

# School Reform News

©2005 The Heartland Institute

THE MONTHLY NEWSPAPER FOR SCHOOL REFORMERS

Vol 9 No 2 FEBRUARY 2005

## Fla. Policy on Social Promotion Helps Students

by Sean Parnell

A new study has found ending social promotion leads to significant academic improvement for previously low-performing students. The study, published in December 2004 by the Manhattan Institute for Policy Research, looked at third-grade students in Florida who were required to pass a standardized test in order to be promoted to the fourth grade.

Researchers Dr. Jay Green, a senior fellow at the Manhattan Institute, and Marcus Winters, a research associate at the institute, analyzed data from the Florida Department of Education. They compared the gains among low-scoring

FLORIDA p. 9

## Detroit Schools Face Default

by Brian L. Carpenter

A recent audit revealed that the Detroit Public Schools—Michigan's largest school district—will run out of money before the end of the current school year, perhaps as early as April.

In order to comply with state and federal laws, Detroit Public Schools issued a comprehensive financial report for the fiscal year ended June 30, 2004. The report included an audit of the district's financial statements by an independent accounting firm, Plante & Moran, PLLC.

DETROIT p. 16

## Big Apple Hits Jackpot in School Finance Case

by George A. Clowes

In an escalating conflict with the separation of powers doctrine, a court-appointed panel on November 30, 2004 unanimously determined that New York state lawmakers must find an additional \$5.63 billion per year in operating funds for the New York City public schools—plus another \$9.2 billion for facilities—to pro-

FINANCE p. 6

# U.S. Students Flunk Math Again

*Need for high school reform cited*

by Lisa Snell

On December 7, 2004, the Organization for Economic Cooperation and Development (OECD) released initial results of the 2003 Programme for International Student Assessment (PISA) study, which tested 250,000 students in 41 countries.

The PISA 2003 survey was focused on mathematics, but it also examined the students' performance in problem solving, science, reading, and student approaches to school and attitudes toward learning. More specifically, the

PISA tested "real world" math skills and whether students could apply math concepts outside the classroom.

A statistically representative sample of 15-year-olds from each country participated in the study. Fifteen-year-olds were tested to ensure different nations would have comparable student populations, since schooling is compulsory for all 15-year-olds in each of the countries tested.

### Poor Understanding of Concepts

The study found that high school students in the United States have a

poorer understanding of basic math concepts than their counterparts in most other leading industrialized nations.

The PISA study ranked the United States 24th out of 29 countries in the OECD in mathematics literacy and problem solving. Students from Finland and South Korea had the highest scores. Using the OECD's adjusted average score of 500 points, the United States scored 483—61 points behind top-scoring Finland and 51 points behind Japan. The United

STUDY p. 4

## INSIDE SRN

- 3 Choice and the 109th Congress
- 7 Revamping School Construction
- 8 Think Tank Exposes Union Politics
- 10 The Friedman Report
- 12 Ill. Court to Hear Charter Appeal
- 13 Achievement Data Favor Charters
- 14 Interview: Cheri Pierson Yecke

The Heartland Institute  
19 South LaSalle #903  
Chicago, IL 60603

PRESORTED  
STANDARD  
US POSTAGE PAID  
BEAVER DAM, WI  
PERMIT NO. 412

A SPECIAL OFFER FOR ADVERTISERS!

# Attention Please!

## Limited **ONE** Time Offer!



### Advertise in the April issue of *School Reform News*.

In addition to our regular readership of 45,000, the April issue will have **EXTRA** distribution at the **National Catholic Education Association conference** taking place in Philadelphia on March 29-April 1. More than **10,000** participants—including teachers, principals, and tech coordinators—will be reading *School Reform News*.

**Act now! Reserve your space by  
February 15, 2005 and get 50% off your ad!**

Color and premium positioning extra.



**Cheaper than  
direct mail and far  
more effective!**

Size:	50% off	Reg. price
Full Page	\$1,495	\$2,990
Junior Page	\$1,006 <sup>50</sup>	\$2,013
Half-page	\$987	\$1,974
Quarter-page	\$347 <sup>50</sup>	\$735

For more information please call Nikki Comerford at 312/377-4000, email [nikki@heartland.org](mailto:nikki@heartland.org)

## School Reform News

### EDITORIAL OFFICES



**The Heartland Institute**  
19 South LaSalle Street #903  
Chicago, Illinois 60603  
312/377-4000 voice • 312/377-5000 fax

*School Reform News* is available on the Internet. Point your web browser to <http://www.heartland.org>.

PUBLISHER  
Joseph L. Bast

ASSOCIATE PUBLISHER  
Nikki Comerford

EDITOR  
Diane Carol Bast

ASSOCIATE EDITOR  
George A. Clowes, Ph.D.  
[clowesga@aol.com](mailto:clowesga@aol.com)

DESIGN AND PRODUCTION  
Kevin Fitzgerald, Elizabeth Ow

ADVERTISING MANAGER  
Nikki Comerford

CIRCULATION MANAGER  
Latreece Vankinscott

CONTRIBUTING EDITORS  
Mike Antonucci, Robert Enlow  
Robert Holland, Krista Kafer  
David Kirkpatrick  
Nina Shokraii Rees (on leave)  
Paul Seibert, Lisa Snell,  
Don Soifer, Kelly Amis Stewart  
Kevin Teasley, Royce Van Tassel,  
Herbert J. Walberg Ph.D., Lee H. Walker

BOARD OF DIRECTORS  
Rajeev Bal, Joseph Bast, Walt Buchholtz  
Robert Buford, James Fitzgerald  
Paul Fisher, Dan Hales  
William Higginson, James L. Johnston  
Roy E. Marden, David H. Padden  
Frank Resnik, Leslie Rose, Lee Tooman  
Herbert J. Walberg Ph.D.  
Lee H. Walker, Thomas Walton



ADVERTISING: *School Reform News* accepts display advertising and advertising inserts. For an advertising kit with rate card and editorial calendar, contact Associate Publisher Nikki Saret at 312/377-4000, e-mail [nikki@heartland.org](mailto:nikki@heartland.org).

*School Reform News* is published 11 times per year by The Heartland Institute. Subscriptions are \$36 per year. Order online at [www.heartland.org](http://www.heartland.org). Heartland is a nonprofit and nonpartisan public policy research organization serving the nation's federal and state elected officials, journalists, Heartland Members, and other opinion leaders. Its activities are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.

© 2005 The Heartland Institute. Nothing in this issue of *School Reform News* should be construed as reflecting the views of The Heartland Institute, nor as an attempt to aid or hinder the passage of any legislation.

## CAPITOL HILL BEAT

# Help Wanted: School Choice Leaders in the 109th Congress

by Robert Holland

As the 109th Congress convened in January, Capitol Hill supporters of educational freedom were nervously surveying the likely composition and leadership of the Senate and House education committees, which are crucial to further federal backing of school choice initiatives.

At the House Education and the Workforce Committee, the continued strong leadership of Chairman John Boehner (R-OH) was reassuring to advocates of choice. Under leadership term-limit rules, the upcoming session is expected to be the final one for Boehner as chairman of the committee.

Boehner has been a staunch advocate of such advances for choice as school vouchers in Washington, DC and parental options such as private tutoring under the No Child Left Behind Act. However, several members of Congress who were strong advocates for choice on the committee during the 108th Congress will not be returning, for a variety of reasons.

Two consistent supporters of choice—Jim DeMint (R-SC) and Johnny Isakson (R-GA)—will not be back on House Education because they won election to the U.S. Senate. A third—Max Burns (R-GA)—lost his race for reelection. Senior legislative staff speculated also that Pete Hoekstra (R-MI) might consider taking a leave from the Education Committee to concentrate on his new duties as chairman of the House Intelligence Committee.

### Change in Priorities Possible

On the Senate side, Judd Gregg (R-NH) has left the chairmanship of the Health, Education, Labor, and Pensions (HELP) Committee to take over the helm of the Budget Committee. That heightened the concerns of choice supporters because Gregg has been one of the most influential backers of educational freedom in Congress. Gregg has consistently supported the concept of portability, the idea that public money appropriated for a child's education ought to follow the child to any suitable school of the family's choice.

Hill insiders were unsure whether Gregg's expected replacement as HELP chairman, Mike Enzi of Wyoming (R), would be anywhere close to Gregg as a champion of school choice, or even whether he would be friendly to the cause at all. In addition to concern over some of his staff appointees, a statement Enzi

issued in December outlining his HELP priorities raised red flags.

In that statement, Enzi placed much of his focus on reauthorization of the 1998 Workforce Investment Act (WIA). He said he "looks forward to developing a comprehensive approach to education and training that promotes a lifetime of learning for the American workforce and



John Boehner (R-OH) is chairman of the House Education and the Workforce Committee.

ensures our long-time competitiveness in the global market." Not once did Enzi mention parental choice as a priority.

Among other legislative priorities, Enzi mentioned the Carl D. Perkins Career and Technical Education Improvement Act and the Higher Education Affordability, Access, and Opportunity Act. The latter, which would pressure colleges and universities to limit tuition and fee increases, would be part of congressional reauthorization of the 1968 Higher Education Act, a chore the 108th Congress failed to accomplish.

Within that context, Enzi said he "would like to pass legislation that helps make sure college is accessible, affordable, and within reach of any student who wants to attend, and that students leave college ready for the workforce." Although those objectives may be unsailable, they raise questions about who would be empowered—the individual or the government. For example, would government judge all colleges according to workforce-preparation outcomes, without regard to the differences between, say, a liberal arts college and a technical training institute?

**Teacher Education Reform Considered**  
One aspect of Higher Education Act reau-

thorization that relates to K-12 reform is federal policy on teacher education. In 2003, the House of Representatives passed, with overwhelmingly bipartisan support, a measure that would have required universities, along with their 1,200 schools of education and state departments of education, to demonstrate they are producing teachers who know their subjects. The bill languished in the Senate; therefore, the 109th Congress must start fresh.

The bill's revival might provide a starting point for reauthorization in 2005. The version passed by the House provided a package of incentives for programs that permit bright persons who have never attended a school of education to become K-12 teachers. In addition to alternative certification of teachers, it would fund "charter colleges of education" to foster innovation in teacher preparation. The charter colleges would be free to disdain the conventional counting of education credits in favor of "value-added" assessments showing their graduates actually increase student achievement.

Also up for reauthorization is Head Start, an early-childhood program that is one of the most enduring vestiges of the Great Society effort of the mid-1960s. The congressional stalemate in the 108th Congress over the direction of this program indicated bipartisan consensus will be much harder to achieve for Head Start than for reforming teacher education.

In 2003, the House passed, on a party-line vote of 217-216, a "School Readiness" bill that would have gone some distance toward heeding President George W. Bush's call for a strengthened academic focus and accountability for Head Start, including greater authority for governors in deciding how the program operates in the states. However, many Democrats take the position that such steps would lead to the destruction of Head Start as a comprehensive care package for the children of poverty, one that includes health and mental health screenings, nutritional evaluations, dental and vision services, and parental activism.

Look for the debate over divergent Head Start philosophies to remain heated in 2005.

*Robert Holland ([holland@lexingtoninstitute.org](mailto:holland@lexingtoninstitute.org)) is a senior fellow at the Lexington Institute, a think tank in Arlington, Virginia.*

### Correction:

The chart on page 4 of the January 2005 issue of *School Reform News*, "Tiny Test Score Gain from NBPTS Certification," incorrectly shows the test score gain with an average teacher to be 66.45 points compared to a gain of 66.70 points with an NBPTS-certified teacher. In fact, the gain with an average teacher is 65.45 points. *School Reform News* regrets the error.



# Study

Continued from page 1

States was outperformed by almost every developed nation, with only Mexico and Portugal scoring lower.

Twenty-five percent of American students performed at or below the lowest possible level of competence, meaning they are unable to perform the simplest calculations.

The PISA results also confirmed the large achievement gap between white and minority students in the United States. White students performed above the OECD average in mathematics literacy and problem-solving, while Black and Hispanic students performed below the OECD average.

Even when only the top students in each nation are considered, the U.S. falls short. On average, about 4 percent of 15-year-olds in all nations who took the test scored at level six of a six-point scale, while in the United States only 2 percent scored at level six.

**“[H]igh school students in the United States have a poorer understanding of basic math concepts than their counterparts in most other leading industrialized nations.”**

## PISA 2003 Mean Scores in Mathematics

OECD Countries

Finland	544
Korea	542
Netherlands	538
Japan	534
Canada	532
Belgium	529
Switzerland	527
Australia	524
New Zealand	523
Czech Republic	516
Iceland	515
Denmark	514
France	511
Sweden	509
Austria	506
Germany	503
Ireland	503
Slovak Republic	498
Norway	495
Luxembourg	493
Poland	490
Hungary	490
Spain	485
UNITED STATES	483
Portugal	466
Italy	466
Greece	445
Turkey	423
Mexico	385

Source:  
OECD, *Learning for Tomorrow's World:  
First Results from PISA 2003*

### Evident Need for Reform

The 2003 PISA results also demonstrated that students in the countries that spent more on education did not necessarily do better than those that spent less. Australia, Belgium, Canada, the Czech Republic, Finland, Japan, Korea, and the Netherlands spent less per student than the United States but did relatively well, while the United States spent much more but was below the OECD average on the PISA exam. For example, spending per student between the ages of six and 15 years of age in the Czech Republic is roughly one-third, and in Korea roughly one-half, of spending levels in the United States, but the Czech Republic and Korea are in the top 10 performers on the PISA exam.

Many U.S. education policy analysts say the PISA test results point to the crucial need for high school education reform in the United States. U.S. Assistant Secretary of Education Eugene Hickock, for example, used the report to promote President George W. Bush's No Child Left Behind agenda, which calls for more state testing and tougher school accountability in the high school grades.

Many commentators also noted the potential economic impact of Americans' poor math skills. Eric Hanushek, a Stanford University economist, told the *Wall Street Journal*, “trailing other OECD countries on education measures may reduce U.S. economic growth by as much as a half percentage point a year. That drag will become increasingly

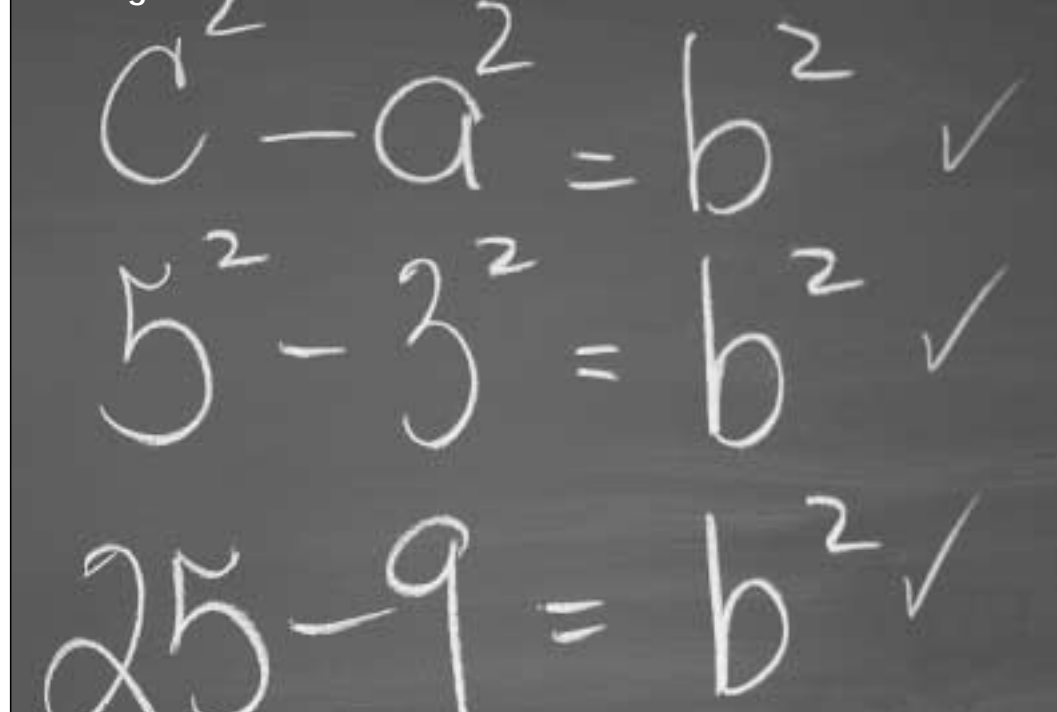
**“The 2003 PISA results also demonstrated that students in the countries that spent more on education did not necessarily do better than those that spent less.”**

apparent as other countries dismantle regulatory obstacles and alter tax laws that put them at a disadvantage.”

Brian Carpenter, of the Mackinac Center for Public Policy, noted in his December 9, 2004 *Policy Brief* on the PISA results that when the United States' immigration program, which allows foreign guest workers to enter the United States, opened its October 1 recruiting session, companies such as Microsoft immediately filled a total of 65,000 technical jobs—the maximum allowed by the law.

The PISA results also gave some policymakers cause to argue for differential pay for teachers to attract more high-quality math instructors at the secondary

**“Using the OECD's adjusted average score of 500 points, the United States scored 483—61 points behind top-scoring Finland and 51 points behind Japan. The United States was outperformed by almost every developed nation, with only Mexico and Portugal scoring lower.”**



level. As Louis V. Gerstner Jr., founder of The Teaching Commission, explained in the December 13, 2004 *Christian Science Monitor*:

“The heart of the problem is the arcane way we recruit and prepare teachers, along with the lockstep single salary schedule, which says a teacher equals a teacher, no matter how desperately society may need a certain skill set and no matter how well a teacher performs in the classroom.”

Similarly, University of Idaho economist John Wenders asked in his December 8 “Economic Time Bomb” email analysis of the PISA test results,

“Will someone again explain to me why we should pay math and P.E. teachers the same?”

Lisa Snell (lsnell@reason.com) is education director of the Reason Foundation.

## INTERNET INFO

The complete OECD report, *Learning for Tomorrow's World: First Results from PISA 2003*, can be found online at

[http://www.pisa.oecd.org/document/55/0,2340,en\\_32252351\\_32236173\\_33917303\\_1\\_1\\_1\\_1,00.html](http://www.pisa.oecd.org/document/55/0,2340,en_32252351_32236173_33917303_1_1_1_1,00.html).

## PISA Results Cast Doubt on Heavy Use of Computers in the Classroom

Researchers Thomas Fuchs and Ludger Woessmann of the CESifo Economic Research Organization in Munich, a joint project of the University of Munich's Center for Economic Studies (CES) and the Ifo Institute for Economic Research, analyzed test performance and background data from the 2000 PISA study and found that students using computers performed “sizably and statistically significantly worse” than those who used them less often.

OECD PISA data initially found a positive correlation between student achievement in math and reading and the availability of computers both at home and at school. Fuchs and Woessmann realized, however, that a greater number of computers in a household generally was evidence of a more affluent family, and more computers in schools was evidence of extra school resources.

So Fuchs and Woessmann factored affluence and school characteristics into their analysis. Once the researchers accounted for affluence, they found the more computers there were in a student's home, the worse the student's math performance. Similarly, the researchers noted that when school characteristics were factored into the analysis the relationship between computers and student performance changed from positive to negative.

When students used the computer in constructive ways—for Internet access, e-mailing, and educational software, for example—Fuchs and Woessmann found a positive effect on student achievement in math and reading. The researchers speculate that when the computer is used for educational purposes, student achievement goes up.

— Lisa Snell

# New Publication Documents Benefits of Private Education

by Joe McTighe

Private education is good for students, good for families, and good for America, according to a new publication by the Council for American Private Education (CAPE). The brochure is part of an informational campaign that began in September 2004 and includes a new Web site and brochure CAPE has developed to tell the public about private schools.

The brochure and Web site remind readers of the roots of private education in the United States. America's first schools were private, and its first leaders were taught in such schools. Today, private schools join public schools to create what the brochure describes as "an educational system that is the envy of the world and the hope for our continued freedom."

Drawing on John Milton's claim more than 350 years ago that truth emerges "from the marketplace of ideas," the document declares that the "rich diversity of private schools is a staple in the marketplace of American education, and the nation is stronger for it."

In telling the private-school story, the brochure, written by CAPE board member Dr. Philip Patterson, president of the National Christian School Association, cites numerous findings from national surveys and data from the National Center for Education Statistics (NCES). The Web version (<http://www.capenet.org/benefits4.html>) is fully footnoted and provides links to each data source.

## Good for Students

In a June 2002 report titled *Private Schools: A Brief Portrait*, NCES noted private school students scored higher than the national average on standardized tests, had more stringent requirements than the typical American school for the high school diploma, and sent an above-average per-



**"[The] rich diversity of private schools is a staple in the marketplace of American education, and the nation is stronger for it."**

COUNCIL FOR AMERICAN PRIVATE EDUCATION



<http://boston.k12.ma.us>

centage of graduates to college.

The brochure highlights this information and adds the NCES finding that students who had completed at least the eighth grade in a private school were twice as likely as other students to graduate from college as a young adult.

Brochure readers also learn that "students in private schools are much more likely than others to take advanced-level high school courses." On the issue of school safety, the brochure notes, "private school students are significantly

more likely than others to feel safe and be safe in their schools."

## Good for Families

"Choosing a school for their children is one of the most important decisions parents must make," the brochure states. "Whether they move into a school district, apply to a private school, or adjust family duties to make home schooling possible, most families want school choice."

The document notes that parents of more than six million U.S. children

choose private schools and do so for a variety of reasons, "with quality academics, a safe and orderly environment, and moral and ethical values the common reasons cited." What's more, private school parents tend to be satisfied customers, with more than three-quarters saying they are very satisfied with their child's school.

When it comes to supporting the values taught at home, the brochure cites an NCES survey that found promoting religious/spiritual life was second only to academic excellence in the goals of private school principals.

## Good for America

Declaring that nothing in a democracy "is more important than the education of the next generation of its citizens," the CAPE pamphlet reports private school students score above the national average on standardized measures of "how well American youth are prepared to meet their citizenship responsibilities."

As further evidence of the value of private schools to the country, the document notes not only that achievement gaps between minority and majority students are lower in private schools, but also that minority students in private schools are more than twice as likely as their counterparts in public schools to enter four-year colleges. The higher achievement levels for minority students make "private schools the nation's greatest hope for boosting minority participation in society from boardroom to classroom."

The brochure concludes that "the public applauds the accomplishments of private education," citing research to support the claim. Indeed, the reality of, and public perception of, the quality of private schools lead to the document's closing line: "Private education promotes the public good."

## Fast Facts About Private Schools in America

- ✓ One in four schools is a private school.
- ✓ One child in nine attends a private school.
- ✓ Private schools produce an annual savings to taxpayers estimated at more than \$48,000,000,000.
- ✓ Private school students perform better than their public school counterparts on standardized achievement tests.
- ✓ Ninety percent of private high school graduates attend college, compared to 66 percent of public high school graduates.
- ✓ Private school students from low socioeconomic backgrounds are more than three times more likely than comparable public school students to attain a bachelor's degree by their mid-twenties, meaning private schools help break the cycle of poverty for their students.
- ✓ Private schools are racially, ethnically, and economically diverse. Twenty-three percent of private school students are students of color; 28 percent are from families with annual incomes under \$50,000.
- ✓ Private secondary school students are nearly 50 percent more likely to take Advanced Placement or International Baccalaureate courses in science and math than public school students.
- ✓ The participation of private school students in community service projects is significantly higher than among their public school counterparts.

Source: Council for American Private Education's new brochure on private education.

Joe McTighe ([cape@capenet.org](mailto:cape@capenet.org)) is executive director of the Council for American Private Education (CAPE), a coalition of national associations serving private K-12 schools. This article was first published in the October 2004 issue of CAPE's monthly newsletter, Outlook.

## INTERNET INFO

visit CAPE's Web site at <http://www.capenet.org>. CAPE's new brochure is available on the Web for free in HTML and PDF formats at <http://www.capenet.org/benefits4.html>. Printed copies are available in bulk quantities at nominal cost through an online order form on the Web site.

# Finance

Continued from page 1

vide the city's 1.1 million students with the free education guaranteed to them by the state constitution's Education Clause.

The \$5.63 billion would increase the city's \$12.62 billion school operations budget by almost 45 percent, to \$18.25 billion, raising spending from about \$11,500 per pupil to some \$16,600 per pupil. That would lift New York City spending well above the state average of approximately \$12,100 per pupil for the 2003-04 school year, when 2,842,097 students shared operational spending of \$34.27 billion.

The panel of three special masters was appointed last year by State Supreme Court Justice Leland DeGrasse when state legislators failed to meet a deadline of July 30, 2004, set by New York's Court of Appeals in a 4-1 ruling on June 26, 2003. The Court had given legislators 13 months to reform the state's school funding system so that it provided all students with the opportunity to receive a "sound basic education." However, lawmakers

**"New York City spending [would be lifted] well above the state average of approximately \$12,100 per pupil for the 2003-04 school year ..."**

could not agree on how much additional money to provide to the city's public schools or how to make the additional funds available, whether through new tax levies or spending cuts in other areas.

The problem facing lawmakers is that "neither the state nor the city can finance the remedy suggested by Judge DeGrasse's referees" without substantial tax increases, said Manhattan Institute Senior Fellow E.J. McMahon.

## Legal Jujitsu

According to Sol Stern, one of New York state's most powerful arguments against the Campaign for Fiscal Equity lawsuit was that New York City's public education system was "so dysfunctional ... that corruption, fraud, and waste were bleeding it of money that should be going right into the classrooms—and that therefore the school system should be required to clean up its act before anyone entrusts it with a single additional taxpayer dollar."

But in a feat of what Stern termed "legal jujitsu," Chief Justice Leland DeGrasse opined that any fraud and waste in the city's public school system was the state's fault as the regulator of schools, and therefore the waste and fraud were irrelevant to the schools' need for more money.

— George A. Clowes



Economist Eric Hanushek and *City Journal's* Sol Stern (inset) reject the call for school funding increases.

Although the separation of powers doctrine found in the U.S. Constitution places the responsibility for making policy decisions in the legislative branch of government, New York's judicial branch has usurped that authority with regard to education decisions. New York judges are now making policy decisions on education quality and education spending, and ordering legislators in Albany to implement those decisions.

The special masters want state legislators to act quickly, too, recommending they be required to make the first of five annual payments of \$1.8 billion to the city's schools for capital spending within 90 days. DeGrasse conducted a hearing on the special masters' report on January 12 and is expected to issue an order on its recommendations shortly thereafter.

### Success for Advocacy Group

The panel report is the latest development in a lawsuit that was first filed against New York State 12 years ago by the school-finance litigation group Campaign for Fiscal Equity (CFE), charging the state unconstitutionally underfunded the city's public schools. Although CFE's lawyers have ostensibly been working pro bono on the case, they asked the trial court for a total of \$21 million in fees after a final Appeals Court ruling in 2003. One purported "pro bono" lawyer asked for \$3.27 million at an average hourly rate of \$551, according to *City Journal's* Sol Stern.

CFE is committed to forcing statewide reform and has made clear its intention "to transform the panel's recommendations and the court order into a statewide reform bill to avoid any technical formula problems, uncertainty, and political complications."

Although the court has no authority to suggest reforms for school districts outside of New York City, the judicial panel agreed the funding solution should be applied statewide.

"We ... strongly support the consensus among the parties and the *amici* that New York State must re-evaluate and reform its funding formulas," the panel stated in its final report.

CFE's interests in education funding aren't limited to New York state. A national project of CFE, called ACCESS, aims to "expand and strengthen the national

movement of advocates who support adequate funding for public education and improved public schools in all states."

### Just 26 Words

Although most states have constitutions with a mandate calling for some standard of educational quality—or a more specific mandate calling education "fundamental" or "paramount"—New York is one of only 15 states with constitutions that simply impose an obligation to maintain a system of free public schools, and nothing more. Article XI, Section 1, of New York's constitution says nothing about educational quality but simply states,

"The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated."

As the case of *Campaign for Fiscal Equity v. State of New York* (CFE) progressed through various court decisions over the past 12 years, the meaning and imperative of those 26 words, added to the constitution in 1894, was substantially expanded.

### Redefining Sound and Basic

In 1982, the Court of Appeals, New York State's highest court, held in *Levittown v. Nyquist* that the 26 words guaranteed all students the opportunity for a "sound basic education." Building on that, the plaintiffs in the CFE case by 2003 had convinced the Court of Appeals to interpret a "sound basic education" as requiring the provision of "a meaningful high school education" that would prepare young people "to function productively as civic participants" with the "intellectual tools to evaluate complex issues such as campaign finance reform, tax policy, and global warming."

In addition, the Court of Appeals held, "The State must assure [sic] that some essential [resources] are provided," such as sufficient numbers of qualified teachers, appropriate class sizes, up-to-date books and supplies, suitable curricula, and a safe environment. Resources also should be "calibrated to student need," and the opportunity for a "sound basic education" must "be placed within the reach of all students." Rejecting research-based evidence to the contrary from Hoover Institution economist Eric Hanushek, the court held that the provi-

sion of additional resources would in itself result in improved student performance.

After examining the resources provided for educating New York City's children and the educational results achieved, the court determined both were constitutionally inadequate and blamed the inadequacy of the state education finance system, deciding the problem was simply that the state was not providing enough money to the city.

### Proposed Three-Part Remedy

Then, in a step that dissenting Appeals Court Justice Susan Read said "disregards the prudential bounds of the judicial function, if not the separation of powers," the Court of Appeals gave the state 13 months, from June 2003 to July 30, 2004, to implement the following three-part remedy:

- determine how much money is actually needed to provide a sound basic education to all New York City students
- devise a funding approach to ensure every New York City school has the money it needs to provide the opportunity for a "sound basic education"
- develop an accountability system to see

**"Rejecting research-based evidence to the contrary from Hoover Institution economist Eric Hanushek, the court held that the provision of additional resources would in itself result in improved student performance."**

if the new approach does actually "provide the opportunity for a sound basic education."

When the legislature failed to meet the July 30 deadline, DeGrasse appointed the special masters panel to begin implementation of the court's remedy.

"This dispute, like its counterparts elsewhere, is destined to last for decades," predicted Read in her dissenting opinion, "and ... is virtually guaranteed to spawn similar lawsuits throughout the State."

Next month: How laws already paralyze New York City schools. For a preview, go to <http://www.cgood.org>.

George A. Clowes ([clowesga@aol.com](mailto:clowesga@aol.com)) is associate editor of School Reform News.

## INTERNET INFO

Sol Stern provides an informative account of the lawsuit's progress in "New York's Fiscal Equity Follies," *City Journal*, Spring 2004, available online at [http://www.city-journal.org/html/14\\_2\\_nys\\_fiscal.html](http://www.city-journal.org/html/14_2_nys_fiscal.html). The Web site of the Campaign for Fiscal Equity, <http://www.cfequity.org>, provides all of the court documents and rulings regarding the lawsuit.

# Superintendent Plans Revamp of Miami-Dade School Construction

by George A. Clowes

In his first few months as the new superintendent of the Miami-Dade County Public Schools, Rudolph F. "Rudy" Crew negotiated a new contract with the local teacher union, revised the district's budget process, eliminated more than 700 non-instructional positions, established a School Improvement Zone to take control of 39 chronically failing schools, and almost tripled—to 15,000—the number of new student stations planned for the start of next school year.

Crew faced what was likely to be his most critical audience in late November when he presented his plans for school construction to the state oversight panel for the district's construction programs—the Miami-Dade School District Land Advisory and Facilities Maintenance Operations Board. Seeking to eliminate portable classrooms and overcrowding by 2010, the plans call for \$1.37 billion for building 47 new schools and 22 additions, \$1.60 billion for renovating and improving existing schools, and \$130 million for educational enhancements. As Crew noted in a subsequent message to the school board, the estimated \$3.1 billion required to implement the plan "greatly exceeds current capital allocations," meaning a bond issue would be required.

The oversight panel, which has the authority to withhold state construction funds from the district, was appointed by the Florida legislature in 2001, following revelations of scandals in district land purchases and revelations from then-Surfside Mayor Paul Novack of severe but persistently ignored fire safety hazards in district schools. Novack is a member of the oversight panel.

## Skepticism Remains

According to a November 23, 2004 *Miami Herald* account, Crew's plans were well-received by members of the oversight board, including panel chairman Ed Easton, a Dade County real estate developer.

"I'm a great cheerleader for what you're trying to accomplish," Easton told Crew,

according to the *Herald*. "Someday I hope we can lead the cheerleading for a new bond issue."

However, panel member Novack said any talk about a bond issue was "premature at best." He said the district already has \$1.5 billion available to build new schools and also receives hundreds of millions of dollars from the state every year in Public Education Capital Outlay funds.

"Why not prove that they can use [that money] wisely, efficiently, and productively, before even considering any alleged need for more money?" Novack asked. "They are still a long way off in terms of accountability and productivity."

In a December 19 letter in the *Miami Herald*, Easton said he believed district schools in the future will be built "faster, cheaper, and of better quality." But while he was clearly enthused with "great expectation that reform is on the way," his support of a new bond issue appeared no less conditional than Novack's.

"If I had one dream it would be to build schools in 24 months or less for \$125 a square foot and maintain them consistently for \$7 a square foot. The public should get a dollar's worth for every dollar invested," wrote Easton. "With that accomplished, I could stand behind the school district for a bond issue to build new schools and address the deficiencies in existing schools."

## Audits Raising Worries

Two recent audits of the Miami-Dade district show the scope of the district's recent construction and maintenance problems.

A November 2004 report from State Auditor General William O. Monroe addressed the district's capital construction funding activities. The report's findings related directly to the productivity and accountability issues raised by Easton and Novack.

For example, three findings described unacceptable delays in initiating and completing construction work:

- The completion of 25 of 30 selected construction projects totaling \$173 million was delayed by an average of 284 days,

with one project coming in 1,057 days late. For 18 of the projects, the average cost-overrun was more than \$400,000 per project, with the largest overrun topping \$3 million.

- Funds for eight projects to carry out specific renovations and remodeling work—i.e., projects where proceeds should be expended quickly—still had more than 70 percent of their funds unspent almost two-and-a-half years after the funds were allocated.

- Over a three-year period, the district's average actual expenditures on capital construction projects were only 37 percent of its average budgeted expenditures.

The state audit also found the district's procedures for tracking expenditures on construction projects to be flawed by inaccurate identification of programs or projects and inaccurate allocation of salaries to construction projects. In addition, reports did not provide "meaningful and useful information" to the school board or district management.

"[C]omparison of the actual or revised estimated costs of individual construction projects to the original budgeted costs was not practicable and readily available for the Board or management," wrote Monroe. "Additionally, management reports to the Board and other stakeholders did not show a comparison of the actual or projected completion dates to the original estimated dates for individual construction projects."

## District Taking Action

According to Crew, the district already was aware of many of the observations in the audit report and was taking actions to address them. "A significant reorganization and restructuring of Facilities Management and Construction is in the works" to "strengthen project management, improve accountability, and provide effective leadership," he said.



Miami-Dade County Public Schools Superintendent Rudy Crew is seeking \$3.1 billion for an ambitious school construction plan.

In April 2004, an independent audit of the Miami-Dade school district's construction department was conducted at the request of the oversight board. The findings were so serious that the auditors, Lewis B. Freeman & Partners, recommended the appointment of a special prosecutor and statewide grand jury to investigate the district's multibillion-dollar Facilities Construction Department, alleging massive disorganization and waste.

District officials disputed the April 28 Forensic Audit Report, arguing the auditors' claims were unsubstantiated. Auditors said the district had not provided a complete set of records to document how and where construction funds were distributed.

George A. Clowes (clowesga@aol.com) is associate editor of School Reform News.

## Building Unwanted Schools in Illinois

While taxpayers in Florida's Miami-Dade School District aren't getting the new schools they want and need, taxpayers in Jersey County, Illinois, are getting new schools they don't want and don't need, despite rejecting—by a 71-29 percent vote—a 1999 school district referendum to build two new schools. School enrollment in Jersey County has been falling for the past eight years.

According to information provided by the Coalition for Public Awareness of Jersey County, Illinois, the repair estimate for bringing the district's existing high school into

compliance with state code was \$531,000 in 2000. A year later, the district's repair estimate had jumped more than 20-fold to \$13.99 million, with the cost of building a new high school pegged at \$12.8 million.

The higher repair estimate permitted the district to access a grant of \$20.53 million from the state's Capital Development Board to build two new schools with a local bond issue of \$14.0 million, for which no referendum was required. Local taxpayers, who did not want new schools, now see new schools being built and are awaiting the increased tax bills that will be imposed on

property owners to pay for them.

Many Illinois school districts on the state's financial watch list have taken advantage of the same school construction grant program, according to Coalition for Public Awareness Chairman Jeff Ferguson.

— George A. Clowes

## INTERNET INFO

visit the Web site of the Coalition for Public Awareness of Jersey County, Illinois at <http://www.jccfpa.org>.

## INTERNET INFO

The November 2004 Operational Audit by Auditor General William O. Monroe, "Miami-Dade County District School Board—Capital Construction Funding Activities: Report No. 2005-074," is available online at [http://www.state.fl.us/audgen/pages/pdf\\_files/2005-074.pdf](http://www.state.fl.us/audgen/pages/pdf_files/2005-074.pdf).

The June 2004 *School Reform News* article by Lisa Snell, "Audit Charges \$100 Million Fraud in Miami-Dade Schools," provides additional information on the Miami-Dade Public Schools construction problems. It is available online at <http://www.heartland.org/Article.cfm?artid=15056>.

Former Surfside Mayor Paul Novack described problems with Miami-Dade public school construction and maintenance in an April 2003 *School Reform News* interview, "A Merry-Go-Round of Irresponsibility," <http://www.heartland.org/Article.cfm?artid=11784>.

# Organization Provides Model School Choice Bills for State Legislators

by Lori Drummer

The American Legislative Exchange Council (ALEC), with which the author is affiliated, released on January 7 a collection of model legislation intended to help state legislators create workable school reform bills that have the best possible chance of standing up to court challenges.

As the 2005 legislative sessions get underway, many state legislatures across the country will continue or begin debates regarding a variety of school choice initiatives. To ensure the laws' strength and effectiveness, legislators and choice advocates alike must be prepared to defend key provisions through the legislative process. To aid in that task, a team of state legislators and national school choice experts teamed up through ALEC to create model legislation.

"The American Legislative Exchange Council has taken the lead in offering a wide range of model school choice bills that state legislators can bring to their states," said Robert Enlow, executive director of the Milton and Rose D. Friedman Foundation and private-sector chairman of ALEC's Education Task Force.

## Several Model Bills Offered

At the 2004 States and Nation Policy Summit, held December 1-4, the ALEC Education Task Force met to discuss the school choice movement. Several legislators teamed up with the Milton and Rose D. Friedman Foundation, Alliance for School Choice, Institute for Justice, K12, and Connections Academy to recommend six model bills that take many legislators' experiences and nationwide experts' opinions into consideration.

"These model bills arm state legislators with the most comprehensive school choice legislation available," Enlow said.

The Education Task Force passed all of the following model bills unanimously. The ALEC Executive Board is currently reviewing the legislation. Here is a brief summary of the model bills and their purpose:

- **The Family Education Tax Credit Program (Combination of Scholarship Tax Credits and Tuition Tax Credits)** creates a family education tax credit for payment of tuition, fees, and certain other educational expenses and a tax credit for individual and corporate contributions to organizations that provide educational scholarships to eligible students so

they can attend the school of their parent's choice.

- **The Great Schools Tax Credit Program** authorizes a tax credit for individual and corporate contributions to organizations that provide scholarships to eligible students so they can attend qualified schools of their parents' choice.

- **The Parental Choice Scholarship Program (Means-tested Eligibility—Sliding-Scale Scholarship Amounts)** creates a scholarship program for children from low- and middle-income families to attend the elementary or secondary school of their parents' choice.

- **The Parental Choice Scholarship Program (Universal Eligibility—One Scholarship Amount)** creates a scholarship program for all children to attend the elementary or secondary school of their parents' choice.

- **The Special Needs Scholarship Program** provides special-needs students with the option to attend the school of their parents' choice.

- **The Virtual Public Schools Act** creates a virtual school program that offers families the option of an independent public school that uses technology via the Internet in order to deliver a significant

portion of instruction to its students in a remote setting.

## Additional Advice Available

"In addition to offering actual language for legislation, the model bill project provides extensive drafting notes that will walk legislators through the key policy decisions and potential alternatives they should consider when drafting a school choice bill for their state," said Wisconsin State Rep. Scott Jensen (R), chairman of ALEC's School Choice Subcommittee. "These drafting notes take states' constitutions, political climates, and other debates into consideration so that each state would have a legitimate education reform initiative to pursue."

ALEC began providing its members with copies of these bills and further supporting information on school choice as legislative sessions opened in January.

*Lori Drummer (ldrummer@alec.org) is director of ALEC's Education Task Force, where she is responsible for overseeing the development of ALEC policy related to education reform and school choice programs.*

# Think Tank Helps Teachers Avoid Unwanted Union Political Spending

by Ben DeGrow

In December 2004, the Independence Institute, a free-market think tank in Colorado (where the author serves as a research associate), sent emails to nearly 40,000 public school teachers across the state. The public service message told teacher union members how they could get a refund of their dues money that the union contributed to political candidates and campaigns.

Colorado's public school teachers are not required to join a union, but most are members of the Colorado Education Association (CEA). Teachers who join the CEA do not automatically authorize the union to spend their money on politics.

Nevertheless, the CEA takes \$24 per year from each member's payroll deduction and puts the funds into a registered committee that contributes to political parties, candidates, and ballot initiatives. Some of its local associations deduct an additional \$12 or \$24 per member for that purpose.

Union officials try to make the case that "no dues money is used to support political candidates." That may be true, but the \$2 a month deducted for political activities does not appear as a separate line item on a teacher's paycheck.

## Spending, Refund Not Publicized

Ninety-four percent of the reported 2004 political contributions made by the CEA and its local associations went to Democrats. A little more than 5 percent went to Republicans, and the rest supported an unaffiliated State Board of Education candidate who ran against a Republican incumbent.

The CEA offers members a full refund of their political contributions, which gives the program the name Every Member

Option (EMO). Members must request the refund from the CEA—and, where applicable, from their local association—before an annual December 15 deadline.

Upon researching and publicizing the EMO, the Independence Institute heard from many CEA members who had not realized a refund was available. Some did not know the union was spending their money on politics.

The CEA prints announcements about the political deduction and the available refund in two issues per year of its bimonthly *Journal*. Also, some of the membership authorization forms used by the CEA's local associations mention the EMO. However, union officials have made no active, systematic effort to inform individual teachers about the political contribution process.

CEA officials sent a letter to union mem-

bers in response to the institute's December email message. Not disputing any of the facts presented, CEA insisted the notice to teachers was unnecessary. All CEA members are well aware of the political contributions and the available refund, the letter said.

However, the institute received a significant number of responses from union members who were not so well informed. One teacher called the institute on the day she received the email, saying she had belonged to the CEA for more than 20 years before recently quitting because of political disagreements. She said she had never even heard of the EMO refund before receiving the institute's message.

**Local Union Members Also Uninformed**  
Other union members told the institute

they did not know their local association had been financing politics through their paychecks. In addition, some members of the American Federation of Teachers (AFT)-Colorado contacted the institute to say they had not been aware that the state's second-largest organization for public educators was spending their money on partisan politics.

Similar to their CEA counterparts, all AFT-Colorado members are subjected to an automatic 25-cent monthly refundable deduction for their organization's politics. Ninety-seven percent of AFT-Colorado's political contributions in 2004 went to Democrats. None went to Republicans.

A bill that would have prohibited public employers from making payroll deductions for political purposes passed the Colorado House of Representatives in 2004 but died in the Senate.

*Ben DeGrow (ben@i2i.org) is an education policy research associate with the Independence Institute in Golden, Colorado.*



**"Ninety-four percent of the reported 2004 political contributions made by the CEA and its local associations went to Democrats."**

## INTERNET INFO

A copy of the Independence Institute's email to Colorado public school teachers is available online at <http://www.i2i.org/teacherletter12804.aspx>.

The Independence Institute's January 31, 2004, *Issue Paper* 4-2004, "Should Colorado School Districts Stop Collecting Political Funds?" by Mark W. Salley and Pamela Benigno, is available online at <http://www.i2i.org/articles/4-2004.pdf>. A *Background* summary is available at <http://www.i2i.org/articles/2004-M.pdf>.



# Florida

Continued from page 1

third-graders in the first year of the retention policy against similarly low-scoring third-grade students from the previous year, before the retention policy had been enacted.

The study found that students who had been held back improved their reading scores on the Florida Comprehensive Assessment Test (FCAT) by 4.1 percentile points, and their math scores by 9.98 percentile points, compared to similar students who had not been held back.

Percentile points measure student performance relative to others and indicate what percentage of fellow students they outscored. For example, a percentile score of 25 indicates a student scored better than 25 percent of his or her peers.

## Praise for Study, Policy

Commenting on the study, U.S. Secretary of Education Rod Paige said, "For too many years, we automatically passed students from one grade to the next without concern for whether they were actually learning. As a result, our most vulnerable students fell further and further behind their peers. ... I applaud schools in Florida and across the nation that are working to help our children by stopping the dangerous practice of social promotion."


Speaking to the *Sun-Sentinel* in Florida, Broward School Board member Robin Bartleman reported she had seen academic improvement in third-graders retained at Poinciana Park Elementary in Miami-Dade County, where she had previously worked as an assistant principal.

Bartleman expressed concern, however, about a possible negative impact of ending social promotion. "These students are going to have trouble with self-esteem," Bartleman said.

That view is challenged by many educational experts. Dr. Karl Alexander, a professor at Johns Hopkins University and author of the book *The Success of Failure*, found in his research no evidence that retention caused students emotional harm or had any meaningful impact on their self-esteem.

The practice of social promotion also was criticized by former President Bill

Clinton while in office. In his 1999 State of the Union Address, Clinton called for an end to the practice, saying "all schools must end social promotion. ... We do our children no favors when we allow them to pass from grade to grade without mastering the material."



**"[S]tudents who had been held back improved their reading scores on the Florida Comprehensive Assessment Test (FCAT) by 4.1 percentile points, and their math scores by 9.98 percentile points, compared to similar students who had not been held back."**

In a guide on ending social promotion prepared for schools by the Clinton administration, then-U.S. Secretary of Education Richard Riley noted, "Putting an end to social promotion goes hand-in-hand with making sure all students are working toward high standards." Riley also noted, "Being promoted without regard to effort or achievement ... tells

out that the achievement gap between students with basic skills and those without them would grow over time as the curriculum became increasingly challenging.

The new policy requires that third grade students score at Level 2 on the reading portion of the FCAT in order to be promoted to the fourth grade. The third grade class of 2002-03 was the first to face that requirement.

Exceptions were built into the retention policy for some disabled students and limited-English speaking students, as well as for students able to demonstrate their proficiency by another test or with a portfolio of their work.

Under the new policy, approximately 60 percent of students scoring below Level 2 were retained, compared to less than 10 percent in previous years.

## Others Adopting Policy

Several other states and cities—including California, Georgia, Texas, Chicago, New York, and Philadelphia—also have ended social promotion in recent years.

In a December 8 interview with the *New York Sun*, city Department of Education spokesman Keith Kalb discussed the Manhattan Institute study and New York City's policy ending social promotion. Kalb said, "The findings are encouraging in that the Florida students ... who were retained performed better in English and math than similar students who were promoted. We are confident that our third- and fifth-grade policies ... will help our children learn more and achieve more in higher grades."

The study's authors said they intend to follow the students involved in the study for several more years to determine the long-term results of ending social promotion.

Sean Parnell ([parnell@heartland.org](mailto:parnell@heartland.org)) is vice president of *The Heartland Institute*.

## INTERNET INFO

More information on the Harvard study and social promotion is available online at [http://www.manhattan-institute.org/html/ewp\\_07.htm](http://www.manhattan-institute.org/html/ewp_07.htm)

<http://www.ed.gov/pubs/socialpromotion/index.html>

[http://www.soc.jhu.edu/people/Alexander/03\\_1.pdf](http://www.soc.jhu.edu/people/Alexander/03_1.pdf)

# Any Child Can Succeed.

Freedom to choose a school that matches your child's needs. . . not everyone else's.

Freedom to choose a school that meets your standards. . . not the government's.

Freedom to choose a school based on its quality. . . not your address.

**This is freedom.  
This is school choice.**

MILTON & ROSE D. FRIEDMAN  
FOUNDATION  
Educational  
*Choice*

One American Square, Suite 1750 | Indianapolis, IN 46282  
Phone: 317-681-0745 | Fax: 317-681-0945 | [www.FriedmanFoundation.org](http://www.FriedmanFoundation.org)





## THE FRIEDMAN REPORT

### Profile: Donyale Whitmore

by Sarah Faulkner

As a mother of two, president and interim director of the Missouri Coalition for School Choice, and founder of the Ptah Academy, Donyale Whitmore is heavily involved in school reform. She experienced the benefits of private schools firsthand and puts her own education to good use by working to give others more opportunities.

Whitmore grew up attending private schools in Missouri. Her parents divorced late in her high school career, and she was then forced to attend public schools for the first time. "Academically, it just couldn't match what I'd been getting [in private schools]," she says. In addition, she didn't enjoy her new environment, calling it "hell." That combination led to poor academic performance on her part.

Before graduation, Whitmore visited her high school counselor, who suggested she not go to college. "She told me I wasn't college material, my grades weren't good, and it would be a waste of money," Whitmore says.

About a semester after graduating from high school, Whitmore decided to give higher education a try. It turned out she was college material after all. She managed to stay on the Dean's List throughout her college career and graduated with two degrees. Later, she visited her old high school counselor to show her just how much she's accomplished. "Of course she has no recollection of saying that to me," Whitmore says. "But I had my taste of what public schools are like, and I'm not real pleased."

#### Few Good Education Options

After living briefly in Atlanta, Whitmore moved back to St. Louis and realized there were few options for school choice. She began calling her friends in the area and saying "we need to do something."

In the late 1990s, Whitmore attended the first symposium on school choice options in Milwaukee. She remembers now that there were only around 100 people there, and they were just "looking for people to join in the fight." Whitmore took some of what she learned there back to St. Louis, but she quickly realized her hometown was not as far along as Milwaukee was.

After Whitmore had her first child, she decided to do something more. "I was blessed to have children, and that took it to the next level," she says. "After you have a family, you'll do anything." Her goal was to open a school. Charter school laws in Missouri had recently changed, so she originally decided to start a charter school. She says now that it was "so hard. I had a stack of rejection letters."

Ultimately, Whitmore and her husband decided to use their own money to open a school. In 2000, the Ptah Academy opened with 19 students. "We didn't have the same type of funding [as a charter school], but there were a lot of people

interested in offering something more to kids," she says.

Today, the Ptah Academy has 36 students, including both of Whitmore's children. The academy serves children ages 4-13 and is described as a "unique and holistic learning environment" on the school's Web site.

Overall, Whitmore is encouraged by education reform in the nation today. She especially likes seeing the return of community-based schools. "There was a time when that was everything," she says. "People worked there, went to school there, and were part of a community."

#### Too Much Mud-slinging

Her frustration comes from "too much mud-slinging" in politics and what she sees as a gap in the school choice movement. "There is a huge push by people who come from wealthier communities to make [school choice] happen," she says. "But there is no connection between those people and the people who need help."

She illustrates her point by saying she has traveled all over the country "and it's the one thing that exists in every state." She is typically met by someone from a wealthier community, who will take her to a poorer community that needs help and explain what is happening there. "We need to be on the same page, get rid of being uncomfortable and join hands," she says.

Whitmore sees further problems in her home state. "Because the educational system is so bad in Missouri, it's becoming a situation where people are willing to do anything" to fix it, she says, noting she isn't sure whether that's a good or a bad thing. Although people are willing to do anything, they can't seem to agree on what to do. She is interested in seeing what happens next and says she will be there to help push for reform.

In addition to having had a positive private school experience herself, Whitmore believes her advocacy of school choice to have another important source: "I'm privy to statistics most people don't look at," she says. She believes that if the general public saw the numbers she sees—graduation rates and college attendance, specifically—they would "be more interested in privatizing education in some manner."

In the meantime, Whitmore knows parents are deciding every day which educational path is best for their children. She gives this advice to anyone debating a choice between private or public schools: "Make sure you study. Make sure you research and read, and don't make your decision based on tradition. Make an educated decision based on truth."

*Sarah Faulkner (scummings12002@yahoo.com) is an adjunct fellow with the Milton and Rose D. Friedman Foundation.*

### SCHOOL CHOICE ROUNDUP

by Robert Fanger and George Clowes

#### CALIFORNIA

#### Gifted Student's Lawsuit Could Have Impact on Voucher Plans

Levi M. Clancy and his mother have brought a civil lawsuit against the state of California, charging the state's public schools failed to deliver on their promise to provide a "free and equal educational opportunity" to all children.

Clancy is a highly gifted 14-year-old who left public schools for college when he was just seven. California's compulsory-education law requires that the state provide "a free and equal education" for all minors until age 18.

Clancy's mother took him out of the public schools in 1997. Since then, he has found success at Santa Monica College and the University of California at Los Angeles (UCLA), according to a report in the November 26 issue of *The Washington Times*. He is currently a junior pre-medical student at UCLA.

The complaint says UCLA is able to provide Clancy with an education, but it's an education he can't afford. It maintains the public school system should have given him other options or paid for him to attend college.

Richard D. Ackerman, attorney for Clancy's mother, notes the state spends on average \$6,800 to \$7,200 annually for regular students in the state's public schools. Special-education students, on average, cost the taxpayers between \$10,000 and \$11,000 apiece. The complaint says that at the very least, Clancy should have been able to receive the average state expenditure for his age group to apply to his college education.

"One size does not fit all when it comes to the education of a child," Ackerman told *The Washington Times*.

The case could provide a boost to school voucher programs, as it addresses the idea that public school funding is a benefit for each individual student and should be applied wherever the student is receiving an education.

*The Washington Times*  
November 26, 2004

#### FLORIDA

#### Universal Pre-Kindergarten Program Approved in Florida

Florida parents have a new education option to consider, after lawmakers approved a universal pre-kindergarten program in December. The program is expected to be ready to accommodate 150,000 four-year-olds by August 2005.

A similar bill was vetoed by Gov. Jeb Bush last spring. But the governor called the revised bill a "first-class proposal," according to the December 17, 2004 issue of the *St. Petersburg Times*, and he is expected to sign this bill into law.

The revised bill requires lower teacher-student ratios than the previous bill did and aims to have every teacher with a bachelor's degree within the program's first eight years.

"I'm very happy that they made these changes, and I believe we can implement this," Bush said. "It is a practical solution to a very important undertaking."

Though most legislators believe the program still needs to be tweaked, many called it a strong first step. Libby Doggett, executive director of the Trust for Early Education in Washington, DC, said the program "needs to be refined and it needs to be well funded. That's the next fight."

House and Senate leaders expect the new program to cost about \$400 million a year. Participation in the program is to be free and voluntary.

*St. Petersburg Times*  
December 17, 2004



Jeb Bush





Milton and Rose D. Friedman

## Florida Supreme Court to Rule on Voucher Law

Florida's school voucher law has been in effect for nearly five years, but some opponents still consider it unconstitutional. When a lower court agreed with those opponents in November, Gov. Jeb Bush and other voucher supporters appealed to the state Supreme Court. The court is required to take the case.

The law allows public school students to attend private schools on state vouchers if their school is deemed failing two out of four years. Seven hundred students in seven districts applied to private schools under the law during the current school year.

Florida has other school choice programs that are not included in the lawsuit. Those programs include vouchers for disabled children and a corporate income tax program that gives privately funded scholarships to poor children.

*Tampa Bay Tribune*  
December 14, 2004

### NEW JERSEY

## The Reality of School Choice in New Jersey

Advocates for school choice in New Jersey are contemplating a new opportunity to make changes in education. No Child Left Behind gives students the right to transfer if they are in a school categorized as "in need of improvement" according to criteria specified in the law.

But because so many public schools in the state's urban areas fall into that category, some analysts maintain school choice exists only on paper, rather than in reality.

Mary McElroy, director of the New Jersey Alliance of Catholic School Families, told *The Jersey Journal* on November 22 that "the district is supposed to offer choice. But it has become an issue of what kind of intradistrict choice do you offer when there are so many failing schools."

Supporters of school vouchers believe they have the answer. They would like to give parents the option of using money usually allotted for public schools to send

their children to a private school as well.

The New Jersey Choice Alliance is circulating a petition to expand school choice to private schools. McElroy says 120,000 parents have signed the petition so far. That number, along with polls taken in New Jersey, suggest many parents would support a voucher program.

According to the November 22 *Jersey Journal* story, 18 of 33 elementary schools in Jersey City are in need of improvement. In addition, according to the article, five of the city's six high schools fall into that category. The one high school in Jersey City that is performing well doesn't have room for more students, leaving parents with no real choice at the high school level.

Former Jersey City Mayor Bret Schundler told *The Jersey Journal* that "almost 20 percent of the city's ninth-graders are not finishing 12th grade. Where is the justice for those children?"

*The Jersey Journal*  
November 22, 2004

### SOUTH CAROLINA

## Sanford Visits Milwaukee Schools

South Carolina Gov. Mark Sanford recently went to Milwaukee to visit schools and learn more about the successful education voucher program in the city. His goal, he said, is to bring that knowledge back to South Carolina to help in the implementation of a school choice program in the state.

In the 1990s, public schools in Wisconsin were failing. Since their school choice program began, test scores are up and dropout rates are down, according to advocates cited in the December 10, 2004 issue of *The State*.

Sanford noted Milwaukee schools are

on average smaller than those in South Carolina, allowing for closer relationships between teachers and students. Sanford said the smaller size gives teachers better control in the classroom and helps children become better students, according to *The State*.

The *State* article said Sanford is continuing to push his Put Parents in Charge Act, proposed in 2004, which would offer a tax break to parents who home school or send their children to private schools.

The plan is estimated to cost \$234.4 million and would be implemented over five years. Advocates of the program say it's worth the cost because it allows parents to choose the best education for their children.

*The State*  
December 10, 2004

### TEXAS

## Many Texas Students Attending Failing Schools

More than a quarter of a million Texas students are eligible to transfer to another school because their own public schools are rated among the worst in the state.

The Texas Education Agency issued a list of poorly performing public schools in December, and the numbers have gone up significantly in the past year. This year there are 420 schools on the list, representing 293,000 students. Just 126 schools made the list last year.

In the past year, the state's achievement test was redesigned and performance standards were increased. State education officials believe those are the primary reasons for the large increase in schools categorized as failing.

Despite the fact that so many students now have the right to transfer to a better school, few are expected to do so. Since the late 1990s, when Texas implemented the Public Education Grant program to give students the right to transfer from failing schools, fewer than 2,000 students have taken advantage of the program.

Why aren't students clamoring to attend better schools? Critics of the pro-

gram cite two main reasons: Transportation is not provided for students choosing new schools, and school districts are not required to accept students who want to transfer.

According to *The Dallas Morning News*, school choice activists may use these facts to push for further reforms. They see the low participation in the Public Education Grant program as proof Texas needs additional options. Republican leaders are expected to make one of those options—school vouchers—a priority in the coming year.

*The Dallas Morning News*  
December 17, 2004

### WISCONSIN

## Review System May Be Next for Milwaukee's Choice Schools

School voucher advocates in Wisconsin are planning to do something about the concerns they've been hearing. They know some see a problem in what has been characterized as a lack of oversight of the program, so they hope to develop a new review system for their schools, according to a December 12, 2004, story in the *Duluth News-Tribune*.

Ensuring that schools are evaluated on general standards by an independent group of educators is one option mentioned by Brother Bob Smith, president of Messmer Catholic Schools. Smith told the *Duluth News-Tribune* there have "to be some basic standards that apply to everybody."

Milwaukee's voucher program currently supports 14,800 students at 122 schools. The complaint is that the 122 schools offer curriculum and standards that differ from one school to the next.

The state Department of Public Instruction (DPI) does have specific requirements for financial reporting, but education leaders would like a system of checks and balances that encompasses more than just the finances, independent from the DPI, according to the *Duluth News-Tribune*.

*Duluth News-Tribune*  
December 12, 2004



Mark Sanford



# Illinois Supreme Court to Hear Charter School Appeal

by Paul H. Seibert

The Illinois Supreme Court has agreed to hear in 2005 the appeal of a proposed Illinois charter school whose application was rejected by the local school district and state board of education. The state's highest court has agreed to consider just 6 percent of cases presented to it for hearing this year.

Comprehensive Community Solutions, Inc. (CCS), an Illinois 501(c)(3) organization, operates a YouthBuild program in Rockford, Illinois. YouthBuild programs are known throughout the country for their GED and construction trades training for unemployed high school dropouts.

In June 2001, CCS proposed to its local school district to offer a charter school based on its YouthBuild model. As a charter school, the program would offer dropouts a high school diploma and better access to post-secondary education.

Rockford School District #205 denied the proposed charter.

Following the procedure described in the Illinois Charter School Law, CCS appealed the local school district's decision to the Illinois State Board of Education (ISBE). The ISBE review panel found CCS had met the letter of the law, as "the charter school or charter school proposal (i) is in compliance with this Article, and (ii) is in the best interests of the students it is designed to serve."



**"According to the CCS petition, the question of whether a charter school can be denied simply because it would 'cost' a district money is central to more than 15 current cases in which school districts are fighting against Illinois charter schools."**

## Denial "Without Merit"

The state panel confirmed that the Rockford School Board's reasons for denying the YouthBuild proposal were "without merit" and remanded the proposal to the state superintendent for direct approval by the state board.

In May 2002, however, in a 4-4 vote, the ISBE ignored the recommendations of its review panel and the state superintendent and failed to override the local board's rejection of the charter school proposal.

In its denial, the ISBE hinged its decision on a single statement: "The proposed charter school is not economically sound for Rockford District 205 in view of the serious financial problems that currently exist in the district."

Appeals to the Circuit Court and Appellate Court upheld the State Board of Education decision to deny the charter.

In November, the Illinois State Supreme Court agreed to hear the

Rockford case. In their petition to the court, CCS attorneys contended the three issues of the case make it a "perfect storm" for the high court.

The CCS petition states the denial of the charter threatens to render Illinois' charter school law a "dead letter." CCS also contends it is highly unlikely that "any other school will have the wherewithal to present this case to this Court again." Finally, the petition says the case provides "a clear record from which to review the central issue ... without any side issues that could prevent the Court from addressing the heart of the matter."

## Veto Over Charters

The matter in question is whether the ISBE or a school district can have "an absolute veto over any charter proposal based on a district's existing financial condition."

The petition questions the state board's "undue emphasis on some factors, while minimizing or ignoring other factors, to achieve a result that is plainly contrary to the intent of the General Assembly and the purpose of the [Illinois Charter School Law]." It argues the ISBE has failed to use the General Assembly's standard of "liberal interpretation."

The petition notes that in a previous court decision, *Board of Education of Community Consolidated School District No. 59 v. Illinois State Board of Education*, an ISBE decision to overturn a local district denial was upheld. The court noted in

that case that the "charter school had satisfied 13 of the 15 factors of the Charter School Law." The court also pointed out, "The [charter school] Act specifically provides that its provisions are to be interpreted liberally to support its findings and goals. 'Liberal construction means to give the language of a statutory provision, freely and consciously, its commonly, generally accepted meaning, to the end that the most comprehensive application thereof may be accorded, without doing violence to any of its terms.'"

The Rockford School District contends the CCS proposal to provide educational and job-training services to dropouts would attract students back into the school system and therefore cost the district money. In its review, the ISBE panel reminded the district that school funding "belongs neither to the charter school nor to the district ... the state funding should be seen as belonging instead to parents and taxpayers."

Both the Rockford School District and the Illinois State Board of Education are listed as defendants in the case. Neither has commented or offered conciliation.

Some 85 percent of Illinois public schools are currently in deficit spending. According to the petition, "Many, if not all, of the districts face the same financial problems of which the district complained in this case."

According to the CCS petition, the question of whether a charter school can be denied simply because it would "cost" a district money is central to more than 15 current cases in which school districts are fighting against Illinois charter schools. The requested reversal of the ISBE charter denial, the CCS petition states, "is necessary to give meaning and effect to the Illinois Charter Schools Law."

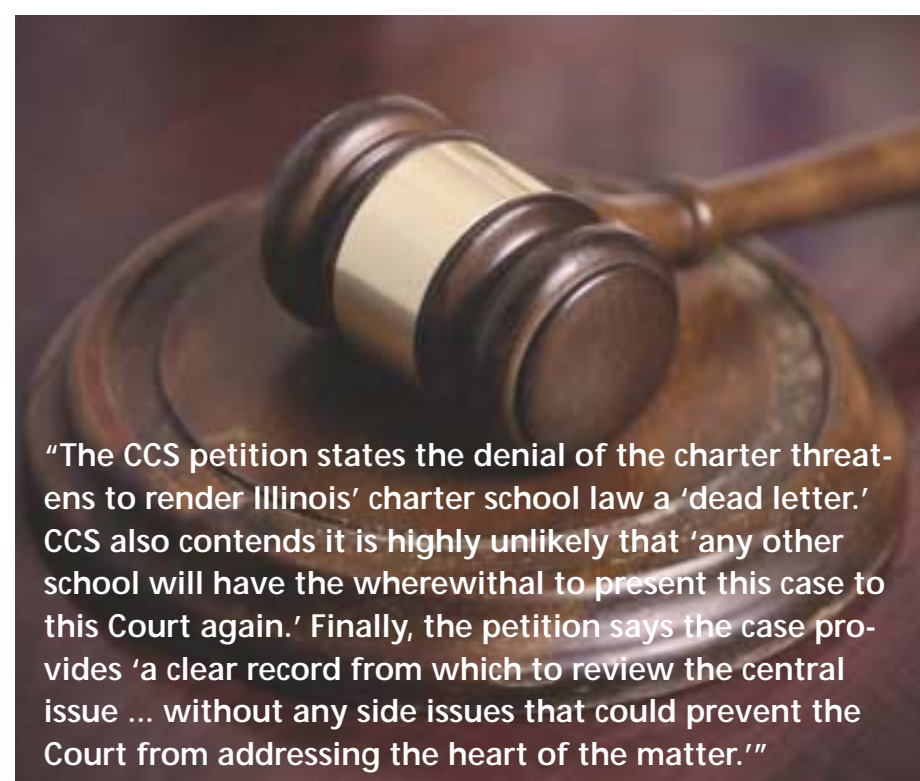
Paul H. Seibert ([chrsch@governorfrench.com](mailto:chrsch@governorfrench.com)) is director of Charter Consultants and editor of Illinois Charter School Facts.

**"My kids are stuck in a bad public school. What do you think about vouchers?"**



**You can answer this question—and others—with Issues 2004, an online briefing room that offers good policy advice for important issues.**

**Issues-2004.org**



**"The CCS petition states the denial of the charter threatens to render Illinois' charter school law a 'dead letter.' CCS also contends it is highly unlikely that 'any other school will have the wherewithal to present this case to this Court again.' Finally, the petition says the case provides 'a clear record from which to review the central issue ... without any side issues that could prevent the Court from addressing the heart of the matter.'"**



# Achievement Data Show Positive Impact of Charter Schools, Study Finds

by Robert Holland and Don Soifer

Parents, teachers, and other school reformers who want to make full use of public charter schools to help students who are struggling in regular public schools received reinforcement from a new national study by Harvard University education researcher Caroline Hoxby. The study found that, nationwide, students in established charter schools score significantly higher on state reading and mathematics examinations than do their peers in conventional public schools.

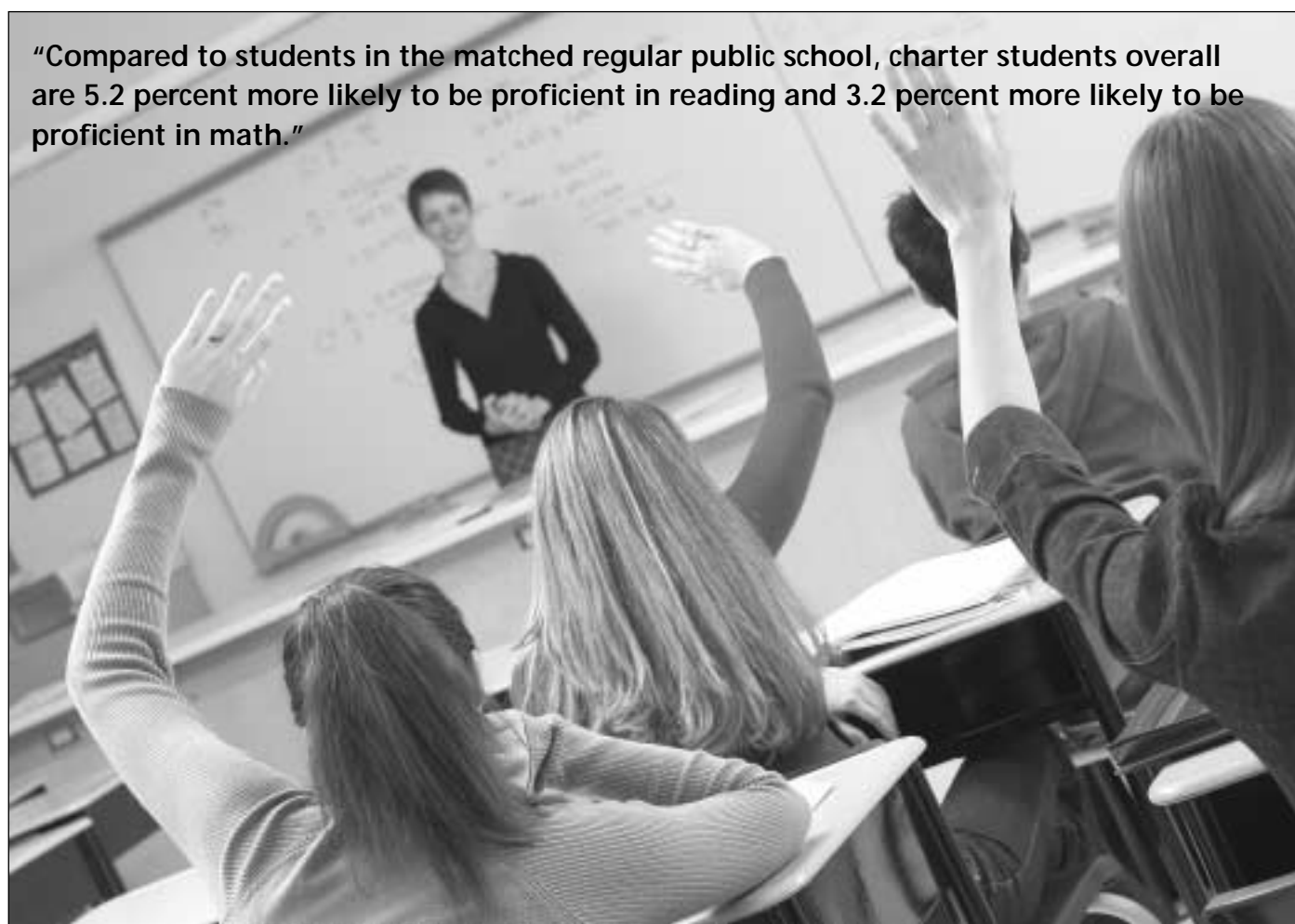
The study, "Achievement in Charter Schools and Regular Public Schools in the United States: Understanding the Differences," published in December 2004, is the most comprehensive look yet at the effect of charter schools on student achievement. It examines data for 99 percent of all elementary-level pupils in charter schools across the nation.

Charter schools are publicly funded schools that receive leeway to innovate in such areas as curriculum, management, and use of technology in exchange for a contractual pledge to deliver tangible results.

## Previous Study Flawed

The *New York Times* gave front-page coverage last summer to a study by the American Federation of Teachers (AFT) that relied on data from a mere 3 percent sample of charter-school fourth-graders. The more comprehensive Hoxby study attracted no equivalent attention from the newspaper. Because charter schools enroll only 1.5 percent of all K-12 students, it is statistically important to include almost all of them in any valid study, Hoxby noted.

The AFT, whose leadership opposes the very existence of charter schools, claimed its data showed charter students scored



"Compared to students in the matched regular public school, charter students overall are 5.2 percent more likely to be proficient in reading and 3.2 percent more likely to be proficient in math."

lower than their peers in regular public schools. Their report failed to take into account the fact that charter schools serve a much higher proportion of children from low-income and minority homes than do public schools in general.

The Harvard study matches each charter school to the closest neighborhood public school, or the one with the most similar

racial composition if there are more than one. Elementary pupils typically travel the shortest distance possible to school.

Among Hoxby's findings:

- Compared to students in the matched regular public school, charter students overall are 5.2 percent more likely to be proficient in reading and 3.2 percent more likely to be proficient in math.

- Students in charters that have been in operation longer are more likely to have an advantage over their peers in conventional public schools. In reading, the edge is 2.5 percent for a charter school that has been up and running 1 to 4 years, 5.2 percent for a charter operating 5 to 8 years, and 10.1 percent for a charter school operating 9 to 11 years. Hoxby observed it is common for charter schools to improve substantially each year they are in operation. She also noted low-performing charter schools often fail to attract many students and usually exit the marketplace quickly.

- While charters tend to spring up in areas where many students are disadvantaged and families have limited ability to exit troubled schools, charters with a high proportion of poor or Hispanic students show an extra advantage in their students' test scores.

## Other Aspects Important Too

While Hoxby's findings present strong evidence of positive academic results, charter schools have demonstrated other advantages as well. In his new book, *Creating the Capacity for Change*, Minnesota school reformer Ted Kolderie explains the need for taking a broad perspective in measuring the success of innovative schools.

"New and different schools will require new kinds of assessment," Kolderie argues. "It will be important to look with

fresh eyes for what is working well in these schools. It may not be high scores. It may be gain on scores. Or it may be better attitudes, better attendance, more student initiative, greater curiosity about learning. Academics are important but not all-important. Safety is important. A healthy school culture is important. Empowerment is important. The public wants many things from its schools."

*Don Soifer (soifer@lexingtoninstitute.org) is executive vice president and Robert Holland (holland@lexingtoninstitute.org) is a senior fellow at the Lexington Institute, a think tank in Arlington, Virginia. This article was first issued as a Lexington Institute Issue Brief on December 20, 2004 (<http://www.lexingtoninstitute.org/education/041220.asp>).*

## California Charters Show Above-Average Gains

Students attending California charter schools were 8.5 percent more likely to be proficient at reading and 5.0 percent more likely to be proficient at math than students attending nearby public schools, according to a December 2004 national study of charter schools conducted by Harvard University economist Caroline Hoxby. For students attending California charter schools that have been in operation for at least six years, the likely proficiency gains were even higher: 11.8 percent in reading and 12.2 percent in math.

"The longer that charter schools have the opportunity to educate students, the better those students do," said Caprice Young, CEO of the California Charter Schools Association. "California's charter schools are taking in students who have not had access to a high-quality public education and they are getting them on the path to success."

The eight-year-old Watts Learning

Center, recently named a California Distinguished School, is an example of a charter school that produces significant achievement gains while serving a student population that falls almost entirely below the federal poverty line. In 2004, the school's Academic Performance Index score of 786 was more than 100 points higher than the second-highest-performing school in Los Angeles Unified's District 7.

"We are able to provide the support necessary for high academic achievement simply because we have the empowering autonomy as a charter school," said Gene Fisher, founding president of the Watts Learning Center. "By being able to make decisions at the local school level, we are able to successfully address the needs of our students and their families without having to go to a distant, impersonal source for permission."

— George A. Clowes

## INTERNET INFO

The AFT charter school study is described in a November 2004 *School Reform News* article by Bob Holland, "Charter School Studies: Apples to Apples vs. Apples to Oranges," online at <http://www.heartland.org/Article.cfm?artId=15817>.

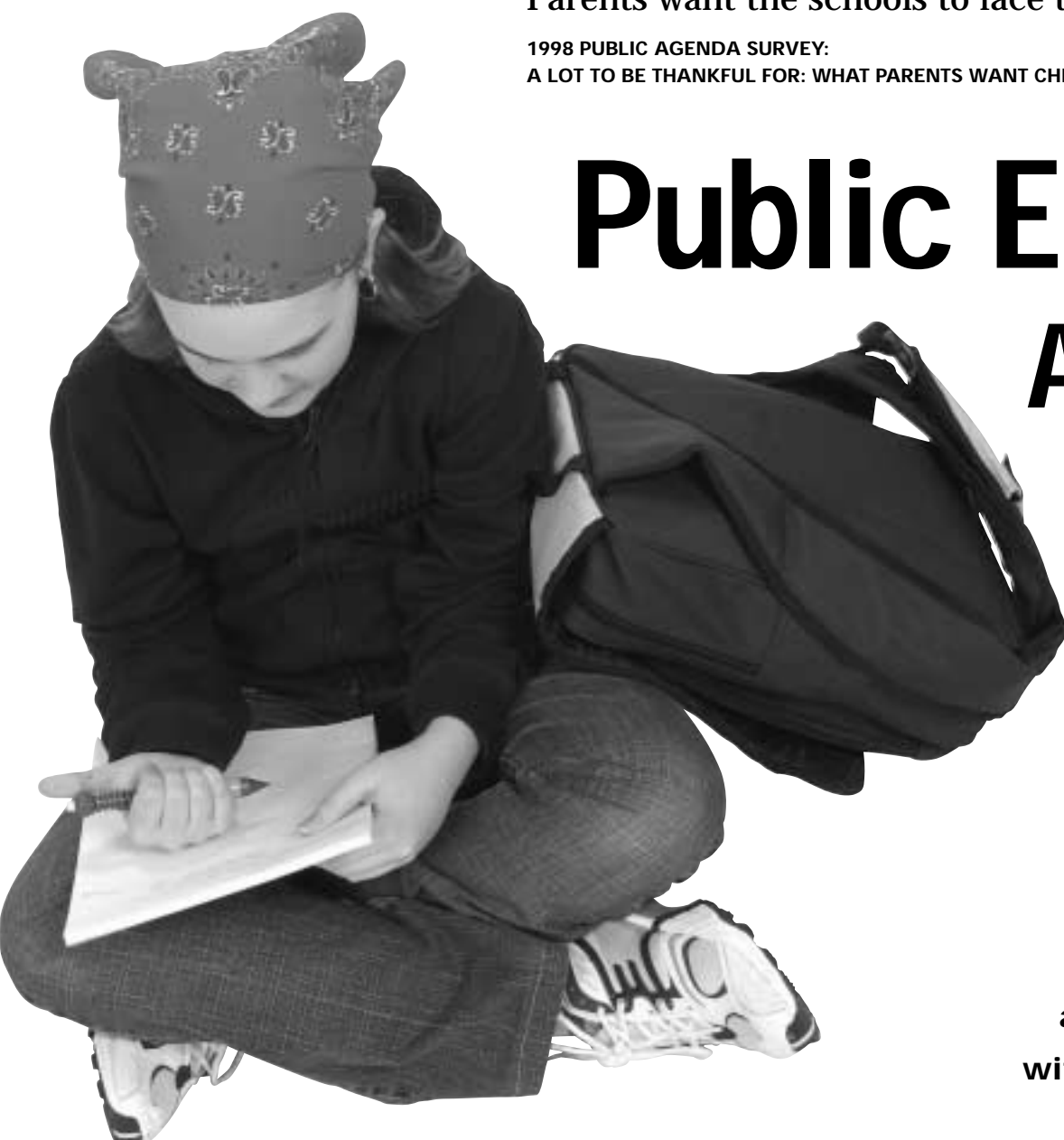
Caroline M. Hoxby's December 2004 Report from Harvard University and the National Bureau of Economic Research, "Achievement in Charter Schools and Regular Public Schools in the United States: Understanding the Differences," is available online at [http://www.ksg.harvard.edu/pepg/pdf/HoxbyCharters\\_Dec2004.pdf](http://www.ksg.harvard.edu/pepg/pdf/HoxbyCharters_Dec2004.pdf).

“In an age of cynicism, the parents of America still believe in their country—and they want the public schools to teach their children to believe as well. ... We found a clear-eyed patriotism among parents of all backgrounds; a deep belief that the United States is a unique nation, while acknowledging its faults. Parents want the schools to face those faults, but not to dwell on them. ... ”

1998 PUBLIC AGENDA SURVEY:

A LOT TO BE THANKFUL FOR: WHAT PARENTS WANT CHILDREN TO LEARN ABOUT AMERICA

# Public Education: About the Child, Not the System



an exclusive interview  
with Cheri Pierson Yecke

by George A. Clowes

In the 16 months after she was named Minnesota's Commissioner of Education by GOP Governor Tim Pawlenty in January 2003, former public school teacher Cheri Pierson Yecke brought widespread changes to the state's public education system. She established a new performance reporting system for Minnesota's 2,000 public schools and helped develop rigorous state curriculum standards in language arts, math, science, and social studies. Her stand on the social studies curriculum—where she said most parents wanted to see “history standards that reflect the greatness of the country”—generated controversy among educators.

What could be so controversial about wanting schools to affirm America's fundamental values? Yecke found out in the early morning hours of May 17, 2004, when the Democrat-controlled Minnesota Senate voted 35-31 along party lines to deny her confirmation as the state's education commissioner despite earlier pledges of support from key Senate Democrats.

Yecke is currently the distinguished senior fellow for education and social policy at the Center of the American

Experiment, “Minnesota's conservative think tank.” She was named to the position in July 2004. Her aim is to inform the public about common-sense education reforms and educational excellence in Minnesota.

Prior to her appointment as education commissioner, Yecke served as director of teacher quality and public school choice at the U.S. Department of Education (2002-03), and as Virginia's secretary of education (2001-02) and deputy secretary of education (1998-2001). As a member of the Virginia State Board of Education (1995-98), she helped develop the state's nationally acclaimed Standards of Learning, which describe the commonwealth's expectations for student learning and achievement in grades K-12.

A native of Minnesota, Yecke received a B.A. in history from the University of Hawaii, an M.S. in teaching from the University of Wisconsin, and a Ph.D. in educational psychology from the University of Virginia. Her book, *The War Against Excellence: The Rising Tide of Mediocrity in America's Middle Schools*, was released in 2003. Yecke recently spoke with *School Reform News* Associate Editor George Clowes.

Clowes: *How did you become involved in school reform?*

Yecke: My husband was in the Marine Corps, and so we were stationed all over the place. We were stationed here in Minnesota in the mid-1980s, and both of my children started school here. When we got orders to go to Virginia, I was worried because the schools in the South did not have a good reputation. But my worries turned out to be unfounded, as my children ended up with a wonderful educational experience in the public schools of Stafford County, Virginia. I taught at Drew Middle School, where I was selected as Teacher of the Year in my second year.

We were there for seven years, and then we got ordered back to Minnesota. I was very insistent that we return to the same school district we had been in originally, because my children had had such good educational experiences there, in School District 833. But within a week, I knew something was terribly wrong.

I found my children were light years ahead of their peers. People were asking them, “Have you been in a private school for seven years?”

My seventh-grader, Tiffany, was told she

had to be put into eighth grade because they could not meet her needs in seventh grade. My tenth-grader, Anastasia, tested out of American History, Spanish Four, Physical Science, and several other courses. I couldn't believe it. What had happened since we had left?

I asked the school district staff, and they gave me the current newsletter, which said test scores were high; but there was no longitudinal data. So I went to the public library and looked through the old annual reports from the school district. I found the district had implemented outcome-based education the year after we left. The reports also showed that after a couple of years of outcome-based education, test scores were declining precipitously.

As practiced in this district, outcome-based education meant a teacher could not fail a child, only give an “incomplete.” Children learned very quickly that there was no reason to study for a test, because they could always retake it. Teachers were going crazy because of the paper-work from make-up tests.

On paper, outcome-based education might sound very good: “We're going to

make sure that every child has mastered this material before they'll be allowed to move on." But it destroyed motivation because an "incomplete" meant you could never fail. There were no consequences for irresponsible behavior, so motivation disappeared. In high school, students who were earning "B" grades on difficult courses were finding their class rank was dropping because students who had multiple incompletes and an "A" in something like PE had a higher GPA. It was a mess.

Fortunately, Minnesota has public school choice, and I was able to take my children out of those schools and transfer them to other schools that were more appropriate.

I documented what I had found and wrote three articles for the local weekly newspaper. Then other parents started calling me with their concerns about outcome-based education. I even got calls from Wyoming, Alaska, and Virginia—and this was before the Internet.

One of the calls was to invite me to Richmond, Virginia in August of 1993 to participate in a debate on outcome-based education at Huguenot High School. It was organized by the Family Foundation and moderated by Robert Holland, who is now with the Lexington Institute.

**"[W]hat better place than the public schools for [immigrant] students to learn what it means to be an American, the common themes that unite us as Americans, and the common history that we share."**

**Clowes:** Bob is one of our contributing editors.

**Yecke:** Bob is a great man and a strong supporter of school reform. His dedication to the issue is legendary. Back in 1993 he was editor of the *Richmond Times-Dispatch*.

In the summer of 1993, my husband had just received orders to move back to Virginia, and so I agreed to participate in the debate. At that time, Virginia was on the cusp of adopting outcome-based education, and this debate was pivotal. It took place during the gubernatorial contest between Republican George Allen, who wanted to get rid of outcome-based education, and Democrat Mary Sue Terry, who supported it. Both wanted to get the endorsement of the seated governor, Doug Wilder, a Democrat.

There were four people on each side, speaking to a packed auditorium. Those speaking in support of outcome-based education included three officials from the state Department of Education. Our side included me, Janet Parshall, who now has a national television show, *Janet Parshall's America*, and Sylvia Kramer, a scientist for NASA.

While those on the other side read prepared remarks that had obviously been written by someone else, we spoke from

the heart, with intensity and passion—as moms who saw what outcome-based education was doing to our children and to education in our country.

The crowd responded overwhelmingly to us and to what we were saying. Less than a week later, Governor Wilder issued an executive order saying outcome-based education was "graveyard dead" in Virginia. That was an implicit endorsement of George Allen, who went on to win the election.

Governor Allen then put me and another teacher, Lee Ware, on the State Board of Education. He recognized he needed to have people on the board who would return our schools to what their primary purpose was meant to be, and that is academic instruction.

Virginia was on the cutting edge of standards-based reform. There were three of us who worked diligently—me, board president Michelle Easton, and Lil Tuttle—to push through reforms that we saw as absolutely necessary if we were going to maintain the integrity of public education. The result was Virginia's Standards of Learning.

**Clowes:** One of the concerns raised in your book, *The War Against Excellence*, is how American values are no longer taught in most public schools. Could you address that?

**Yecke:** When you look at the destiny of our country, it's a very serious concern. So many individuals have been raised on moral relativism—where you can't say that some values or cultures are better than others—that there is a fear of teaching American values in the public schools. And yet, with all of the immigrants we have in our nation, what better place than the public schools for these students to learn what it means to be an American, the common themes that unite us as Americans, and the common history that we share. I fear that that is being lost—and the public fears that, too, according to the 1998 Public Agenda report, "A Lot to Be Thankful For."

Parents expect schools to teach American values, and if it's not happening in schools, where is it going to happen? There is a lot of frustration among members of the public because they feel this is what the schools need to be doing, and they're falling down on it. I do believe you will find a strong movement for charter schools and school choice whenever a school district is not responsive to what parents want.

When a district is nonresponsive to parents, then parents should have the option to go elsewhere. That is the essence of school choice—giving parents the right to match their child's needs to an appropriate school.

When we talk about public education, we should not be talking about a system, because public schools are just one component of an educated public. You've got your public schools that are run by the government; you've got charter schools, which are government schools that have their own governance; you've got private schools; and you have home schooling. These are all elements under the larger umbrella of "public education," or an educated public.

People need to stop thinking about

public education as being a system, and we need to focus on the child, and the needs of the child, under this larger umbrella.

**Clowes:** What is your current aim with the *Center of the American Experiment*?

**Yecke:** My goal is to keep the public well-informed about education issues, to improve the education system, and to allow parents to have options they deserve to have for their children. So far, I have completed two studies, one on implementing No Child Left Behind in Minnesota, and another on protecting taxpayer resources from misuse for political purposes.

I also have two other studies under way. One is an examination of how efficiently various school districts use their funding. The other one, for the Fordham Foundation, is a report on the movement away from middle schools to the K-8 model.

**Clowes:** What can individuals do about the misuse of taxpayer resources?

**Yecke:** There are two issues. One is the misuse of resources—public resources, such as the school photocopy machine, or the teachers' mailboxes in school, or the e-mail and Internet access. That's one issue.

The other issue is the misuse of students, and that can happen in a number of ways. It could involve stuffing materials in their backpacks, or it could be using classrooms for advocacy, as a place to push a particular political agenda.

Probably 98 percent of teachers understand that it's unethical to misuse their trust as a classroom teacher in this way, but parents must stay vigilant. They should keep copies of questionable materials that get sent home. Also, if a child comes home and says, "Ms. Jones is wearing a John Kerry button," that is inappropriate. When you are on the taxpayers' dime, your classroom needs to be a politically neutral place.

Parents should stay vigilant and, if they find questionable materials being sent home in their child's backpack, they should go to the school board. They also should go to their state legislator and demand legislation to address these issues. Virginia and Arizona, for example, have specific prohibitions against putting political advocacy materials in students' backpacks.

My report has a database that shows the laws that address this issue in other states. It can be found on the Web site of the Center of the American Experiment at <http://www.amexp.org/Special%20Reports/KidsSchoolsPolitics.pdf>.

**Clowes:** Since *No Child Left Behind* leaves the issue of teacher quality up to the states, what are your suggestions for improving teacher quality?

**Yecke:** First of all, we need to look at student outcomes, not at the piece of paper behind a teacher's name. You may have one teacher with a master's degree and another with only a B.A., but it's how they work with students and how they bring them to higher levels of intellectual development that matters.

Teachers should be paid on the basis of how effective they are, and student academic achievement should be the

determining factor in rating teachers as effective versus ineffective. If teachers are ineffective, they should go back and receive further training, or perhaps consider another career.

Second, it's important that states have alternative pathways to licensure for mature professionals who want to enter the classroom. The training needs of a 20-year-old college student who wants to be a chemistry teacher are very different from those of someone with a Ph.D. who's been in the profession for 30 years.

This alternative certification is actually a quiet revolution that most people don't realize is happening. If you look, for example, at the data from Emily Feistritzer, you see that out of the 75,000 new teachers who have entered the classroom in the past three years, one-third have been certified through alternative routes.

**Clowes:** Going back to curriculum standards, what is the difference between criterion-referenced and norm-referenced standards?

**Yecke:** The best way to describe this is through the types of testing that are associated with them.

A norm-referenced test, such as the Iowa Test of Basic Skills, assumes a broad basic set of skills, and a broad base of knowledge. It's general, rather than

**"People need to stop thinking about public education as being a system, and we need to focus on the child, and the needs of the child ..."**

specific. With a norm-referenced test, there will always be 50 percent above average and 50 percent below average.

A criterion-referenced test, on the other hand, involves testing against a very specific set of standards. For example, at the beginning of third grade, the teacher knows what the goals are for the end of school year. The teacher knows students should be able to meet various standards in their knowledge base and their skill base. A criterion-referenced test is tied directly to those standards, and so it's possible for every child in the class to pass that test.

Another example would be a swimming test. A norm-referenced swim test would rank swimmers on how quickly or how slowly they could swim. A criterion-referenced swim test might call for a swimmer to use the butterfly stroke for a length of the pool. If the swimmer meets that criterion, he or she has passed the test.

In a criterion-referenced test, the key is how high or how low the bar is set. Are students expected to know 50 percent of the material, or 70 percent of the material? That bar can be changed in a criterion-referenced test because children are being tested against a set of standards, as opposed to just ranking them in order of achievement.

# Detroit

Continued from page 1

The audit reveals that the school district—Michigan's largest—will run out of money before the end of the current school year, perhaps as early as April.

The district, which currently enrolls nearly 141,000 students, will end fiscal year 2005 with a \$198 million deficit, according to the audit. The shortfall amounts to approximately 13 percent of the district's \$1.5 billion annual operating budget.

The audit, published on November 11, 2004, provided a comprehensive review of the district's finances. It attributed the deficit to a number of factors, including a continuing loss of students to charter schools; students choosing to enroll in neighboring districts through Michigan's public school choice laws; mid-fiscal year reductions in state aid during the 2003-2004 school year; previously negotiated salary increases with the district's teachers' union; and rising health care and pension costs.

## Reforms Scuttled

The district published the audit on the heels of Detroit residents' November 2 vote on "Proposal E," through which they chose to end governance of the district by a state-created "reform board." The reform board was established in 1999 by the Michigan legislature and former Gov. John Engler in response to the locally elected school board's financial mismanagement, which included such abuses as board members being chauffeured to

board meetings at taxpayer expense.

Under the 1999 reform legislation, the school district's 11-member elected board was replaced by a seven-member board composed of the Michigan Superintendent of Public Instruction and six appointees of the mayor of Detroit. The reform board was given the power to hire and fire a district "chief executive officer," who in turn was granted sweeping powers to manage the district without board approval.

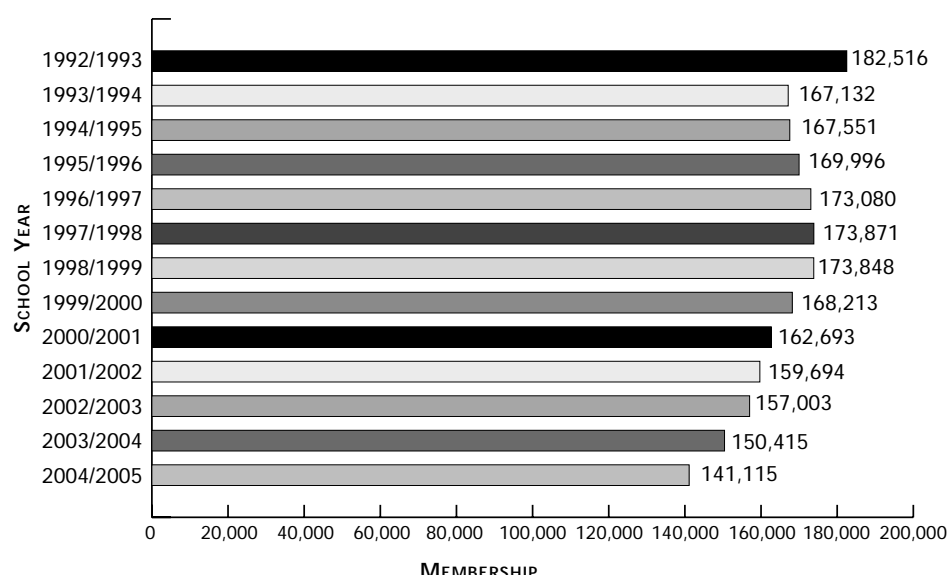
In July 2000, the reform board chose Kenneth Burnley as district CEO, but his contract is set to expire at the end of the school year, and the board recently suggested it does not intend to renew the agreement. Burnley's departure will likely occur six months before the district's governance reverts to a locally elected board in January 2006. Some observers argue the uncertainty caused by this six-month gap will compound the present financial crisis.

Burnley says that without more money, the school district—the city's largest employer—may have to close 40 of its 255 schools and eliminate as many as 5,400 jobs, laying off nearly one-fourth of the district's approximately 22,200 employees.

Layoffs and school closures in the district are nothing new. In June 2004, the district let go of 2,100 employees, closed five schools, and depleted most of its financial reserves.

The district has only two years to eliminate its deficit, according to Michigan

## K-12 STUDENT MEMBERSHIP FOR FUNDING PURPOSES



Source: Detroit Public Schools

law, and its plan to become solvent must be submitted to, and approved by, the state legislature.

## Borrowing Proposed

To avoid closing schools and eliminating jobs, Burnley has proposed borrowing \$200 million from the state through a bond issue that would bypass voter approval. He is asking the state to give the district 15 years to repay the loan.

Such a bond issue would require approval from the Republican-controlled state legislature. State Senate Majority Leader Ken Sikkema (R-Wyoming) would likely oppose such a plan, according to his spokesman. In December, Sikkema introduced a resolution asking Gov. Jennifer Granholm, a Democrat,

to appoint a team of experts to review the situation. In response, Granholm has called on the community of Detroit to solve the problem and proposed the district borrow the money from banks, rather than the state. It is not clear whether banks would consider the district creditworthy.

Ultimately, the legislature may seek to have a state-appointed financial manager run the district, creating what Granholm has referred to as "a state takeover of the state takeover."

The district's enrollment has been declining steadily since the 1998-1999 school year, when it recorded 173,848 students. The current enrollment of approximately 141,000 represents a loss of more than 30,000 students, a nearly 19 percent decrease over a seven-year period.

The district's children's reading scores have shown a slight improvement under Burnley's leadership, but Detroit schoolchildren still lag behind the rest of the



Kenneth Burnley's contract as CEO of the Detroit public school district expires in 2005.

## Takeover as a Reform Strategy

Detroit Public Schools is currently operating under a five-year reform plan implemented by the Michigan legislature in March 1999. Although the measure provides that the mayor of the city appoints six of the seven board members, it is commonly referred to as a "state takeover" because it temporarily removed Detroiters' ability to elect a school board.

The Detroit district is hardly the first to be subject to a "takeover" by city or state government officials in an effort to produce systemic reform.

In the spring of 2002, the National Association of State Boards of Education published the study, "Do School District Takeovers Work? Assessing the Effectiveness of City and State Takeovers as a School Reform Strategy," by Kenneth K. Wong and Francis X. Shen.

The report provides a useful overview of state and city takeovers of school districts between 1988 and 2000. According to the authors, takeovers "either by a state authority or by the mayor" are allowed in 24 states and the District of Columbia. Actual takeovers during the period occurred in 18 states and in

Washington, DC, whose schools are now governed by a board of five elected members and four mayoral appointees—a reform structure created by the D.C. Council.

Eleven of 15 "comprehensive" district takeovers—interventions with "financial, managerial, and academic components"—have occurred since 1995, "including the highly publicized takeovers in Chicago (1995), Cleveland (1997), and Baltimore (1997)." In 2002, Mayor Michael Bloomberg of New York City initiated a takeover of the city's 900-school district.

Concerning the effectiveness of the takeovers, the authors find "research ... is lagging behind the pace of policy and practice, and overall 'there is a scarcity of research on the effects of state takeovers.'"

— Brian Carpenter

## INTERNET INFO

The 2002 National Association of State Boards of Education report is available online at [http://www.nasbe.org/Standard/9\\_Spring2002/Takeover.pdf](http://www.nasbe.org/Standard/9_Spring2002/Takeover.pdf).

state academically. Graduation rates have remained virtually unchanged during the reform board's governance, hovering at barely 50 percent.

Burnley has said he will announce in February—the same month in which the school board must indicate whether Burnley's contract will be renewed—which schools will be closed.

Although the Detroit school district is experiencing the state's worst financial problems, it may not be alone for long. Other urban school superintendents in the state recently warned the Michigan Board of Education that their districts may face insolvency within 18 to 48 months of Detroit.

Brian L. Carpenter ([carpenter@mackinac.org](mailto:carpenter@mackinac.org)) is director of the leadership development initiative for the Mackinac Center for Public Policy, a research and educational institute headquartered in Midland, Michigan.



## Florida Corporations Step Up Support for Low-Income Students

by George A. Clowes

In 2004, Florida corporations significantly increased their participation in Step Up for Students, the state's two-year-old program intended to provide children in low-income families with tax-credit-funded scholarships for attending the private or public K-12 school of their choice. By early December, year-to-date donations were running 18 percent ahead of 2003,

according to Step Up for Students spokesperson Denise Lasher.

Donations reached the tax credit cap of \$50 million for 2004 on December 2, 2004, with more than 50 corporations participating, according to information from the Florida Department of Revenue. The tax credit limits are \$47.5 million for large corporations and \$2.5 million for small corporations.

The program, also known as the Florida Corporate Income Tax Credit Scholarship Program, allows corporations a 100 percent income tax credit for donations they make to K-12 scholarship organizations that serve children in low-income families.

"Thanks to Florida corporations, this year over 11,500 Florida students whose families have an average household income of only \$23,000 are able to attend a K-12

grade private or public school that best meets their individual needs," said Lasher.

Under the tax credit legislation, the 2004 tax credit cap was raised from the 2003 level of \$50 million to \$88 million. But the state legislature rolled the cap back to \$50 million during 2004 because of budget problems. In 2005 the \$88 million cap will be restored, and Lasher expects even more corporations to participate than in 2004. Any Florida corporation with a state income tax liability can participate in the Step Up for Students Program, she notes.

"If anyone is in doubt about the excellent benefits of this program, they should visit with these fantastic children," said Miguel "Mike" Fernandez, CEO of Coral Gables-based CarePlus Health Plans, Inc. "Spending time with some of the kids was a terrific experience, and I urge more Florida corporations to participate in this innovative program to help the children of our state receive the best education possible."

George A. Clowes ([clowesga@aol.com](mailto:clowesga@aol.com)) is associate editor of School Reform News.

### Hillsdale College Announces the Ninth Recipient of the



### \$25,000 Henry Salvatori Prize FOR "EXCELLENCE IN TEACHING"

"We are proud  
to say that the  
**PRINCIPLES** and  
**PROCESSES** learned  
through Hillsdale  
Academy have  
consistently **IMPROVED**  
**STUDENT PERFORMANCE**  
at Hale Academy."

**DAREN JOHNSON**  
2004 Henry Salvatori  
Prize Recipient

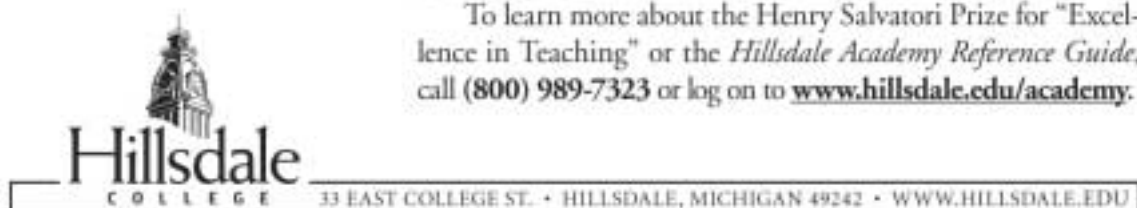


**EACH FALL**, Hillsdale College seeks nominations for the Henry Salvatori Prize for "Excellence in Teaching." This prize honors teachers in grades K-12 who are committed to rigorous standards and to a traditional, time-tested approach to education. Endowed by the late businessman and philanthropist Henry Salvatori, this competition is open to teachers in non-profit private and public schools who have employed the *Hillsdale Academy Reference Guide*. Winners receive a \$25,000 cash award payable to their school.

Daren Johnson, of Hale Academy in Ocala, Florida, is hereby named the recipient of the 2004 Henry Salvatori Prize for "Excellence in Teaching."

The *Hillsdale Academy Reference Guide* is an invaluable resource for teachers, administrators and parents who seek to educate their children in a well-balanced core of essential subjects. Based on the daily operation of Hillsdale Academy, the K-12 model school of Hillsdale College, the *Guide* contains information on curricula, supplementary reading, school culture and administrative policies. It is already in use at more than 450 schools in all 50 states, as well as by countless home-schooling parents.

To learn more about the Henry Salvatori Prize for "Excellence in Teaching" or the *Hillsdale Academy Reference Guide*, call (800) 989-7323 or log on to [www.hillsdale.edu/academy](http://www.hillsdale.edu/academy).



### INTERNET INFO

Further information on Florida's Corporate Income Tax Credit Scholarship Program, including how to participate as a donor or recipient, is available online at <http://www.stepupforstudents.com>.

### Florida Supreme Court Reverses Itself

On December 28, 2004, the Florida Supreme Court backed away from its December 24 order telling Gov. Jeb Bush he would have to file his initial appeal briefs by December 30 in a case challenging the constitutionality of the state's Opportunity Scholarship program. Instead, the court gave all parties about three more weeks to file their arguments.

On November 12, Florida's 1st District Court of Appeals struck down the Opportunity Scholarship program on the grounds it violated a provision in Florida's constitution barring public funds being used to aid any religious institution. (See "Appeals Court Strikes Down Florida Vouchers," *School Reform News*, January 2005.)

When the state filed notice of its appeal to the state's high court in mid-December, opponents asked the court to rule on the appeal before the start of the 2005-06 school year. On December 20, the justices denied that request for an expedited ruling, but four days later also denied a request by the governor for additional time and told him he had less than a week to file his initial briefs.

After a request for reconsideration of the denial by Attorney General Charlie Crist on December 27, the justices relented.

— George A. Clowes

# Home Schooling Benefits Are Real, Widespread

by David W. Kirkpatrick

The evidence that home schooled students do well is more than special-interest pleading. Departments of education in such states as Alaska, Tennessee, and Washington have conducted studies that found the typical home schooled student comes out ahead on virtually every significant measurement.

Specific instances abound. One family sent three home schooled youngsters to Harvard; a home-schooler wrote a bestseller at age 15; home schoolers placed first, second, and third in the 2000 National Spelling Bee; Patrick Henry College in Virginia was founded for such students. Former U.S. Secretary of Education Bill Bennett has suggested, probably only partly tongue-in-cheek, that "Maybe we should subcontract all of public education to home schoolers."

Self-esteem is a goal for students much-proclaimed by many public educators, a goal that, whatever its merits as a theory, has created much controversy. John Wesley Taylor found in research published in 1986 that home schooled children did far better when measured for this attribute as well. Only 10 percent were below the national average. By definition, among the general student body, 50 percent score below average.

Studies by Cornell University Professor Urie Bronfenbrenner suggest that, at least until age 10 or 12, students who spend more time with other children their age than with their parents tend to rely on other children for their values. The result? They tend to have a lower sense of self-worth, of optimism, of respect for their parents, and, ironically, even of trust in their peers. If Bronfenbrenner is correct, this is one of the major, and unrecognized, reasons for the growing dysfunction of much adolescent behavior.

More than 200 colleges, including such



**"More than 200 colleges, including such prestigious institutions as Harvard, Yale, and Princeton, actively seek to attract homeschooled students not only because of their high SAT scores, but for their advanced social skills as well."**

prestigious institutions as Harvard, Yale, and Princeton, actively seek to attract home schooled students not only because of their high SAT scores, but for their advanced social skills as well. So much for the rhetorical concern about socialization.

A 1960 study for the Smithsonian Institution by Harold McCurdy concluded that genius is more likely to develop among children who spend more time with their parents and other adults, spend less time with their peers, and have freedom to work out their fantasies. McCurdy also suggested the public school system tends to do the reverse and restrict the development of geniuses.

Martin Engle, head of the National Demonstration Center for Early Childhood Education in Washington, DC, some years ago said children sense rejection if they are schooled too early. Raymond S. Moore, citing Engle in a September 1985 *Phi Delta Kappan* article, suggested "early schooling may be the most pervasive form of child abuse in the Eighties."

That may be carrying things a bit too far. But in the face of the evidence, there is no justification for the hostility so many public school supporters seem to feel toward home schoolers. In district after district they are rejected when they

try to participate in a limited number of school activities, academic or extracurricular, although a number of states now require public schools to allow such participation. In Pennsylvania, which lacks such a law, hundreds of school districts do this voluntarily.

As Stephen Arons wondered in his 1983 book *Compelling Belief*, "Why is it that millions of children who are pushouts or dropouts amount to business as usual in the public schools, while one family educating a child at home becomes a major threat to universal public education and the survival of democracy?"

Home schooled students, whether there are 850,000 or 2,000,000 of them, save the taxpaying public billions of dollars a year by withdrawing from the public schools. Using \$9,000 per pupil as a rough approximation of current annual spending on public schools, home schooled students save the taxpaying public between \$7.65 and \$18 billion a year. It has been estimated that home schooling parents spend about \$800 of their own money annually to educate each child.

In brief, although no one should be compelled to undertake the unusual dedication required to home school their children, those who wish to do so should not have government place bureaucratic roadblocks in their way. The evidence to date makes it clear the success rate is much higher for home-schoolers while the actual cost is lower—as little as zero for taxpayers. The results benefit students, parents, family, and society.

It doesn't get much better than that.

David W. Kirkpatrick ([kirkdw@aol.com](mailto:kirkdw@aol.com)) is a senior education fellow with the U.S. Freedom Foundation and also with the Buckeye Institute in Columbus, Ohio. This article was released to the public by the author on December 23, 2004.

## Education Next Addresses Merit Pay for Teachers

by George A. Clowes

Merit pay for teachers is featured in the Winter 2005 issue of the scholarly journal, *Education Next*, published by the Hoover Institution. The issue also includes articles on character education, a No Child Left Behind lawsuit, the program to end social promotion in Chicago's public schools, teacher preparation, and a series of critical articles concerning coverage of education issues by *The New York Times*.

In "The Uniform Salary Schedule," Brad Jupp provides details of the optional merit pay plan established in the Denver Public School system. Most readers will find Jupp's article especially valuable for its clear description of how public school teachers are currently paid. Most teachers are paid based on a rigid

salary schedule that rewards length of service and educational qualifications, not classroom performance or gains in student achievement.

"[T]here are few careers, except teaching, in which professionals are not held accountable for their failures and rewarded for their accomplishments," comments Lew Solomon in an article where he proposes rewarding teachers based on classroom effectiveness, with bonuses for teaching in difficult, dangerous, or unpleasant environments.

"The traditional K-12 compensation system is obsolete in that it is no longer useful, but, sadly, it is not obsolete, because it is still in use," writes Solomon.

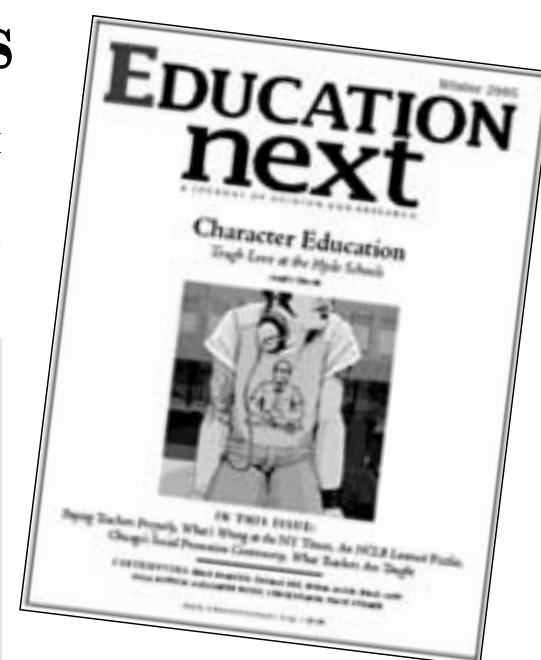
*Education Next* is sponsored by the Hoover Institution, the Harvard Program on Education Policy and Governance, the

Thomas B. Fordham Foundation, and the Manhattan Institute for Policy Research.

George A. Clowes ([clowesga@aol.com](mailto:clowesga@aol.com)) is associate editor of *School Reform News*.

### INTERNET INFO

The Winter 2005 issue of *Education Next* is available online at <http://www.educationnext.org/20051>. Subscriptions are available from the Hoover Institution through the Education Next Web site, by calling 650/723-3373, or by email to [hooverpress@hoover.stanford.edu](mailto:hooverpress@hoover.stanford.edu).



# Summary of Home School Laws in the 50 States

*Home Schooling in the United States: A Legal Analysis*, by Christopher J. Klicka, contains a one-page legal summary for each state and territory in the union and is available for \$20 from HSLDA, P.O. Box 3000, Purcellville, VA, 20132, or <http://www.hslda.org>, or by calling 540/338-5600. Residents of the following states must add applicable sales tax: California, Colorado, Florida, Georgia, Kansas, Massachusetts, New Mexico, Pennsylvania, Texas, and Virginia.

by Christopher J. Klicka

Thirty-seven states have adopted home school statutes or regulations, in the following years:

- 1997 Alaska and Delaware
- 1996 Michigan
- 1991 Iowa
- 1990 Connecticut and New Hampshire
- 1989 Hawaii, Maine\*, North Dakota, and Ohio
- 1988 Colorado, North Carolina, New York, Pennsylvania, and South Carolina
- 1987 Maryland, Minnesota, Vermont, and West Virginia
- 1986 Missouri
- 1985 Arkansas, Florida, New Mexico, Oregon, Tennessee, Washington, and Wyoming
- 1984 Georgia, Louisiana, Rhode Island\*, and Virginia
- 1983 Montana and Wisconsin
- 1982 Arizona and Missouri
- 1957 Utah\*
- 1956 Nevada

\* These three states still give superintendents or school boards the discretionary authority to "approve" home schools.

The rules governing home schooling in Maryland, New York, and Ohio are state board of education regulations rather

than statutes. The rules governing home schools in Connecticut are Department of Education "guidelines." The rest are home school statutes enacted by the state legislatures.

Forty-one states do not require home school parents to meet any specific teacher qualifications. Those requiring a high school diploma or GED are Georgia, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, and Tennessee.

The remaining two states have the following qualification requirements: North Dakota requires a high school diploma or GED and the parent must be monitored by a certified teacher for two years. West Virginia allows parents with a GED or high school diploma to teach until the

child reaches high school. West Virginia parents' formal education must remain four years ahead of the student.

At present, three states—Massachusetts, Rhode Island, and Utah—subject home schools to the discretionary "approval" of the local school district, school board, or state commissioner.

Six states—Connecticut, Indiana, Kansas, Maine, New Jersey, and Nevada—require instruction or amount of time to be "equivalent" to those of the public schools. The term "equivalent" was struck down by courts as void because of vagueness in Minnesota and Missouri.

Three states—Delaware, Maryland, and Rhode Island—require instruction to be "regular and thorough."

Idaho requires instruction to be "comparable" to public schools.

Three states—California, Kansas, and New York—require home school teachers to be "competent," "qualified," or "capable of teaching." In those three states, less

than a GED is recognized as competent. New York parents who comply with the home instruction regulation are deemed "competent."

Individual home schools may operate as private or church schools in at least 12 states: Alabama, Alaska, California, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Nebraska, Pennsylvania, and Texas.

Groups of home schoolers, rather than individual home schools, can qualify as private or church schools in five other states: Colorado, Florida, Maine, Utah, and Vermont.

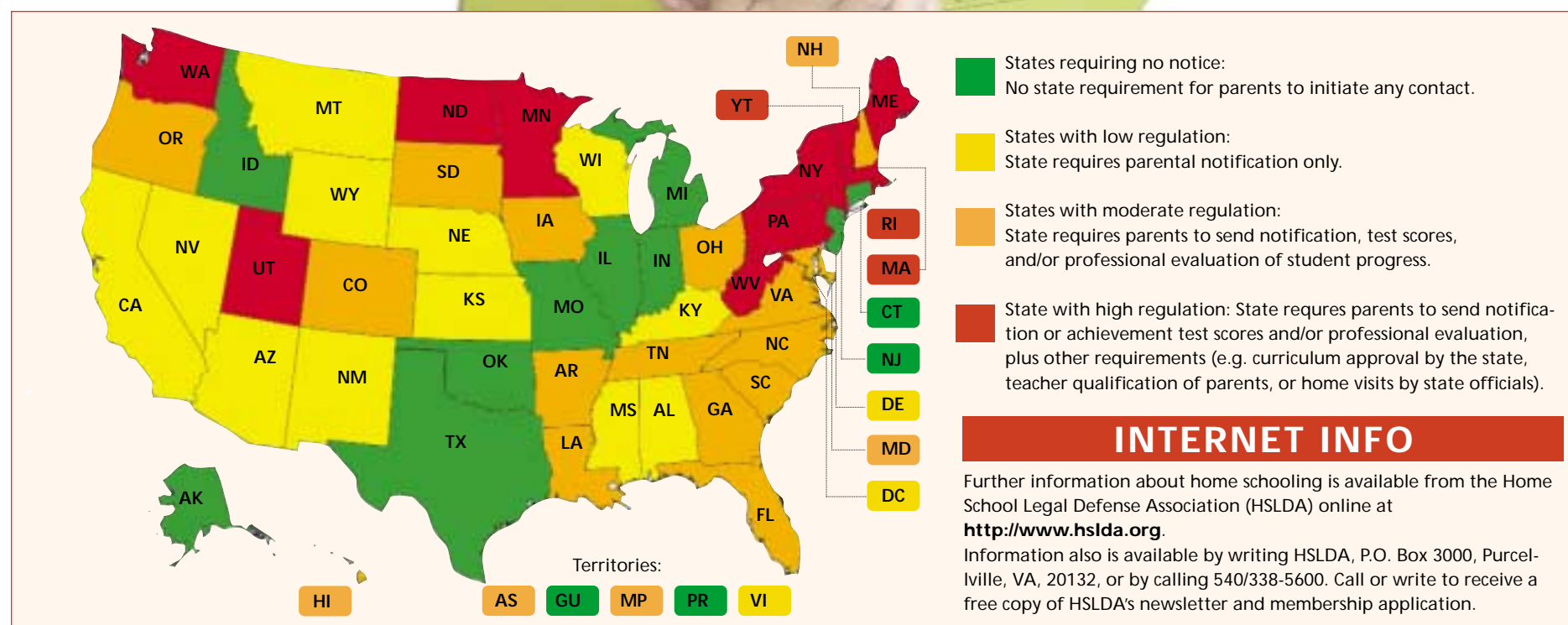
Twenty-five states require standardized testing or other evaluation of the children. The following 10 states require only standardized testing: Arkansas, Georgia, Minnesota, New Mexico, New York, North Carolina, North Dakota, Oregon, South Dakota, and Tennessee. Two of those states—Georgia and Minnesota—do not require submission of results to the public school.

Of the 25 states that require some evaluation of progress, 16 provide an alternative to testing: Colorado, Connecticut, Florida, Hawaii, Iowa, Louisiana, Maine, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, Washington, and West Virginia. Connecticut requires only a portfolio review, and Colorado, New Hampshire, and Washington do not require submission of test results or evaluation to the public school.

Oklahoma is the only state with a constitutional amendment that specifically guarantees the right to home school ("other means of education").

Note: This information does not constitute the giving of legal advice.

Christopher J. Klicka ([think@heartland.org](mailto:think@heartland.org)) is senior counsel for the Home School Legal Defense Association and has intervened on behalf of thousands of home school families across the country.







# A CHILD IS MISSING ALERT™

**When a child goes missing in the U.S., the sooner people know, the better the chance for survival.** A Child Is Missing Alert™ is helping to save lives of children, the elderly (often with Alzheimer's), and the mentally challenged by deploying a rapid notification program that generates 1,000 automated calls to local residents and businesses within minutes of police verification of a missing person.

Free to law enforcement, and complementing Amber Alert, this successful program is available nationwide. To make sure your school is prepared to respond, call **1-888-US5-ACIM** or visit **[www.achildismissing.org](http://www.achildismissing.org)** today.

**Because failing them is not an option.**