Poor Instruction Puts Special Ed Students in Low Achievement Trap

by Lisa Snell

The reporting requirements of the No Child Left Behind Act (NCLB) have revealed that disabled students lag far behind their peers in academic achievement, despite being promised an Individual Education Plan (IEP) and provided with additional educational resources to ensure they receive a “free and appropriate education.”

According to a new Abell Foundation study of special education students and services in the Baltimore City Public School System (BCPSS), the low achievement level of disabled students is caused by “deeply embedded practices” that are both “unlawful and inept.”

One particularly damaging practice is that the Baltimore public school administrators, IEP teams, and special education teachers fail to utilize research-based instructional practices to help disabled students make even minimum academic progress. Not only are instructional efforts based on low expectations, but instruction is often not individualized as required by IEPs. “Inclusion” is frequently viewed as an end in itself, and little effort is made to intervene if students fall behind.

These practices and more are detailed in the October 2004 report, “The Road to Nowhere: The Illusion and Broken Promises of Special Education in the Baltimore City and Other Public School Systems,” written by special education advocate Kalman R. Hettleman.

Two basic measures reported by Hettleman—graduation rate and dropout rate—underscore the ineffectiveness of special education services. The graduation rate for BCPSS special education students in the 2003-04 school year was 54.1%, while the dropout rate was 14.5%. These are far below the national averages for public school students.

A new study of the Baltimore public schools concludes disabled students are achieving poorly largely because of “unlawful and inept” special education practices by school administrators and special education teams.
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Elections Bring Good News for Choice Supporters

**CAPITOL HILL BEAT**

*Editor's note: After launching the Hill Beat column two years ago and developing it into a regular monthly feature of this newspaper, Don Soifer is stepping down as Hill Beat columnist to devote more time to his Lexington Institute responsibilities. School Reform News wishes to thank Don for his work in establishing the column and for continuing as a contributing editor. Robert Holland will take over the column next month.*

**Landrieu Draws Fire for Helping DC Charters**

Few Members of Congress have done more to help charter schools in the nation's capital than Louisiana Senator Mary Landrieu, the ranking Democrat on the Appropriations Subcommittee for the District of Columbia. She has secured funding increases for charter schools and loans for the charter movement's most pressing need, improving school facilities.

Landrieu also took steps to ensure charter school operators were getting cooperation from District officials. In early 2001, she inserted a provision into a District funding bill that directed local authorities to work with the General Services Administration to audit the availability of any surplus space in DC Public School buildings, and to make some of that space available to charter schools. District officials were slow to respond to those mandates, and charter schools saw no subsequent improvements in available facilities. So Landrieu raised the bar. She added language to an October appropriations bill that required surplus school buildings to be offered for lease or purchase by charter schools at a 25 percent discount.

District officials, who had apparently not been notified of the new requirements, responded angrily once they heard. Several members of the DC City Council, including the lone Republican, Carol Schwartz, sharply criticized the move, as did Delegate Eleanor Holmes Norton. A spokesman for Mayor Anthony Williams announced the Mayor's office had initiated negotiations with Congressional leaders to resolve the differences. Williams had insisted that support for charter schools be a part of any voucher plan instituted in the District.

— D. S.
loosening of NCLB academic requirements for schools receiving federal Title I aid. Kerry also said he would fund NCLB at increased levels.

Now, bolstered by his re-election victory with a clear majority of the vote, Bush will seek to do more than stay the course with NCLB. Education could return to the Bush administration’s front burner.

**Extending Accountability**

The president and his allies clear that in his second term he wants to extend NCLB accountability into the public high schools. The current version of NCLB, which passed with bipartisan support in Bush’s first year in office, requires schools to test students’ reading and math skills annually in grades 3-8 and prescribes remedies, such as public school choice and private tutoring, when schools persistently fail to make progress.

Bush wants to boost funding for low-performing high schools, but with the stipulation that the schools show results. His plan calls on states to develop annual tests for high school students, to include graduation examinations. (See related article, “Too Many Graduates Not Ready for Work or College,” page 4.)

National and international assessments have consistently documented a serious slump in achievement as U.S. students leave elementary school and enter secondary school. The goal of the Act is to improve college readiness, the report makes clear that part of the problem originates even earlier, in the elementary school curriculum, where many students are not learning the foundational skills needed to handle rigorous high school coursework.

“Too often,” students who struggle with foundational skills are not diagnosed early enough to correct the problems,” said Ferguson. “When they reach high school, they are too far behind to catch up. They need to be identified and assisted much earlier.”

For example, value-added analysis of the 2004 test data shows the following incremental ACT score increase for taking the following courses in sequence over and above General Science alone: Biology (+0.6 points), Chemistry (+1.3 points), and Physics (+1.3 points). Thus, while taking Less than Core alone yields an average ACT score of 17.3, taking Core, Advanced Math, Trigonometry, and Calculus as well yields an average ACT score of 25.0.

A similar value-added pattern is shown with the science course sequence above General Science alone: Biology (+0.6 points), Chemistry (+1.3 points), and Physics (+1.3 points). Thus, while taking General Science alone yields an average ACT score of 18.0, taking Biology, Chemistry, and Physics as well yields an average ACT score of 21.2.

**A School Reformer**

Dating from his years as governor of Texas, Bush has a track record as a school reformer. Federal spending for K-12 education has increased 49 percent since Bush became president.

Regardless of whether Paige serves as education secretary for a second term, he will likely continue to advance such causes as using methods grounded in valid scientific research (such as phonics to teach reading) and alternative teacher certification to bring bright, experienced newcomers into teaching.

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**Too Many Graduates Not Ready for Work or College**

by George A. Clowes

Elementary and secondary schools in the U.S. are failing to equip many high school graduates with the skills necessary to succeed in college-level coursework or workforce training, concludes a new report from ACT. Prepare students properly for college and the workplace, the report urges strengthening the high school core curriculum and ensuring K-8 students have mastered foundational skills in reading, writing, and math before entering high school.

Since the publication of A Nation At Risk in 1983, ACT has advocated a “core” curriculum of required courses, consisting of four years of English and three years each of math, natural sciences, and social sciences. However, ACT’s new report makes the case that this “core” is no longer sufficient for individuals to succeed in college and in the workplace or for the U.S. to succeed in the global marketplace.

“Our nation simply can’t afford to keep producing high school graduates who are ill-prepared to succeed in college and the workforce if we want to maintain our economic competitiveness throughout the world,” said Richard L. Ferguson, ACT’s chief executive officer. “We must prepare students properly for the U.S. to succeed in the global marketplace.

As New Bush Term Begins, Call for Changes to NCLB

**Finn and Hess weigh in with timely assessment of law**

by Krista Kafer

I**n a timely essay in the fall edition of The Public Interest, education researchers Chester E. Finn, Jr. of the Thomas B. Fordham Foundation and Frederick M. Hess of the American Enterprise Institute assess the strengths and weaknesses of the No Child Left Behind Act (NCLB). In their essay, “The act’s accountability system is built on systematic testing and “forceful remedies” for poor-performing schools. All public schools are required to take city students. Students in rural schools are often too far from charter and magnet schools.**

**NCLB** is a radical overhaul of the 1965 Elementary and Secondary Education Act, with the intent of imposing a “results-based accountability regime on public schools” that will bring all children to proficiency in math, reading, and science. It is based on the popular belief that all children can reach this higher standard, an idea even NCLB critics generally share.

As a genuinely bipartisan product, NCLB is a “Rube Goldberg-like assemblage” of liberal and conservative ideas grafted upon an older body of law. The compromises that led to the bipartisan creation result in inconsistencies, and Finn and Hess warn NCLB’s “perverse incentives, incompatible interests, and unworkable expectations” may undermine the law’s support and outcomes.

**Accountability**

The act’s accountability system is built on systematic testing and “forceful remedies” for poor-performing schools. All public schools must test students in grades 3-8 in reading, math, and—starting in 2007—science. States must show that students in each grade and subgroup (e.g., race, disability, gender) are making progress toward proficiency in those subjects. States must gear their accountability systems to push all students to proficiency in 12 years.

Schools that fail to attain Adequate Yearly Progress (AYP) toward meeting those standards receive increasingly stringent sanctions for each year they fail to make progress. After two years of missing the mark, the state may require students at the school the opportunity to transfer to a higher-performing school. After three years of missing the mark, students at the school may receive supplemental services such as tutoring from a provider of choice, including private entities. After four years, the school must make a school improvement plan, and after the fifth year the school must be “reconstituted.”

While Finn and Hess herald the wealth of school-level information mandated by the law, they believe the law’s accountability system has problems. They contend the law’s rigid specificity on some aspects of accountability and laxity in other aspects make NCLB both overbearing and ripe for gaming. The 12-year timetable and disaggregation requirements are highly prescriptive and have unintended consequences.

One such consequence is that the law does not distinguish between schools that miss a single benchmark for one subgroup and schools that are failing to teach most of their students to standard. Another consequence is that states have flexibility on subgroups, tests, and accountability systems of varying rigor. In addition, states “flout the spirit of NCLB while nominally complying with its letter” by employing various statistical strategies to reduce the number of failing schools.

**School Choice**

Finn and Hess also call attention to the less-than-effective choice provisions. These were scaled down from the original Bush vision for NCLB. The law stipulates that students in schools in need of improvement be allowed to transfer to a higher-performing school within the district. However, a lack of capacity in many districts made this provision a false promise for many students:

> “[NCLB] law stipulates that students in schools in need of improvement be allowed to transfer to a higher-performing school within the district. However, a lack of capacity in many districts made this provision a false promise for many students.”

- In the urban core, schools in need of improvement greatly outnumber successful schools.
- Charter and magnet schools have waiting lists and schools in the suburbs are not required to take city students.
- Students in rural schools are often too isolated to have access to other schools.

**Supplemental Services**

Implementation of the supplemental services provision also has been uneven. While some district leaders see the promise of outside services in boosting achievement, others have been less than welcoming, since districts are allowed to provide the services themselves. This conflict between the roles of regulator and provider has led some districts to discourage outside providers.

Further complicating implementation is the fact that many states test students in late spring and find it difficult to render scores fast enough to provide school-level data and alert parents to their options before the fall semester begins.

**Recommended Changes**

Given the difficulties experienced since the law’s inception, the authors propose the following 10 solutions:

- Set federal standards in reading and math for 4th, 8th, and possibly 12th grades using the National Assessment of Educational Progress (NAEP) as a benchmark and gauge of progress. States would be free to set standards and tests in other subjects.
- Base AYP on academic gains assessed through a value-added instrument. Currently, AYP is based on the aggregate level of student performance. Finn and Hess believe value-added testing would more accurately gauge the value schools impart to students irrespective of outside school factors and prior academic attainment.
- Create a “safe harbor” for high-performing schools where test scores are already high and there is little opportunity to make additional annual gains.
- Using the value-added model, deem schools that “do an adequate job helping pupils to master the prescribed content at a reasonable rate” as having met AYP even if all their students do not attain proficiency.
- Make AYP more flexible. As an example, the authors propose a system that would distinguish between schools making good progress overall and those making good progress in a subgroup. This could create a “safe harbor” for high-performing schools.

**Change testing cycles so parents could receive information and options in a timely fashion and districts could have time to implement choice and supplemental service strategies.**

**Develop the supply of good schools by encouraging more charter schools, interdistrict choice, cyber schools, home schools, and private schools.**

**At schools in need of improvement, give students supplemental services options before giving them intradistrict school choice.** Reversing this order would give students a chance to improve their performance and the school’s performance before choice became an option.

**Bar districts from being both a regulator and a provider of supplemental services.** Another entity would make the arrangements for private providers in districts where the district was a provider.

These 10 changes, Finn and Hess contend, would make the “NCLB assessment work as intended,” render its remedies more effective, and help NCLB avoid following the path of other Great Society-like programs that started with high hopes and ended with few results.

“History need not repeat itself,” conclude Finn and Hess. “Forty years after the fractured results of LBJ’s noble efforts to ensure equal opportunity in American education, we have a chance to do better. Perhaps even federal policy makers could learn from history.”

**Krista Kafer** (kafer@heritage.org) is senior policy analyst for education at The Heritage Foundation.

**INTERNET INFO**

The United States ranks first among 30 nations in high school completion rates among 55- to 64-year-olds, but 10th among 25- to 34-year-olds... South Korea, by contrast, ranks 24th for the older group and first for the younger group.”

The OECD report tracks education “inputs” such as spending, class size, and teacher salaries and education “outputs” such as graduation rates, reading, math, and science performance, and learning environment. According to the annual publication, the compilation of education data “enables countries to see themselves in the light of other countries’ performance.” Not all OECD member or partner countries participate in every year’s survey.

According to the report, the U.S. has the highest per-pupil spending for elementary to tertiary education, spending an average of $10,871 per student. Per-student spending ranges from less than $3,000 in Mexico, Poland, and the Slovak Republic, to more than $8,000 in Austria, Denmark, Norway, and Switzerland. Combining public and private sources of funds, Korea spends the highest percentage of Gross Domestic Product, 8.2 percent, on education. The U.S. spends the second highest amount as a percentage of GDP at 7.3 percent. As a percentage of public spending rises to GDP, the U.S. ranks third.

The share of private expenditures in K-12 education was average in the U.S.—about 7 percent. At the postsecondary level, the percentage of private spending was 66 percent, ranking the U.S. second under Korea at 84 percent and three times higher than the average of 22 percent. In the U.S., private spending at the postsecondary level is split evenly between individuals and private enterprises.

Starting salaries for primary teachers in the U.S. ($29,513) are the fourth highest of the 29 countries surveyed. Denmark, Germany, and Switzerland are the top three countries on this measure. U.S. teachers work more hours than the OECD average.

“The average class size in OECD countries is 22... While Japanese and Korean schools have large class sizes, their students attain higher academic performance. Average class size in the U.S. is roughly equal to the OECD average.”

The average class size in OECD countries is 22, varying from 16 students in Korea to fewer than 18 in Greece, Iceland, Ireland, and Luxembourg. While Japanese and Korean schools have large class sizes, their students attain higher academic performance. Average class size in the U.S. is roughly equal to the OECD average. The performance of U.S. 15-year-olds on reading, math, and science international exams is average.

In every country, elementary school girls and 15-year-old girls outperform boys in reading. Boys outperform girls in math in about half of the countries surveyed. In science, performance was roughly equal. In the U.S., performance of 15-year-old girls was higher than boys in reading and equal in math and science.

In most OECD countries—Japan, Switzerland, and Turkey being the exceptions—young women are more likely than young men to earn a first university degree. In addition, 15-year-old girls in 40 of the 42 countries surveyed (including the U.S.) indicated higher expectations for future occupations than their male peers. Men, however, are more likely to be employed and to earn more money than women with similar education levels. Men are also more likely to earn doctorates or other advanced degrees.

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Illinois School Analysis Made Easy with NIU’s Interactive Report Card

by George A. Clowes

For nearly 30 years, U.S. consumer goods corporations have had online access to interactive sales and marketing databases for ad hoc data analysis and decision support. Until recently, similar input/output data for driving decisions in K-12 education have been out-of-date or out-of-reach to parents, educators, and policymakers. The No Child Left Behind Act (NCLB) is changing that.

Implementation of and compliance with NCLB has forced school districts and states to better organize data on school performance for ready reporting to the U.S. Department of Education. Although NCLB data processing still is unacceptably delayed—results from spring tests are not reported to parents until late summer—the creation of a statewide database of school-level NCLB data provides the potential for linking to other databases that include school and district demographics, expenditures, revenue sources, and tax rates.

In Illinois, that potential has become reality in the form of the Illinois Interactive Report Card (IIRC), a powerful Web-based data analysis tool created and maintained by Northern Illinois University (NIU) through a $180,000 grant from the Illinois Department of Education. Since December 2003, persons with an interest in viewing and analyzing a wide range of performance, demographic, and resource data for public schools in Illinois have been able to do so on their computer desktops.

As well as current data, the IIRC contains data from previous years to allow longitudinal tracking. In addition, graphs show achievement versus Adequate Yearly Progress (AYP) benchmarks for each school, grade, and subgroup—and where they need to be by 2014.

The IIRC also makes it easy for a user to compare schools by grouping them in a wide variety of ways, including selecting by student test performance, per-pupil spending, poverty level, ethnic characteristics, type of school district, teacher qualifications, average salaries, and tax rates. This powerful selection capability allows educators and administrators to readily identify schools that have high levels of student achievement despite having demographic or other characteristics normally associated with low student achievement. A recently added scatter chart feature allows users to see individual school and district performance in a statewide context.

“Conventional wisdom suggests that the larger the percentage of low-income students in a school, the lower the level of academic performance,” said Harvey Smith, director of NIU’s Social Science Research Institute and leader of the IIRC project.

“Using the comparison features of the IIRC, you can quickly see that low-income does not necessarily mean low performance. Whatever its faults, ‘No Child Left Behind’ is forcing us to think about how to raise performance of all students, regardless of their environments.”

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Textbook Adoption: A “Mad, Mad World” that Hurts Schools and Students

by Robert Holland

A major school reform organization has condemned government-run textbook adoption for generating dumbed-down texts that harm students and schools across the nation, even though the process is used in only 21 of the 50 states. The report recommends devolving decisions about textbook purchases to individual schools, districts, and teachers.

In “adoption” states, a central textbook committee designated by the state education bureaucracy selects the textbooks schools may purchase with public money. The reviewers often enforce so-called sensitivity guidelines by demanding publishers change wording and content.

Because of the size of their combined market, the adoption states effectively dictate textbook content nationwide, given the vested interests of the publishers in selling their wares as widely as possible.

In a study for the Thomas B. Fordham Institute, veteran journalist David Whitman charges interest groups from the politically correct Left and the religious Right “exert enormous influence” on textbooks by pressuring reviewers to dilute content so as to make the texts “inoffensive to every possible ethnic, religious, and political constituency.” Whitman’s study, published as a paperback book, is titled, The Mad, Mad World of Textbook Adoption.

In her research for the 2003 best-selling book, The Language Police, Diane Ravitch found the education publishing industry had identified hundreds of words, phrases, and representations of reality that were to be stripped from schoolbooks regardless of context—words like “fireman” and “actress,” for instance, and any verbiage ever depicting a woman as emotional or a man as brave. Ravitch believes that trend threatens to “eviscerate the expressive and denotative power of the English language.”

Reconstruction Origins

Textbook adoption had its origin in Reconstruction, when the states of the defeated Confederacy issued guidelines for school materials in an attempt to ensure the Southern version of the Civil War would be taught to Southern students. Today, most of the states still using official adoption are in the South or West; however, the system now goes far beyond trying to present the Civil War as the War Between the States.

For instance, the Fordham report documents the effect of radical multiculturalism on U.S. history textbooks. Many texts seek to downplay the European heritage of the United States while inflating the African tribal kingdoms that had no significance in the development of our constitutional republic.

Thus, a number of textbooks tout the reign of Mansa Musa, an Islamic ruler of Mali, who made a pilgrimage to Mecca in 1324 accompanied by supporters and thousands of slaves. But the texts never explain any connection to U.S. history. Similarly, the textbooks praise the contributions in architecture, artistry, and technology of Meso-American civilizations such as the Mayans, Aztecs, and Incas, while failing to show how such human activity influenced the founding of the American Republic several hundred years later.

Let Schools and Teachers Choose Texts

The Fordham report concludes mere tinkering will not reform the adoption process. Instead, Whitman recommends governors and legislators in the adoption states should abolish the process and hand over decisions about books and materials to schools, districts, and “even individual teachers.” If parents had school choice, that would give them a share of market power as well.

In the era of No Child Left Behind—the federal law that puts a premium on methods and materials proven to work—objective results for students are what matters. However, notes Fordham President Chester E. Finn, Jr., few textbooks are subject to any independent field testing of their educational effectiveness—an omission he deems “a scandal and an outrage.”

“I’m usually loath to suggest further federal involvement in K-12 education, but Congress should seriously consider legislating action here, perhaps requiring instructional materials paid for with federal dollars to prove their efficacy, which would make life less pleasant for textbook adoption states,” writes Finn in the foreword to the report.

The report further contends textbook adoption has spawned a textbook cartel that leaves the $4.3 billion textbook market in the hands of just four multi-national publishers. Small, innovative publishers of instructional materials find themselves frozen out.

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A copy of the September 2004 report from the Thomas B. Fordham Institute, The Mad, Mad World of Textbook Adoption, may be ordered online at http://www.edexcellence.net/institute/publication/publication.cfm?id=335.

The full text of the report also is available online at http://www.edexcellence.net/Mad%20World_Test2.pdf.

The longer the students receive special education services, the steeper their academic decline,” notes Hettleman. Low expectations, he adds, “are toxic self-fulfilling prophecies,” particularly for low-income and low-IQ students.

Low as they are, the test scores still are inflated because of accommodations for special education students, according to Hettleman. He describes how two fifth-grade students had a testing accommodation where they were given the test passages aloud, even though this was a test of the reading ability of the student. The teacher read the test passages aloud, even though this was a test of the reading ability of the student. In the official test score results, one of the children was reporting as reading at the eighth-grade level, the other at the fourth-grade level, though neither could read at anywhere near those levels.

“Not only are instructional efforts based on low expectations, but instruction is often not individualized as required by [special education students’] IEPs. ‘Inclusion’ is frequently viewed as an end in itself, and little effort is made to intervene if students fall behind.”

“The longer the students receive special education services, the steeper their academic decline,” notes Hettleman. Low expectations, he adds, “are toxic self-fulfilling prophecies,” particularly for low-income and low-IQ students.

“Stigma and frustration are causing these children to develop emotional and behavior problems that further impede their learning. Parents who try to fight the system are rebuffed and heartbroken.”

Based on his personal experiences as a pro-bono attorney for special education students in the Baltimore schools and his review of Baltimore special education practices, Hettleman’s major findings are:

- IEP teams lack the training to apply research on the most effective instructional approaches for students with learning difficulties; consequently they “vastly underestimate the academic potential of such students.”
- The failure to design and deliver research-driven instruction violates both NCLB and IDEA, the Individuals with Disabilities Education Act.
- IEP teams do not in fact individualize IEPs with “specially designed instruction,” as mandated by IDEA. IEPs do not specify even the most basic elements of instruction, such as learning methods, teacher-student ratio, and teacher qualifications.
- IEP teams violate IDEA and the district’s own guidelines by not monitoring student performance effectively and by not providing timely interventions when students fail to progress.
- “The harm to children with disabilities caused by these practices can hardly be overstated,” writes Hettleman.
- Hettleman says that schools conceal their failures by exaggerating student achievement and practicing social promotion. He offers very specific recommendations for fixing the IEP process.

Some of his recommendations for BCPSS include:

- Putting an end to the BCPSS “culture of denial and defensiveness about the lack of academic achievement of special education students” and committing to “transparent review and reform.”
- Taking steps to educate BCPSS from top to bottom about research-based instruction—both for preventing referrals to special education in the first place, and for substantially improving the instruction students receive when they are referred to special education.
- Setting proper goals and expectations for students in special education.
- Training teachers in the use of instructional programs and practices that research has shown to improve student outcomes.
- Reallocation of resources to instruction from procedural compliance.
- Designing demonstration projects for the development and implementation of adequate IEPs, and seeking outside funding for those projects.

Although Hettleman focuses on Baltimore’s troubles with special education practices, his recommendations for improvement are applicable to school districts across the United States. The problems he describes are not unique to Baltimore.

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No Exit for English-Language Learners in New York City

In New York, immigrant students who learn English as a Second Language (ESL) must pass a new ESL exit exam before they can join mainstream classes in English. Very few are passing the exam—not because they don’t know English, but because the passing score is set very high, at 96 percent.

In an October 2004 New York Times article, Samuel Freedman describes how only 7.5 percent of eligible pupils in New York City passed the ESL exit exam in 2002-03, even though half of the city’s English Language Learners successfully passed the English Regents Exam during the same academic year.

As Freedman explains, the disparity in pass rates on the two exams arises not so much from different content as from vastly different passing scores. The ESL exit exam requires a high school junior to score at least 71 of a possible 74 points to pass, or at least 96 percent. The Regents exam requires the same student to score only 65 of 100 possible points, or 65 percent, to receive a Regents-endorsed diploma.

For each of the past two years at Richmond Hill High School in Queens, the percentage of students passing the ESL exit exam has been just 0.7 percent, or four of 600 students. One of the school’s immigrant students, Shoob Mahbub from Bangladesh, read Steinbeck, Shakespeare, and Machiavelli while in school and graduated last year in the top 20 of more than 400 seniors.

“He scored 89 on the English Regents,” writes Freedman. “He earned admission to City College’s pre-med program. Yet he failed the ESL test and was barred from taking a mainstream English class.”

Kamil Losiewicz, an immigrant from Poland, explained the problem with remaining in ESL classes. “The amount of education I received wasn’t as high as it could have been,” he told Freedman. “The reading assignments, the writing assignments in ESL were really easy. I wanted writing at a high level, something that would help me in college. And by being with people in ESL who don’t speak English well, it definitely kept me from speaking at a high level.”

— L.S.
A Heritage of Education

by M. Royce Van Tassell

Lisbett Contreras and her sister Grisett have lived together since they emigrated from Venezuela more than 10 years ago. Today, Lisbett is married and has two boys, seven-year-old Jonathan and his six-year-old brother Samuel. Grisett lives with Lisbett and her husband in their clean but run-down house in a pleasant neighborhood on the west side of the Salt Lake valley.

Grisett has long appreciated the value of a good education. While in Venezuela, she earned a business degree and now processes credit applications for American Express. Many of her cousins, lacking a good education, are forced to do construction work or drive a cab. Being single, though, she and Lisbett will work together to build a heritage of education “for our kids.”

But having lived with her sister for so long, Grisett is part of Lisbett’s family. Occasionally, Jonathan or Samuel asks her if she’ll always live with them. She tenderly explains that someday she’ll get married too, and have her own family. For now, she is a part of their family. She even refers to Jonathan and Samuel as “our kids.”

As Jonathan approached kindergarten, Lisbett and Grisett grew anxious about where he would go to school. Having spoken with friends and neighbors about the neighborhood public schools, they worried about security, academics, and respect. They felt private schools would provide a safe, strong learning environment where Jonathan, and later Samuel, could get a really good education.

Unfortunately, Lisbett couldn’t afford the single tuition for Jonathan to attend a private school, let alone the double tuition for Jonathan and Samuel. Undaunted, she kept investigating the possibilities. She tried to transfer Jonathan to a better public school on the east side, but it was already full. She looked at charter schools, but the waiting lists were too long. Eventually she was referred to Children First Utah (CFU). CFU provides private school tuition scholarships so even low-income families have equal access to a quality education. However, families still have to pay half the tuition. With her husband already working two jobs to make ends meet, Lisbett knew they didn’t have that extra money.

Being single, though, Lisbett’s sister Grisett has some spare money. More importantly, she loves Jonathan and Samuel and wants them to have a really good education. “I want them to progress in life, to go to college, to earn a scholarship,” she says. “I want them to be challenged, to learn, not just fill out papers.”

Instead of buying an entertainment center or saving money for a house of her own, Grisett agreed to pay a quarter of her nephews’ tuition, $350 per month. Lisbett and her husband would pay another quarter, and CFU would pay the rest.

At some point, Grisett may not be able to help Jonathan and Samuel like this. Eventually she’ll have a husband, children of her own, and all the obligations that go along with a family. For now, though, she and Lisbett will work together to build a heritage of education “for our kids.”

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Up-to-Date School Choice News

by Jonathan Butcher

In October, The Heritage Foundation launched its new school choice Web site, available at http://www.heritage.org/schooldchoice. The site is Heritage’s one-stop shop for information on parental choice in education, including commentary, analysis, research, contacts, book reviews, and the latest news. Instead of publishing a book this year, Heritage is producing the information entirely online, which will allow for real-time updates on breaking developments in the choice world.

Explanation
The site provides thorough explanations of choice alternatives such as vouchers, scholarship tax credits, charter schools, homeschooling, and open enrollment, as well as a PowerPoint presentation on the basics of educational options.

Information
The site’s central feature is its catalogue of information on education and advances in school choice in every state and the District of Columbia, information Heritage previously had published annually in book form and updated online on an ongoing basis. The entry for each state and the District of Columbia includes public, private, and charter school demographics and NAEP test scores, as well as a narrative on pertinent federal and state legislation and judicial decisions affecting the state’s school choice laws. The narrative includes information on local efforts to promote school choice as well as contact information for state- and DC-based school choice advocates.

Research
The Web site also provides one of the largest collections of school choice research available on the Internet, with links to studies from Harvard’s Program on Education Policy and Governance, the Manhattan Institute for Policy Research, and the Milton and Rose D. Friedman Foundation. More than 100 studies on vouchers, charter schools, and homeschooling are available.

News
Perhaps the most important feature of the Web site is its ability to provide immediate access to breaking school choice news around the nation. A few years ago, books that provided summaries on advances in school choice would remain current for at least a few months after their printing. Today, hardly a day goes by without news on school choice. The Heritage school choice Web site is the place to keep up-to-date.

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A Word on Competition and Testing

“You hear all of the arguments about how demeaning [quantified testing] is to schools, teachers and takes away from classroom learning. I’m an engineer. I don’t know how to solve a problem unless you measure what you’re trying to solve. ... I’m a big fan of testing and I’m a big fan of quantitative measures.”

“I’m a big fan of competition. Competition is charter schools or private schools or public schools, and I don’t mind the K-12 public school system is capable of reforming itself in a required period of time unless it has some form of competition.”

Craig Barrett, Intel CEO
San Francisco Chronicle interview
September 26, 2004

THE FRIEDMAN REPORT

THE EDUCATION INDUSTRY

Although there still is relatively little competition in the K-12 education industry, two companies—Edison Schools and National Heritage Academies—have emerged over the past decade as leaders in providing educational services outside of the traditional public school model.

Almost Twice as Many Students Expected at Edison Schools

Working with school districts and charter school boards, Edison Schools has grown each year since it first began operating schools in 1995. This year’s growth is especially significant, as the company expects to serve more than 250,000 students in 157 schools in 20 states plus the District of Columbia—almost double the 132,000 students served by Edison divisions in the 2003-04 school year.

“Edison is one of the founders of our industry, and its strong growth and diversification this year is evidence of our industry’s momentum, its potential—and most of all, the extraordinary benefits it brings to children across this nation,” said Steve Pines, president of the Education Industry Association.

Over the past decade, Edison Schools has made R&D investments in excess of $40 million to create a school design and support system that together help drive student achievement, according to Edison President Chris Cerf. Edison’s partner schools are achieving academic gains more quickly and more consistently than comparable schools, he added, noting Edison is helping improve the achievement in schools rated “in need of improvement” by the No Child Left Behind Act.

“The men and women of Edison are proud of our business success,” said Edison founder and CEO Chris Whittle, “but what we are passionate about is the student achievement that we have been able to help our clients achieve.”

Edison Schools News Release
September 20, 2004

Rapid Growth Continues for National Heritage Academies

National Heritage Academies (NHA) has been named one of the nation’s fastest-growing private companies by Inc. magazine, which publishes an annual list of the country’s top 500 entrepreneurial growth leaders. Less than 3 percent of the companies that have appeared in the Inc. 500 list over the past 22 years have made the list four or more times.

Since three-quarters of new jobs in the U.S. economy are created by small businesses, the Inc. 500 list provides an early indicator of which companies and industries are pushing the economy forward. Microsoft, Oracle, Intuit, and Domino’s Pizza all appeared on the list before they became industry giants.

“Despite NHAs rapid growth, our commitment remains unchanged from nine years ago when we were an 11-person company operating a single school with 174 students: to challenge children to achieve their greatest potential,” said NHA President Peter Support. “This recognition is an endorsement that our model of a rigorous curriculum combined with a strong moral focus program and commitment to parental involvement is working.”

Based in Grand Rapids, Michigan, NHA serves nearly 27,000 students in 51 public charter schools that the company operates in Indiana, Michigan, New York, North Carolina, and Ohio. Despite increasing their enrollment by 29 percent over the past year, NHA schools had a waiting list of 6,300 students at the start of the 2004-05 school year. According to a recent independent survey conducted by Wirthlin Worldwide, 96 percent of all NHA parents are satisfied with the education their children are receiving.

The company’s aim is to create up to 200 of the highest quality schools in the country.

National Heritage Academies News Release
October 5, 2004

SCHOOL CHOICE ROUNDPUP

CONNECTICUT

Connecticut Town Schedules Hearing on Vouchers

At the urging of former school board chairman David LaPointe, a public hearing was scheduled for November 10 to allow citizens of the Town of Winchester to ask questions and voice their opinions regarding the possibility of implementing a voucher plan for the town’s high school students. Most Winchester-area students attend The Gilbert School, a “quasi-private high school” that acts as the local public school through a contract with the school board.

LaPointe has proposed that Winchester students be allowed to apply to other area high schools as well. He contends a voucher system is viable and would give parents a choice in educating their children.

In researching school voucher programs, board member Joseph Cadrain found the nearby Town of Hartford already administers a school choice program of the kind proposed by LaPointe. Fellow board member Scott Goodell suggested someone from the Hartford Board of Education attend the November 10 meeting.

“In looking at the voucher systems, I didn’t find anything, anywhere, except in the Hartford policy, that could any way work in the Town of Winchester,” Cadrain told the Register Citizen.

Winsted Register Citizen
October 13, 2004

MICHIGAN

Michigan School Employees Get Choice Option

Over the summer, the Michigan state legislature approved a measure giving public school employees an unusually powerful school choice option for their own children’s education. Public school employees are allowed to enroll their children in the school district where they work and have the per-pupil state funding follow their child to the chosen school—whether the child’s home district likes it or not.

“I think the school board is receptive to this,” Ken Siver, spokesman for the Southfield school district, said in an interview with the Detroit News. “It’s an employee benefit, like in the sense that health insurance is a benefit.”

Richard Kruse, spokesman for the Romulus district, agreed, saying he thought it was a great benefit. “The biggest dilemma a teacher always has is the balance between the school family and the personal family, and this allows them to blend those two things,” he told the Detroit News.

Some people think giving special treatment to the children of school employees is unfair. Rose Bogaert of the Wayne County Taxpayers Association told the Detroit News she was concerned about the number of students who could enter the district.

“The volume would be significant if a lot of teachers chose to take advantage of that,” she said, raising questions about the possibility of having to add more classrooms.

Detroit News
September 26, 2004

FLORIDA

Boca Raton Voucher School in Compliance

After questions were raised about whether voucher payments for disabled students were being made to a Boca Raton school the voucher students might not attend, the Florida Department of Education suspended payments to the school. Payments were recently restored to the private school, the Academic High School, Inc., when a state investigation found the school in compliance with all state laws.

The suspension of payments was prompted by gaps in student attendance records, where it appeared students may not have been in attendance. Therese Klebacha, director of the Education Department’s school choice office, told the Palm Beach Post she found no reason to continue suspending the voucher payments. She suggested, however, the school adopt a daily record-keeping format for improved tracking of individual students.

“We’ve received the necessary information from the school and determined the school is in compliance,” Florida Department of Education spokesperson MacKay Jimerson told the Post.

Palm Beach Post
October 14, 2004
DeVos Stand on School Choice Prompts Call for Boycott

Betsy DeVos is chairwoman of the state Republican Party in Michigan and a strong advocate of school vouchers, leading a ballot campaign for vouchers in 2000. She’s also the daughter-in-law of Amway co-founder Richard DeVos.

Some school board members in Macomb County put those pieces of information together recently and decided a boycott of Amway was called for in response to DeVos’s stand, which her critics regard as hostile to public education.

The Warren Consolidated School Board in Macomb County passed a resolution in early October urging the Michigan Association of School Boards not to hold conferences at the Amway Grand Plaza Hotel in Grand Rapids. A similar resolution was approved by the Chippewa Valley School Board.

A similar boycott urged by school boards in 2000 failed, according to Justin King, executive director of the Lansing-based Michigan Association of School Boards. He said the new initiative is likely to fail, too.

“It was opposed by our members from the western side of the state,” he told the Detroit News. “They like the convenience of the Amway Grand, and there are no suitable alternatives [in the Grand Rapids area].”

The Warren Consolidated resolution complains Amway officials and the corporation itself give “substantial financial support to private schools”—and none to public schools—with funds that come, in part, from the operating profits of the Grand Rapids hotel.

Detroit News
October 10, 2004

NEW YORK

New York City Prohibits NCLB Student Transfers

Under the No Child Left Behind Act (NCLB), students who attend schools that are not meeting state standards have the choice of transferring to a better school. In New York City, some 1,600 high schoolers chose the transfer option last year.

This year, 67 high schools are not meeting state standards—but no students will be allowed to transfer out. That’s because of an agreement struck between the city department of education and its state counterpart.

“Stick with your lousy school, that’s the message they’re sending,” Eva Moskowitz, chairwoman of the City Council’s Education Committee, told the New York Post.

According to Deputy Schools Chancellor Laverne Srinivasan, freshmen and sophomore students were offered “school choice” earlier when they went through the admissions process and were given the opportunity to list 12 schools they would like to attend.

New York Post
October 15, 2004

SOUTH CAROLINA

South Carolina Governor Offers Tax Credit Plan

In early October, Gov. Mark Sanford (R) outlined a five-point plan he calls his “Contract for Change.” A major element of the plan is to broaden school choice options for parents through tuition tax credit scholarships, an idea he first introduced last year under the title, “Put Parents in Charge.” Supporters hope the plan will advance in the legislature’s 2005 session.

The tuition tax credit’s prospects could be enhanced by a proposal to change the rules of the state Senate, a new item in the governor’s contract. Sanford blames the current rules for stopping his school choice bill and other important measures in the last Senate session. Senate President Pro Tem Glen McConnell (R-Charleston), who has led an effort to change the rules, said he would support Sanford’s proposal.

“This is an opportunity for what I call positive advancement,” McConnell told the Charleston Post and Courier. “These rules were once based on courtesy; now they are based on opportunity.”

The measure Sanford proposed last year would have allowed families making less than $75,000 a year to receive a credit on property or income taxes for expenses they incurred in educating their children at a non-public school, including a home school, or for the cost of transferring their child to another school district.

“Put Parents in Charge” is a reason-
Scholarship Reward Proposed for Early High School Graduates

by George A. Clowes

Free ice cream, movie tickets, T-shirts, and even a chance to win a new car have been used by some school districts as incentives to encourage students to come to school. But a new study from a Connecticut research and educational institute proposes an incentive that would encourage participating high school students not to come to school at all for their senior year. Instead, the students would complete their high school studies in three years, graduate early, and pocket a college scholarship worth several thousand dollars as a reward.

The October 2004 study, “The Early Graduation Reward Plan,” from the Hartford-based Yankee Institute for Public Policy, points out that early graduation is a feasible option for most U.S. high school districts. That’s because high school graduation requirements are generally satisfied when students complete a set of specified courses, not when they have attended high school classes for four years.

The idea of having high school students graduate early is not a new one, according to Yankee Institute Executive Director Lewis M. Andrews, author of the study. Several Connecticut school districts already permit early graduation, although only with the approval of school administrators. In Florida, Governor Jeb Bush (R) established in 2003 a voluntary “fast track” graduation option. The ACE Plan—for Accelerated, Classical, and Extended graduation—offered by Chicago Mayor Richard M. Daley suggested extending high school instruction over five years for certain students. In response, the school board proposed a plan that also included an early graduation option. The ACE Plan—for Accelerated, Classical, and Extended graduation—provided a five-year Extended option for students with academic deficiencies but also offered higher-achieving students an Accelerated option for moving through graduation requirements in three years.

“Instead of trying to justify a fourth year of high school with an odd mixture of advance placement and eclectic non-core courses, perhaps it makes more sense to concentrate on fulfilling the real mission of secondary education and make sure that students are learning the basics when they need to—earlier,” he writes.

With today’s adolescents reaching physical and intellectual maturity at a much younger age than they did a few generations ago, Andrews suggests an appropriate response would be to encourage them to leave school earlier and move on with their lives. Getting young adults more engaged in the real world also would provide them with a meaningful challenge to the self-destructive behavior described in a recent Manhattan Institute study by Jay Greene and Greg Forster. The study revealed little difference in behavior between urban and suburban high school students with regard to drinking, smoking, using illegal drugs, and engaging in delinquent activities.

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Tuition Tax Credits Could Save Utah $Millions, Even $Billions

by M. Royce Van Tassell

A tuition tax credit (TTC) proposed earlier this year by Utah State Rep. Jim Ferrin (R-Orem) could save the state between $343 million and $1.9 billion in K-12 education costs over the next 14 years, according to a newly released Utah State University (USU) study by a team of economists from USU and Southern Utah University.

The study was commissioned by the Utah state legislature in June when it was faced with studies of the TTC program that came to diametrically opposed conclusions. While the nonpartisan Legislative Fiscal Analyst estimated the bill would save the state money, the Utah State Office of Education estimated it would cost the state money after the first year. The legislature has considered at least one parental choice bill every year for the past five years.

Under Utah’s constitution, all of the state’s personal and business income taxes must go to education. Ferrin’s HB 271 proposed two tuition tax credits against those taxes, the first allowing parents to take a nickel in credit for every dime paid as direct tuition. Although capped at $2,000 per student, the credit would be refundable, so taxpayers without a tax liability could take advantage of it.

HB 271 also provided a dollar-for-dollar, non-refundable tax credit for donations by individuals or corporations to nonprofit organizations that distribute the donations as scholarships to low-income families.

While educational choice has been proposed elsewhere to address public school performance problems or enhance parental freedom, in Utah it has emerged as a way to help cope with an expected 25 percent jump in school-age population over the coming decade—more than 100,000 additional students. The USU study found the 2002-03 cost of educating each additional Utah public school student—what economists call the marginal cost—ranged from $7,000 to $10,550, with an average cost of $8,675. That is far higher than even the 2003-04 average cost of $6,000 for each student currently in Utah’s public schools.

“It is a testament to the worthiness of our schools that they invest so much in each additional student,” note the study’s principal investigators, Roberto Q. Hertzberg and Chris Fason, both of USU. “But, this is then also the value that the state and local districts can be expected to save from public school appropriations if a single student leaves a publicly funded school.”

Figure 1: Simulation Model to Estimate the Effect of Introducing Tuition Tax Credits

[T]he USU study found... the state’s private schools could accommodate one-third higher enrollment—some 6,000 students—within their current facilities, and more than 70 percent of the schools were open to expansion if demand increased.

Private School Capacity

Legislators and others have questioned just how many students Utah’s private schools could absorb, especially since the state’s private schools currently enroll only 2.8 percent of K-12 students, much lower than the national average of about 12 percent.

After conducting the most comprehensive survey of Utah private schools to date, the USU study found those concerns to be unwarranted. The state’s private schools could accommodate one-third higher enrollment—some 6,000 students—within their current facilities, and more than 70 percent of the schools were open to expansion if demand increased. While the historical pattern indicates a market decidedly skewed towards upper-income families, the emerging trend is for new, small schools catering to middle- and lower-income families.

“There seems little doubt that if the legislature passes TTC legislation, student access to private school classrooms will not be a problem,” the study concludes. “Even in the face of stagnant enrollments over the last few years, the private school market has experienced continuing expansion with many new schools opening.”

The swift expansion of capacity in Utah’s charter school market also suggests educational supply can adjust very quickly to new demand and sources of revenue.

Switching Schools

Even with a tax credit and an available seat in a private school, the most important question in the analysis is: What percentage of students will switch from public to private schools? That depends on how parents increase their demand for private schools in response to the reduced cost brought about by the tax credit.

To capture a range of assumptions, the researchers developed low switch rate and high switch rate scenarios, with the low rate assuming demand for private schools would increase by .5 percent for every 1 percent reduction in price. The higher rate assumed a 2 percent increase in demand for every 1 percent drop in price.

“It is likely given the results of our focus group analysis of Utah parents that the actual demand parameter falls somewhere between these two estimates,” they note.

Using a Monte Carlo Simulation model (see Figure 1) to sequence and process the various assumptions and estimates, the researchers estimated TTC’s revenue effects by districts and for the state from 2005 to 2018. Based on their analysis, they predict “a net positive gain from the policy relative to predicted spending in the absence of TTC,” with cumulative savings over 14 years ranging from $343 million to $1.9 billion.

Over the past decade, two trends have dominated Utah’s K-12 spending. First, enrollment grew by just 5 percent. Second, the booming economy allowed the legislature to nearly double per-student spending. Thus, for every new student entering Utah classrooms over the past decade, schools added an average of $43,000 in new spending on maintenance, operations, and capital.

Those two trends appear to have run their course, however, and over the coming decade, economic growth is expected to be relatively flat while Utah’s K-12 student population is anticipated to grow a quarter larger.

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45 years of fighting for school choice

an interview with Mae and Martin Duggan

by George A. Clowes

Little did Mae Duggan realize that a letter she wrote to the St. Louis Review in April 1959 would be the opening shot in a battle for school choice that she and her husband Martin would still be fighting some four-and-a-half decades later. Prompted by the letter, a group of reformers met in the Duggan home in St. Louis and created Citizens for Educational Freedom (CEF), the first organization established to promote educational freedom in the United States.

CEF’s efforts helped secure ground slowly but steadily over the years the school choice cause accumulated a series of favorable U.S. Supreme Court decisions on religious freedom. Those decisions culminated in the 2002 Zelman decision, where the High Court ruled it was constitutional for parents to choose a religious school for the publicly funded education of their child. Buttrested by these decisions, the past decade has seen substantial progress in implementing school voucher programs in Milwaukee, Cleveland, Florida, Colorado, and the District of Columbia.

The Duggans’ contributions to the school choice movement were recognized at a recent CEF 45th Anniversary celebration in Washington, D.C. hosted by The Heritage Foundation, Institute for Justice (IJ), and Educational Freedom Foundation. Event sponsors included The Milton & Rose D. Friedman Foundation, Alliance for School Choice, Cato Institute, Heartland Institute, and National Catholic Education Association.

At the October 5 event, IJ’s president and co-founder, Chip Mellor, hailed the Duggans as “trailblazers at a time when school choice was fashionable.” He noted they had adopted the principle of “educational choice for all children” before the emergence of widespread concerns about declining performance in the public schools. He also noted they knew a thing or two about “mobilizing the grassroots,” with their early use of rallies, demonstrations, fliers, and mass mailings.

In a congratulatory letter, Nobel Laureate Milton Friedman praised the Duggans for sticking to principle and never deviating from their support of parental freedom to choose how children are schooled. He recalled his pleasure in finding them as “allies in a common cause” in 1959.

“And now, 45 years later,” wrote Friedman, “supporters of educational choice have grown from a small band to a great host, parental choice is on the march, so far only in limited patches here and there, but under serious consideration almost everywhere.”

The Duggans spoke recently with School Reform News Managing Editor George Clowes.

Clowes: What got the school choice movement started 45 years ago?

Martin: Mae was, shall we say, exercised over the threat of some Catholic schools being closed. I’ll let her give you the facts.

Mae: I was a graduate of a public schools teachers’ college in St. Louis, and I taught in both private and public schools until Martin and I were married. Then I stayed home to take care of our four little children.

What really activated me was an announcement in April 1959 from the leaders of the National Catholic Education Association (NCEA) about closing some Catholic schools. Because fewer nuns were available for teaching, they thought there wouldn’t be enough money to maintain the schools in the future. I wrote a letter to the editor of the St. Louis Catholic paper, saying the bishops could wave the white flag of surrender but we parents were going to fight for our rights, for justice in education.

At the very same time, the National Education Association (NEA) had proposed a bill—the Murray-Metcalf Bill—to begin providing the first federal aid to K-12 education. It was a four-year bill, providing $25 per child the first year, $50 the next, $75 the next, and $100 the fourth year. The total amount of aid was determined by counting all children of elementary and secondary school age in both public and private schools. The problem was that all of the aid money—including the share for students in private schools—was to be given only to the public schools. We called it the “Teacher’s Pet Bill.”

My letter generated a lot of responses from a wide range of people, such as Vincent Corley, an insurance executive in St. Louis, and Judge Anthony Daly, a constitutional lawyer from Alton, Illinois. A group of eight of us met in our living room in May 1959 to decide what to do.

We formed Citizens for Educational Freedom to promote parental rights in education and the principle of “A Fair Share for Every Child.” We started off with just $40 in the bank. On the other hand, the NEA had committed $2 million to get the Murray-Metcalf Bill passed—and $2 million was a lot of money in 1959.

Martin: I was news editor of the St. Louis Globe-Democrat in those days. We ran an item in our paper about this group organizing locally and the Associated Press picked up the story, giving it considerable exposure across the country.

We began hearing from people in Michigan, New York, Ohio, and many other states. For example, there was Bob Hoffman, a lawyer from Erlanger, Kentucky; Stuart Hubbel, a lawyer from Michigan; and Glenn Andreas, a banker from Pella, Iowa, and a leader in the Christian Reformed Church. We also heard from influential people in Missouri, too, like David Grant, an African-American who was counsel for the mayor in St. Louis. As a result, we attracted a large number of people to set up chapters in different states quite quickly, and CEF became a nationwide organization.

Mae: I even got a letter from Walla-Walla, Australia, asking, “Could we have some of your literature because we’re trying to claim our parents’ rights, too.”

Clowes: What happened to the Murray-Metcalf Bill?

Mae: When we started, Eisenhower was president, and he was sound on the parents’ rights issue, but when John F. Kennedy became president, he wanted the Murray-Metcalf Bill passed to please the NEA. Fortunately, we had an ally in Congressman James Delaney from Queens, New York, who was chairman of the Rules Committee. He said, “I will not let this bill out unless it gives the children in private schools an equal right to education funds.”

We succeeded in holding off the NEA’s bill for six years, from 1959 to 1965, when we met with President Lyndon Johnson at the White House. He persuaded the NEA to compromise and so the 1965 Elementary and Secondary Education Act contains the principle that we had fought for: a fair share for every child. The law was approved with a statement saying that all children, in both public and private schools, shall receive equal benefits in categorical aid.

The problem was, the responsibility for administering categorical aid was given to the public schools. The public school administrators could then play all kinds of games to make it difficult for children in private schools to receive their rightful benefits. For example, the private school principal would perhaps receive the forms...
for categorical aid only on the day they were due to be turned in.

**Clowes**: What made you focus on “parents’ rights”?

**Martin**: One reason was because of the influence of Father Virgil Blum. His name is very important in the parents’ rights movement. He was a political scientist at Marquette University in Milwaukee, and in 1958 he wrote a book called *Freedom of Choice in Education*, advocating school vouchers and education tax credits. I gave the book a very favorable review in a Catholic house organ called the *Homiletic & Pastoral Review*, and subsequently we became acquainted. He was my mentor in those early days.

We said the education system should be changed to recognize parents’ rights. Parents should have the choice of where to spend their education dollars.

**Mae**: The big idea was: If you’re going to collect money for a program for everyone, then the money has to be distributed fairly. In the Catholic church, we say, “The principles of social justice make for good government.” And in programs like Social Security and public education, the principle of distributive justice is important. Distributive justice says all eligible people are to receive the benefits from a social program that everybody pays into. That was why we opposed the Murray-Metcalf Bill. It cut off children in private schools from any benefits, even though the idea was to help all children.

It is a violation of distributive justice to discriminate against one eligible recipient by favoring another. But that is exactly what the education system does today: Everyone pays in, but one small group of children—those in private schools—is discriminated against because the benefits are made available only to children in public schools. For example, if you collected Social Security taxes from everyone and then said only white people were eligible to receive benefits, that would rightly be viewed as discriminatory. But somehow it isn’t seen as discriminatory when the government says only children in private schools are eligible to receive benefits from the education taxes everyone has to pay.

**Clowes**: Social Security recipients also can give money from their government checks to a religious institution without fear of being slapped with a First Amendment lawsuit.

**Mae**: That’s correct. What we called for in education was, “A fair share for every child.” Just as seniors receive a Social Security check they can cash to cover their living expenses, school-age children would receive a voucher, or Edu-Card as we called it, that their parents could take to a school of their choosing and redeem to pay for the child’s education.

The principle we always upheld was that the parents of every child should have a fair share of the taxes for education out of a single, visible, state education fund. Right now, there are so many different education funds that most people can’t see what’s going on. School-age children would receive a fair share—not a single national figure, but even a single state figure, but one that took into account the different costs of living in different areas.

**Martin**: We started using the name “Junior GI Bill of Rights” to convey the idea of parents’ rights in K-12 education. Congressman Delaney actually introduced a bill with that name in 1962, and Mae testified on it before the House Education Committee.

**Clowes**: What happened after passage of the Elementary and Secondary Education Act in 1965?

**Martin**: That’s where we began in earnest to work at the state level, seeking at least some semblance of fairness in the allocation of education funds. We had bus bills, we had textbook bills, we had special education bills.

To counter our argument for a fair share, our enemies came up with the name “parochi-aid” to try to make it look like aid to the Catholic church, which of course it wasn’t. We always espoused aid to parents, not to schools. While some bills did provide aid to schools, most of them did not. Our issue always was fairness to parents.

**Mae**: Like Milton Friedman, we were opposed to the institution receiving the aid. You can’t create a market by giving aid to the producer. You give the aid to the consumer so the consumer has freedom of choice.

We also encouraged challenges to laws that discriminated against children in private schools. Here, Dr. Daniel McCready of St. Louis University was a tremendous help, because he was a legal scholar on Supreme Court cases involving religious freedom.

**William Ball**, a lawyer from Harrisburg, Pennsylvania, also was on our board, and he argued many cases before the U.S. Supreme Court. He built his arguments on previous court rulings in religious freedom cases. One was the New Jersey *Eveerson* case in 1947, where the court ruled it was unconstitutional for the state to pay for bus transportation for children who attended religious schools. Another was the Seventh Day Adventist *Sherbert* case in 1963, where the court held that people could not be denied benefits because of their religious beliefs.

**Martin**: Two of the most important cases that William Ball argued were Wisconsin *v. Yoder* (1972), which recognized the right of Amish parents to control the education of their children, and *Zobrest* (1993), which recognized that a handicapped child in a religious school had a right to government aid.

There was a whole series of favorable rulings. For example, there were two Minnesota cases, *Board of Education v. Allen* (1968), where the court said the state could allow the parents of children in religious schools to give money from their government checks to private and religious schools; and *Mueller v. Allen* (1963), where the court ruled in favor of a state law allowing taxpayers to deduct private school expenses from their state income taxes.

The most significant ruling was the *Zelman* decision in 2002, involving the Cleveland, Ohio Scholarship Program, where the court ruled it was constitutional for parents to choose to spend their public education funds at a religious school. When we started out, that idea was jeered by so many people—including even a lot of our own supporters. But now poor children in Cleveland can benefit from good private schools.

**Clowes**: How do you view the current push for tax credits and charter schools as alternatives to vouchers?

**Mae**: We have people calling our office every day asking how they can get a scholarship. People want to get their children into a school of their choice, but I think tax credits just give the parents vouchers to use for private and religious schools. And when we started out, that idea was jeered by so many people—including even a lot of our own supporters. But now poor children in Cleveland can benefit from good private schools.

**Clowes**: Would you support a school choice bill?

**Mae**: Never give up!

**Martin**: Fight. My advice to the younger people is that the people who want more directly involved in school choice as political action, as part of the civil rights movement. I regard parental choice in education as the last remaining civil rights battle. Parents need to demand fairness for their children. They must insist on parents making the decisions about their children’s education. They must demand the right to spend their fair share of education funds at schools they choose.
Maine’s Religious Schools Still Excluded from Choice Program

by George A. Clowes

Despite the 2002 U.S. Supreme Court’s Zelman decision, which approved the inclusion of religious schools in school choice programs, Maine Superior Court Justice Robert E. Crowley on September 30 upheld a 1981 state law excluding religious schools from the state’s nearly 100-year-old school choice “tuitioning” program.

The challenge to the state law was filed two years ago by the Washington, DC-based public interest law firm, the Institute for Justice. The group plans to appeal the ruling to the Maine Supreme Judicial Court.

Instead of constructing and maintaining their own high schools for a very small number of students, the school districts in many of Maine’s rural communities pay for the students to attend a public or private school chosen by their parents.

“School choice isn’t true choice when the State removes an entire class of options, as Maine did when it barred religious schools from participating in its tuitioning program.”

Richard Komer, senior litigation attorney
Institute for Justice

Religious schools were included among the private school choices until 1981, when the state legislature barred them from the program in the belief that including them would violate the Establishment Clause of the U.S. Constitution.

Since the 2002 Zelman decision showed that belief was mistaken, parents like Lionel and Jill Guay of Minot want their schools of choice—religious schools—put back into the program. "We are asking for is the right to send our daughter to the school of our choice," said Jill Guay. "We shouldn’t lose that right just because a religious school happens to be the best school for our daughter.”

The Institute for Justice (IJ), the nation’s leading legal school choice advocacy organization, is representing the Guays and seven other families from three small towns in Maine—Durham, Minot, and Raymond—where the local school districts have tuitioning programs but exclude religious schools from the parents’ range of choices.

“School choice isn’t true choice when the State removes an entire class of options, as Maine did when it barred religious schools from participating in its tuitioning program,” said IJ Senior Litigation Attorney Richard Komer. “Maine’s tuitioning program should not favor religion, but to discriminate against religion as it now does is simply unfair and unconstitutional. The State should allow parents to select religious schools for their children among a range of other private and public options.”

George A. Clowes (clowes@heartland.org) is managing editor of School Reform News.
by George A. Clowes

A 10-year attempt by education finance lawyers to reduce per-pupil spending disparities in Texas schools by means of a so-called “Robin Hood” scheme has produced a smaller spending gap but also resulted in the destruction of an estimated $81 billion worth of property wealth, according to a recent study led by Harvard University economist Caroline M. Hoxby.

The redistribution scheme is on the brink of collapse and is likely to be abandoned soon. The Texas Robin Hood program involved the forced redistribution of about $30 billion annually in school property taxes, taking from so-called “property-rich” districts and giving to “property-poor” districts. Hoxby’s analysis shows the plan did not succeed in equalizing per-pupil spending throughout Texas, although it did reduce the gap between the highest-spending quartile and the lowest-spending quartile from about $2,000 to $1,500 per pupil.

That $500 reduction was achieved at a cost of $27,000 per pupil in property value destruction across the state. “Good intentions about redistribution are not enough in school finance: Understanding the economics is important too,” write Hoxby and Ilyana Kuziemko in their July 2004 report, “Robin Hood and His Not-So-Merry Plan: Capitalization and the Self-Destruction of Texas’ School Finance Equalization Plan.”

To give readers an idea of the magnitude of the wealth destroyed by the Robin Hood scheme, the researchers consider what the money could have been used for had it simply been confiscated from the wealthy instead of being destroyed. If the money had been used to create a permanent endowment fund, it would have generated sufficient annual revenues—about $1,350 per pupil—to bring per-pupil spending in every district in Texas up to the level of the top 5 percent of districts.

The destructive consequences of the Robin Hood scheme may have been predictable to economists, but they were not foreseen by the plan’s designers, who were lawyers, not economists. The intent of the lawyers, as described by Hoxby and Kuziemko, was to devise a funding mechanism that would skirt the Texas Constitution’s ban on a statewide property tax.

The Robin Hood formula was devised by the Texas legislature in 1993-94 as a third response to a 1984 lawsuit charging that the then-current system of school finance was unconstitutional, a charge the Supreme Court of Texas upheld in 1989. The court ruled the Robin Hood system constitutional in 1994, but stated the system would become unconstitutional if all school districts reached a 15 mil tax cap.

That point is close at hand. Both property-poor and property-rich districts have responded to the incentives in Robin Hood and raised tax rates to the point where more than 80 percent of Texas pupils are in districts within half a mil of the cap.

“A better understanding of how school finance works might lead to the adoption of schemes that are more efficient, more stable, more equalizing, less burdensome to taxpayers, and—in the long run—more likely to achieve the goals of school finance,” the authors conclude.

George A. Clowes (clowes@heartland.org) is managing editor of School Reform News.
Education Emerging as Civil Rights Issue of the 21st Century

by George A. Clowes

Education is the number one civil rights issue for blacks in the twenty-first century because, 50 years after the Brown decision declared “separate but equal” public education to be unconstitutional, both blacks and Hispanics suffer disproportionately from being educated poorly, contends Lee Walker, president of The New Coalition for Economic & Social Change, during a recent panel discussion on “The Future of Vouchers.”

Walker was speaking at The Heartland Institute’s first-ever Emerging Issues Forum, held at the Art Institute in Chicago on September 23. Other panelists were Robert Enlow, executive director of the Milton & Rose D. Friedman Foundation, and David Salisbury, director of the Center for Educational Freedom at the Cato Institute.

“Young blacks and Hispanics must be equipped to graduate and be productive members of American society,” said Walker. With a quality education, these young people could take advantage of the free market, become entrepreneurs, and get involved in wealth creation.

But their actual education isn’t preparing them for that. Blacks score the lowest in every subject category and Hispanics do so “a tad better.” The problem, in Walker’s view, is that too many educators have low expectations of black and Hispanic students. Parents may have high expectations for their children, children may have high expectations for themselves, but too many of their teachers say, “They won’t succeed.”

“Parents cannot eliminate the gap, only teachers can eliminate the gap,” said Walker. “The teachers have to have high expectations of the students.”

High Revenues, Low Productivity

The panel was moderated by the present author, who introduced the topic by noting public education in the U.S. has revenues of more than $500 billion a year—more than $11,000 per student.

While productivity in the private sector has soared for the past three decades, productivity in the public education sector has fallen, making it much more expensive today to produce the same educational achievement as 30 years ago. (See “U.S. Productivity Soars in Business, Slumps in Education,” School Reform News, September 2004.) The aim of school choice is to make the education industry work more efficiently for the benefit of students and taxpayers.

“The principles behind school choice are very simple: Parents should choose schools, the funding should follow the child to the chosen school, and the chosen school gets to spend the money,” I said. “It’s as simple as that.”

“We need to better understand perceptions on money and leverage this issue, and we need to undertake efforts to know and follow the public money. Most [of the American public] don’t think we spend enough, [but] they don’t actually know or have a clue about how much we do spend.”

Robert Enlow, executive director Milton & Rose D. Friedman Foundation

School Choice Messages

The messages that school choice allies started sending out about six years ago also were very simple, noted panelist Enlow. Those messages, which the Friedman Foundation helped to hone, were: School choice is widespread unless you’re poor, school choice works, and the opposition isn’t telling the truth.

“All the studies say school choice works, not just for parents, who are more satisfied, but for students, who are better educated,” said Enlow, noting the aim of the messages was to create an environment where school choice became an accepted public policy.

“Now, in almost every state, school choice is on the menu of public options,” he said. In addition, a recent poll for the Friedman Foundation showed voters were more likely to support a candidate who supported school choice.

Looking forward, Enlow argued the school choice movement should promote a message about getting better mileage out of the public education dollar. It’s a message he thinks would resonate because a recent poll shows the American public doesn’t think schools spend their tax dollars wisely.

“We need to better understand perceptions on money and leverage this issue, and we need to undertake efforts to know and follow the public money,” said Enlow, pointing out the public holds two contradictory views about spending on public education: “Most don’t think we spend enough, [but] they don’t actually know or have a clue about how much we do spend.”

Not Just Any Program

While the American public as a whole may still think spending on public education isn’t high enough, many individuals have concluded the problem with public education is not a lack of funding but a lack of freedom, added panelist Salisbury. Recognizing many choices are available in environments where consumers have the purchasing power, reformers began about 15 years ago to develop a range of school choice programs to allow the market to play a greater role in the education of children.

There are now 11 states, plus the District of Columbia, that have school choice programs either through vouchers or school tax credits.

“Unfortunately, all of these programs place a number of limitations, either on the number of students that can participate, or limitations on private schools that can participate, or they place caps on the vouchers, or they restrict parents from paying additional fees beyond what a voucher pays,” said Salisbury. “These limitations... dilute the benefits... of what we would see if we had a more universally available, more fully competitive education marketplace.”

What needs to be done in the future is move beyond these limited programs, he argued. Instead of accepting any proposal that calls itself “school choice,” school choice advocates must encourage legislators and policymakers to craft programs that do actually have the features necessary to produce a competitive education market.

Those features include:

- private school autonomy, particularly over admissions;
- freedom for private schools to hire staff based on their missions;
- freedom for private schools to choose a student standard rather than the state standard;
- freedom of private schools to set prices; and
- more flexibility for public schools.

“If we’re going to solve our K-12 education problems in this country...we’ve got to adopt good school choice,” concluded Salisbury.

The Emerging Issues Forum featured 23 speakers on six panels and attracted 125 attendees. Besides education reform, other panel topics included effective strategies for defending taxpayers, consumer-driven health care, and lawsuit abuse.

The Heartland Institute plans to publish the proceedings of the forum in a small book later this year.

George A. Clowes (clowes@heartland.org) is managing editor of School Reform News.
Sports Is Education, Too

by George A. Clowes

Is sports education? The newly formed Sports Is Education Foundation answered that question with a ringing “Yes!” at a recent one-day symposium, “Sports Is Education, Too,” held at Loyola University’s Water Tower Campus in Chicago.

Panelists maintained participation in sports has many benefits for young people, not the least of which are learning about competition, working as a team, and having to work hard and practice to improve.

“I would certainly encourage young people to participate in sports for the values, the determination, the dedication, the pride, and the teamwork,” said DePaul University Athletic Director Jean Pensonet. Sports helps young people develop their own character and builds their confidence and self-esteem, she added.

“The greater level of confidence (sports participation) puts them in a good position to be good leaders, whether they go into corporate America, education, health care, or computer science—wherever it is that they decide to go,” said Pensonet.

John Elder, executive secretary of the Illinois Coaches Association, suggested there are a lot of things academics can learn from sports—such as the need for practice to improve achievement, and how self-esteem stems from pride in improved skills. Also, young people in sports are taught there is a right way and a wrong way to do things.

“The most valuable lesson from sports is how to compete in a controlled environment,” argued Fox Sports host Jim Blaney, marketing director for the Bulls/White Sox Training Academy. “Learning to deal with competition is part of education, so it will take with them into the real world, he said, where the reality is perhaps 20 people competing for one job, and only one who gets it.

Bob Sakamoto, high school sports editor for the Chicago Tribune, stressed the value of learning how to cooperate and work together to accomplish a goal. Learning about teamwork also was emphasized by Jeff Long, athletic director at the University of Pittsburgh.

“There’s an education to be gained on the playing field as well as in the classroom,” said Long.

Part of that education is being in a sports “melting pot,” said Eldon Ham, symposium co-host and professor of sports law at Chicago-Kent School of Law.

There’s sports history to be learned, too, he said, such as how Jackie Robinson overcame racial discrimination and integrated baseball, and how Robinson’s hero was Hank Greenberg, a white ballplayer who was discriminated against because he was Jewish.

The October 18, 2004 symposium, aimed at school administrators, principals, athletic directors, and coaches, was sponsored by the Sports Is Education Foundation, an Illinois not-for-profit organization. Principals of the foundation are Ham and Terry Poulos, a Chicago-area sports media producer and NFL instant replay official. Ham and Poulos co-hosted the symposium together with John Planek, athletic director at Loyola University.

John Planek (left), director of intercollegiate athletics at Chicago’s Loyola University, talks with Jeff Long, athletic director at the University of Pittsburgh, between symposium panel discussions.

Why Aspiring Sports Stars Should Know Math

■ Of the 920,000 high school football players, only 50,000, or 5.5 percent, will play at an NCAA school. Only 215, or 0.02 percent, will play in the NFL.

■ Of more than 513,000 high school basketball players, only 13,000, or 2.5 percent, will play at an NCAA school. Only 60, just 0.01 percent, will play in the NBA.

Source: Mike Blackburn, National Interscholastic Athletic Administrators Association Publications Committee

School Crisis Management: What to Say When the Media Shows Up

“Exactly what do you do when someone like me [the media] shows up at your door?” asked Chicago’s NBC-5 News co-anchor Anna Davlanes at a recent sports education symposium in Chicago designed for school administrators and athletic directors. Her recommendation: Put one person in charge of talking with the media, make that person available to the media, and provide a straightforward message for the media to report.

Davlantes broke the story of the Glenbrook North High School hazing incident almost three years ago, “an incident that cast a dark shadow over a very good school,” she said. Until then, people didn’t know there was a crisis occurring, that girls were doing it, or that so many students would simply stand by and watch it happen, she added. The incident is a case study of how a large high school dealt with a serious crisis that occurred off-campus, over a weekend.

“There needs to be just one person in charge of dealing with the media,” she advised. “Often the message gets muddied when everybody tries to step in and talk.” On the other hand, saying “Oh, we can’t talk to you” means the crisis story will be reported without being balanced by the school’s point of view.

Saying nothing may be good legal advice but it sometimes conveys a damaging message, noted Eldon Ham, symposium co-host and professor of sports law at Chicago-Kent School of Law. Even if the facts are unknown, he suggested some comments could send an effective message, such as: “This allegation is disturbing, and we’re very concerned about it. We’re not sure if it’s true, and so we are investigating further.”

Ham’s advice for school administrators was the Boy Scout motto: Be prepared, because a crisis can occur anywhere—on the field or off the field, on-campus or off-campus, with players or with spectators. And when video footage is available—as it was in the Glenbrook North incident—that gives the story “legs.”

“If a picture is worth a thousand words, a moving picture or videotape is probably worth a million words or more,” said Ham.

Responding to a question about quotes being taken out of context, Davlanes pointed out the typical TV sound bite is less than 10 seconds, so if a person’s message takes 20 seconds or more to say, it’s unlikely to be seen in full on the air.

People have to ask themselves, “How can I say this clearly within 10 seconds of time?” One of the ways you can [make sure you get your message out] is by making your message as clear as possible and by repeating your points to journalists during the course of your news conference,” she said. “Say it again and again. If you don’t like the way you said it the first time, don’t be afraid to repeat your main point over and over again as part of your answers to other questions.”

The October 18, 2004 “Sports Is Education, Too” symposium was sponsored by the Sports Is Education Foundation, an Illinois not-for-profit organization.

— G.C.
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