

School Reform News

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Georgia Parents Sue for Vouchers

Families call for parental rights in children's education



by George A. Clowes

In a potentially far-reaching lawsuit filed on January 27 in Fulton County Superior Court in Georgia, three Atlanta families charged the State of Georgia and its agents with failing to provide their children with the opportunity for an adequate education. The parents are seeking the freedom to use the per-pupil funds spent on their children's educations as an "opportunity scholarship" redeemable at any public or private school.

The children were students at Anderson Park Elementary in April 2004 when the Atlanta school board decided to close the school and assign them to another school, without any input from parents. Lacking the means to send their children to a private school or move to a neighborhood with better public schools, the parents had no alternative but to accept the district's assignment.

An opportunity scholarship—or voucher—would provide them with the economic means to choose an alternative school.

"A voucher is the only meaningful remedy for a child trapped in a failing public school," declared Clint Bolick, president and general counsel of the Phoenix-based Alliance for School Choice. "We hope this

GEORGIA p. 16

U.S. Students Show Slight Improvement in Math, Science Achievement

Students still lag far behind counterparts in Asian nations

by Lisa Snell

According to the annual Trends in International Mathematics and Science Study (TIMSS), designed and coordinated by Boston College's Lynch School of Education, U.S. elementary school students made slight gains in math and science improvement over the previous year.

In December 2004, the TIMSS released results from its 2003 assessments. Of the 46 countries that participated in the eighth-grade tests, U.S. students ranked ninth in science achieve-

SLIGHT p. 9

Arizona Private Schools Half as Expensive as Public Schools

by Vicki Murray

A new survey of Arizona private schools has found average private elementary and middle school tuition in the state is \$3,700, less than half the average per-pupil public school expenditure of \$7,800,

EXPENSIVE p. 6

In Second Term, Bush Must Choose Between Tests and School Choice

by David Salisbury

During his inaugural address on January 25, President George W. Bush made clear his intent to push for continuing reform of the nation's education system, and in particular to extend reform into the nation's high schools.

With freedom as the major theme of the address, Bush spoke of reforming great institutions to meet the needs of our time, and in an allusion to the 2002 federal No

Child Left Behind Act (NCLB), he said, "we will bring the highest standards to our schools."

Two weeks before the inaugural address, on January 12, Bush outlined his proposal to expand the testing and accountability provisions of NCLB into high schools. Speaking at J.E.B. Stuart High School in Washington, DC, the president said he wants to require states to test high school

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CAPITOL HILL BEAT

Fine-Tune NCLB, or Go Boldly for Choice?

by Robert Holland

As President George W. Bush began his second term, education policy-makers were wondering whether he would spend some of his political capital on further expanding school choice or instead invest it wholly on extending the testing regimen of No Child Left Behind (NCLB) into the nation's high schools.

During his first term, Bush used federal power and his bully pulpit to advance parental choice more than any previous president had done.

The president championed a pilot program of vouchers to enable children in some of Washington, DC's worst public schools to transfer to private schools; backed Education Savings Account tax breaks for families saving for children's K-12 tuition; and pushed for NCLB-mandated public school choice or free tutoring for children stuck in low-performing schools.

In his second Inaugural Address, on January 20, Bush vowed to "bring the highest standards to our schools and build an ownership society."

Emphasis on Standards

However, Bush's early emphasis since the election appeared to be more on toughening standards than on stressing ways for families to take ownership of their schools through choice. At a pre-Inaugural talk at a public high school in northern Virginia, the president unveiled a proposed \$1.5 billion initiative to beef up reading and math standards in high schools.

Bush told J.E.B. Stuart High School students, teachers, and staff his initiative would enable high school teachers to analyze test data and determine which ninth-graders were at risk of falling too far behind to graduate. To ensure the intervention is successful, Bush said, he wants to test ninth-, 10th-, and 11th-grade students in reading and math, as NCLB now requires in grades 3-8.

"Listen, I've heard every excuse in the book not to test," Bush commented. "My answer is, how do you know if a child is learning if you don't test? We've got money in the budget to help the states implement the tests. There should be no excuse saying, well, it's an unfunded

mandate. Forget it—it will be funded."

Positive Trade-Off

Nevertheless, expanding NCLB-required testing will not be an easy sell on the political left or the right. Teacher unions continue to attack testing as part of their



strategy of opposing greater accountability and NCLB in particular.

Several state legislatures, some of them Republican-controlled, also have balked at current federal requirements, threatening to pull out of NCLB and forfeit federal aid or to seek exemption from testing.

For education reformers leery of increased government involvement, NCLB's boosting of choice could be seen as a positive trade-off.

As Bush told his Stuart High audience, "Accountability systems don't work unless there are consequences. And so in the No Child Left Behind Act, if a school fails to make progress, parents have options. They can send their child to free after-school tutoring, or they can send their child to a different public school."

Districts Thwarting Choice

Unfortunately, the public school choice option remains more of a promise than a reality. In December, a 55-page General Accounting Office (GAO) report found less than 1 percent of students eligible under NCLB to transfer to better-performing public schools actually did so.

The GAO said thousands of students were denied choice because their districts determined there was no space for them, even though federal education officials had said claims of limited capacity could not be used to deny students choice. The GAO also found many local school bureaucracies failed to inform parents of

their educational options until after a school year had begun.

Bush's original blueprint had a far more robust choice mechanism: converting NCLB aid to school systems into vouchers enabling students in deficient public schools to select private schools. However, prominent members of Congress from both parties insisted the voucher provisions be eliminated at the start of NCLB deliberations early in 2001.

Reluctant to Fight

Early signs are that the Bush administration currently values bipartisan support for NCLB over a tough fight for vouchers.

The president's choice for second-term Secretary of Education—Margaret Spellings, longtime Bush policy advisor and fellow Texan—sailed to confirmation in the Senate on a voice vote on Inauguration Day. She and Agriculture Secretary Mike Johanns, former governor of Nebraska, were the first two new Cabinet members to be confirmed.

Spellings, formerly a chief lobbyist for the Texas Association of School Boards,

receives high marks from many for her education savvy. She was one of the main architects of No Child Left Behind, which is based on the reform model that emerged during Bush's Texas governorship. It features higher academic standards and increased standardized testing of student achievement.

At her confirmation hearings, Spellings pledged to pay close attention to concerns of public educators as well as parents and reformers. She received particularly high praise from key Democrats.

Senator Edward M. Kennedy (D-MA), one of the staunchest foes of vouchers, concluded Spellings "has the knowledge, the commitment, and the leadership to improve the quality of education across the land."

Still, it is possible the Bush administration will work to expand vouchers outside the framework of No Child Left Behind—for example, by using the first-ever federally funded voucher program in Washington, DC as a model for spreading pilot voucher projects to other major cities.

The DC program is providing scholarships of up to \$7,500 per child per year. In the current school year, more than 1,000 students are using the vouchers to attend schools of their parents' choice.

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

U.S. High School Students Shortchanged on Education, Study Finds

Arkansas, Indiana, Texas setting higher standards

by Sean Parnell

A recently released study documents what many in higher education and the business world have been saying for years: U.S. high school curriculum requirements are too low, leaving many graduates unprepared for either college or work.

The study, released in December 2004, found no state requires students to take what the authors call a “college- and work-preparatory curriculum” in order to graduate.

The authors point to “a wide range of economic, education and business experts” who say good-paying jobs will require “more math and more English than ever before” if the United States is going to remain economically competitive. If low curriculum standards persist, the authors warn, “many of the highly skilled jobs may go to workers in other countries, such as China and India.”

The study was conducted by Achieve, Inc., a nonprofit organization established after the 1996 National Education Summit. Achieve is a bipartisan group created by the nation’s governors and corporate leaders to help states raise academic standards, improve assessments, and strengthen accountability to prepare all young people for post-secondary educa-

tion, work, and citizenship.

Progress in Few States

The researchers studied graduation requirements for students in all 50 states. While finding no state requires students to take a college- and work-preparatory curriculum in order to graduate, they noted a few states are making progress.

Three states—Arkansas, Indiana, and Texas—are singled out for recognition. While not requiring students to take a more challenging curriculum, the three have adopted policies that make a curriculum that aligns with “college- and work-ready expectations” the “default” curriculum, meaning students will automatically be enrolled in classes that meet the higher standards unless they specifically request to opt out.

The report recommends all high school students take four years of English, including literature, writing, and communication skills, and four years of math, including Algebra I, Geometry, and Algebra II as well as statistics.

In a statement accompanying the release of the report, Achieve President Michael Cohen said, “Expectations for students go hand-in-hand with results. Rigorous preparation is essential for students to be well prepared for success after high school.”

High Cost of Low Standards

The Achieve study relied on benchmarks created by the American Diploma Project to determine the “knowledge and skills required for students to succeed ... in college and in careers that provide a living wage.” Because many students graduate from high school with inadequate educations, employers and colleges must spend millions of dollars on remedial instruction.

The benchmarks were developed by consulting with employers and college faculty, who were asked what students need to know and be able to do in order to succeed after graduation, in either college or the workplace.

Success in either environment mostly requires the same abilities, according to employers and college faculty. Among the skills and abilities cited were correct grammar and spelling, strong writing ability, the ability to reason, skill at algebra and geometry, and the ability to interpret, analyze, and describe data quickly and accurately.

In a June 2004 report, Achieve had found a sizeable gap between the skills employers and college professors say students need, and the skills students needed in order to pass high school exit exams in the six states studied. The June study found that the majority of questions on high school exit exams required skills most students are taught in middle school or the early years of high school.

Specific Recommendations for States

The new study concludes with six recommendations for states:

- Require all students to take a common college- and work-preparatory curriculum in math and English to earn a diploma, including four years of math that include Algebra I and Algebra II, Geometry, and some statistics, and four years of English including literature, writing, reasoning, logic, and communications skills.
- Align academic standards in high school with the knowledge and skills required for college and workplace success. The standards should be validated with employers and college faculty.
- Pay attention to content, not just course titles. Content standards must clearly describe the level, rigor, and content of courses.
- Provide guidance but allow flexibility. States should provide clear guidance about what is most important for students to learn, possibly by establishing a model school curriculum.
- Encourage students to go beyond the core. Students should be encouraged to earn post-secondary credit while in high school, through Advanced Placement courses or other programs.
- Monitor results. States and schools must be able to determine whether students are learning. An innovative program in Oregon, the report noted, sends every high school principal and counselor a report from the Oregon University System on

Pennsylvania Gov. Ed Rendell said to an audience of college students, “We’re not educating our kids well.”



their school’s graduates and their performance as first-year students in college.

“Some worry that raising graduation requirements will hurt students,” said Mathew Gandal, executive vice president of Achieve, in a statement accompanying the report. “But nothing is more harmful than sending young people out into the real world unprepared. As states gradually raise expectations ... they give their young people a chance for a much brighter future.”

Call for Higher Standards

The findings and recommendations of the report mirror those of prominent national leaders in recent years.

An April 3, 2004 article in the *Pittsburgh Post-Gazette* reported on Pennsylvania Gov. Ed Rendell’s (D) call for statewide exams as a requirement for high school graduation. “We have got to make our high school diplomas worth something,” Rendell said to an audience of college students. “We’re not educating our kids well,” he noted, saying schools need to provide students with the “tools they need to succeed.”

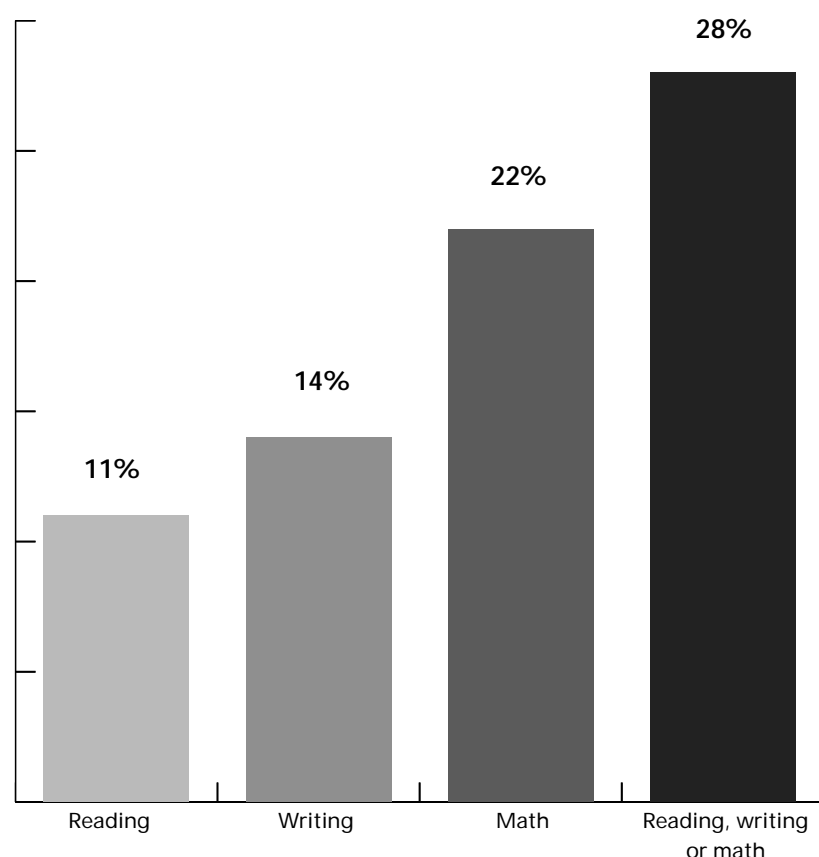
Rendell, who previously served as the general chair of the Democratic National Committee and mayor of Philadelphia, is one of six governors who serve on the Board of Directors of Achieve.

Craig Barrett, CEO of the high-tech company Intel and another member of Achieve’s Board of Directors, also called for higher standards for graduates, particularly concerning math and science skills. In a September 10, 2001 guest editorial in the *Baltimore Sun*, he wrote the U.S. economy “is driven by knowledge, and math and science skills play an increasingly important role.”

Barrett called for students to be tested in grades three through eight to uncover what he termed “learning gaps” and said, “We need to expose every student to challenging math and science by ensuring that every school offers a rigorous curriculum with textbooks and classroom materials aligned to high standards.”

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Percentage of first-year college students in two-year and four-year institutions requiring remediation



Source: National Center for Education Statistics, *Remedial Education at Degree-Granting Postsecondary Institutions in Fall 2000, 2003*.

INTERNET INFO

For more information on state high school education standards, see the published Achieve, Inc. report at [http://www.achieve.org/dstore.nsf/Lookup/coursetaking/\\$file/coursetaking.pdf](http://www.achieve.org/dstore.nsf/Lookup/coursetaking/$file/coursetaking.pdf).

States' English Standards Still Need Improvement, Study Says

by Brian L. Carpenter

Twenty states earned As or Bs for their English instruction standards, according to a Thomas B. Fordham Foundation report published in January. While that performance represented improvement over a 2000 analysis, there "is no cause for satisfaction," the study's author reports.

The foundation published a pair of studies in January that provide a state-by-state assessment of subject matter content standards for core academic subjects in American public schools. The first dealt with standards for English and related subjects; the second, with standards for mathematics. (See related article on this page.) The reports' publication marks the third time in eight years that Fordham has conducted this review.

According to the English report, "The State of State English Standards 2005," many states have improved their English standards since 2000, but others have "dis-

turbing shortcomings," according to Chester Finn Jr., Fordham's president and the author of forewords to both studies.

Author Sandra Stotsky, who also conducted the foundation's two earlier studies of English standards, wrote, "No state should be content with a C—which almost half of them received—and there is no excuse for the deficiencies that led to a D or F in 2005 for Alaska, Connecticut, Michigan, Montana, New Mexico, Tennessee, Washington, and Wyoming, whether or not they increased their overall grade point averages in 2005." Massachusetts garnered Stotsky's top grade.

Stotsky rated state English standards on a four-point scale for each of 34 criteria. Letter grades for a particular state were issued based on point averages.

Michigan "Improves" to D

In the 2005 study, Michigan's K-8 Grade Level Content Expectations earned a D—

a minor improvement over 2000, when it posted an F. Stotsky criticizes Michigan's current and past approach for containing "a large number" of standards that are "not clear, specific or measurable" and for often being "vague, obscure or pretentious statements."

Stotsky also pointed out content deficiencies, "the most serious [of which] is the lack of a key group of authors, works, literary periods and literary traditions to outline the essential substantive content of the secondary school English curriculum."

Michigan's final "grade point average" in the study, 1.41, was a full grade point below the national average. Only four states—Wyoming, Washington, Connecticut, and Montana—scored lower.

Standards Established Slowly

Both of the new Fordham studies note that the idea of "spelling out" what kids should learn in school was birthed in response to "A Nation at Risk," the water-



Chester Finn, Jr., president of the Thomas B. Fordham Foundation, wrote forewords to the studies of English and math standards.

shed 1983 report by the U.S. Department of Education's National Commission on Excellence in Education. That report documented a "rising tide of mediocrity" in schools, and in the two decades since, "standards-based reforms" have gained substantial traction.

Still, by 1997, when Fordham published its first "State English Standards," only slightly more than half the states—28—had standards in place. Just three years later, by the time Fordham published its second evaluation of English standards, that number had risen to 48.

Currently, all states but Iowa have English standards. The increase has resulted mainly from pressure from the federal government, according to Stotsky. She writes, "The standards world experienced a seismic jolt from the federal No Child Left Behind Act," because the law tied standards-based accountability to funding.

Policymakers Challenged

As Bush is expected to expand the scope of the No Child Left Behind Act in his new term, thereby increasing pressure for better state standards, Finn is concerned policymakers might not step up to the plate, because doing so would mean "tangling with university faculty, entrenched bureaucracies, and powerful unions."

Finn worries "many state officials would rather avoid such tussles, even though their schoolchildren will eventually pay the price."

The Fordham studies are meant to help citizens and policymakers evaluate the effectiveness of their state's standards and compare them to standards elsewhere in the nation.

Brian L. Carpenter (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.

States' Math Standards Don't Measure Up, Study Says

by Brian L. Carpenter

In a Thomas B. Fordham Foundation study published in January, states earned an average grade of a "high D" for their mathematics content standards.

"We were able to confer A grades on just three states: California, Indiana, and Massachusetts," writes David Klein, who along with a panel of five mathematicians conducted the study. "Alabama, New Mexico, and Georgia—all receiving Bs—round out the slim list of 'honors' states. The national average grade is D, with 29 states receiving Ds or Fs and 15 getting Cs."

Chester Finn Jr., president of the Fordham Foundation, writes in the foreword to the report, "the essential finding of this study is that the overwhelming majority of states today have sorely inadequate math standards."

Nine Major Problems

The study found nine major problem areas with math content standards in most states:

- "excessive emphasis" on calculator use;
- failure to require students to memorize "basic number facts";
- absence of "standard algorithms of arithmetic for addition, subtraction, multiplication, and division";

- inadequate standards for student understanding of fractions by late elementary and early middle school years;

- a nearly "obsessive" focus on requiring students to identify "patterns";

- "the use of a dizzying array of manipulatives (physical teaching aids) in counterproductive ways";

- "a tendency to overemphasize estimation at the expense of exact arithmetic calculations";

- statistics and probability requirements "often crowd out" algebra and geometry; and

- a failure to develop standards that guide the development of problem-solving and mathematical reasoning skills.

Lower Grades Overall

States earned lower grades overall than in Fordham's 1998 and 2000 studies because the new report weighted mathematical content in the standards more heavily than it did previously. The earlier studies were by different authors.

Klein said, "The consensus of the evaluating panel of mathematicians is that this weighting properly reflects what is most important in K-12 standards in 2005. Content is what matters most in state standards; clear but insubstantial expectations are insufficient."

Concrete Suggestions

For policymakers interested in improving their state's K-12 math standards, the study offers four concrete suggestions:

- Use true math experts to develop revised standards, rather than relying on "math educators" or "curriculum experts."

- Revised standards must emphasize "both conceptual understanding and computational fluency" (italics in original).

- Eliminate easily identifiable "common problems," "such as the overuse of calculators and manipulatives."

- If necessary, "consider borrowing" standards from California, Indiana, and Massachusetts, states that received As in this study. In the words of the Fordham authors, "There is no need to reinvent this wheel."

The study was released simultaneously with Fordham's updated report on state English standards. (See article on this page.)

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INTERNET INFO

Both Fordham reports are available online at <http://www.edexcellence.net/foundation/global/page.cfm?id=304>, or by calling the Fordham Foundation at 410/634-2400.

Expensive

Continued from page 1

according to fiscal year 2001-02 Arizona Department of Education data. Average private high school tuition in the state is \$5,500.

The results from the Goldwater Institute's "Survey of Arizona Private Schools: Tuition, Testing, and Curricula," written by Vicki Murray (author of this article) and Ross Groen and released on January 5, square with data from the National Center for Education Statistics, which show private schools on average

"[F]rom 2004 through 2016, if Arizona private schools continue educating just 5 percent of the state's K-12 population, roughly 660,000 students would not have to be educated in public schools, saving the state's taxpayers \$2.6 billion."

across the country are half as expensive as public schools, a pattern that has been apparent for 15 years.

The studies' conclusions contradict the common perception that public schools are "free" and private schools are for the rich.

Myths Rampant

As policymakers in Arizona and other states grapple with the challenges of impending K-12 enrollment growth, private schools have an important role to play, the Goldwater Institute survey noted. Yet as noted in the institute's December 2003 report, "The Arizona Scholarship Tax Credit: Providing Choice for Arizona Taxpayers and Students," there is little state-specific data and a great deal of misinformation about tuition, admissions policies, accountability mechanisms, and capacity at private schools.

In Arizona, for example, the state's largest teacher union, the Arizona Education Association, claims private schools "are not accountable" and "restrict their enrollment," choosing "students based on academics, physical condition, ethnicity, and religion."

Similarly, the *East Valley Tribune* reported that during a February 3, 2005 meeting of the Arizona Senate Finance Committee, State Senator Gabrielle Gifford (D-Tucson) opposed adoption of a corporate tuition tax credit scholarship program because private schools "can discriminate on who is admitted based on religion."

The proposal passed out of committee by a 5-2 vote, but the misconceptions about private schools persist.

Private Schools Surveyed

To help shed light on this segment of Arizona's education marketplace and provide answers to those concerns, the Goldwater Institute surveyed Arizona private schools serving at least two grades between kindergarten and high school.

Nearly one in four schools fitting that profile submitted complete information.

The survey asked questions regarding enrollment, staffing, standardized testing practices, tuition, financial aid, school size, and capacity. The survey also contained questions about basic admission criteria and religious affiliation. Those surveys help provide a clearer picture of the type of private school education available in Arizona and at what price.

Subsequent annual surveys planned by the Goldwater Institute will further clarify that picture.

Religious Affiliation Not Necessary

Key findings from the 2004 survey show that among all Arizona private schools:

- 89 percent offer financial aid;
- 93 percent require annual standardized testing;
- 13 percent of staff members are in administration, compared to 50 percent in public schools;
- student/teacher ratios average 14:1, compared to 18:1 in public schools;
- 43 percent of Arizona private schools surveyed serve special-needs students, and nearly half have room for more;
- special-needs students constitute an average 11 percent of total private school enrollment, the same average percentage of Arizona public school students enrolled in Individualized Education Programs.

As shown in Figure 1, 46 percent of the schools that responded to the survey described themselves as Christian, Non-Catholic; 28 percent were Catholic; 25 percent either had no religious affiliation or did not specify one; and 1 percent were Jewish.

Desire Is Paramount

While 75 percent of Arizona private schools responding to the survey are sectarian, 83 percent do not require religious affiliation for admission. Figure 2 shows the variety of admissions criteria used by Arizona private schools; the most common "other" admissions requirements are letters of recommendation and a desire to learn.

A representative from one private school explained that to be admitted, students must pass a placement test or "[have] a desire to come here." One private school official lists "student and parent desire" for admission, while another official explained the school required "parents committed to building an educational institution and [a] caring community."

Additional "other" admissions requirements cited included adherence to student conduct and dress codes, parent interviews, and family visits to the schools.

Could Relieve Cost Pressures

The survey findings indicate parents have more educational options than they may have realized. For policymakers, the message is that making use of private schools is fiscally responsible, given the economics of the situation.

Estimates based on existing private school capacity, which require no major construction or plant renovations, show great potential savings. Survey results indicate there are an estimated 26,000 available private school seats in Arizona. Educating 26,000 students in public

Figure 1: Religious Affiliations of Arizona Private Schools

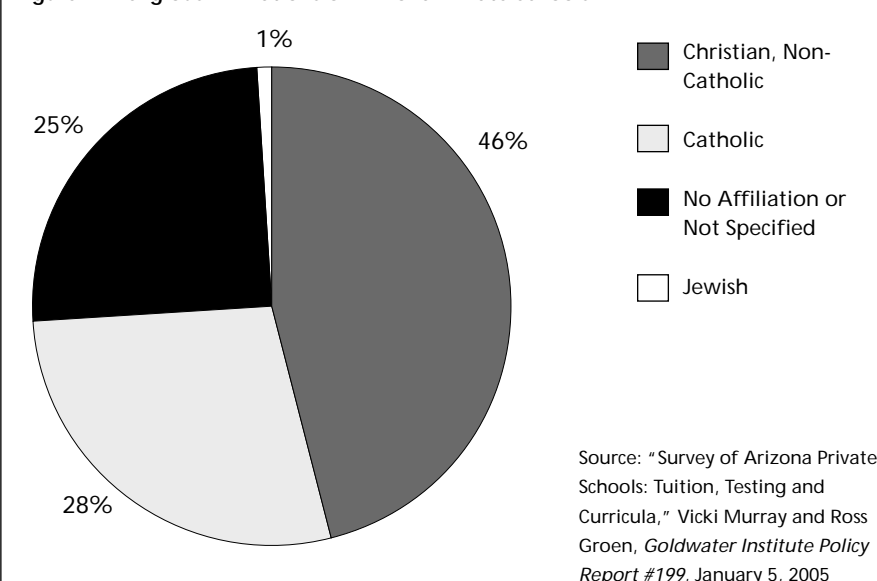
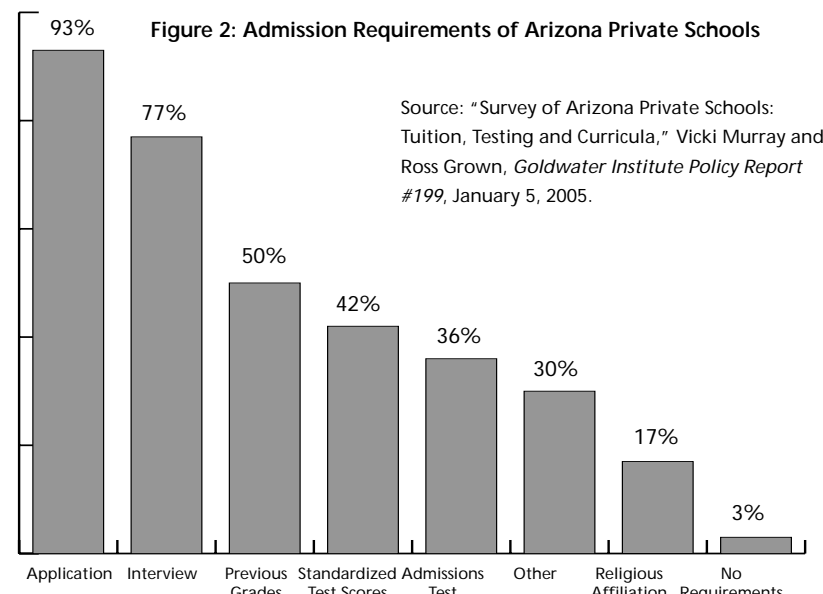


Figure 2: Admission Requirements of Arizona Private Schools



schools costs more than \$200 million, compared to about \$120 million in private schools.

The average elementary, middle, and high school tuition in Arizona private schools is \$4,800, a little more than half the average 2001-02 public school per-pupil expenditure. If parents were allowed to use just \$4,800 of the nearly \$8,000 per-child public school allocation

"Survey results indicate there are an estimated 26,000 available private school seats in Arizona."

to fill those available private school seats, the projected savings in combined local, state, and federal education spending could be nearly \$80 million.

That could be a particularly important finding for Arizona policymakers since the state ranks first nationally for highest capital outlays and second for interest on school debt, which combined total nearly \$2,000 per student.

Savings Would Be Considerable

Arizona's private schools currently enroll about 5 percent of the state's K-12 student population, roughly 44,060 children, compared to the national average of more than 11 percent.

Even if Arizona private school enrollments remained at just 5 percent through 2016, the average annual savings to state taxpayers alone would amount to roughly \$200 million (the average number of children expected to be attending Arizona private schools during that period, multiplied by the expected annual per-student expenditure in the public schools), according to survey projections.

Thus, from 2004 through 2016, if Arizona private schools continue educating just 5 percent of the state's K-12 population, roughly 660,000 students would not have to be educated in public schools, saving the state's taxpayers \$2.6 billion.

Fully using Arizona's private school marketplace could reduce pressure on public schools, give parents more choices, and save hundreds of millions of dollars.

Vicki Murray, Ph.D. (vmurray@goldwaterinstitute.org) is director of the Center for Educational Opportunity at the Goldwater Institute in Phoenix, Arizona.

INTERNET INFO

The Goldwater Institute's "Survey of Arizona Private Schools: Tuition, Testing, and Curricula" is available online at <http://www.goldwaterinstitute.org/article.php/506.html>.

Regulations Hamper Private Schooling Efforts in California

by Kate McGreevy

California school choice advocates should consider shifting some of their resources away from the voucher movement to contest cumbersome regulations that affect the supply of private schooling in the Golden State, according to a recent report from the Reason Foundation. Even if demand-side reforms occurred and voucher programs were made operational, the low supply of private schools "would prevent those reforms from succeeding," the report concludes.

Regulatory barriers are the key, the study concluded. While demand for better schools—private, charter, and public—has been increasing, the supply has not kept up, because of state-level regulatory barriers. The report posits that current regulations "shift back the supply curve, keeping potential entrepreneurs out of the market, reducing the amount of new school capacity, and raising its price."

The December 2004 report, "Addition and Subtraction: State and Local Regulatory Obstacles to Opening a New Private School," provides an analysis of California's main regulatory hurdles, together with recommendations for improvement. The report was written by Bahaa Seireg, a George Mason University Ph.D. candidate.

Excessive Regulation Noted

The report provides compelling, if anecdotal, evidence in the form of three case studies.

In one example, Michael Leahy, founder of the Alsion Montessori Middle/High School, estimated the cost of his building should have been \$400,000, but the total

came to nearly \$1.2 million because of several state regulations, "like the one requiring that he install a red tile roof."

"Children and parents want and need real educational choices," said Lisa Snell, the study's project director and director of education at the Reason Foundation. "But we aren't seeing more private schools because the government buries anyone interested in building a school under a mountain of needless regulations. The resulting lack of competition among private schools is fueling increases in private school tuition."

As demand has increased over the past several years, California private school

Time, Money Wasted

According to Seireg, each regulation is potentially time-consuming, expensive, process-intensive, and "predicated on the city planner's belief that there is one best answer to all decisions about building."

SEQA, for example, features a particularly lengthy process involving several land studies, all shouldered financially by the landowner, and an eventual public notice posting of a detailed Environmental Impact Report. Zoning regulations and enforcement processes are often prolonged, as well.

"The basic purpose of zoning regulations is to protect neighboring properties

for people to open a private school."


Improvements Proposed

Seireg maintains that a performance planning approach to building regulation would improve the situation for private schooling. Under this method, he said, landowners have more flexibility and can "use the land as they see fit," while remaining accountable for damages to the property.

"A performance planning approach focuses on end results rather than prescriptive policies," Seireg writes, and relies "on the fact that impact of ... use of land ... has more to do with the intensity of the use than the type of the use." He notes that performance-based planning approaches have succeeded elsewhere.

"Performance standards that deal directly with actual and measurable impacts on the specific area would result in fewer regulations, less paperwork, a much simpler approval process, and ultimately, more schools," Snell stated.

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"[C]urrent regulations 'shift back the supply curve, keeping potential entrepreneurs out of the market, reducing the amount of new school capacity, and raising its price.'"

entrepreneurs have responded to the opportunity, but many have been slowed or stopped altogether. Reason's report identifies four main sources of regulation faced by those trying to open new schools:

- the State Environmental Quality Act (SEQA), which imposes barriers to land acquisition and modifications of structures on schools' land;
- city zoning requirements, which impose restrictions on where schools can be located;
- city parking requirements; and,
- state and local building codes, which impose restrictions on design and construction of school buildings.

and owners from potentially adverse impacts of certain uses," says Geoffrey Goodfellow, planning director for Santa Clara, California. He adds the local public school district makes available closed school sites to private schools, and Santa Clara does not require a city review for the private use of these public buildings.

Even after years of working through the process, however, a permit application can be rejected because of the influence of a few local voices of opposition on decision-makers at a lead agency. This, says Seireg, makes the purchase of land for a private school "very risky."

Combined, Seireg argues, these laws "make it very hard and very expensive

INTERNET INFO

The December 2004 report by Bahaa Seireg, "Addition and Subtraction: State and Local Regulatory Obstacles to Opening a New Private School," is available online at <http://www.rppi.org/ps329.pdf>.

Schwarzenegger Drops Bomb on California Teacher Unions

by Lance T. Izumi

In his January 10, 2005 State of the State address, California Gov. Arnold Schwarzenegger (R) proposed to overturn teacher tenure and to link teacher pay to merit and performance.

California teachers currently receive "permanent status," or tenure, after completing a two-year probationary period. Once tenured, it is virtually impossible to fire a teacher.

"Educational Disaster"

Repeatedly calling the current system "an educational disaster," Schwarzenegger said, "I propose that teacher pay be tied to merit, not tenure. And I propose that teacher employment be tied to performance, not to just showing up."

The governor also said he will "introduce measures to further charter schools, vocational education, and fiscal transparency so people know how every educational dollar is spent at their local schools."

Schwarzenegger acknowledged a battle looms. Addressing legislators

directly, he said, "This is a battle of the special interests versus the children's interests. Which will you choose?"

Numerous Obstacles

According to a Pacific Research Institute study of California's teacher tenure system, a tenured teacher "cannot be dismissed solely for failing to improve student achievement."

In addition, the study reported, "if students consistently fail to advance under one teacher, there is no explicit provision that allows districts to commence the dismissal process." In his State of the State address, Schwarzenegger observed, "An educational system that rewards and protects a bad teacher at the expense of a child is wrong."

In *The Worm in the Apple* (2003), an exposé of teacher unions, former *Forbes* editor Peter Brimelow quoted an attorney who said teacher termination hearings in California are "as detailed, as voluminous and painstaking as the O. J. [Simpson] trial."

Brimelow's book recounts the case of Juliet Ellery, a San Diego-area high school teacher who refused to answer students' questions, demeaned and insulted students, and refused to adhere to lesson plans. Frustrated students circulated a petition to have her dismissed.

The district then spent eight years and \$300,000 trying to fire Ellery. Although her teaching credential was eventually suspended for one year, Ellery returned to teaching after the suspension.

According to the state Office of Administrative Hearings, in the Los Angeles Unified School District from 1990 to 1999, only 13 dismissal panels were convened and just one tenured teacher's case went through the dismissal process from beginning to end.

Additional Reform Efforts

An education reform organization called the Teaching Commission, chaired by former IBM head Louis Gerstner, recently recommended teachers' pay be based on performance as measured by

frequent individual teacher evaluations that include assessments of student achievement and teacher skills.

The commission recommended a value-added assessment system that looks at annual improvements in student performance as measured by state tests.

That system would then estimate how much a teacher has contributed to a student's gains, factoring in projections based on past performance. A teacher who raised students' scores significantly would be deemed effective.

In a June 2004 report, "Putting Education to the Test: A Value-Added Model for California," the Pacific Research Institute proposed a value-added assessment model for California that includes many of the elements recommended by the commission.

Lance T. Izumi (lizumi@pacificresearch.org) is director of education studies and senior fellow in California studies at the Pacific Research Institute.

Teacher Union News: Disputed Elections and Missing Funds

by Mike Antonucci

The Washington Teachers Union and United Teachers of Dade (UTD, Florida), currently under administration by the American Federation of Teachers (AFT), are enduring accusations of vote fraud by losing candidates for the office of president in elections designed to allow the two unions to undertake local self-rule.

In Florida, losing presidential candidate Shirley Johnson filed election complaints claiming poor ballot security, secret meetings, bias on the part of AFT Administrator Mark Richard, and an "attempt to confuse members."

"This election was tainted by fraud," Johnson told the *Miami Herald*. "We are asking for a full investigation."

Johnson was defeated by Karen Aronowitz, who turned a 19 percent deficit in the first round of voting into a 52-48 percent victory in the December 2004 runoff. Aronowitz and her caucus won the top three union executive positions.

Johnson's tenure as UTD secretary-treasurer under former president Pat Tornillo was a key issue in the campaign. In August 2003, Tornillo resigned and pled guilty to fraud and tax evasion for stealing union funds, which an AFT audit estimated totaled almost \$3.5 million.

Johnson and her caucus have established a legal fund to file suit to contest the presidential election.

However, Richard seemed satisfied the results were true and accurate. He introduced Aronowitz and her slate to the

Miami-Dade school board and posted the election certification by TrueBallot, Inc., an election services company from Bethesda, Maryland, on the UTD Web site.

Barring any finding of fraud, an Aronowitz victory will be seen as a positive outcome for teacher unions across the country. Her election over Tornillo's former secretary-treasurer gives hope that, at least in extreme circumstances, it is possible for teacher union members to clean house.

DC Runoff Concluded

In Washington, DC, a low turnout in the general election led to a runoff between a pair of candidates similar to those in Miami. George Parker, a critic of former president Barbara Bullock, received 520 votes, while Rachel Hicks, described as a former ally of Bullock's, received 514 votes. According to reports in the February 2



In a disputed election for president of Florida's AFT union, Karen Aronowitz achieved a 52-48 percent victory; her caucus won the top three executive positions.

issue of the *Washington Post*, Parker won the runoff by a 999 to 816 vote.

Last year, Bullock pled guilty to conspiracy and mail fraud related to misappropriation of member dues for her personal use. A U.S. District judge sentenced her to nine years in prison, three years in a halfway house, and 3,000 hours of community service and ordered her to pay \$4.6 million in restitution to the union.

the union.

Even before the runoff had taken place, Elizabeth Davis, the eventual third-place finisher, told local reporters she planned to challenge the results, based on numerous voting irregularities already then apparent. For example, she claimed many teachers did not receive a ballot and then found it difficult to obtain one through the union.

"We can't start off on this kind of note," Davis said.

Missing Fund Mysteries

■ Evelyn Johnson of the Bibb County Association of Educators in Georgia was indicted on four counts of fiduciary theft in December 2004. She is accused of taking more than \$34,000 from that NEA-affiliated organization.

■ Investigators for the New York State Department of Labor claim officers of the Shoreham-Wading River Teachers Association collected more than \$300,000 in insurance overpayments from the school district and "created a system to cover up the use of union funds for personal expenses." Carl Korn, spokesman for the AFT-affiliated New York State United Teachers, called the findings "minor bookkeeping problems." The state attorney general will decide whether to take action.

■ About \$97,000 in dues collected from teachers in Lawrence, Kansas were never transmitted to the Kansas NEA during the 2003-04 school year, according to police. The union reported the alleged theft to police and an investigation is ongoing. The *Lawrence Journal-World* reported "police suspect theft and forgery and that it was an inside job."

Mike Antonucci (EducationIntel@aol.com) is director of the Education Intelligence Agency, which conducts public education research, analysis, and investigations. This material first appeared in his weekly *Communiqué on teacher union activities*, which is available at <http://www.eiaonline.com>.

Teacher Union Violating Utah Election Laws, Complaint Alleges

by George A. Clowes

On December 16, 2004, the education reform group Education Excellence Utah filed a complaint with Utah attorney general Mark Shurtleff (R) against the Ballot Fund of the National Education Association (NEA). The complaint alleges the Ballot Fund violated Utah's campaign finance laws when it funneled money into a 2002 initiative campaign without registering or disclosing its expenditures.

The complaint further alleges the Ballot Fund continues to violate Utah's Voluntary Contributions Act by illegally diverting member dues into a political fund.

On July 5, 2000, the NEA's Representative Assembly imposed a "special dues increase to assist affiliates with ballot measures." That "special dues increase" requires every NEA member, including those in Utah, to pay \$5 per year to the Ballot Fund. The Fund's bylaws require it to spend 60 percent of its monies supporting or opposing state ballot measures.

Opt-Out Unavailable

The NEA informs all of its members of the political purpose of the additional charge. The Utah Education Association informed its members in the August 2004 issue of *UEA Action* that the \$5 charge is a "special dues increase to help state affiliates with

ballot measures and legislative crises, and to support national and state affiliate media campaigns to advance the cause of public education."

However, the Ballot Fund is treated differently from other political funds. Whereas the NEA provides opportunities

"Whereas the NEA provides opportunities for its members to opt out of other political funds, the dues solicitation materials provided to members by the union offer no opportunity for members to opt out of the Ballot Fund."

for its members to opt out of other political funds, the dues solicitation materials provided to members by the union offer no opportunity for members to opt out of the Ballot Fund.

The Ballot Fund collects more than \$10 million per year from the union's 2.7 million members. According to a memo

from NEA President Reg Weaver to delegates at the 2004 NEA Representative Assembly, the Ballot Fund has spent \$20,392,200 supporting or opposing ballot initiatives across the country since 2000.

In 2002, Utahns for Radioactive Waste Control proposed a ballot initiative that would have increased taxes on companies that dispose of low-level radioactive waste in Utah, from \$0.35 per cubic foot disposed to \$150 per cubic foot. Because the measure would have directed a substantial portion of the increased tax revenues to public education, the Ballot Fund contributed \$323,800 to get it on the ballot.

Utah election law, however, requires any group that "assist[s] in placing a statewide ballot initiative on the ballot" to register with the Elections Office as a "Political Issues Committee" (PIC). The law requires PICs to disclose their expenditures to the Elections Office. The complaint alleges the NEA neither registered nor disclosed its expenditures.

Violations Allegedly Continuing

In addition to alleging past violations of Utah election law, the complaint also alleges the NEA is still violating Utah's Voluntary Contributions Act (VCA). The VCA requires unions to maintain their political donations in a fund "separate,

segregated" from member dues. It also prohibits unions from collecting political contributions via payroll deduction.

The complaint alleges the NEA's Ballot Fund is a political fund that illegally receives monies from member dues, and also alleges that the fund illegally collects its monies via payroll deduction.

The Landmark Legal Foundation and Evergreen Freedom Foundation filed complaints with the Internal Revenue Service several years ago concerning political activities and reporting of the NEA. The IRS in late 2003 launched an investigation of NEA spending. No results from the probe have been announced.

The NEA had no comment on the complaint.

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INTERNET INFO

The December 16, 2004 complaint filed by Education Excellence Utah against the National Education Association's Ballot Fund is available online at <http://www.edexutah.org/pdfs/PIC-ComplaintFinalDraft.pdf>.

Slight

Continued from page 1

ment and 15th in mathematics achievement. On the fourth-grade tests, in which 25 countries took part, U.S. students ranked sixth in science and 12th in math.

Above Average

In math, U.S. fourth-graders scored an average of 518 on TIMSS, higher than the international average of 495. Asian countries dominated the mathematics results for that age group, with Singapore taking the top score at 594, followed by Hong Kong, Japan, Taiwan, Belgium, the Netherlands, and Latvia.

Eighth-graders in the United States also finished above average in math, scoring 504, above the international average of 466, making it 15th of 45 nations in that category. Singapore, with an average score of 605, again ranked highest at that grade level, followed by South Korea, Hong Kong, and Taiwan.

In science, U.S. fourth-graders outperformed an even greater percentage of their global peers, scoring 536, above the average of 489. That placed the United States sixth of 25 countries participating in that section of the test, and fourth of 11 industrialized nations.

U.S. eighth-grade students scored 527 in the science test, also better than the international average of 473, ranking them ninth of 45 nations.

Singapore's students were the top performers on all four tests, scoring between 565 and 605 on each.

Some Scores Improved Slightly

U.S. eighth-graders made small gains over students in previous years. U.S. eighth-graders scored 12 points higher on the 2003 TIMSS science test than in 1999 and 15 points higher than in 1995. On the math test, eighth-graders scored 2 points higher than in 1999 and 12 points better than in 1995.

At the fourth-grade level, however, U.S. students showed no improvement over 1995's math score of 518 and a six-point drop from that year's science score of 542.

Taiwan, Japan, and Singapore outperformed the U.S. fourth-graders in both science and math. In addition, those countries had a higher percentage of students who scored at the most advanced level in math. For example, 44 percent of eighth-graders in Singapore scored at the most advanced level in math (625 or higher), as did 38 percent in Taiwan. Only 7 percent of U.S. students scored that well.

According to *Education Week's* analysis, the TIMSS results reflect efforts by states and schools to improve the basic mathematical skills of low-performing and minority students. The National Center for Education Statistics found black fourth-graders showed a 15-point gain on the math test from 1995 to 2003, while white students' scores climbed only one point and scores for Hispanic students fell one point.

PISA Results Disappointing

U.S. students fared better in the TIMSS survey than in another international edu-

cation report, released in early December 2004 by the Organization for Economic Cooperation and Development. In that survey, the Program for International Student Assessment (PISA), U.S. 15-year-olds fell below the international average in mathematics literacy and problem-solving.

The PISA study included only industrialized countries, whereas the TIMSS study included developing nations.

The TIMSS has been monitoring international student achievement every four years since 1995. The TIMSS assessment seeks to measure students' understand-



"In math, U.S. fourth-graders scored an average of 518 on TIMSS, higher than the international average of 495. ... Eighth-graders in the United States also finished above average in math, scoring 504, above the international average of 466 ..."

ing of specific content they have learned in science and mathematics classes. By contrast, the PISA tests 15-year-olds' abilities at applying math skills to real-world problems.

In the United States the TIMSS assessed roughly 9,000 eighth-graders using two 200-question tests, each lasting 90 minutes. Nearly 10,000 fourth-graders took two 150-question tests, each one 72 minutes long. Each nation's ultimate score represents an average of all students in that country.

Still Far Behind Peers

While the United States fared better on the TIMSS than on the PISA, U.S. students still lag far behind their counterparts in several other industrialized countries.

In the U.S. there is a greater variation in curriculum at the state and local level, and students come from diverse racial and economic backgrounds. Education reform groups such as the Thomas B. Fordham Foundation and The Teaching Commission have argued the large achievement gap between the United States and other Asian nations offers further evidence of the need to reform math and science education and offer teachers differential pay to attract high-quality math and science educators.

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INTERNET INFO

For more information see the National Center for Education Statistics' Web site on the 2003 results of the TIMSS, <http://nces.ed.gov/timss/Results03.asp>.

Table 2. Average Mathematics Scale Scores of Eighth-Grade Students, by Country: 2003

International Average ¹	466
Singapore	605
Korea, Republic of	589
Hong Kong SAR ^{2,3}	586
Chinese Taipei	585
Japan	570
Belgium-Flemish	537
Netherlands ²	536
Estonia	531
Hungary	529
Malaysia	508
Latvia	508
Russian Federation	508
Slovak Republic	508
Australia	505
(United States)	504
Lithuania ⁴	502
Sweden	499
Scotland ²	498
(Israel)	496
New Zealand	494
Slovenia	493
Italy	484
Armenia	478
Serbia ⁴	477
Bulgaria	476
Romania	475
Norway	461
Moldova, Republic of	460
Cyprus	459
(Macedonia, Republic of	435
Lebanon	433
Jordan	424
Iran, Islamic Republic of	411
Indonesia ⁴	411
Tunisia	410
Egypt	406
Bahrain	401
Palestinian National Authority	390
Chile	387
(Morocco)	387
Philippines	378
Botswana	366
Saudi Arabia	332
Ghana	276
South Africa	264

¹ The international average reported here differs from that reported in Mullis et al. (2004) due to the deletion of England. In Mullis et al., the reported international average is 467.

² Met international guidelines for participation rates in 2003 only after replacement schools were included.

³ Hong Kong is a Special Administrative Region (SAR) of the People's Republic of China.

⁴ National desired population does not cover all of the international desired population.

Note: Countries are ordered by 2003 average score. The test for significance between the United States and the international average was adjusted to account for the U.S. contribution to the international average. The tests for significance take into account the standard error for the reported difference. Thus, a small difference between the United States and one country may be significant while a large difference between the United States and another country may not be significant. Parentheses indicate countries that did not meet international sampling or other guidelines in 2003. Countries were required to sample students in the upper of the two grades that contained the largest number of 9-year-olds. In the United States and most countries, this corresponds to grade 4. See table A1 in appendix A for details.

- Average is higher than U.S. average
- Average is not measurably different from the U.S.
- Average is lower than U.S. average

Source: International Association for the Evaluation of Educational Achievement (IEA), Trends in International Mathematics and Science Study (TIMSS), 2003.



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THE FRIEDMAN REPORT

Profile:

Stephen L. Gilchrist

by Sarah Faulkner

As a South Carolina citizen with an interest in education policy and an influential position as founder and director of the South Carolina Center for Grassroots and Community Alternatives (SCCGCA), Stephen L. Gilchrist wants to make one thing clear: The debate on school choice is not about public school vs. private school.

"It's about giving parents, especially those parents in low-wealth communities, greater control over the education of their children," he says.

Gilchrist is the son of a public school principal and the husband of a public school educator, but his interest "has been from a policy standpoint." He grew up in a South Carolina community where "you would graduate from high school and get a good job at the mill," he says. "You could stay there for 30 years and live very comfortably."

Higher education led Gilchrist to what he calls "a different world." He received a scholarship to attend South Carolina State University, where he majored in music. As graduation approached, he asked himself what he was going to do with his music training during the next two years. "If I'm not at the level of Pavarotti, then I may need to try something else," he decided.

Sought Political Involvement

Gilchrist decided to pursue another interest: politics. He ventured into an appren-

ticeship with the Legislative Black Caucus in South Carolina. He says now that he was the only non-political science major involved in the program and that he went in knowing nothing about politics.

That quickly changed. Gilchrist took the time to meet his own state senator, John Drummond, who was chairman of the State Senate Finance Committee. Gilchrist was offered the opportunity to come back and spend more time in the senator's office. "Senator Drummond was a surrogate father to me," Gilchrist says now.

He believes the greatest lesson he learned was that relationships are valuable. He also learned the nuances of Senate finance.

He went on to become one of Greenwood County's youngest administrators, and later became executive director of the South Carolina Legislative Black Caucus, where he was instrumental in assisting the caucus in crafting important legislative initiatives.

Today, as executive director of SCCGCA, Gilchrist calls this an "interesting time to be in South Carolina." He is encouraged by the debate on school choice. In particular, he is "encouraged that the debate has shifted



Stephen L. Gilchrist: "I want all South Carolinians to have a real discussion about how to educate children."

from whether or not we need to have school choice to how to make it work."

Flexible Attitude Emerging

Gilchrist credits South Carolina Gov. Mark Sanford's Put Parents in Charge Act with opening up that debate, and he is pleased No Child Left Behind (NCLB) has put reform on the national radar screen. Thanks to the testing requirements implemented in NCLB, Gilchrist is

able to look at South Carolina and say "on a national scale, we are not performing well."

The positive side to that, as he sees it, is that "we have the room to be creative and innovative. I want all South Carolinians to have a real discussion about how to educate children."

Gilchrist believes there are multiple reasons why South Carolina students are under-performing. He is convinced "we must try something new, because what we have is not working, especially for those that reside in low-wealth communities." He was recently quoted in *The State* as saying, "If you're white and rich, you have choice. If you're black and poor, you don't have choice."

But Gilchrist sees some new trends emerging among the African-American community. He talks about a "generational split," saying younger African-American parents "don't really care what

[education] system it is, as long as it works for our children's needs." That flexible attitude is leading the community to make new choices for their children's educations.

Another exciting development Gilchrist and his organization found are the more than 40 independent black schools in the state. He says a lot of people would have said there weren't any; his group was told there were three statewide. "We discovered all these black independent schools, operating with anywhere from 12 to 300 kids."

Sharing Lessons Learned

It turns out the different schools often knew nothing about the others. That changed in a big way in January, when the group established themselves as the Southern Association of Independent Black Schools. Gilchrist believes many other schools will form and join the association as the school choice debate continues to unfold.

Gilchrist is pleased his "political experience helped give me the ability to establish these alliances." He is interested in sharing the lessons he's learned, "such as how to mobilize and excite communities about the need for reform," he says.

"We get calls from people all the time, asking how we're doing this," he says. The answer, he tells them, is to "find the common interest."

"Because of the history of the south, South Carolina having a discussion about [school choice] is significant," Gilchrist says. "And it's important to start sharing the lessons we've learned."

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

SCHOOL CHOICE ROUNDUP

by Sarah Faulkner

COLORADO

More Colorado Students Exercising Right to Choose

During the 2003-04 school year, nearly 36,000 Colorado students attended classes outside their own school district. According to the *Rocky Mountain News*, that number is the peak of a 55 percent increase over the past three years, and it represents almost 5 percent of all Colorado school children.

Giving parents the right to choose among districts began in 1990 with a three-district pilot program. In 1994, a law was passed that stopped public schools from charging tuition to students from other districts. Today, any student can enroll in any public school in the state, without a fee. The only restrictions

are space and transportation, which the students must provide for themselves.

"The whole concept of choice has evolved," George Straface, superintendent of Adams County School District 50 in Westminster, told the *Rocky Mountain News*. He thinks choice will continue to grow. "We live in a competitive world. It's different than it was 10 years ago."

Rocky Mountain News
January 3, 2005

Colorado Governor Vows He Won't Retreat

When Colorado Gov. Bill Owens (R) gave his State of the State address in January, he vowed not to retreat on important issues.

The Democrats control both houses of the Colorado legislature for the first time in 42 years. Owens assured his constituents he would work with the

Democrats, but he said he also wants to make sure current programs stay in place. Among those programs are public school vouchers and charter schools.

Owens asked the legislature to build a Colorado Achievement Scholarship program. The program would be designed to help students from low-income families attend college. Parents would be notified by public schools when their children sign up for "fluff courses" that don't prepare them for college.

Owens said he was encouraged the state economy is getting better, but he said funding for education and other projects has been hurt by fiscal restraints.

"We may come from different political parties, but there are major bonds that unite us," Owens said. "Each of us comes to work under this dome with the goal of doing what is best for our state."

Denver 9 News
January 13, 2005

FLORIDA

Florida Report Says Private School Accreditation Unnecessary

The Florida State Senate Education Committee issued a new report before the legislature's spring 2005 session. Among its findings: Mandatory accreditation for private schools that accept vouchers is not necessary.

The report says monitoring of accreditation would require too much state oversight, as there are estimated to be more than 1,000 private schools accepting vouchers in the state. In addition, the report says accreditation does not necessarily guarantee a quality education program.



Milton and Rose D. Friedman



The report notes making accreditation a requirement could force some private schools out of the voucher program because of financial constraints or the inability to meet accreditation standards.

"Imposing excessive accreditation requirements on participating private schools will likely prevent some schools from participating in the programs and stifle parental choice," the report says.

According to the *Palm Beach Post*, just under 25,000 students attended private and religious schools last year through Florida's three voucher programs—McKay vouchers for disabled students, Opportunity Scholarships for students in failing public schools, and Corporate Tax Credit vouchers for poor students.

The *Palm Beach Post* also reported that roughly 70 percent of the private schools accepting vouchers say they are already accredited through at least one of the 45 accreditation groups in Florida.

Palm Beach Post
January 12, 2005

Florida Supreme Court to Hear Voucher Case

The Florida Supreme Court is ready to hear a case that challenges the 1999 law giving tax-funded vouchers to students in public schools that earn failing grades two years out of four.

The law has been carried out during the appeals process, which has been going on for the past six years. Approximately 700 students currently attend private schools with the contested vouchers. More than half of those students are enrolled in religious schools.

Florida Gov. Jeb Bush (R) said he believes the vouchers have helped those students and helped improve the public school system.

Clark Neily, a Washington lawyer with the Institute for Justice, is defending the law before the state supreme court. He said he believes the case has national significance. The key issue, he told the *Sarasota Herald-Tribune*, is discrimination. He argues it is just as wrong to discriminate based on religion as it is to do so based on race.

Sarasota Herald-Tribune
January 16, 2005

IOWA

Iowa Catholic Conference Ready for New Session

The 2005 legislative session is underway in Iowa, and the Catholic community is hopeful many issues important to them will be up for debate.

In particular, the conference is ready for debate over the Nonpublic School Scholarship Tax Credit bill. The House and Senate both passed the measure last year, but it was vetoed by Gov. Tom Vilsack (D). Budget restraints were given as the main reason for the veto, according to the Catholic Conference.

The conference considers the bill important because of what the organization calls "the injustice toward low-income children in Iowa." Although the state gives parents the right to choose a school for their child, the conference explains, rising tuition rates in private schools are taking that choice away.

Iowa Catholic Conference E-Newsletter
January 14, 2005

SOUTH CAROLINA

Focusing on School Choice in South Carolina

South Carolina Gov. Mark Sanford's (R) Put Parents in Charge Act will come before the legislature this year, in an effort to give students easier access to private, independent, and religious schools. At the heart of Put Parents in Charge are tuition tax credits that would likely be worth about \$3,000 per student.

"If children are not excelling and may need a different education, they could be removed from public education and put in a private school with more attention and values-based education," Shari Few, co-founder and president of South Carolina Parents Involved in Education, told *The State*, a South Carolina newspaper.

Denver Merrill, communications director for South Carolinians for Responsible Government, agreed. Merrill told *The State* choice gives "parents the ultimate decision to send children to the school

that best suits their needs."

According to *The State*, South Carolina has been targeted by the Legislative Education Action Drive (LEAD), a conservative group that supports tuition tax credits. Eric O'Keefe, president of LEAD, said the current political climate in the state, which is conservative, and its increased spending on public education, make it ripe for reform.

"We're confident Put Parents in Charge is consistent with the state constitution and the U.S. Constitution," O'Keefe told *The State*.

E. Ashley Landess, vice president for public affairs at the South Carolina Policy Council Education Foundation, a nonprofit, nonpartisan public policy research organization located in Columbia, called tuition tax credits "a cleaner way" than vouchers. She told *The State*, "the tax credit stays in your pocket. It's your money, out of your pocket and straight to the school."

The bottom line for retired public school administrator Virginia Stokes is that "parents are looking for a place their children can get a good education in a safe environment."

The State
January 3, 2005

UTAH

Changes Made to Utah's Proposed Tuition Tax Credit

Utah State Rep. Jim Ferrin (R) is making some changes to the tuition tax credit bill he plans to propose this year, in an effort to gain the votes of moderate Republicans and get the bill on the desk of Gov. Jon Huntsman, Jr. (R).

The changes include adding a "means test" that would give the largest tax credit to the lowest-income family and the smallest credit to a moderate-income family, reported the *Salt Lake Tribune*. Upper-income families wouldn't be eligible for the program. No specific values have been set for defining the income groups.

In addition, the private schools that participate in the program would be required to give national standardized tests to students and disclose their teachers' credentials.

Rep. Steve Mascaro, a moderate Republican, told the *Salt Lake Tribune*, "Everyone on both sides of the ledger con-

tinue to throw rocks at each other, and it's become apparent to me that the only way you will ever know if tuition tax credits work is if, in fact, it is tested."

Salt Lake Tribune
January 14, 2005

Education Excellence Utah Conference Takes Up Choice

Education Excellence Utah, a group supporting school choice, hosted a conference in January to gear up for the state's new legislative session. The conference had several speakers, including state Rep. Jim Ferrin (R), local parent Julie Edholm, and keynote speaker Wisconsin State Rep. Scott Jensen (R).

"Tuition tax credits focus on the child, not the system," Ferrin told the *Ogden Standard Examiner*. He said he wants to give parents the right to choose the best education for their children.

Rep. Glenn Donnelson (R) told the *Examiner*, "As a parent, you pay taxes and have no choice in how your children are educated. We need to take the blinders off and look at the whole thing."

Edholm told the crowd of more than 100 about her own experience with school choice. She and her husband have six children, and another on the way. Because private schooling is so important to them, they chose to live in an apartment rather than a house so they could afford the school of their choice. The family is finally moving into a house, but Edholm said she would make the same sacrifices again.

Jensen worked for school choice in Milwaukee for several years. He has seen the number of students served by the city's voucher program jump from 1,500 to nearly 15,000. "School choice was the best vote I cast in my life," he told the *Ogden Standard Examiner*.

The *Salt Lake Tribune* quoted Jensen as telling the audience "the first thing we learned is the market works. ... Public schools are better off due to private school choice."

Ogden Standard Examiner
January 11, 2005
Salt Lake Tribune
January 11, 2005

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

Deputy Education Secretary Hickok Resigns

by George A. Clowes

Deputy Secretary of Education Gene Hickok resigned from the U.S. Department of Education effective at the end of January, after four years of efforts to bring historic changes to the culture of American K-12 education.

In his resignation letter to President George W. Bush, Hickok said it was rare in public life to get the opportunity to work on an issue that could “change everything, forever,” but “I have had that chance” for the past few years.

“I will be forever grateful that you asked me to contribute to this noble cause,” he wrote in his December 2, 2004 resignation letter. “I have come to know hundreds of students whose lives will be changed forever because of your determination to put the interests of the children above those of the system.”

Conversation Has Changed

Hickok credited the president with changing the character of the conversation about education in the United States through the No Child Left Behind Act (NCLB).

“Today, we talk about accountability and results,” he said. “We confront the achievement gap instead of closing our eyes to it. We talk about making the promise of America real for all of America’s children.”

Outgoing Education Secretary Rod

Paige thanked Hickok for his tireless work on behalf of America’s children, “ensuring that they are part of a system that gives each and every one of them the attention they deserve and academic tools for success.”

Paige also credited Hickok’s earlier service as Pennsylvania’s education secretary, as having been “enormously valuable” in helping take NCLB from idea to

the only missive penned last December 2 by the departing U.S. deputy education secretary. Hickok also wrote a longer letter to Illinois State Board of Education officials, reminding them that school districts identified as needing improvement under the No Child Left Behind Act could not serve as tutoring providers.

It had “come to this Department’s attention,” Hickok noted, that the City

guidance from the U.S. Department of Education but was still waiting for clear direction. Hickok politely set the record straight.

“My staff and I have had numerous conversations with the former State Superintendent [Robert Schiller], as well as Chief Executive Officer of Chicago Arne Duncan regarding this issue,” noted Hickok. “I can, of course, provide the dates and substance of those conversations with you if you would like.”

Served State, Private Organizations

Hickok served as under secretary of education from the beginning of the Bush administration until July 2003, when he was named Paige’s second in command. Before being called to Washington, DC, Hickok served as secretary of education in Pennsylvania for six years under then-governor Tom Ridge.

Before joining government service, Hickok was a political science professor at Dickinson College, where he also served as founding director of Dickinson’s Clarke Center for the Interdisciplinary Study of Contemporary Issues. Hickok earned his bachelor’s degree from Hampden-Sydney College and his master’s degree and Ph.D. from the University of Virginia.

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

“I have come to know hundreds of students whose lives will be changed forever because of your determination to put the interests of the children above those of the system.”

GENE HICKOK

FORMER DEPUTY SECRETARY OF EDUCATION

law and in shaping subsequent implementation.

“He has also been a talented leader in the fight to introduce other important types of reforms that increase choices and empower parents, such as the D.C. Opportunity Scholarship Program and charter schools,” Paige added.

Tells Chicago: Obey Law

The short letter of resignation was not

of Chicago School District 299 was classed as needing improvement and yet was functioning as a tutoring provider.

Hickok directed Illinois State Board Chairman Jesse Ruiz and Interim State Education Superintendent Randy J. Dunn “to investigate these matters” and take steps to ensure District 299 complied with the law.

Five weeks earlier, Dunn had complained the state board had requested

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U.S. Girl Students Outperform Boys in Most Subjects, Study Finds

by Krista Kafer

“Girls and young women still have a long way to go in gaining full educational equality,” says NOW President Kim Gandy. According to author and American Enterprise Institute fellow Christina Hoff Sommers, however, “Quite generally, a review of the facts shows boys, not girls, on the weak side of a widening educational gender gap.”

A new report issued by the U.S. Department of Education (DoE) could help settle the dispute, which has important public policy implications. The study finds “females are now doing as well as or better than males on many indicators of achievement and educational attainment, and that large gaps that once existed between males and females have been eliminated in most cases and have significantly decreased in other cases.”

Trends in Educational Equity of Girls & Women: 2004, issued in November 2004, updates a 2000 report and provides data on male and female differences in early childhood education through higher education, participation in risk behaviors, employment, and wage earnings.

According to the study, early childhood education experiences are similar for girls and boys. In elementary and secondary education, however, girls consistently outpace boys in reading and writing in all grades. Science and history proficiency rates are similar for both sexes. Differences favoring boys in math and geography are small.

Boys are more likely to participate in risky behaviors such as drugs and violence, the study notes. With the excep-

tion of sports, girls are more likely to participate in extracurricular activities. Females are more likely to graduate from high school and college, according to the report. Males are more likely to participate in the workforce, however, and typically earn higher wages than females with the same level of education.

Girls Read, Write Better

Specifically, the report finds:

- Internationally, fourth-grade girls significantly outperformed boys in every G8 country that participated in the 2001 Progress in International Reading

- Achievement on general knowledge assessments is similar, but a higher percentage of girls (80 percent) than boys (73 percent) recognize words by sight by the second semester of first grade. By the third grade, word recognition rates are similar.

- Overall, girls are more likely to take the Advanced Placement (AP) exams, but the average score for boys is higher.

Math Difference Small

In math achievement on NAEP tests, “the gap between average scale scores has been quite small,” the DoE report

“Elementary school boys are more likely than girls to repeat a grade, and high school boys are more likely than girls to drop out of school, the report noted.”

Literacy Study (PIRLS). Fifteen-year-old girls outperformed boys among the 28 Organization for Economic Cooperation and Development (OECD) countries participating in the 2000 Program for International Student Assessment (PISA).

- Girls in grades 4, 8, and 12 consistently outperform males in reading and writing on the National Assessment of Educational Progress (NAEP).

- Participation in preprimary and kindergarten programs and literacy activities increased between 1990 and 2001 for both sexes.

noted. More boys than girls take the AP science and calculus exams, and they receive higher average scores. A similar gender gap is observable on the PISA exam, but “the differences were neither as large nor as consistent across countries as the differences favoring females in reading.”

In science achievement, there was no consistent pattern of male or female advantage across grades on the past two NAEP exams. With the exception of physics, girls enroll in equally or more challenging math and science coursework. Boys, however, are more likely to

report liking math and science.

Boys outperformed girls on the past two NAEP geography exams, but there was no gap in NAEP history performance.

Boys Have More Problems

Elementary school boys are more likely than girls to repeat a grade, and high school boys are more likely than girls to drop out of school, the report noted. Boys are more likely to be diagnosed with a learning disability, emotional disturbance, or speech impediment. Boys also are more likely to be overweight, according to the report.

The study reported that a higher percentage of boys than girls are victims of criminal activity. Boys are also more likely to drink, take drugs, or engage in violence, the study said. Less than one-third of high school seniors of both sexes reported liking school very much, a decline from 1980, when 50 percent of girls and 42 percent of boys indicated they liked school very much.

Girls are more likely than boys to join academic clubs, participate in music and performing arts, write for the school newspaper or yearbook, and run for student government, the study noted. Boys are more likely to engage in sports. There is no difference in computer usage, at home or in school, between the two sexes.

College Participation Favors Girls

Girls are more likely to enroll in college immediately after high school and to complete a degree than are boys, according to the report. Girls earn more bachelor's and master's degrees and are closing the gap in attainment of professional and doctoral degrees.

The gender gap in collegiate sports participation favoring boys has narrowed. In addition, the report noted, female athletes are more likely to graduate than male athletes.

There are gender differences in college major preferences, according to the report. Males are more likely to receive degrees in physics, engineering, and computer science. Females are more likely to earn degrees in the health professions, teaching, biology, and accounting.

Males are more likely to participate in the workforce than females. However, rates of employment are closer among men and women with college degrees. Although the wage gap favoring males has narrowed, males on average earn more than their female counterparts.

According to the report, the wage differences “may be partly a reflection of different patterns of labor market participation and job choice.” Similar wage differences exist in other industrialized nations.

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

INTERNET INFO

Trends in Educational Equity of Girls & Women: 2004 is available online at <http://nces.ed.gov/pubs2005/2005016.pdf>.

Study: Rules and Regulations Are Paralyzing U.S. Schools

Suspending a student involves 66 convoluted steps

by George Clowes

A new study from the bipartisan legal reform coalition Common Good found U.S. schools are greatly over-regulated, in many cases to the point of paralysis. The study details thousands upon thousands of laws and regulations that apply to public schools in New York City. The study was released on November 29 as an interactive Web interface.

Similar webs of laws typically govern the operations of other large centralized school districts across the United States, the study noted.

The study, titled "Over Ruled: The Burden of Law on America's Public Schools," found more than 60 separate sources of laws and regulations governing the operation of a typical public high school in New York City, imposing thousands of specific obligations on school officials.

The sources of regulation include the following:

- 846 pages of New York State education law;
- 720 pages of regulations from the New York State Commissioner of Education;
- 690 pages of the No Child Left Behind Act;
- 309 pages of the New York City teachers' contract and memorandum of understanding;
- 200+ pages of regulations controlling student discipline; and
- 43 volumes of appeals decisions—totaling 15,062 decisions—made by the New York State Commissioner of Education.

Every Minute Dictated

The head of the New York City teacher union, Randi Weingarten, has complained about the rules and regulations imposed on teachers.

"Every minute of the day and every inch of a classroom is dictated," she told the city council in 2003, according to a *New York Times* report. "The arrangement of desks, the format of bulletin boards, the position in which teachers should stand. Teachers are demeaned, they're stripped of their professionalism, and they are expected to behave like robots incapable of any independent thought," she told the council.

With so many rules and regulations to observe, many simple and straightforward tasks become long, drawn-out processes for administrators, taking days, weeks, and even months of their time to complete.

For example, replacing the heating system in a school can involve up to 99 steps and take months to carry out.

"The burden of law on schools has become staggering," said Common Good Chairman Philip K. Howard in a news release. "Human beings have cognitive limits. If teachers and principals are forced to spend their time working through these arduous procedures, how



"The study ... found more than 60 separate sources of laws and regulations governing the operation of a typical public high school in New York City, imposing thousands of specific obligations on school officials."

will they have the energy, enthusiasm, and time to educate?"

Sources Listed, Flowcharts Provided

On Common Good's Web site, each of the 63 different sources of regulation is listed, with a link to the governing law, contract, or ruling. For example, the listing for "Teachers' Contract" provides a link to a summary of the teachers' contract, the text of the contract, notes from the city's education committee hearings on the contract in November 2003, the United Federation of Teacher's "Guide to Transfers," and New York's collective bargaining law.

The teacher contract provides details of hours, pay, pension, and so on.

Common Good provides flowcharts to illustrate how convoluted procedures have enveloped previously routine decision-making tasks and transformed them into daunting marathons for schools. For example:

■ To suspend a disruptive student can involve as many as 66 steps and legal considerations that can take 105 days to complete.

■ If the disruptive student is a special education student, suspension for up to 45 days can involve up to 35 additional steps and legal considerations that can take months to complete. (See flowchart on page 15.)

■ To fire an inept teacher can involve up to 83 steps and legal considerations that can take a year to complete.

■ Just to put a note in an inept teacher's file can involve up to 32 steps and considerations.

■ To fill a teacher vacancy can involve up to 38 steps and legal considerations that can take months.

■ To conduct an athletic event can take up to 99 steps and legal considerations that detail the particulars of everything from who can coach the team to the size of ear flaps on helmets.

"The demands of excessive paperwork are taking precious time, money, and attention away from education nationwide," said Paul Houston, executive director of the American Association of School Administrators, in a statement accompanying the report. "Ultimately, it's the achievement potential of our students that suffers."

Study Applauded

The American Association of School Administrators and the National School Boards Association have applauded Common Good's Over Ruled project for raising an important national issue.

"The examples cited in this study reflect the compliance tangle that school districts and school boards face across the country," said Julie Underwood, general counsel and associate executive director of the National School Boards Association in a statement on the Common Good Web site.

"They are not the entire laundry list of excessive regulation and litigation," Underwood continued, "but just examples of the many areas in which litigious groups from across the political spectrum choose to make the nation's schools their favorite battleground."

Howard called for lifting the legal bur-

den from America's schools and allowing educators to focus their attention on education instead of compliance.

"Educating our children—not compliance—should be the top priority for teachers," he said in the statement accompanying the report. "We should let the administrators and teachers use their judgment and then hold them accountable for their performance."

Role of Law Misunderstood

Howard points out that when reformers identify a worthy goal in education, such as fairness or safety, the most common means of trying to achieve that goal is to establish procedures for teachers and administrators to follow so they are attentive to the reformers' aim.

Each required procedure may appear reasonable and unobjectionable, but when thousands of these hurdles are piled atop each other, "they present an insurmountable legal barrier, blocking even the simplest choices," notes Howard.

The problem lies in failing to observe the proper role of law, explains Howard. While law has a legitimate role to play in setting educational goals, law is "brilliantly ill-suited" as a management system, Howard wrote in a December 3, 2004 *New York Times* op-ed.

"Law is rigid and leaves no room to adjust for the circumstances," wrote Howard. Rule-based management spawns bureaucracy, he noted, teachers and principals become ensnared in legal knots, competing entitlements take precedence over cooperation, and "people start parsing the rules to get their way."

Most of the rules should be thrown overboard, argues Howard, with law used to set goals and basic principles, not to micro-manage daily decisions.

"Schools depend on the energy, skill, judgment, humor, and sympathy of teachers and principals," he said. "Liberate them to draw on all their human traits. Then liberate some of us to hold them accountable."

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

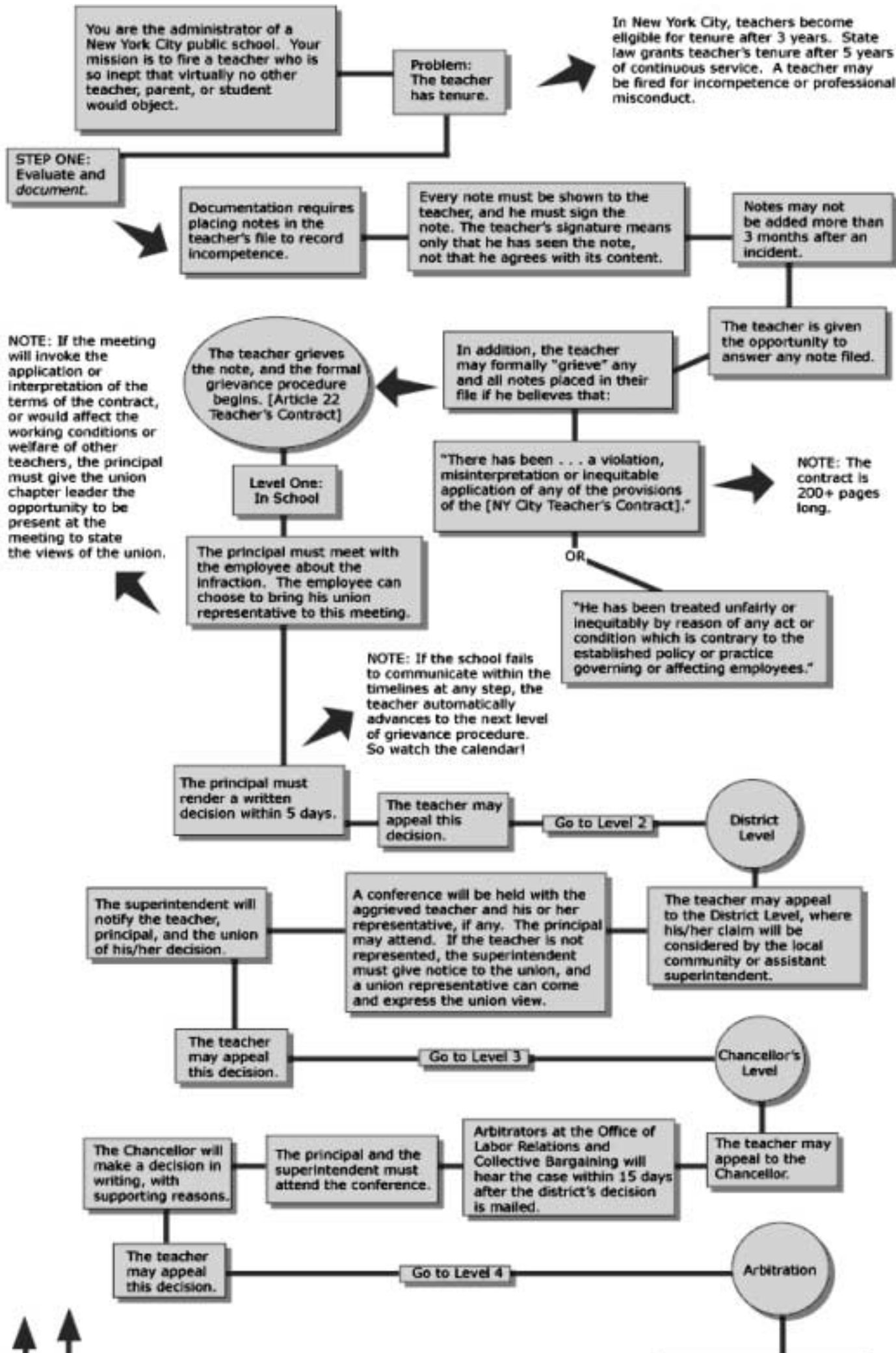
INTERNET INFO

"Over Ruled: The Burden of Law on America's Public Schools" is available through Common Good's Web site at <http://cgood.org/burden-of-law.html>.

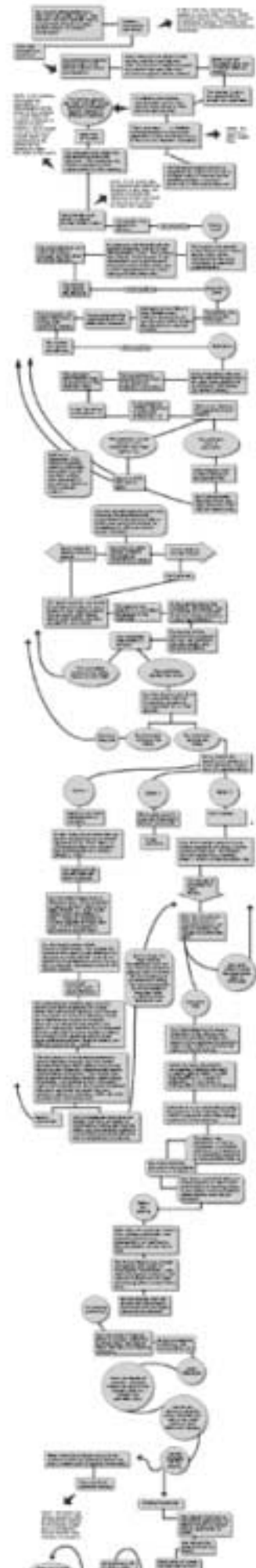
The linked list of 63 sources of regulation of New York City schools is available at <http://cgood.org/burden-book.html>.

How Do I Fire an Inept Teacher in New York City Schools?

This flowchart is from "Over Ruled," a study from Common Good. The full flowchart, involving 83 steps and legal considerations that can take a year to complete, is available at <http://cgood.org/burdenquestion-6.html>.



THE FULL PICTURE



Georgia

Continued from page 1

lawsuit will be only the first among many around the nation seeking to liberate children from failing schools."

State's Schools Failing

Among the statistics cited in the lawsuit as evidence of failing schools are the following:

- Georgia ranks 50th in the nation in high school graduation rate;
- Only 46 percent of the state's black students graduate from high school, and only 26 percent of those graduates are ready for college;
- Forty percent of Atlanta's students failed the science portion of Georgia's High School Graduation Test in the 2003-04 school year; and
- In the recent National Assessment of Educational Progress for Urban Districts, only 8 percent of Atlanta's black eighth-graders tested as proficient in reading, and only 3 percent tested as proficient in math.

The lawsuit, filed on behalf of the parents by Atlanta attorney Glenn A. Delk, is unusual in that suits charging educational inadequacy typically seek increased educational funding as the remedy. A lawsuit to that effect was filed in the same court last September 14 on behalf of 51 Georgia school districts by the Consortium for Adequate School Funding in Georgia.

In that suit, which calls for additional spending of \$1.4 billion a year, the districts admit they are failing to provide an adequate education to some students.

Parents Seek Redress

In the new case, *Williams v. State of Georgia*, the plaintiff-parents agree with the consortium that the state and school districts have failed to fulfill their constitutional duty of providing all children with an adequate education. However,

"[V]ouchers provide more immediate relief to aggrieved students by decoupling them quickly from underperforming schools. During the time it takes a school or district to improve, education vouchers would afford students immediate access to schools already performing at an acceptable level."

MICHAEL HEISE, LAW PROFESSOR
CASE WESTERN RESERVE UNIVERSITY

they point out this duty is owed to parents on behalf of their children, not to schools.

"The remedy is not more money to the school districts, but educational freedom

for all parents," the lawsuit asserts.

Bolick agreed, noting the right to education under the Georgia Constitution belongs to individuals, not to school districts. Article VIII, Section I, Paragraph I of the Georgia Constitution states, "The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia, the expense of which shall be provided for by taxation." [emphasis added]

"A remedy that gives more money to school districts that are violating their constitutional duties is no remedy at all," argued Bolick, who led the national effort to defend the constitutionality of school choice programs from the original 1990 Milwaukee voucher program to the U.S. Supreme Court victory in *Zelman v. Simmons-Harris* in 2002.

Bureaucracy Dominates Spending

The *Williams* lawsuit points out Georgia's public education system already has experienced "dramatic spending increases," and yet academic achievement "has not budged," particularly in schools with large concentrations of poor and minority students.

One reason for the lack of improvement, the lawsuit charges, is that more than half of the funds go "to pay for a bureaucracy before money ever reaches the classroom."

Although a voucher remedy may be novel, the traditional approach of attempting to improve schools by increasing educational spending carries an array of practical, legal, and structural problems, according to a 1999 Manhattan Institute study by Case Western Reserve University law professor Michael Heise and Duke University economics professor Thomas Nechyba.

First, Heise and Nechyba argue, such court actions could be viewed as rewarding failure. Second, despite increased spending in response to decades of school finance litigation, many of the targeted problems in inadequate schools have persisted or even worsened.

"[V]ouchers provide more immediate relief to aggrieved students by decoupling them quickly from underperforming schools," Heise noted last year in Northwestern University's *Insight* magazine. "During the time it takes a school or district to improve, education vouchers would afford students immediate access to schools already performing at an acceptable level."

Parents' Rights Hindered

The plaintiffs in the *Williams* lawsuit charge the state and its agents with hindering their fundamental liberty rights as parents to control the education of their children, through a variety of restrictive policies. These include:

- assigning schools on the basis of residence;
- charging tuition for out-of-district transfers;
- mandating the use of a dumbed-down curriculum;
- paying teachers by seniority and assigning them to schools accordingly;
- assigning teachers who did not major in their subject;
- imposing unnecessary regulations on

public schools;

- imposing unnecessary burdens on the formation of charter schools; and
- funding schools through the use of property taxes.

The proposed voucher remedy would parallel two well-established state programs for preschool children and college students.

For more than a half-century, Georgia has given public funds to parents to help

"[T]he plaintiff-parents agree ... that the state and school districts have failed to fulfill their constitutional duty of providing all children with an adequate education. However, they point out this duty is owed to parents on behalf of their children, not to schools."

their children attend colleges or universities of their choice—public, private, or religious. And for more than a decade, the state has funded pre-K vouchers for parents to choose a public or private preschool classroom for their four-year-olds.

A recent study showed competition among public and private pre-K providers improved the quality of education for all students.

"It is time to extend rights afforded parents of 4-year olds, 18-year-olds, and parents who can afford residential or private school choice, to all parents of children ages 5-17," the lawsuit asserts.

In 2002, the Arizona chapter of the Institute for Justice filed a similar lawsuit against the State of Arizona on behalf of parents living in school districts that had admitted they were unable to educate at-risk students.

Seeking to be included as plaintiffs in an existing education funding lawsuit, the families argued more choice was the answer to their children's educational problems rather than more money. They sought to be allowed to use a pro-rata share of education funds for at-risk children in the failing schools to be moved to private schools.

The Arizona Court of Appeals denied the parents' right to participate in the school funding lawsuit.

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

INTERNET INFO

The complaint in *Williams v. State of Georgia* is available online at the Web site of The Alliance for School Choice at http://www.allianceforschoolchoice.org/docs/2005_GA_Complaint.pdf.

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British Study Casts Doubt on Benefits of Class-Size Reductions

by Lisa Snell

A recent British study has cast serious doubt on the commonly held notion that smaller class sizes can by themselves improve student achievement.

A team of researchers from the University of London studied 21,000 British students in grades 4 through 6 to determine the effects of class size on stu-

dent achievement. The study by the Institute of Education at the University of London was released in December 2004.

The study was longitudinal and included baseline measures of student achievement and then followed the same students through grades 4 to 6. The study found no evidence that children in smaller classes made more progress in math-

ematics, English, or science, even after accounting for specific characteristics of students in small or large classrooms.

The authors explain, "statistical analysis pointed to 'a clear conclusion': there was not found to be any evidence that the size of class had any impact on progress in maths or literacy in Year 4 or Year 5. Nor was there any apparent effect on progress

in maths or science in Year 6. There was 'a positive relationship' between class size and Year 6 literacy: pupils in larger classes made more progress."

Earlier class-size research by the same team found a strong relationship between class size and student achievement in literacy and math for a child's first year of schooling.

First-Year Benefits Only

The December study did find students in smaller classrooms were more likely to be the focus of the teacher's attention and receive more direct instruction. Students in larger classrooms spent more time working in groups.

The study found no evidence that teacher characteristics often associated with teacher quality—including age, years of experience, and time at their current school—had any influence on student achievement in any subject during the years 4-6.

The researchers suggest targeting resources to support smaller classes in a student's first year, but not necessarily extending small class sizes to years 4-6.

Hillsdale College Announces the Ninth Recipient of the



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

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DAREN JOHNSON
2004 Henry Salvatori
Prize Recipient

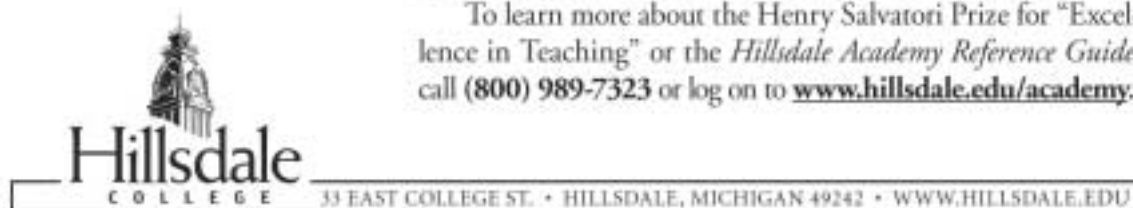


EACH FALL, Hillsdale College seeks nominations for the Henry Salvatori Prize for "Excellence in Teaching." This prize honors teachers in grades K-12 who are committed to rigorous standards and to a traditional, time-tested approach to education. Endowed by the late businessman and philanthropist Henry 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.



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"The study found no evidence that children in smaller classes made more progress in mathematics, English, or science, even after accounting for specific characteristics of students in small or large classrooms."

California Results Confirmed

The British study tracks similar findings from a large-scale study of California's class-size reduction program completed last year by the RAND Corporation, which examined the standardized test scores over five years for pupils in 2,892 schools across the state. The RAND researchers found class size had little effect on student achievement in California.

These findings call into question the national trend in the United States toward smaller class sizes. Given the high cost of class-size reduction, the British study offers further support for proposals that direct scarce educational resources toward reforms shown more likely to increase student achievement in public schools.

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

INTERNET INFO

"The effect of class size on attainment and classroom processes in English primary schools (Years 4 to 6) 2000-2003," by Peter Blatchford et al., Institute of Education, University of London, December 2004, available online at <http://www.dfes.gov.uk/research/data/uploadfiles/RBX13-04.pdf>.



President George W. Bush participates in a conversation on Reading First and the No Child Left Behind Act with kindergarten teacher Cynthia Henderson at the National Institutes of Health in Bethesda, Maryland on May 12, 2004.

Bush

Continued from page 1

students annually in math and reading, as is already required of younger students under NCLB.

Budgeting Additional Funds

Bush's Fiscal Year 2006 budget includes \$1.2 billion for high school intervention to help states hold high schools accountable for teaching all students and providing remedial instruction to students who fall behind grade level.

"Bush's Fiscal Year 2006 budget includes \$1.2 billion for high school intervention to help states hold high schools accountable for teaching all students and providing remedial instruction to students who fall behind grade level."

The proposal includes \$250 million to help states create assessments for measuring achievement. The president's proposal also includes funds for improving reading skills of high school students, to enhance math and science programs in secondary schools, and to train teachers to teach Advanced Placement courses.

U.S. Department of Education news releases cite low test scores and other indicators of lagging achievement as motivating factors for turning attention to America's secondary schools. For example, the latest results from the Program for International Student Assessment

(PISA) showed America's 15-year-olds performed below the international average in mathematics and scientific literacy, placing 27th of 39 countries.

Pushing for Parental Choice

Although most reformers and education experts agree there is reason to be concerned about the quality of U.S. secondary education, there are a variety of opinions about whether rigorous high school testing is the right solution. Some groups, such as the Gates Foundation, advocate making schools smaller. Others recommend making the high school experience more relevant and individualized.

Efforts to make it easier for high school students to enroll in college courses while still in high school also have been suggested. Advocates of school choice, however, argue that unless a reform program creates real market competition among private and public schools, no amount of testing or remediation will do much to improve low-quality public schools.

Moreover, they say, choice allows competing solutions like those mentioned above to be tested in the education marketplace, with parents choosing the solution they think is best for their child. As John Merrifield, author of *School Choice Wars*, has pointed out, "school choice would raise productivity by exploiting educators' comparative advantages, by paving the way for smaller schools, and by creating better matches between students and educators."

Change in Emphasis

During his first term, Bush sought to incorporate parental choice into the NCLB bill. Although most of the choice provisions were stripped out before the bill was passed, Bush was vocal about his support for school choice. The president also pushed hard for a pilot voucher program for children in the District of Columbia, which successfully passed Congress last year as

part of the 2004 appropriations bill.

Bush's new push for testing and accountability in high schools seems to have replaced his earlier emphasis on parental choice. His selection of Margaret Spellings as the new U.S. education secretary also signaled a move away from the choice-based reforms stressed by the previous education secretary, Rod Paige. Spellings is known mainly for her support of the testing and standards components of NCLB and has not been vocal about the degree to which she supports parental choice.

William Bennett, education secretary under President Ronald Reagan, has said

"[School] choice allows competing solutions ... to be tested in the education marketplace, with parents choosing the solution they think is best for their child."

Spellings' allegiance to NCLB will likely result in more emphasis on standards and accountability and less on choice-based reforms.

Disagreement over Progress

Education researchers disagree about how effective NCLB has been in improving the nation's elementary and middle schools. Each state designs and administers its own achievement tests; hence, it is easy for states to report results showing a high number of students as proficient.

Only 30 percent of America's fourth-graders scored at or above the "proficient" level on the National Assessment of Educational Progress, yet all but eight states claimed "proficiency" levels above 50 percent for fourth-graders on their own

achievement tests. The width of that gap casts doubt on the validity of states' reports about proficiency.

Bush may encounter opposition in his own party to efforts to expand NCLB. Mike Pence (R-IN), who chairs the House Study Committee, has called on Congress to reverse the expanding federal role in primary and secondary education. Pence has said many House Republicans have similar concerns.

Bush's re-election probably ensures continuation of the District of Columbia voucher program, which the president supported during his first term. In its first year, the program enrolled more than 1,000 children in private schools selected by their parents. Next year, the program will allow 2,000 DC children to attend private schools.

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INTERNET INFO

For more information about President George W. Bush's education proposals, see <http://www.whitehouse.gov/infocus/education/>.

More information on PISA is available online at <http://www.pisa.oecd.org/dataoecd/1/63/34002454.pdf>.

For information about state reporting of "proficiency," see "Test Mismatch," *Education Week*, January 6, 2005, available online at http://www.edweek.org/ew/qc/2005/tables/17_achieve-t1.html.

For information on the Washington, DC voucher program, go to <http://www.washingtonscholarshipfund.org/>.

RAND Study Forecasts Problems Meeting National Reading Goals

by Kate McGreevy

U.S. students in grades 4-12 are not meeting state or national goals in reading achievement, a recently released RAND Corporation report warns. The authors forecast the achievement levels established by No Child Left Behind (NCLB) may not be realized by 2014, as the law requires.

The report also warns that failure to promptly address the low levels of literacy could hurt future employment and educational opportunities for American students.

"The job market places a premium on workers who have high-level literacy skills," said Jennifer McCombs, a RAND policy analyst and lead author of the report, in a RAND news release dated December 16, 2004. "We are doing a dis-

service to our young people if we prepare them for anything less."

Struggling to Read

The Carnegie Corporation of New York commissioned the study, "Meeting Literacy Goals Set by No Child Left Behind: A Long Uphill Road." Published in December 2004, the study is the first to collect data from reading and writing assessments and student achievement from all 50 states and Washington, DC.

"A large number of American adolescents are struggling readers and results from achievement tests suggest much needs to be done to bring them all up to the proficient level by 2014," McCombs said in the RAND news release.

NCLB requires that 100 percent of stu-

dents be proficient in reading and math, as evidenced by passing state tests, by the year 2014. States must meet the goals or face penalties that could include having to develop school improvement plans, offering school choice, or facing a complete state takeover.

Tests chart reading and math progress annually in grades 3-8. By the 2005-06 school year, NCLB will mandate testing once in high school. A science test also will be required in the future.

In 2003, the National Assessment of Educational Progress (NAEP) became compulsory under NCLB for schools and states that applied for federal Title I education funding. A sampling of those schools in each state must administer biennially the NAEP math and reading tests to students in grades 4 and 8.

Students Falling Short

RAND analysts examined data on state assessments and the NAEP, and then compared the two data sets to determine consistency.

Notably, the researchers found "fewer than half the students meet the proficiency standards, and in no state do even half the students meet the NAEP national literacy standard of proficiency."

Pass rates on state assessments vary considerably. Passing percentages at the middle school level range from 21 to 94 percent. On high school assessments not linked to graduation, the pass rate range is 22 to 89 percent, according to McCombs.

"Differences among the states can be attributed to three factors, which we do not disentangle: difference in content tested on the assessment, differences in where proficiency rates are set, and differences in student ability," McCombs explained.

McCombs and her colleagues also reported substantial achievement gaps between race/ethnicity and poverty status subgroups. For the fourth grade in reading, national and state assessments reveal, on average, a difference of:

- 27 percentage points between the proficiency rates of white and African-American students;
- 24 to 26 percentage points between white and Hispanic students; and
- 23 to 25 percentage points between economically advantaged and economically disadvantaged students.

Mandating Standards Not Enough

In a speech on January 13 at a Virginia high school, President George W. Bush announced plans to ask Congress to expand NCLB by \$1.5 billion for "high school intervention," and for an additional \$250 million allocated to high school testing.

"Simply mandating standards and assessments is not going to guarantee success," the RAND researchers caution in their report.

"Our children are not finished learning to read in the primary grades," McCombs stated. "They need continual instruction on reading strategies within content areas, and most of all, rich opportunities to read and write within content areas."

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Rockford Parents Want to Keep Successful Reading Program

by George A. Clowes

The parent organization of the Lewis Lemon public school in Rockford, Illinois is asking the local school board not to drop a three-year-old reading program that has raised the school's test scores well above the district average. The school's student body is 80 percent minority, and almost 90 percent of students are eligible for free or reduced-price lunch.

"We believe that changing the reading program will harm our students and that this is a social justice issue that requires all of us to rise up and speak out," wrote 10 parents from the school's executive Parent-Teacher Organization (PTO) board in a letter to the *Rockford Register Star* that was not printed. "Our children deserve instruction that has been proven to work with African-American students. Not only is there research to support it, but we've seen it with our own eyes with Lewis Lemon's test scores."

Phonics Approach Succeeding

The Lewis Lemon Global Studies Academy was one of three schools in the Rockford district where a phonics approach was introduced at the start of the 2001-02 school year. By the program's second year, Lewis Lemon's third-graders soared in their performance on the state's 2003 reading and math tests, the Illinois Standards Achievement Test (ISAT):

- Lewis Lemon's third-grade students ranked second overall of the 35 Rockford elementary schools;
- Lewis Lemon's black third-graders outperformed their white peers in the school and in the district, with 97 percent of the school's black students meeting state standards in reading and math, compared to 92.3 percent of white students;
- Among Lewis Lemon's students classified as poor, 95.3 percent met the

state's math standards.

Although reading and math scores dipped a little in the 2004 tests, tests results remained well above district averages, and the results for writing continued to climb. (See accompanying charts.)

Puzzling Requirement, Demotion

But 2004 also brought a new superintendent to the Rockford Public Schools, Dennis Thompson, and a new curriculum director, Martha Hayes.

The new administration required district schools to use "balanced literacy" reading instruction—i.e., "whole language." In January, the principal who had brought academic success to the students at Lewis Lemon, Tiffany Parker, was abruptly relieved of her instructional duties and transferred to a troubled middle school as assistant principal.

"There is a place for direct instruction in every single school, but it's not for all kids, and it's not for all five years," Hayes told the *Register Star*.

"Whole-language" instruction, however, does not qualify for approval by the U.S. Department of Education because the department endorses only scientifically based reading programs. According to the parents on the executive PTO board, the decision to bring in a program

Figure 1: Lewis Lemon Academy Grade 3 ISAT Reading

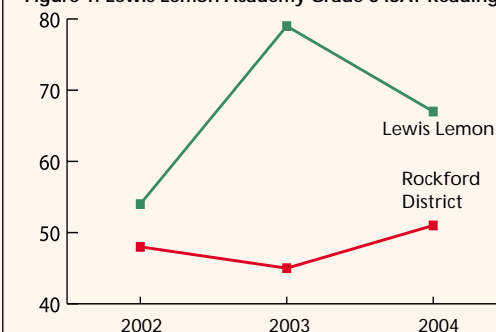


Figure 2: Lewis Lemon Academy Grade 3 ISAT Math

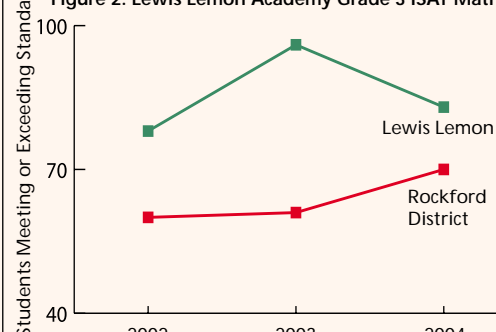
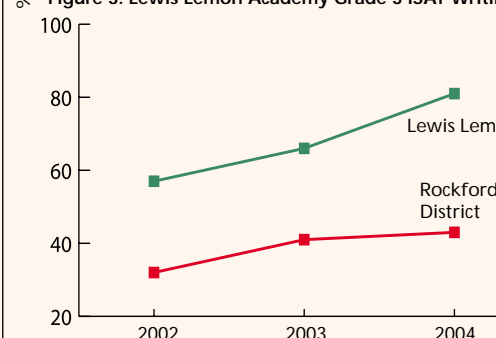


Figure 3: Lewis Lemon Academy Grade 3 ISAT Writing



that has no research to support it "doesn't make sense."

"Our third graders had higher reading scores than the district and state averages for the past two years," they pointed out. "Why would they want to cut a program that has proven to work with our students?"

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INTERNET INFO

The full text of RAND's December report, "Meeting Literacy Goals Set by No Child Left Behind: A Long Uphill Road," is available online at http://www.rand.org/pubs/technical_reports/2004/RAND_TR180.pdf.

A Research Brief summarizing the report is available online at http://www.rand.org/publications/RB/RB9081/RAND_RB9081.pdf.

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