

The Reading Wars Go to Court

Parents sue authors, publishers, and Columbia over balanced literacy claims

By JOSHUA DUNN

AT THE BEGINNING of the 2023–24 school year, the then chancellor of the New York City Public Schools, David Banks, announced that the “balanced literacy” approach to reading instruction would be banished from the city’s schools. “We have not taught the kids the basic, fundamental structures of how to read,” he proclaimed at a press conference. “We have gotten this wrong in New York and all across the nation.”

Balanced literacy took hold in many of America’s elementary school classrooms in the 1990s. Supporters of the approach maintain that it blends whole language and phonics methods and that it should be tailored to the individual needs

of students. The term “balanced literacy” certainly makes for an appealing brand. Who would root for “unbalanced” literacy? But the approach wasn’t working. In 2022, only about a third of the nation’s 4th graders tested as proficient or better on the NAEP reading assessment.

For several decades, the high priestess of the balanced literacy movement has been Lucy Calkins of Columbia University, who directed the now-defunct Teachers College Reading and Writing Project. Calkins once estimated that her Units of Study reading curriculum had been adopted by as many as one in four U.S. elementary schools. Irene Fountas of Lesley University and Gay Su Pinnell of the Ohio State



Reading aloud to students to evoke a love of reading was one of the hallmarks of the balanced literacy approach, which is now under legal scrutiny in a suit by parents.

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University have also been primary purveyors of balanced literacy, through their Fountas and Pinnell curriculum. At the core of the trio's approach was an article of faith: the key to literacy instruction is getting children to love reading. This was supposed to be accomplished by having teachers read aloud to them and then letting children choose which books they wanted to read, according to their own interests. The curricula also relied on "cueing," in which students guess at words based on "context clues" instead of sounding them out.

While these concepts made intuitive sense—antipathy toward reading wouldn't seem likely to engender learning to read effectively—the evidence in their favor was underwhelming. In fact, one can't learn to love reading unless one learns to read, and literacy instruction based on good feelings has not been up to the task. While the programs' problems have been documented for many years, awareness of these shortcomings didn't penetrate the public consciousness until the education journalist Emily Hanford produced the 10-part podcast *Sold a Story*, launched in 2022. Listening to the series leads one to the inescapable conclusion that Calkins, Fountas and Pinnell, and their followers have inflicted reading deficiencies on millions of American children.

In 2022, in response to criticism, Calkins released an updated version of Units of Study that put more emphasis on phonics and drew from science-of-reading research. The following year, Columbia's Teachers College dissolved Calkins's Reading and Writing Project. School districts throughout the country, including New York City, turned away from balanced literacy.

The embarrassment of having one's faulty curriculum exposed is one kind of punishment, but Calkins and other balanced-literacy advocates may be in for far worse. In December 2024, two Massachusetts parents sued Calkins, Fountas and Pinnell, their publishers HMH (formerly Houghton Mifflin) and Greenwood, and the Teachers College Board of Trustees. Unlike previous literacy-related lawsuits that claimed inferior literacy instruction violated students' state constitutional rights, this lawsuit, *Conley v. Calkins*, contends that the defendants violated state consumer-protection statutes by fraudulently claiming their programs were supported by research. The parents, who are seeking both punitive and compensatory damages, have asked the court to certify all Massachusetts students taught under the ineffective curricula as a class. They are also asking to be compensated for the costs they incurred hiring tutors to "repair the damage done" by the defendants. If the plaintiffs win their case, it is an open question as to who—among the publishers, Columbia, and the authors—would foot what proportion of the bill.

Since this lawsuit is the first of its kind, handicapping its chances of success is difficult. Ironically, the fact that education research has historically been less than rigorous should work in the defendants' favor. The plaintiffs' filing contends that the "defendants conducted no rigorous research and collected no data (as opposed to anecdotes from adherents) to support their methodologies until the early 2020s" but still claimed that their curricula were "research-backed," "data-based," and supported by "volume[s] of research." But since the barriers to publishing in education journals have historically been low, Calkins and the other defendants should have little difficulty showing that the impressionistic reports based on small convenience samples or even anecdotes were not unusual for the field.

The lawsuit *Conley v. Calkins* contends that the defendants violated state consumer-protection statutes by fraudulently claiming their reading programs were supported by research.

Two research reports in particular, however, subjected balanced literacy curricula to serious analysis. In 2015, a study of Fountas and Pinnell's Benchmark Assessment System, conducted by Matthew Burns and colleagues at the University of Florida, found that the system could only identify proficient vs. struggling readers in half the cases. In short, the system marketed as being "based on empirical research" and a "reliable and valid

measure . . . for assessing students' reading levels" was, as Burns said, no more accurate than flipping a coin. Then in 2020, the nonprofit group Student Achievement Partners released a report by seven scholars which found that Calkins's Units of Study curriculum "does not provide teachers with the full range of research-based instructional support or clear focused assessment and differentiation for all students to succeed."

If the discovery process in the lawsuit produces evidence that Calkins and Fountas and Pinnell recognized that their claims of basing their curricula on "intensive research" and a "gold standard" were strained or false but continued to market them as such anyway, then the lawsuit would have more than trivial odds of succeeding. At the very least, it will be interesting to hear Calkins, Fountas, and Pinnell respond to the inevitable questions from the plaintiffs' attorneys about what gave them the confidence to assert that their curricula were supported by research.

Even if Calkins and the other defendants prevail in court, the lawsuit will likely have a sobering effect on vendors who claim the mantle of research to market a product. Parents, and hopefully school leaders, will start to treat their claims with healthier doses of skepticism, which should in turn prompt those hawking the next education elixir to hone their scruples.

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