both measures could be on the fall ballot if the Legislature fails to act.

But as educators and other advocates for working families campaign to strengthen communities, the anti-tax side is pursuing every possible approach to reducing revenues.

Baker added a permanent sales tax holiday weekend in his proposed state budget, and the Retailers Association of Massachusetts has started a ballot campaign committee to back the sales tax holiday and reduce the state's sales tax rate from 6.25 percent to 5 percent. The combined sales tax changes, if passed by the voters, would slash revenues by an estimated \$1.3 billion per year.

The ballot committee, called the Massachusetts Main Street Fairness Coalition, is almost entirely funded by the Retailers Association of Massachusetts and is chaired by Jon Hurst, the group's president. In January 2018, the committee reported raising \$326,750, with the Retailers Association providing \$325,000 of that amount.

Raise Up Massachusetts is operating as a ballot committee, reporting fundraising and expenses through the Office of Campaign and Political Finance. But no committee opposing the Fair Share Amendment or gearing up to do so had filed with the OCPF for any activity, meaning there is no official financial record disclosing what groups — and funding — may be active in fighting the proposal.

In fact, other than the committee backed by the Retailers Association, anti-tax advocates had left no footprint by late April 2018. The minimal amount of information on the anti-tax side is reminiscent of the 2016 charter-expansion campaign, which involved many of the same players. In 2016, just a few donors reported initial support for the pro-Question 2 initiative, which eventually attracted a total of \$29 million spread across six campaign committees. Two of those committees were eventually sanctioned by the OCPF for failing to disclose donors, including one tied to the Families for Excellent Schools nonprofit, which was clearly working on the charter campaign well before state filing deadlines.

Even without more formal committees in place, however, it is evident that anti-tax groups and business associations have been marshaling resources to defeat the Fair Share Amendment and win tax reductions that would harm public education at all levels.

**The Massachusetts High Technology Council.** Representing some of Massachusetts' largest employers, the High Technology Council has a member roster that includes companies whose executives helped fund the fight for more charter schools in the Question 2 campaign. Fidelity Investments, Bain Capital and The Kraft Group, all associated with major charter donors, are council members, along with The Boston Foundation.

Though campaign finance records do not show a direct council contribution to the Question 2 campaign, the council was one of the local groups included in the campaign coalition initially formed as Great Schools Massachusetts. The council also has an earlier pro-charter record: In 2009, it gave

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*The minimal amount of information on the anti-tax side is reminiscent of the 2016 charter-expansion campaign, which involved many of the same players.*

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\$17,750 to the Committee for Charter Public Schools, organized to lift the state charter cap. James Peyser, then an executive with the NewSchools Venture Fund and now Massachusetts secretary of education, was the committee's treasurer.

Recently, however, the council has set its sights on holding the line on taxes. In a letter to some 150 members in March 2017, the council sought contributions of \$10,000 to \$25,000 each to fight the Fair Share Amendment. An initial council estimate suggested that the group planned to spend at least \$400,000 on that effort.

The five groups represented in the lawsuit have retained attorneys from High Technology Council member Goodwin Procter, a Boston law firm, to argue the case for the plaintiffs opposing the amendment. The council has contended that the change would make Massachusetts less competitive for companies among states with technology hubs. But the Massachusetts Budget and Policy Center surveyed available research and reported that "few millionaires move due to taxes."

Council members are also organized against the paid family and medical leave proposal. "Employers are best equipped to make decisions about what benefits they provide to their workers," council lobbyist Mark Gallagher wrote in a January 2018 letter to Senate members of the Joint Committee on Labor and Workforce Development.

With the breadth of potential advocacy activity in 2018, the council will have to stay aware of its political expenses. It is organized as a 501(c)(6) nonprofit, which by Internal Revenue Service rules means it can participate in political campaign activities as long as political campaigning is not its primary purpose. The High Technology Council's total revenue for its fiscal year ending in October 2016 was \$1.78 million.

The council gets the bulk of its funding from dues, and for the 2016 fiscal year it collected \$1.3 million from members. The Boston Foundation, a member, has also provided \$150,000 in grants from 2015 to 2017 to fund the New England Tech Veterans' Employment and Wellness Initiative.

**The Massachusetts Competitive Partnership.** The exclusive Massachusetts Competitive Partnership, led by some of the Boston area's wealthiest executives, has the potential to access significant resources to challenge the Fair Share Amendment.

Notching \$1.3 million in revenues in 2016, but with the capacity to tap the checkbooks of some of Boston's biggest corporate players, the MCP has a good working relationship with the Baker administration and has supported the governor's initiatives. Its website and 2016 tax return indicate a combination of pro-business and anti-spending sentiments: A major concern for the MCP is the "cost of government," with the group seeing an "urgent need to reform public benefits" because of "looming pension liabilities and even larger healthcare costs for state and municipal employees."

These heavy-hitting companies have largely sided with the Baker privatization agenda. Four of the companies with CEOs on the MCP board gave heavily to the Question 2 charter campaign, with \$100,000 each coming from The Kraft Group, Suffolk Construction's Suffolk Cares and Partners Healthcare and \$50,000 from Vertex Pharmaceuticals. EMC, since absorbed by Dell Technologies, gave \$75,000 to back Question 2, and Dell Chairman and CEO Michael Dell — a significant charter donor in his personal philanthropy — joined the MCP board after the EMC takeover.

The MCP board also includes Fidelity Chairman, President and CEO Abigail Johnson, who led a string of Fidelity employees in supporting the charter campaign, and State Street Chairman and CEO Joseph Hooley, whose executives also contributed to support the charter measure.

Eleven of the companies represented on the MCP board also have lower-level executives on the board of the Massachusetts Taxpayers Foundation. Top executives from companies including Raytheon, The Kraft Group, Care.com and Putnam Investments are on the boards of both the MCP and the Massachusetts High Technology Council.

**Associated Industries of Massachusetts.** Billing itself as the largest nonprofit association of Massachusetts employers, AIM is also organized as a 501(c)(6) entity, with an affiliated AIM Foundation that primarily performs research and supports member “education.” It uses surveys of its member companies to promote pro-corporate policy positions at the State House.

AIM reported revenues of \$6.5 million in 2016, half of which paid for salaries and employee expenses. Its 2016 revenues included \$4 million in membership dues and \$400,500 in sponsorship income. The group has a reported 4,000 members, guided by a board whose members have included lobbyist and public relations strategist Joe Baerlein, Harpoon Brewery CEO Daniel Kenary and Liberty Mutual Insurance Company lobbyist Donald Baldini.

Although AIM’s “Blueprint for the 21st Century” calls for a “reliable and efficient transportation system,” AIM President and CEO Richard Lord has been among the most vocal corporate leaders in stating his group’s opposition to the Fair Share Amendment, along with the proposed Raise Up Massachusetts paid leave and wage plans, which the group dismisses as “simplistic, one-size-fits-all approaches.” In past debates over transportation funding, AIM has argued that transportation-specific sources of revenue should be used to fund transportation increases.

Lord’s public comments suggest plans to mount a substantial effort to defeat the proposals. “It’s a crisis that will require all of us employers to mobilize and lead an historic effort to preserve the state’s economy and the jobs of the people who live here,” Lord told the North Shore Chamber of Commerce in March 2018, predicting a generational setback for the economy if the Raise Up Massachusetts revenue and employee proposals prevail.

AIM has previously engaged in the debate over public education. In the month before voters defeated the Question 2 charter initiative, AIM reported on a member survey that showed 2-1 support for lifting the charter cap. During the campaign, AIM leaders joined Baker and other charter proponents to debut a “fact check” website about charter schools, though the site was quickly questioned by State Auditor Suzanne Bump, who said it incorrectly reported findings about charter schools from her office’s 2014 audit.

**The National Federation of Independent Business.** The NFIB is one of the nation’s most aggressive business advocacy groups, and it has the potential to be a powerful player in Massachusetts in 2018. Although its stated mission is “protecting the future of small business,” the NFIB receives a substantial share of its funding from big-business interests, and it has received financial support from hard-right donors including the Koch brothers. *Mother Jones* called NFIB “the front group leading the fight against taxing the rich” for its policy positions to eliminate the estate tax, reduce tax rates and promote tax reductions.

The NFIB runs small state offices directed by its Nashville national headquarters. NFIB-Massachusetts is run by Christopher Carlozzi, NFIB's former grassroots manager for New England, who also holds the title of "state director" in Rhode Island.

The NFIB, now supporting the Fair Share legal challenge, is no stranger to campaigns that defend the interests of its supporters. The group was the lead plaintiff in the unsuccessful court challenge against Obamacare and has challenged Fair Share-type proposals in a half-dozen states, including California and New Jersey.

The NFIB has supported efforts to reduce income taxes in states and emerged as a force in the debate over the Trump tax plan. The federation criticized the plan in November 2017 for not providing sufficient tax relief, but then threw its support behind the final version, which included lower individual tax rates and numerous corporate-friendly changes.

For years the NFIB operated largely through the support of its members, with relatively modest-sized contributions. But in 2010 and 2011, revenues started to swell, with larger contributions coming in. They included a \$3.7 million transfer from Crossroads GPS, a secretive political committee run by Republican strategist Karl Rove, and a second \$1.45 million contribution from GPS in 2012. News accounts showed that the NFIB used its revenues to provide heavy political firepower: In 2012, it pumped \$1.6 million through America's Health Insurance Plans, the health plan industry's lobbying group, to oppose the re-election of U.S. Senator Mark Pryor of Arkansas.

The NFIB was among the larger recipients of funding from 2010 through 2012 from the Center to Protect Patient Rights, another secretive group that funneled millions to right-wing advocacy organizations that, like NFIB's political committees, operate under section 501(c)(4) of the tax code and are not required to report contributions. The NFIB received CPPR funding alongside other major recipients such as Americans for Tax Reform, the NRA Institute for Legislative Action, Crossroads GPS and Americans for Prosperity.

Grant records show the Walmart Foundation — the giving arm of the retail giant that has been the death knell for many small businesses — has given the NFIB at least \$130,000 in recent years and that the Lynde and Harry Bradley Foundation gave the NFIB \$300,000 from 2010 through 2012. The NFIB Small Business Legal Center collected at least \$260,000 in 2015 and 2016 from right-wing benefactor Donors Trust.

Money from the Koch family, tied to many right-wing political and advocacy groups, has more links to the NFIB. In 2012, the NFIB collected at least \$2.5 million from Freedom Partners, described by *Politico* as "the Koch brothers' secret bank."

The NFIB's lobbying and political activity has a reach that is both national and local. The National Institute on Money in State Politics' review of political activity from 2000 through 2014 shows that 93 percent of the NFIB's contributions helped Republican candidates, including state and federal candidates in Massachusetts. Illinois Governor Bruce Rauner, whose hostility to public-sector unions kicked off the legal battle that propelled the *Janus v. AFSCME* case to the U.S. Supreme Court, was among the top recipients of NFIB candidate contributions during that period.

The NFIB has funded state ballot committees opposing state minimum wage increases while supporting sales tax and property tax reductions, and it mounted an unsuccessful legal challenge to Washington state's 2016 combined minimum wage/paid medical leave ballot measure.

In 2014, NFIB Senior Vice President for State Operations Steve Woods joined the Private Enterprise Advisory Council of the American Legislative Exchange Council and, according to Woods' NFIB bio, served as private-sector chair of the ALEC Commerce Committee, which handles workforce and education legislation aimed at reducing public pensions, tightening teacher hiring and linking school funding to student performance. By 2018, however, Woods was not listed among ALEC's leadership.

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## The Anti-Tax Groups

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The greatest fear that anti-tax groups have is that the Fair Share Amendment, if passed, would do exactly what proponents believe: generate revenue to support stronger public education systems, transportation systems and communities. A successful Fair Share campaign in Massachusetts would derail the anti-tax narrative that foretells doom and economic ruin for states that tax wealthier residents.

Likewise, anti-tax groups will provide local muscle to push the permanent sales tax reduction and sales tax holiday while resisting the \$15 minimum wage and paid family and medical leave.

**The Massachusetts Fiscal Alliance.** MassFiscal dubbed the Fair Share Amendment the “Beacon Hill Bailout,” supporting the lawsuit challenging the initiative and contending that relying on top earners would make the state economy unstable. MassFiscal cites a skewed survey to suggest that voters will oppose the amendment — despite other polls that show resilient voter support.

Organized as a 501(c)(4) group, MassFiscal reported \$876,775 in revenues in 2016 and proudly noted that it “will never disclose the generous support of its members,” even though critics have charged that the alliance acts more like a political committee — which otherwise reports contributions — than as a nonprofit advocacy group.

MassFiscal historically was able to keep donor names secret by specifically not urging the election or defeat of specific candidates. A 2016 state law requiring more extensive reporting prompted MassFiscal to use more of what it calls “educational” direct mail that highlighted its legislative “scorecard” listing legislators’ votes on key tax and budget issues, though the group has said it now stops mailers just short of the 90-day window that bans such pre-election advocacy.

The group continues to flirt with election rules, however. In 2018, the Massachusetts Democratic Party, joined by two state legislators, filed a complaint with the OCPF contending that MassFiscal violates state election law while concealing its donors. The complaint said that MassFiscal operates as a political committee that “raises money and expends those funds for the purpose of influencing Massachusetts elections.”

On the offensive against labor, MassFiscal has sued to close what it calls the “union loophole,” challenging state campaign finance rules that affect contributions from unions.

In response to efforts to force donor disclosure, MassFiscal has used the Legislature’s 2017 vote for a pay raise as a test run for a voter outreach strategy that promises to continue dodging limits on its political activity. Phone calls to voters in one legislative district, conducted as a pilot for the strategy, “show shifts in attitude” toward a local state representative “when the public is educated on his favorable vote on the legislative pay raise,” MassFiscal reported. Because of its ability to use this “voter education” to change minds, MassFiscal said, it plans to try the tactic statewide.

MassFiscal is also lined up to resist a higher minimum wage and paid family and medical leave, and it supports the reduced sales tax and sales tax holiday, issues ripe for legislative targeting in 2018 State House races.



In 2017, MassFiscal created the Fiscal Alliance Foundation, a nonprofit that can generate tax-deductible financial support for the alliance's tax-cutting mission and bolster MassFiscal's finances. MassFiscal said the foundation will "partner with outside groups in bringing legal action against the state to improve equity." Such statements call to mind the activities of legal centers created within right-wing think tanks such as PioneerLegal and the *Janus*-backing Liberty Justice Center of Illinois, with their ties to the State Policy Network and the Charles Koch Institute.

The foundation's first significant legal action was to support the lawsuit challenging the Fair Share Amendment, with MassFiscal contributing at least \$20,000 toward the court fight.

The foundation also has created the Fiscal Alliance internship program, similar in structure to the Chares Koch Institute fellows program. MassFiscal envisions the program providing employment opportunities for like-minded students and helping avoid a brain drain of right-wing talent. The entry-level jobs, the alliance said, "have the added benefit of building a farm team of fiscally interested professionals in the Commonwealth."

In addition to attracting more local financing, the new foundation represents another avenue into Massachusetts for outside right-wing interests. A new anti-tax legal foundation will likely catch the eye of national donors such as the Koch family, Donors Trust and Donors Capital, which funnel money into dozens of states supporting anti-union, anti-public-education and anti-tax litigation and advocacy.

This year looks to be an important one at the ballot box for MassFiscal even beyond its work opposing the Fair Share Amendment and supporting anti-spending initiatives. MassFiscal founder Rick Green, CEO of 1A Auto, Inc., is seeking to succeed retiring Democratic U.S. Representative Niki Tsongas in the 3rd Congressional District.

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**The Massachusetts Taxpayers Foundation.** Massachusetts Taxpayers Foundation President Eileen McAnneny will get her first major political challenge with the slate of tax and employee proposals in the mix for 2018. Tapped as head of the group in 2015, McAnneny moved quickly to become a friend to anti-tax advocates, pushing for limits on public employee pensions and retiree health care benefit liabilities while urging reviews of employee sick and vacation time.

She guides a board heavy with corporate executives from influential companies in the health care, technology, insurance, consulting and financial services industries.

The MTF has been a critic of public education, questioning spending on schools and educators. During the 2016 charter campaign, it released a study that challenged the facts concerning the financial drain of charters on public schools. The study was disregarded almost immediately for pointedly refusing to consider how district spending on charters affected school district budgets.

Boston Mayor Martin Walsh, who opposed Question 2, called the study "inaccurate," saying "it doesn't seem to add up." Walsh has witnessed firsthand the escalating funding pressure that charters place on public schools. "Come talk to my CFO," the mayor replied when asked about the study, which looked at select numbers — not the impact of charters on students and classrooms.

The group offered an equally flawed assessment to argue against the Fair Share Amendment, citing the right's frequent contention that wealthier residents will flee the state if the measure prevails.

Groups such as MassFiscal and the MTF oppose making tax changes through the state Constitution, preferring instead to try to directly influence legislators to support their agendas.

While generally supportive of tax reductions, the MTF has expressed caution about the potential impact of the Trump tax plan, with McAnney telling legislators she is “concerned long-term about potential impacts on federal revenue as our debt increases and federal spending could be reduced.”

The MTF reported \$1.1 million in revenues in 2016, including grants and contributions. It collected at least \$187,000 from the Barr Foundation from 2010 through 2013.

The Boston Foundation has provided at least \$95,000 from 2010 to 2017, including its annual membership fees and a 2017 unspecified grant of \$35,000. The Salem Five Charitable Foundation, the philanthropic arm of Salem Five Bank, has provided at least \$14,000 in recent years. Chris Gabrieli’s family foundation gave \$2,000 from 2013 through 2015.

**The Beacon Hill Institute.** The Beacon Hill Institute is a right-wing think tank that traditionally has been an often-quoted source of tax, budgetary and energy policy — making it a likely player in a political tax debate — but a lack of recent activity suggests it may have a diminished role. Founded in 1991, the BHI operated for years as a stand-alone think tank before affiliating with the Department of Economics at Suffolk University in Boston.

Disputes with the university’s president ended the Beacon-Suffolk arrangement in 2016, however, and today Beacon operates from an office in Medway. There are signs the think tank is running on fewer resources; as of April 2018, there were no 2018 articles, studies or news releases posted on the BHI website. In addition to President David Tuerck, who is a professor in the Suffolk University Department of Economics, and research director Paul Bachman, the Beacon Hill staff is composed of two “adjunct scholars,” a research assistant and a “program development consultant.”

Funding is also likely an issue, with the BHI reporting just \$33,000 in revenues, all from contributions to “perform economic analysis.” In the past, major right-wing donors had supported Beacon Hill’s work: The Searle Freedom Trust, the Lynde and Harry Bradley Foundation and the South Carolina-based Roe Foundation, started by State Policy Network founder Thomas Roe, all provided funding in the past but have not in recent years, according to available tax returns.

The Charles Koch Foundation gave Suffolk University a total of \$13,000 in 2014 and 2015, a sharp decline from the reported \$729,826 the foundation gave Suffolk from 2008 to 2011.

Still, Beacon Hill can be expected to offer its arguments against a higher minimum wage, family leave and the Fair Share Amendment. Its ties to the Koch network suggest that it could also be a vehicle for more out-of-state influence. Tuerck testified against the Fair Share Amendment in 2016, predicting the tax would cost 9,500 jobs and \$1 billion annually in “personal disposable income.” Instead, Tuerck suggested, the state should eliminate the prevailing wage law and the Pacheco Law, a favorite target of privatization advocates.

An October 2017 Beacon Hill Institute study touted congressional proposals to broaden tax-exempt financing, with the BHI backing the corporate-friendly tool to encourage more privatization for infrastructure projects.

The BHI is similar in its model to the Pioneer Institute. Both have provided studies and research that find their way into public policy debates at the State House, in other states and sometimes in Congress. And despite its diminished standing, the BHI is still listed as a member of the State Policy Network.

**National groups influencing Massachusetts' tax debate.** Just as out-of-state donors and groups weighed in on the state's 2016 charter initiative, it is logical to expect donors from unfamiliar ZIP codes to emerge in 2018.

The state's high-profile tax disputes are primed for meddling and influence from out-of-state tax groups intent on preventing passage of the Fair Share Amendment and supporting adoption of a reduced sales tax and sales tax holiday.

In reviewing the Massachusetts landscape, Americans for Tax Reform warned in 2016 that passage of the Fair Share Amendment "will make state revenue collections less stable, budgeting more difficult, and will make the Commonwealth less competitive with other states around the country."

State Policy Network think tanks from other states, sister groups to the Pioneer and Beacon Hill institutes, provide ready-made "research" to support legislative or ballot arguments. Ohio's Buckeye Institute, for instance, has statistics used in 2018 to support an Ohio bill to create a permanent sales tax holiday.

Interestingly, though, not all of the messaging from outside of Massachusetts will necessarily support the revenue-cutting plans pushed by local corporate and anti-tax groups. The right-wing Tax Foundation, a national advocate of reducing taxes and public spending, is critical of sales tax holiday proposals, noting in a 2017 study that the tax-free weekends fail to provide the relief promoted by supporters.

"Sales tax holidays introduce unjustifiable government distortions into the economy without providing any significant boost to the economy," the Tax Foundation concluded, noting almost with approval how Massachusetts has failed to enact a permanent tax holiday. "They represent a real cost for businesses without providing substantial benefits. They are also an inefficient means of helping low-income consumers and an ineffective means of providing savings to consumers."



**MENACING NATIONAL  
FORCES ALIGNED  
AGAINST EDUCATORS  
AND PUBLIC SCHOOLS**



**E**ncroaching privatization through technology, charters and taxpayer money for private schools, coupled with anti-spending and anti-tax efforts to reduce funding for public education, are key modern-day elements in the right's long march to weaken unions.

Defund and dismantle the unions, labor foes believe, and there will be a clear political path to smaller government, privatized schools and services, fewer regulations and lower public employee costs and protections. This firmly held ideology is culminating this year in a U.S. Supreme Court case, *Janus v. AFSCME*, that is expected to deliver what the right has sought for so long — a blunt object to knock down funding for the nation's unions.

Grover Norquist and his Americans for Tax Reform, backed by the deepest pockets on the right, fired the opening salvo in the 20-year campaign leading up to the *Janus* case. In 1998, Norquist and like-minded donors helped finance Proposition 226, an ultimately unsuccessful initiative on the California ballot that sought to curb union dues. What ATR and others called “paycheck protection” would have required labor unions to get written permission from members before spending dues money on political activities. Norquist and his allies drew donors from all over the country — many of them voucher backers and many of them continuing to fund today's anti-union, anti-public-education figures.

These donors have familiar names, proving that today's threats are only the latest set of tactics that the right and its friendly corporate interests have turned to after years of trying to take over public schools and chip away at union influence.

The late John Walton, sibling of Alice and Jim Walton, who led the family into its voucher, charter and private school tuition philanthropy, was one of the top individual donors to the “paycheck protection” initiative, along with Jerry Hume, the son of the late Jaquelin Hume of the Jaquelin Hume Foundation, and casino magnate Sheldon Adelson, a \$5 million donor to President Trump's inauguration. Massachusetts donors, including the late Lovett Peters, the founding chairman of the Pioneer Institute, and pro-Question 2 donor EMC Corporation, now part of Dell Corp., sent checks across the country to back the 1998 California measure. Political groups tied to Charles and David Koch, including the Citizens for a Sound Economy Foundation, the forerunner to the Koch groups Americans for Prosperity and FreedomWorks, paid for advertisements that aided Prop. 226.

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*Although voters rejected it, the California initiative marked a key point in a coordinated national effort that has since worked state by state to reduce the funding and political strength of unions.*

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Although voters rejected it, the California initiative marked a key point in a coordinated national effort that has since worked state by state to reduce the funding and political strength of unions. Right-wing think tanks, operating through the State Policy Network, have supported proposed curbs on union dues and shared “research” and talking points to promote anti-labor measures across the country. The American Legislative Exchange Council used the 1998 ballot measure to create model legislative language — and more anti-union legislation complementing it — that was subsequently shared with right-wing legislators in more than three dozen states.

The state assault has produced right-to-work attacks and a variety of measures challenging employee union dues. Right-wing donors including Education Secretary Betsy DeVos and her husband, Dick DeVos, have extensively supported anti-labor political candidates, helping to elect the legislators needed to pass right-to-work laws while also pouring millions of dollars into voucher and school privatization efforts. Working state by state, national and state groups backed by contributors

including the hard-right Lynde and Harry Bradley Foundation, David and Charles Koch, Donors Capital and Donors Trust have worked long and hard to undermine all forms of union activity.

Today, State Policy Network think tanks and political groups work alongside the National Right to Work Committee to press right-to-work bills through state legislatures while the NRTW's legal arm and SPN legal groups work through the courts to challenge union membership, oppose union organizing and cut off union funding through paycheck and agency fee disputes. They finance anti-tax measures to reduce funding for public schools and public safety and challenge public employee benefits and pensions.

An alternative teachers' association, the Association of American Educators, presents itself as a nonpolitical version of the National Education Association and the American Federation of Teachers during these challenges and works in states to amass more influence, as well as draw away unionized teachers.

As public schools and employees have been battered by these forces, many of the same donors and groups have paid for even more insidious movements championed by the right, funding ALEC and the National Rifle Association to weaken state gun laws and resist all gun-control laws and regulations.

Through the years, the right's plans have often centered on ballot initiatives and legislative battles that engage labor in costly, time-consuming fights to protect public schools, the environment and workers' rights. For the right, each battle creates distractions that draw unions away from their stewardship of schools, workers and communities and drain them of funds. In a 2011 speech captured on video, Scott Hagerstrom, Michigan director of Americans for Prosperity, said: "We fight these battles on taxes and regulations, but really what we would like to see is to take the unions out at the knees so they don't have the resources to fight these battles."



## **National Right to Work and State Policy Network Think Tanks Provide Legal Muscle**

The Supreme Court’s review of the *Janus* case caps decades of legal maneuvering by National Right to Work Legal Defense Foundation attorneys, who by their own account “have been busy litigating hundreds of cases on the behalf of independent-minded workers across the country.” Right-wing attorneys have stocked court pipelines with suits challenging union dues for employees claiming religious objections, actions promoting “paycheck” curbs on employee checkoff provisions, and strategies fighting collective bargaining provisions that help unions. NRTW created the Concerned Educators Against Forced Unionism project to collect educator experiences to support these challenges.

NRTW’s goal: Force any substantive case to the U.S. Supreme Court for an anti-labor decision that would cut off funding to unions. After years of fighting through lower courts, NRTW propelled *Janus* to the full Supreme Court, which is expected to render a decision by this June. The *Janus* case challenges the 40-year-old high court decision in *Abood v. Detroit Board of Education*, which found agency fees constitutional.

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The *Janus* case started with a lawsuit filed by Illinois Governor Bruce Rauner in U.S. District Court in Illinois arguing that collecting dues or fees from state employees as a condition of employment violates employees’ First Amendment rights.

Staff attorneys for the NRTW Legal Defense Foundation and the legal arm of the Illinois Policy Institute, the Liberty Justice Center, joined the suit representing plaintiffs led by Illinois Department of Healthcare and Family Service employee Mark Janus and other state employees who complained that they were forced to pay union fees as a condition of employment. A District Court judge ruled that Rauner did not have standing in the case, but allowed the NRTW-represented employees to continue challenging the constitutionality of agency fees, which cover the cost of collective bargaining for workers who are represented by unions but choose not to join.

Meanwhile, a similar case had been working its way to the Supreme Court from the West Coast. In March 2017, the high court, short one justice after the death of Justice Antonin Scalia, returned a 4-4 decision in a similar agency fee suit called *Friedrichs v. California Teachers Association* — a result that left *Abood* in place. The *Friedrichs* case was filed by the right-wing Center for Individual Rights and Christian Educators Association International, supported by NRTW and its donors.

In the *Janus* case, an Illinois district judge and the Seventh Circuit Court of Appeals both ruled against the plaintiffs, but NRTW and Liberty Justice Center attorneys appealed to the Supreme Court. The case was argued in February 2018 before the Supreme Court, now back to nine members with the addition of President Trump’s appointee, Justice Neil Gorsuch, who is widely expected to side with the anti-union arguments.

While NRTW attorneys have taken the lead in most union challenges, they have received help from attorneys working through legal arms created in think tanks that are connected through the State Policy Network.

As noted, the Liberty Justice Center, a right-wing law firm started in the Illinois Policy Institute, is assisting in the *Janus* case. The Mackinac Center Legal Foundation, part of the Mackinac Center

for Public Policy in Michigan, successfully argued a Michigan Supreme Court case in March 2018 to prevent the Michigan Education Association from limiting MEA member resignations to one month, a potential factor for the future in the event of an adverse *Janus* decision. PioneerLegal in Massachusetts, which signed on to an amicus brief supporting the *Janus* case, is the local version of a think-tank law firm. All of these groups share donors and make union challenges central to their work.

Though Rauner is formally off the case, he still benefits from taking the lead on *Janus*, having caught the eye and support of Charles and David Koch, the far-right donors who support the legal groups behind the case. In 2017, Rauner attended the annual strategy and donor summit hosted by the Koch brothers and spent heavily on a Koch-owned data consulting firm. A year later, the Kochs included Rauner on their list of preferred candidates who will benefit from their \$400 million in spending commitments for 2018 campaigns.

## **Donors Behind *Janus*, Labor Challenges and the Right-Wing Network**

The decades-long array of challenges to labor — coupled with the growth of the right-wing network that has produced legal, policy and advocacy groups including ALEC, the Pioneer Institute and fellow think tanks — costs money: hundreds of millions of dollars fronted by hard-right donors to support a systematic state-by-state assault on labor. The ultimate goal is to diminish the advocacy power of unions and to achieve small-government, pro-privatization, anti-public-education policies that open the door to more profits and more publicly funded private school operations.

Snapshots of a handful of key national players among the many that are currently active make it clear that donors behind labor assaults and anti-public-education causes have extreme agendas.

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## The Lynde and Harry Bradley Foundation

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A major contributor to school “choice” and anti-labor efforts, the Lynde and Harry Bradley Foundation in Milwaukee has been a go-to donor for national groups and organizations promoting the anti-labor, anti-spending agenda. Its efforts include donating funds for passage of Wisconsin Governor Scott Walker’s right-to-work law and helping to provide the infrastructure that supports and sustains the long-running Milwaukee voucher program.

The Bradley Foundation is a longtime contributor to the NRTW Legal Defense Foundation, providing at least \$1.5 million from 2003 through 2016. It donated at least \$320,000 from 2009 through 2016 to support the Illinois Policy Institute, adding legal help for the *Janus* case. The Center for Individual Rights, whose attorneys argued the *Friedrichs* case, has collected at least \$1.24 million from Bradley since 2003, and the Mackinac Center for Public Policy, whose legal arm argued the member case against the MEA, received \$350,000 from Bradley from 2013 through 2016.

The foundation funds anti-union organizations such as the Association of American Educators, ALEC and state-based policy and legal groups connected through the State Policy Network, including the Pioneer Institute. Bradley has provided critical funding to support advocacy groups such as Hispanic CREO and the now-closed Black Alliance for Educational Options — groups designed to suggest a grassroots movement of African-Americans and Hispanics supporting vouchers and other forms of “school choice.”

Yet Bradley’s financial support for programs purporting to promote the interests of minority groups and educational “opportunities” strikes a false note. The foundation provided at least \$1 million to finance work by Charles Murray when he was researching *The Bell Curve*, a book Murray co-authored in 1994 with Harvard psychologist Richard Herrnstein. *The Bell Curve* drew fire for arguing that “differences in intelligence, including among ethnic groups, explain socioeconomic differences in the United States,” *The Washington Post* noted. Bradley has given generously to the Center for the Study of Popular Culture in California, now called the David Horowitz Freedom Center. Horowitz, the center’s founder, has been vocal on reparations and other subjects, arguing that African-Americans have already benefited from decades of welfare payments and affirmative action.

The foundation’s leadership includes key figures on the hard right, including trustee Cleta Mitchell, a former board member of the NRA and the NRA Freedom Action Foundation and a former NRA counsel.

## Charles and David Koch

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Majority owners of Koch Industries, the second-largest privately held U.S. company, David and Charles Koch were worth an estimated \$60 billion each in March 2018. With their vast wealth, they have been instrumental in sustaining and growing the right-wing network that delivers policy, advocacy and political support to their favored causes. The Koch brothers have been benefactors to dozens of groups that promote their agenda of reducing government spending and regulatory oversight while increasing privatized government functions and attacks on labor. They have provided critical financing for legal efforts that favor super PACs and more corporate financing of elections.

For years the brothers operated quietly, preferring to rely on family retainer Richard Fink, a longtime Koch Industries executive, to be the face of their right-wing work while they quietly funneled millions of dollars through multiple foundations or direct contributions into their network of think tanks, legal groups, political committees and advocacy organizations. They have maintained a steady level of leadership and financial support to ALEC even as most corporate donors have fled the group over its extreme agenda.

In recent years, however, Charles and David Koch have stepped into the spotlight, noisily gathering like-minded donors to strategize and announcing their plans to pump hundreds of millions of dollars into campaigns during each election cycle. Charles Koch has emerged as a father figure of sorts for right-wing groups, running his Charles Koch Institute as a training ground for up-and-coming political operatives and as a loose affiliation of similar-thinking groups. David Koch gives interviews and speeches touting the pair's plans.

The political advocacy organization Americans for Prosperity, a Koch group that grew out of the former Citizens for a Sound Economy, is just one example of the family's influence. AFP has been a critical player in states pushing right-to-work laws and, in discussing union attacks, has promoted the slogan "Workers Deserve Freedom."

In the run-up to the *Janus* decision, AFP has been particularly aggressive in various states, sponsoring "informational campaigns" encouraging union members and voters to support right-to-work legislation or ballot initiatives — efforts that have included TV and radio ads and direct mail. In the event of an adverse *Janus* decision, AFP can be expected to use similar appeals to zero in on public employees to publicize their "right to freedom."

A Koch memo distributed at the Kochs' annual strategy gathering in January 2018 and obtained by *The Intercept* showed the brothers taking credit for the confirmation of Justice Gorsuch and taking the long view in the fight against labor. "Labor reform is not an overnight process; advancing major federal labor reform requires a long-term strategy," the memo said. The memo noted successful efforts to rescind the Obama administration's federal overtime rules and signaled more state right-to-work campaigns, as well as pressure for passage of the federal Employee Rights Act, which would make it harder for unions to organize.

The Koch brothers have done more than any other set of donors to elect leaders to state and national positions and shape their views; they plan to commit at least \$20 million to selling the Trump/Republican tax plan enacted in January 2018. The Koch political money flowing for the 2018

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*In recent years, however, Charles and David Koch have stepped into the spotlight, noisily gathering like-minded donors to strategize and announcing their plans to pump hundreds of millions of dollars into campaigns during each election cycle.*

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midterm elections is just a start: At the January gathering of like-minded donors, David Koch called for a “tenfold” increase in commitments to groups pushing the Koch-sanctioned agenda. “If we do that, I’m convinced that we can change the trajectory of this country,” he said.

It is easy to assume that Massachusetts, given its progressive electorate, is insulated from Koch money. But the truth is that the Kochs have already influenced Massachusetts campaigns through their political giving and will likely continue to help shape state elections in 2018 and beyond.

With \$5 million in contributions, Koch Industries was the largest donor to the Republican Governors Association in 2014, the year Governor Baker was elected with \$10.75 million in RGA contributions flowing to a single political committee devoted solely to supporting him and opposing Democratic candidate Martha Coakley. A grateful Baker thanked other Republican governors in December 2014, just after he was elected. “First of all I want to just thank the RGA for your support in both elections. It made a huge difference in our campaign and our ability to compete in a state where ... 11 percent of the electorate are Republicans,” Baker said.

Koch Industries gave more than \$790,000 to the Republican State Leadership Committee in the 2014 and 2016 cycles. The committee, in turn, pumped \$40,075 into Massachusetts legislative races in 2016 and 2017 — apparently giving in the state for the first time — in support of six Republican legislative candidates and in opposition to 10 Democratic candidates.

But Koch money is not always welcome in the state. A Koch grant to Wellesley College prompted an outcry from alumnae upset that right-wing money was funding the college’s Freedom Project. *The Boston Globe* reported that the Charles Koch Foundation and Koch network donors provided at least \$2 million for the program, which has sponsored right-leaning speakers on the Wellesley campus as part of an effort to counter what the brothers see as liberal bias at American colleges. Responding to upset alumnae, the college said in March 2018 that it planned to name a new director and rethink the program.

## Donors Trust and Donors Capital Fund

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Donors Trust and its sister entity, Donors Capital Fund, operate as donor-advised funds in Virginia that are used by wealthy right-wing donors and education privatization advocates to funnel money to think tanks and advocacy groups. School voucher and charter groups, anti-tax organizations and anti-labor groups — including the *Janus* attorneys — all rely on Donors funds to continue their work.

Tagged by researchers as constituting the “dark-money ATM of the right” and “the top donor-advised fund for conservative and libertarian philanthropists,” the two funds have ballooned in size in recent years, creating a powerful source of money for causes ranging from climate change denial to the NRA.

In 2010, the funds collected \$43.5 million and distributed \$63 million in grants. By 2015, the funds collected nearly \$150 million and together distributed more than \$135 million. Lawson Bader, the president of Donors Trust, told *Inside Philanthropy* that his group’s goal is to use contributions to promote “liberty through limited government, responsibility, and free enterprise.”

Although Donors Trust and Donors Capital do not advertise their contributors, tax and foundation grant records show that influential families and foundations steer money through both. Top donors include the DeVos and Coors families, David and Charles Koch through their Knowledge and Progress Fund, and the drug manufacturing Searle family through the Searle Freedom Trust. The Lynde and Harry Bradley Foundation provided just shy of \$1 million from 2013 through 2016, its annual reports show, and the Lovett & Ruth Peters Foundation, originally of Massachusetts, gave \$1.3 million during the same period.

Vanguard Charitable Trust, the donor-advised fund supportive of charter schools and personalized learning, has given the funds at least \$5.6 million since 2010. The Sarah Scaife Foundation, tied to the fortune of the late right-wing donor Richard Mellon Scaife, gave Donors \$200,000 in 2015 alone.

Attorneys behind the *Janus* case rely on the Donors funds for critical support, as do charter and voucher groups. The NRTW Legal Defense Foundation collected at least \$304,000 from the funds in 2013 and 2014, while the Illinois Policy Institute, home to the Liberty Justice Center, collected at least \$416,000.

Large national think tanks and advocacy groups — including the Heritage Foundation, the American Enterprise Institute and the Koch-founded Cato Institute — receive checks each year from the Donors funds. The same holds true of a host of smaller state-based think tanks aligned through the State Policy Network, including the Pioneer Institute and the Manhattan Institute, two groups that provided “research” to support the 2016 Question 2 charter-expansion campaign.

The NRA and its NRA Freedom Action Foundation have received at least \$1 million from Donors Trust and Donors Capital in recent years. ALEC received more than \$344,000 between 2011 and 2014. The tax-fighting groups Americans for Tax Reform and Americans for Prosperity collected \$340,000 and \$10.2 million respectively in 2013 and 2014.

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## The American Legislative Exchange Council

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As legal battles have raged, right-leaning state legislators have spent years pushing measures that would impose “paycheck” curbs and right-to-work rules, relying on model legislation developed and distributed by the American Legislative Exchange Council. With an adverse *Janus* decision, ALEC members are certain to re-energize their efforts in the 2019 legislative sessions to pass anti-union bills, shared from state to state, that attack public-sector workers who have fought to hold off assaults on public schools and public spending.

ALEC develops its model bills — including those creating education savings accounts and expanding charters, school vouchers and personalized learning tools — through its committee structure. Committees handling labor, education, taxes, trade, transportation and health care issues operate with legislative members working alongside an equal number of “private enterprise” members representing profit-seeking corporations and right-wing nonprofits. Nearly all of the states have some members of ALEC in their legislatures, but Massachusetts, unlike many other states, does not list a “state chair.”

ALEC is run by a board of legislative members working with a “Private Enterprise Council” that has included executives from the for-profit education company K-12 Inc., the U.S. Chamber of Commerce, drugmaker Pfizer and tobacco giant Altria, among others.

The Koch brothers’ influence is evident in both funding and leadership. Stephen Moore, a co-founder of the hard-right Club for Growth political group and a recipient of substantial Koch money, is on the private-sector board. Frayda Levin, a director at Americans for Prosperity and with her husband a major Club for Growth donor, is also on the ALEC board, along with Michael Morgan, a Koch Industries lobbyist through Koch Companies Public Sector, LLC.

In 2017, ALEC hired Grant Kidwell, a former analyst for the Koch family’s Americans for Prosperity and the Charles Koch Institute, to head its Energy, Environment and Agriculture task force, which promotes model legislation helpful to ALEC’s energy industry donors — including Koch Industries.

The 2017 summer meeting of ALEC members offered inspiration for a continuing assault on public services and the unions that protect them. Members received literature that provided tips on how to win over “working Americans.” Speakers included Education Secretary DeVos and former House Speaker Newt Gingrich, who both had a clear message for the legislators attending: The fastest path to President Trump’s “Make America Great Again” vision will be through the states. Gingrich, a Trump adviser, applauded President Trump as possibly “the most effective conservative — functionally — in our lifetime.”

DeVos, whose appearance drew hundreds of protesting educators, touted the history of “school choice” victories — many of which she had personally supported financially — and her department’s plans to ease education-related regulations. She urged legislators to help their states “embrace the opportunity for creativity and flexibility” in implementing the Every Student Succeeds Act. She also called for support for sweeping changes in federal tax law that would eventually pass as Trump’s “Tax Cuts and Jobs Act.”

While ALEC may be having its moment, with a friendly administration and Congress, the group has undergone a fiscal shakeup in recent years. In 2012, ALEC began losing corporate sponsors over its



promotion of model legislation allowing the use of deadly force in situations where an individual feels threatened. The so-called “Stand Your Ground” legislation was among hundreds of ALEC model bills drafted and circulated in the states and sponsored by ALEC member legislators.

ALEC’s practice of promoting model legislation got national attention after the shooting death of unarmed Florida teenager Trayvon Martin, when attorneys for the shooter in the case successfully invoked the Florida “Stand Your Ground” law as part of their defense. ALEC’s authorship was revealed in the Florida statute and in similar measures in more than two dozen other states.

At the same time, accounts of earlier ALEC meetings reported by the Center for Media and Democracy noted that ALEC had worked with the NRA on “Consistency in Firearms Regulation Act” model legislation, which would prohibit cities from banning machine guns and armor-piercing bullets and from suing gun manufacturers for gun-related deaths. In a February 2018 report on the influence of the NRA, Common Cause noted: “Much of the NRA’s work occurs at the state level, where it has used the American Legislative Exchange Council (ALEC) to pursue its policy agenda.”

Coverage of the “Stand Your Ground” laws and pressure from progressive groups citing ALEC’s role in voter ID measures and other controversial legislation prompted some 50 corporations and nonprofits to end financial or policy support in 2012. Companies including Coca-Cola, Pepsi, Kraft, Johnson & Johnson and even Walmart — active at the time in providing funding and leadership to ALEC, with an executive on the ALEC corporate board — all said they were dropping their membership. The Bill & Melinda Gates Foundation said it had limited its support of ALEC to \$375,000 and would no longer provide funding for the group.

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Given that ALEC has always relied heavily on sponsors from the pharmaceutical, energy, telecommunications and manufacturing industries, the defections hit revenues. Around the same time, ALEC appeared to lose legislative members. Before corporations started pulling out en masse, ALEC’s 2011 revenues totaled \$9.2 million, with \$7.1 million from sponsorships and contributions and \$97,321 in member dues. The balance of revenues comes from money paid by exhibitors and attendees of ALEC’s two national meetings and smaller task force sessions.

In 2012 and 2013, amid the corporate exodus, ALEC’s revenues started declining. Its 2012 revenues totaled \$8.4 million, with \$7.2 million from sponsorships and contributions, and 2013 revenues were \$7.3 million, with just \$5.8 million in sponsorships and contributions. Dues revenue dropped to \$64,063, a decline of roughly one-third from 2011.

In 2014, revenues started to inch back up, totaling \$7.8 million, with sponsorships of \$6.2 million and membership revenue of \$65,773. It was an improvement, but still a marked decline from 2011.

Today’s ALEC is funded by fewer corporate donors, but its 2017 summer meeting attracted a large crowd and a number of Trump administration loyalists. The meeting’s top corporate donors included Reynolds American, ExxonMobil, Guarantee Life Trust, tobacco giant Altria and PhRMA, the trade group for pharmaceutical companies. The remaining top sponsors were all right-leaning nonprofits, including Conservative Leaders for Education, led by Bill Bennett, who served as education secretary under President Ronald Reagan, and ClearPath, a foundation created by North Carolina entrepreneur Jay Faison to “accelerate conservative clean energy solutions.”

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## The Association of American Educators

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The Association of American Educators, which bills itself as an alternative to unions, has stood steadfast on the sidelines of the *Janus* fight, cheering on the NRTW and other hard-right forces pressing legal action against the NEA and the AFT. Bankrolled by many of the same funders supporting the *Janus* case, the AAE has tried for years to attract members but never grew as quickly or as extensively as its benefactors had hoped.

Founded in 1994 by insurance executive Gary Beckner, the AAE did not start growing significantly until national conservative benefactors took an interest in the organization in the late 1990s and helped finance new state chapters. In 2002, the AAE said that it hoped to expand to 22 states by 2008, but today the group has chapters covering just seven states despite claiming a national membership base.

Stymied in attracting large numbers of public school educators, the AAE has moved membership recruitment more aggressively into charter schools. A September 2017 partnership between the AAE and the Texas Charter Schools Association signaled a potential path to expansion, with similar partnerships forming in Georgia, Florida, Missouri and New Jersey. School administrators, teachers and support staff at the charter associations' member schools receive AAE benefits, principally its liability insurance coverage.

Launched with funding from the Walton Family Foundation and the Lynde and Harry Bradley Foundation — and supported in its work by the NRTW Legal Defense Foundation — the AAE offers itself as an apolitical alternative to the NEA. Yet it supports school “choice,” including lifting charter caps and expanding virtual schools, and “paycheck protection” curbs on unions. A 2018 AAE newsletter includes an article on Arizona’s “pioneering approach” to voucher alternatives through its tuition tax credit program. The article noted how tuition tax credits, now used more than vouchers, can “help avoid some of the legal and political obstacles that have dogged efforts by advocates, like Education Secretary Betsy DeVos, to promote school choice through vouchers.”

Active teaching members pay a heavily promoted \$16.50 a month, or \$198 annually, for \$2 million in liability insurance and a few other nominal perks. Members come from public, private, religious and charter schools and include supporters of those schools. Students, retirees and “friends of education” can join for \$25 a year.

Based on membership revenues from its most recent available tax return, for 2015, the AAE would have 7,789 members if every member paid \$198 a year, and more if there were a greater mix of students and others. But that is still a long way from the national aspirations the group has expressed over the years.

The AAE is a vocal critic of “forced unionism” and says that “compulsory unionism is at the heart of why AAE was founded.” The AAE works with NRTW staffers advising teachers on how to opt out of paying dues, how to resign from union membership and how to decertify locals. A longtime AAE staffer, Cindy Omlin, started the AAE’s Northwest Professional Educators chapter to recruit members in Idaho, Oregon and Washington, but she got her start as a plaintiff in a 1995 NRTW-backed challenge to dues that she paid as a member of the Washington Education Association.

The AAE has worked in a few states alongside think tanks to gain credibility and exposure on legislative issues and has become a member of the State Policy Network. In 2017, it teamed up with the Heritage Foundation for a panel on “Compulsory Union Fees and First Amendment Rights” as the *Janus* case advanced.

The AAE has a Massachusetts connection: Dr. Kevin Ryan, professor emeritus at Boston University and founding director of BU’s Center for the Advancement of Ethics and Character, is on the AAE Board of Directors.

The lean recruiting years for the AAE reflect unstable revenue levels, and the group relies on funding from right-wing donors supporting the AAE Foundation. The AAE Foundation reported revenues of nearly \$1.3 million in 2013; in 2016, revenues fell to \$677,833. Just a handful of donors provided the bulk of financing: Revenues for 2015 and 2016 totaled \$1.5 million, with the Walton Family Foundation providing \$457,200 of that amount. In 2013 and 2014, the Bradley Foundation provided \$465,000 to the foundation.

If *Janus* prevails in the Supreme Court, it is likely that the AAE will step up its recruitment, touting its \$2 million liability coverage. The AAE has worked in districts to gain access to educators’ e-mails and mailboxes and indicates that it plans to work in the better-organized charter school states. Though the AAE has previously targeted states more vulnerable to appeals from an “alternative” teacher group, it may consider a national push, including making overtures in Massachusetts, with its high concentration of charter schools.

## **A 'Choice' Advocate at the Federal Controls: Education Secretary DeVos**

This buildup of national right-wing donors and groups hostile to labor and education comes at a time when increasingly Republican states, with more GOP governors and state legislators, can work in concert with the White House and Republican Congress to win policy changes that benefit the private sector over public services and working families. The ominous national mood for labor and public education is inspired from the top: President Trump and Education Secretary DeVos are signaling a continuing assault on public schools and colleges and support for more privatized options within schools.

With Trump and DeVos struggling to impose right-wing policies through the U.S. Department of Education, much of the action will come from the states. As former Reagan Education Secretary Bennett put it, “The focus of the administration and Education Secretary Betsy DeVos is in the right place: empowering states to better employ market forces and create choices for the benefit of students. DeVos will exert federal oversight in a limited but proper fashion, and she knows that the specifics of education reform in particular circumstances are properly left to state policy leaders.”

DeVos spent decades working with her husband, Dick, an heir to the Amway fortune, to steer tens of millions of dollars into political committees, ballot initiatives, lobbying and educational nonprofits to promote vouchers, tuition tax credits, education savings accounts and charter schools.

In her former roles as chair of the American Federation for Children and a board member of the American Enterprise Institute and the Foundation for Excellence in Education, DeVos helped lead a national push to steer public money into private schools. The AFC is tied into the Alliance for School Choice, the national voucher advocacy organization whose roots date back to the 1990s, when major donors led by the Walton family began driving voucher plans, then tuition tax credits, charters and education savings accounts, through state legislatures.

Betsy and Dick DeVos were at the forefront of the state voucher push, leading a failed 2000 Michigan voucher initiative and funding the Education Freedom Fund, which provides privately funded scholarships for children to attend private schools.

Betsy DeVos chaired the Dick and Betsy DeVos Foundation until November 2016, when she was nominated by Trump to serve as education secretary. The foundation spent some \$14 million on grants in 2016 supporting advocacy and policy groups that promote vouchers and charter schools. The DeVos Foundation aided the Foundation for Excellence in Education, which was founded by Jeb Bush, along with the national voucher group Alliance for School Choice, specific charter schools and state groups supporting vouchers, charters, tuition tax credits and education savings accounts. A \$400,000 DeVos grant supported 74 Media Inc., which runs the pro-school-choice “information” website *The 74*.

As Education Secretary, DeVos has a national platform to carry out the privatization agenda she promoted so heavily as a philanthropist. She brings a hostile vision of public education to the nation’s top education post: In a March 2018 *60 Minutes* interview, DeVos said that years of federal investment in public education had produced “zero results” and that American schools were failing students. Yet when pressed, she conceded that she had “not intentionally visited schools that are underperforming.” DeVos also could not, when asked by interviewer Lesley Stahl, illustrate a specific

example in Michigan — the site of so much of her philanthropic largesse — where using “choice” to make schools more competitive had actually improved student achievement.

Despite the fumbled interview, DeVos is beloved by other privatization advocates for the potential she brings to her job to inject more private hands into public education funding. In preK-12 education, DeVos argues for more “choice” through taxpayer-funded options for schools, more technology and less government involvement. She has expressed excitement about the possibilities of personalized learning, asking rhetorically at an American Enterprise Institute conference in January 2018, “Why isn’t technology more widely embraced in schools?”

Higher education, DeVos told an audience at SXSW EDU in March 2018, will benefit from free-market principles and new technologies, with solutions originating from the private sector. Innovations badly needed for education, she told the crowd, will come from “entrepreneurs, philanthropists, teachers and parents.” Her agenda for removing regulatory “burdens” from colleges and universities has included allowing colleges and universities to give alleged attackers more protections in campus sexual assault cases.

Also in March, her department issued a directive that would make it harder for states to challenge student loan debt collectors and instead put regulation in federal hands, a provision sought by the companies. The rule appeared in response to actions by several states, including Massachusetts, to challenge the fees charged for student loans. Massachusetts Attorney General Maura Healey has sued the Pennsylvania Higher Education Assistance Agency, asserting that the company overcharged students for loans it services. The Trump Justice Department challenged Healey, saying her office did not have authority to sue, but Healey told *The Intercept* she will continue fighting. “The last thing we need is to give this industry a free pass while a million students a year are defaulting on federal loans,” Healey said.

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Congress, for its part, does not appear ready to hand Trump and DeVos all they have sought to reduce the federal commitment to education. The 2018 spending bill passed in March stripped out two key provisions sought by Trump and DeVos: \$250 million in private school choice funding and \$1 billion to broaden open enrollment in school districts. Trump tried to eliminate Title II funding, which provides professional development for educators, but Congress continued the program at levels similar to those of the previous year.

Congress also passed on the administration’s attempts to slash funding for the department’s Office for Civil Rights and denied DeVos’ effort to eliminate some grants for mental health services for students, instead supporting student violence prevention and mental health programs in the aftermath of the school shooting that killed 17 people in February 2018 in Parkland, Florida.

The 2018 spending plan does, however, support the administration’s commitment to expanding charter schools, with charter funding increasing \$58 million to a total of \$400 million.

And no one should expect the attacks to be scaled back, given the persistence and power of the White House and the Department of Education, with Trump’s handpicked leader at the helm.



# CONCLUSION





The information in this report paints a dire picture. The forces assembled to bring down public education and destroy unions remain formidable, and they constitute a threat to be reckoned with. A similar situation prevailed, however, when the two earlier iterations of the report were published. The names and faces are the same in some cases and different in others. The strategies and methods of attack being deployed by the right wing have evolved, but its intent remains unchanged.

As in previous years, it serves no one's interests to underestimate our opponents. They have concentrated power in the nation's capital at this moment and are prepared to spend billions of dollars to dominate the country politically and ideologically for many years to come. As the foregoing pages serve to indicate, they are organized, unscrupulous, and willing to do whatever they believe it will take to win. The *Janus* case is just one example among the many tactics they are using in the courts, in state legislatures, in ballot initiatives, in Congress and in the White House.

But the right wing and its pro-privatization allies are also highly vulnerable to arguments that are grounded in the values and principles that drive the labor movement and make public education the heart of our democracy. Just as the *All In* campaign is based on MTA members talking to their colleagues about what being in a union really means, our efforts to advance social and economic justice must be based on an understanding that informing the public is incredibly powerful. It takes a great deal of time and energy, but it can stop an assault in its tracks. That happened when we fought Question 2, and it can happen with every attack we are facing — including the back-door strategy now being pursued by the tech giants, venture capital funds and foundations that are so active in pushing unproven “personalized learning” tools on our public schools and colleges.

The challenges will never cease, but they can be overcome — one by one or in waves, depending on the circumstances. Of at least equal importance, we can vastly improve the lives of students, educators and everyone else in our communities by working with our many allies, including those in the Raise Up Massachusetts coalition, to advance initiatives such as the Fair Share Amendment.

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*The challenges will never cease, but they can be overcome — one by one or in waves, depending on the circumstances.*

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It is indeed interesting to contemplate a post-election landscape late this year in which candidates who truly care about public education have swept the ballot both in Massachusetts and nationally, and it is not an impossible scenario to envision.

For evidence and inspiration, we can take a look not only at what is going on in so-called Red States such as West Virginia and Oklahoma, but at our opponents' own analysis of what happened in Massachusetts in 2016.

Very recently, the digital education news organization *Chalkbeat* obtained significant portions of a memo written by consultants for the pro-Question 2 side in the aftermath of its defeat at the polls. “Question 2 proves many lessons,” states the memo, which is on the stationery of the Global Strategy Group.

To determine the path forward, it is worth looking at a few of them. Among other things, they underscore the need for prominent allies such as U.S. Senator Elizabeth Warren, U.S. Senator

Bernie Sanders and Boston Mayor Martin Walsh, as well as for determined messaging and creative approaches at the local and statewide levels.

“Although the Yes on 2 campaign had the support of the popular Republican Governor, leading Democrats including Senator Warren, Senator Sanders and Mayor Walsh came out against the proposal,” the memo notes as it describes the downfall of the Yes on 2 campaign.

It goes on to say (in blue type): “The main messages from both sides broke through, but [the] opposition message that we must improve schools for everyone was more powerful.”

Among the other critical points are these:

- Conversations driven by Question 2 opponents changed minds.
- Messengers made a difference.

“Governor Baker became the face of Yes on 2,” the memo notes. “However, despite his high approval rating, his endorsement did not convince voters; they largely saw him as an irrelevant voice for an ‘education’ debate.

“This also came through in our post-election survey where a majority (55%) of voters believed that teachers were an important voice, but only 28% claimed that Baker’s opinion was important to them,” it continues.

And there is this, a few paragraphs later:

*Voters wanted to hear about the impact of charter schools from those who would be affected the most by a cap raise: teachers, parents, and students. These voices were largely absent from the conversation on the Yes side.*

*But voters turned to, and trusted, the opposition’s primary messengers: teachers. Many voters proactively reached out to teachers about Question 2 and teachers were fiercely activated by union leaders to spread the message that more charter schools would damage their classrooms. Teachers appeared all over the state to voice their opposition: in classrooms, in commercials, in newspapers, and in their communities. Unprecedented numbers of teachers and education officials spoke out against Question 2, ultimately persuading voters that Question 2 would have a detrimental impact on the traditional public school system.*

In still another section, this comment appears: “Personal conversations with friends, family, and neighbors who were teachers ultimately convinced many voters to oppose Question 2 because it would harm traditional public schools and leave students behind.”

We know that the conversations in fact involved not only teachers, but all MTA members: education support professionals, higher education faculty and staff, school nurses, librarians and others too numerous to list. They also featured the voices of representatives of other unions and countless community allies.

## Threat From the Right Intensifies | Conclusion

But the point remains the same. Educators turned the tide, despite the best efforts of corporate interests that outspent the No on 2 side by many millions of dollars, the prominent endorsement of the initiative by a highly popular governor, and the full power of the right wing.

If there is one lesson to take away as we seek to shape the landscape for late 2018 and beyond — after the *Janus* case is decided and the election is over — that is it. It is clear and straightforward, but it speaks volumes about the possibilities for public education, unions and our democracy.



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