

# School Reform News

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THE MONTHLY NEWSPAPER FOR SCHOOL REFORMERS

Vol. 9 No. 7 July 2005

## 2,000 March for School Choice in Florida

*Parents and educators march in Tallahassee on day of state supreme court hearing*



by Jenny Rothenberg

TALLAHASSEE—As Florida Supreme Court justices heard arguments on June 7 in a court case challenging the state's Opportunity Scholarship program, more than 2,000 parents, teachers, and school administrators rallied outside the building to show their support for school choice.

The Opportunity Scholarship program, enacted in 1999 and now under fire from the American Civil Liberties Union (ACLU), grants scholarships to students in Florida public schools that earn an "F" rating in two of four years, enabling those students to attend the schools of their choice. The failing schools tend to be concentrated in poor, urban areas; 97 percent of Opportunity Scholarship recipients are minorities.

### Numerous Programs Threatened

In addition to threatening the educational opportunities of the 700 students currently enrolled in the Opportunity Scholarship program, the case also could affect more than 200,000 students in similar programs statewide—including those on Bright Futures college scholarships, those on McKay Scholarships for students with disabilities, and

FLORIDA p. 13

## Texas House Thwarts Voucher Bill

by Connie Sadowski

A proposal to create a statewide school voucher program was shelved in the Texas House of Representatives May 23 after five hours of heated debate, effectively ending any chance of giving Lone Star State students full school choice until the next legislative session convenes in 2007.

"It is a sad day in Texas when legislators vote against an educational option that would save our most vulnerable children in our inner cities," said Peggy Venable, director of the Texas chapter of Americans for Prosperity. "These legislators have turned their backs on the kids trapped in low-performing schools, the students who are victims of violence, and others who would have benefitted."

The bill went through a series of last-minute changes and votes, with one amendment being tabled on a 72-71 vote and

TEXAS p. 7

## School Officials Sue to Stop Equal Funding for Md. Charter Schools

by Alison Lake

A decision this May by the Maryland State Board of Education to give charter schools throughout the state the same funding as other public schools has sparked a federal lawsuit.

Baltimore and Prince George's County school officials filed a circuit court complaint against the directive the week of May 24. Although the state

board of education backpedaled by telling charter schools to return a fraction of their funding to public school systems for administrative services, public school administrators were not mollified.

Opponents of the equal funding rule said the state board's decision means Baltimore City would have to strip

MARYLAND p. 6

## Illinois Budget Shortchanges Teacher Pensions

by Nancy Salvato

The FY 2006 Illinois budget, which passed in May, includes a \$314 million increase in funding for K-12 education, bringing the guaranteed per-pupil expenditure to \$5,164.

To fund the education increase and

ILLINOIS p. 14

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## CAPITOL HILL BEAT

# NCLB Expansion in High Schools Concerns Congress, Governors

by Robert Holland

The prospect of President George W. Bush's achieving a stated second-term goal of expanding the influence of the federal No Child Left Behind Act (NCLB) in high school reform looked bleak after a series of congressional actions this spring.

First, the U.S. House of Representatives registered bipartisan opposition to the president's proposal for funding the NCLB expansion when it voted 416-9 to reauthorize the Carl D. Perkins Vocational and Technical Education Act on May 4. In his FY2006 budget, Bush proposed diverting Perkins' \$1.3 billion to a new \$1.5 billion High School Initiative that would include annual testing of all students and remedial intervention.

Earlier, the Senate had approved Perkins' reauthorization 99-0. Republican and Democratic lawmakers argued Perkins supports effective vocational programs in their states. The White House Office of Management and Budget had said, "despite decades of significant federal spending, the current [Perkins] program is not adequately preparing our students to participate in today's competitive workforce."

The disagreement over NCLB's role in high schools goes deeper than which pots of money are available to pay for it. That became clear at a House Education and the Workforce Committee hearing May 17 that brought out bipartisan support for the idea that much-needed reform of high school curricula should be driven by states and local communities, not by expanding NCLB.

#### Flexibility Sought

Iowa Gov. Tom Vilsack (D) declared at the hearing, "the case for change in America's high schools is well documented: The graduation rate is too low, too many students are struggling learners, and much of the curriculum needs to be revamped to better prepare our youth not just to become employed, but also to be informed, compassionate, and productive citizens." Vilsack lauded ventures such as Dual Credit that enable students to earn college credits while still in high school.

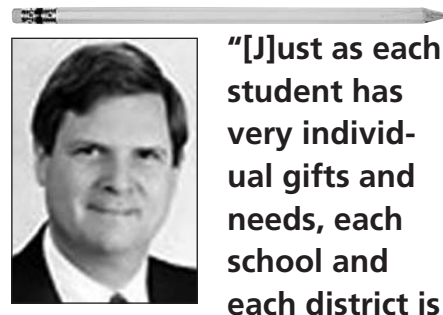
However, Vilsack warned against "one-size-fits-all" solutions and said, "just as each student has very individual gifts and needs, each school and each district is unique in its strengths and challenges, and must be allowed to develop its own plan for action, reform, and success."

#### Federal Expansion Deemed Unwise

While praising Bush for putting high school reform on the national agenda, House Education Committee Chairman John Boehner (R-OH), who championed NCLB in 2001, expressed serious doubts about the wisdom of expanding its reach into high schools. Boehner said he always has believed the federal government's role



President George W. Bush hopes to expand his No Child Left Behind Act, which currently reaches elementary schools only, but lawmakers are hesitant to apply the act to high schools.



**"[J]ust as each student has very individual gifts and needs, each school and each district is unique in its strengths and challenges, and must be allowed to develop its own plan for action, reform, and success."**

IOWA GOV. TOM VILSACK

in education should be "limited" but that NCLB "was necessary and justified because the federal government was already spending billions of dollars a year on K-12 education before NCLB was enacted, and the federal government wasn't demanding results for children in return."

Boehner added that because he's a supporter of NCLB, "I have doubts about the idea of expanding it at this time. I'm not sure we're ready to require states to do more under No Child Left Behind at a time when some are still seeking, unfortunately, to do less. I think we need to take a look at what states and communities are already doing proactively to transform high schools, and ask whether additional federal requirements are even justified."

#### Students with Disabilities

Meanwhile, under Education Secretary Margaret Spellings' leadership, the Bush administration is moving to shore up sup-

port for NCLB as it currently operates, with a focus on required annual testing of the reading and math skills of children in grades 3-8.

In an effort to provide more flexibility for states without compromising the basic goals of NCLB, Spellings announced that states that failed to achieve Adequate Yearly Progress (AYP) solely because of the test scores of students in the "disabilities" subgroup could adjust their goals to use alternative assessments for those students, who constitute about 2 percent of the total student population.

In a related move, Edward J. Kame'enui, an international authority on learning problems and special education, was named commissioner of the National Center for Special Education Research, an entity created by the 2004 congressional reauthorization of the Individuals with Disabilities Education Act (IDEA).

#### Head Start Reauthorized

The House Education Committee ended a partisan impasse by approving a bill to reauthorize Head Start, the preschool program originally begun as part of President Lyndon B. Johnson's anti-poverty crusade. The bill, sponsored by Education Reform Subcommittee Chairman Mike Castle (R-DE), seeks to beef up Head Start's academic components, as Bush had proposed.

California Rep. George Miller, the Education Committee's senior Democrat, thanked Republicans for responding to Democrats' concerns by dropping proposals to include Head Start in block grants to the states—a step Miller said "would have ended Head Start as we know it."

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



# Model Scholarship Legislation for Preschool Adopted by ALEC

by Lori Drummer

In keeping with a growing trend among state legislatures to offer pre-kindergarten and full-day kindergarten programs, the American Legislative Exchange Council (ALEC) approved the Smart Start Scholarship Program as model legislation this May.

The model bill offers low- and middle-income families the option of sending their four- and five-year-olds to the public or private preschool or kindergarten program of their choice. On May 30, ALEC approved the Smart Start Scholarship Program as model legislation upon the recommendation of its Education Task Force, which includes state legislative leaders and the nation's education policy experts. Leading the effort were the Milton & Rose D. Friedman Foundation, the Alliance for School Choice, and the Institute for Justice.

**"[T]he American Legislative Exchange Council (ALEC) approved the Smart Start Scholarship Program ... [which] offers low- and middle-income families the option of sending their four- and five-year-olds to the public or private preschool or kindergarten program of their choice."**

Lawmakers and policy experts alike recognize that in the coming years most state legislatures will consider funding full-day kindergarten and preschool programs for children up to age four, if they have not already done so. If a legislature favors that kind of initiative, the ALEC model legislation offers lawmakers an opportunity to achieve the goal with the most efficiency for taxpayers and the greatest satisfaction for parents, according to supporters.

"With the widespread trend toward early childhood education programs gaining momentum nationwide, this legislation will help state lawmakers offer a free-market approach to taxpayer-supported pre-kindergarten and kindergarten programs," said Wisconsin State Rep. Scott Jensen (R-Waukesha), who also serves as the Alliance for School Choice's director of state projects.

## Pre-K, Kindergarten Choices

Once passed into law, plans based on the Smart Start Scholarship Program model will be able to help parents send their children to the preschool or kindergarten program best suiting their needs—a full or half-day of kindergarten, for instance, or attending preschool on a full-time or flexible basis. Preschool programs in the model legislation are offered in a variety of formats to meet the needs of children

and their families. While some parents may wish to send their four-year-old to a preschool for the full day every day, others will choose to send their child for just a few hours two or three times a week.

The point is to let parents, not the state, make the decision. The model allows scholarship amounts to be adjusted to reflect the time the child spends in the preschool program each week.

While every child would qualify for the Smart Start Scholarship Program, the model provides scholarships based on the costs of educating the student and his or her family's income. A sliding scale based on the family's eligibility for the federal government's free- and reduced-price lunch (FRL) program is used to determine scholarship amounts. Families with incomes greater than the FRL standard would have their scholarships reduced to reflect their greater ability to contribute to their children's education.

## Accountability Standards

Schools participating in the program will have to show evidence of academic, financial, and administrative accountability to ensure their compliance with state and local health and safety codes (which already apply to private schools), demonstrate financial viability, and report to parents on the child's academic progress. The legislation clarifies that participating private schools are autonomous, not agents of the state.

"The Smart Start Scholarship Program will offer families the opportunity to begin choosing the education that best fits their needs from the beginning of a child's formal education," explained Robert Enlow, executive director of the Milton & Rose D. Friedman Foundation. "Parents will experience the many benefits of educational options with this first taste of school choice."

ALEC is the nation's largest nonpartisan, individual membership organization for state legislators who share a common commitment to individual liberty, limited government, and free markets. Members can choose to participate on one of ALEC's nine task forces, where they can discuss public policy matters with some of the nation's private-sector leaders. The task forces utilize state legislators' experiences and the advice of national experts to create model free-market legislation that can be introduced in legislatures across the country.

Lori Drummer ([ldrummer@alec.org](mailto:ldrummer@alec.org)) is director of ALEC's Education Task Force.

## INTERNET INFO

The American Legislative Exchange Council's model legislation addressing education issues is available online at <http://www.alec.org> and <http://www.heartland.org/IssueSuiteTopic.cfm?issId=3&istId=214>.

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# Vermont Considers Preschool Programs in Public Schools

*Private providers fear public programs will squeeze them out*

by Aaron Atwood

School choice supporters in Vermont scrambled to shore up support for private preschool providers in early June, trying to keep the state Senate from overriding the governor's veto of a budget bill when it convenes later this summer.

Private early education providers, which contract with the state to help prepare at-risk 3- and 4-year-olds for kindergarten, said a rider attached to a state budget bill vetoed June 4 could put them out of business by allowing public school districts to set up free preschools that would siphon \$5,000 from the state education fund for every child attending 10 or more hours per week.

## Current System Confusing

While the Senate Education Committee deliberated on a bill that would establish public pre-K programs (S.132), Chairman Sen. Don Collins (D-Franklin) took matters into his own hands as the session was drawing to a close. He introduced the universal early education wording in the fiscal appropriations bill as a rider, circumventing the legislative process.

Gov. James Douglas (R) vetoed the budget bill for unrelated reasons, giving opponents another chance to eliminate the rider.

Currently, preschool students in Vermont are supported precariously by public funds—a matter all sides of the issue agree must be clarified. Vermont's Early Education Initiative, established in 1987, works with private childcare centers, public school districts, Head Start programs, and community agencies to pre-



Vermont Gov. James Douglas (left) vetoed a budget bill that included funding for public school-based preschools, giving supporters of private preschools, including John McClaughry of the Ethan Allen Institute (right), a new opportunity to fight the plan.

pare for kindergarten children who are economically disadvantaged, developmentally delayed, at risk of abuse or neglect, or who have limited English skills.

Under the current system, low-income parents can use state-funded subsidies to send their 3- and 4-year-olds to the pre-K program of their choosing.

## Working for Clarity

Libby Sternberg, executive director of Vermonters for Better Education, explained the statutes currently do not specify how to count preschool students.

The existing program "only addresses preschool students when they are at-risk, low income, or ESL [English as a Second Language] students," Sternberg said. "In



the past two or three years there has been a move to codify the methods for counting students by setting very specific parameters on how to use state funds for public schools. The [existing] statute is murky."

The complicated formula Collins' rider proposes to use for determining pre-K funding obscures the real effect of the bill, which is to move children from private preschools into the public schools, said John McClaughry, president of the Ethan Allen Institute, a nonpartisan think tank in Concord, Vermont. The more children a public school district can count in its preschool program, the more money it can claim from the state—up to \$21 million more, McClaughry said.

Collins' rider would give public schools near-total control over pre-K education.

"I can only assume these rules were made specifically to confuse taxpayers," McClaughry said. "By adding two more grades below kindergarten, the system can find the new pupils that will help to justify its ever-increasing spending. The teachers union, of course, will be delighted to enroll hundreds of new pre-K teachers, collect their dues, and add them to its political action machine."

## Understanding Universal Choice

Though the existing program was created to serve "at-risk" 3- and 4-year-olds, the current legislation doesn't limit funding only to those students, Collins said, defending his rider as a strategic move.

The rider "encourages" public school systems to work with private daycare providers, but does not mandate it. That, said Rob Roper, state director of Freedomworks—a grassroots organization dedicated to fighting for lower taxes, smaller government, and greater eco-

**"The teachers union, of course, will be delighted to enroll hundreds of new pre-K teachers, collect their dues, and add them to its political action machine."**

JOHN MCCLAUGHRY  
ETHAN ALLEN INSTITUTE

nomic opportunities—hurts religious and private preschools by providing free schooling to all 3- and 4-year-olds.

## Dividing Funds

McCloughry agreed. "Vermont schools are losing population but spending more," he said. "Free public preschools will destroy independent daycare centers."

Sternberg said the rider may hurt even private facilities that contract with a public school system. The money a private provider is given may be far less than the amount given to the school district.

"If you get public funds flowing, then public school services are free," she said. "There are only a few public systems that have contracted with private providers, and there is no guarantee that the money would follow the child dollar-for-dollar."

## Giving Providers a Voice

Collins said his rider is better for students and very clear.

"I'm here for the kids," he said. "All this language does is basically say to people in the schools, 'Yes, you can draw down state funds [for early education].'"

"The childcare community will have a place at the table; they will be heard," he said. "I'm not giving them a pen and a blank check, but they will have a voice."

Aaron Atwood (aatwood5776@yahoo.com) is a freelance writer in Colorado Springs, Colorado.

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# Maryland

Continued from page 1

essential services from all students to come up with an additional \$13 million for charter schools. Maryland State Teachers Association President Pat Foerster told the *Baltimore Sun* on May 24 that if left unchallenged, the “unwise and overreaching” directive would wreck public schools’ finances while profiting the private companies that operate some charter schools.

State Education Board member David F. Tufaro told the paper the board knew the funding plan wasn’t perfect, but “part of the purpose was also to force the parties to work it out.”

## Ruling Clarified 2003 Law

The Maryland law, which passed in 2003, says any charter school operating in the state is eligible for the same per-pupil amount as traditional public schools. The state board’s May ruling was the result of requests from parents and charter school



David Tufaro

advocates to clarify wording in the 2003 law that suggested school boards should provide charter schools the same amount of money as traditional public schools. The wording was unclear, and charter school advocates wanted the board to require local districts to comply with the legislation.

The state board’s ruling gives charters more control over their financing and makes them less dependent on fundraising. Education reform activists

**“A decision this May by the Maryland State Board of Education to give charter schools throughout the state the same funding as other public schools has sparked a federal lawsuit.”**

hailed the decision as a step in the right direction. Center for Education Reform (CER) President Jeanne Allen commended the state board for “acting courageously to implement the original intent of the law and reaffirming that all public school kids in Maryland are to be treated fairly and equally.”

“Although the rest of the state’s charter law leaves a good deal to be desired, funding parity is the one area where charter schools are on equal footing with the traditional public schools,” explained Dr. Kirk A. Johnson, a Heritage Foundation senior policy analyst.

## Few Charter Schools Opening

CER traditionally has rated Maryland



Maryland Gov. Robert Ehrlich Jr. signed a law legalizing charter schools in 2003. None has opened since then, however, because the law is weak and unclear on funding.

as one of the weakest states in the nation for charter schools because it has only one—Monocacy Valley Montessori School in Frederick County, which opened before Gov. Robert Ehrlich Jr. (R) signed the 2003 law legalizing charter schools in Maryland. But 17 more may be opening across the state this fall, including five in Baltimore and another seven public schools in the city that want to convert to charters.

Charter schools in Maryland are publicly funded and must receive approval from the local board of education. The Maryland state department of education explicitly states, “a charter school is a public school.” Unlike other states, Maryland does not allow other institutions or groups to approve a charter school.

“It’s a shame that no [new charter] schools have opened since Maryland’s charter school law passed in 2003,” said Dan Lips, a policy analyst for Americans for Prosperity, a national grassroots organization. “This law should be improved to allow more schools to be created. Charter schools would benefit both students and teachers by offering greater flexibility.”

## Obstacles Could Fall

If Maryland school boards begin to approve more charter school applications, the funding law decision decreases the charters’ need to raise money to compensate for their lack of public funds. Since the state board gives charter schools control over how their funds are spent, the ruling could ease some of the obstacles charter



Dan Lips, a policy analyst for Americans for Prosperity, says the state’s weak charter school law needs dramatic improvements.

schools face during the start-up phase.

“Hopefully the debate will soon move beyond the ‘money’ aspect with regards to charter schools in Maryland,” Maryland Public Policy Institute President Christopher Summers said. “Success should not be measured, and too often it is, by how much per-pupil expenditure is increased, but instead by the end result—a well-educated child.”

Alison Lake ([alake@mdpolicy.org](mailto:alake@mdpolicy.org)) is managing editor at the *Maryland Public Policy Institute*.

# Private Companies May Take Over Some Florida Schools

by Krista Kafer

The Florida State Board of Education announced this spring it may grant outside organizations, including for-profit companies, management of some of the state’s persistently low-performing schools—a decision frowned upon by some Florida school districts.

In Florida, a school is deemed chronically failing under the state’s accountability system when it has received a grade of “F” in two of three years based on its students’ academic performance. Of the 14 chronically failing schools in the state, four are high schools.

“After three F’s, we’re sort of compelled to acknowledge the situation and do something differently,” State Board of Education Chairman Phil Handy told the *St. Petersburg Times* in late April.



Phil Handy

In 2004, the board declared a state of emergency in certain districts with persistently low-performing schools, prompting changes to curricula and school administration. The Miami-Dade school district worked with 39 schools to improve achievement through curricular changes, establishing a longer school day, and other changes. The district replaced principals in 11 schools. Duval County schools sought changes to Ribault High School, a low-performing school serving predominantly black students, 90 percent of whom were reading below grade level.

## Unpopular Decision



Brenda Priestly Jackson

Duval County School Board member Brenda Priestly Jackson promised to fight any decision to have a private company take over Ribault High.

“Give us a chance to implement what we said we were going to do,” Jackson told the

*St. Petersburg Times*. Other district leaders said they were skeptical of third-party takeovers.

In February, the state board began compiling a short list of companies that might take over the failing schools. Some with experience in turning failing schools around, such as Edison Schools, Victory Schools, Community Education Partners, and The Rensselaerville Institute, indicated interest in the task.

Krista Kafer ([kristakafer@msn.com](mailto:kristakafer@msn.com)) is a freelance education writer based in Denver.

# Texas

Continued from page 1

another losing 72-72, according to the May 24 issue of the *Houston Chronicle*. The bill



Tom Craddick

was then amended to give students vouchers only to attend the public school of their choice, defeating its central purpose. House Speaker Tom Craddick (R-Midland) used a parliamentary procedure to close debate on the bill for the session.



Kent Grusendorf

"I woke up this morning thinking this may be the day we made history in Texas," sponsor State Rep. Kent Grusendorf (R-Arlington) told the *Chronicle*. "I'm disappointed."

## System Failing, Critics Say

The main voucher amendment—attached to a Senate bill reauthorizing the Texas Education Agency—would have empowered parents to take control of their children's education by giving 30,000 students in seven high-poverty urban districts vouchers to use at the schools of their choice. The Legislative Budget Board, a permanent joint committee of the legislature, estimated this spring the measure would siphon \$69 million away from the seven school districts over two years.

Grusendorf said something has to be

**"If all public schools are so good, then why would anyone fear that there would be a mass exodus from our public schools if parents were given that option? It is clear there is a tremendous lack of confidence in the public school system when legislators refuse to provide options to those students who are most in need of help."**

PEGGY VENABLE  
AMERICANS FOR PROSPERITY

done to help those students. "We have many great public schools in Texas, but we can't ignore the fact that some campuses just don't make the grade," he said.

A May 18 *Austin American-Statesman* article provided evidence for Grusendorf's claim, noting 50 percent of Texas' college freshmen require remedial math, reading, or writing courses. "Students are entering universities unprepared for its rigors," the reporter wrote. "This is well known among education officials and the Legislature but there is not enough action to alter a picture that is growing increasingly dim. Texas has a problem that is threatening to get much worse."

## Lack of Confidence Noted



Carter Casteel

Rep. Carter Casteel (R-New Braunfels) passionately opposed the voucher plan, saying it would harm public schools and noting the charter school alternative Texas is trying isn't working. However,

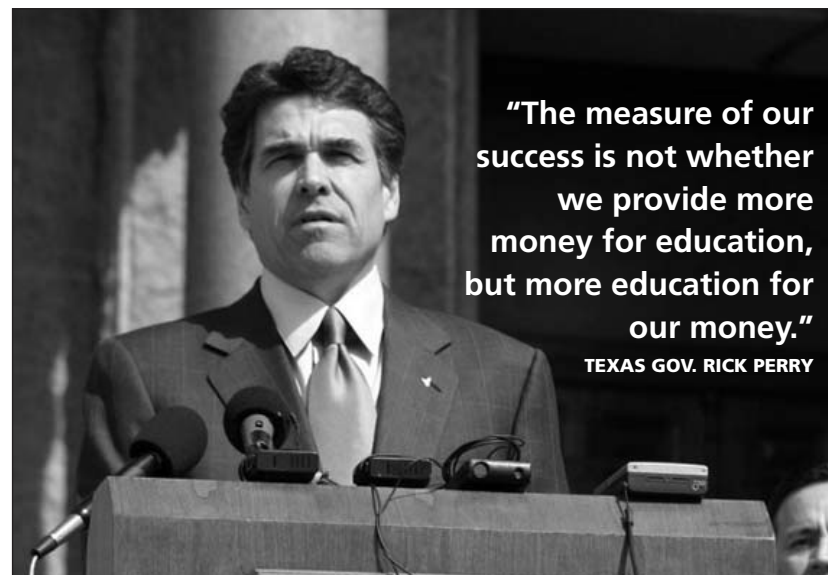
The bottom line, Venable said, is that "parents, not government, should decide what's best for their children. If all public schools are so good, then why would anyone fear that there would be a mass exodus from our public schools if parents were given that option?"

"It is clear there is a tremendous lack of confidence in the public school system when legislators refuse to provide options to those students who are most in need of help," Venable said.

Connie Sadowski ([connie@ceoaustin.org](mailto:connie@ceoaustin.org)) is director of the Austin CEO Foundation, a 12-year-old organization of businessmen and community leaders that aims to give parents power over their children's education.

## Texas Governor Calls for Financial Accountability, Takeovers of Failing Schools

On May 18, while the Texas legislature was working on the details of a school finance bill, Gov. Rick Perry (R) addressed more than 300 educators and activists at the Texas Public Education Foundation's Education Summit. Below are excerpts from his comments, provided by Connie Sadowski, director of the Austin CEO Foundation.

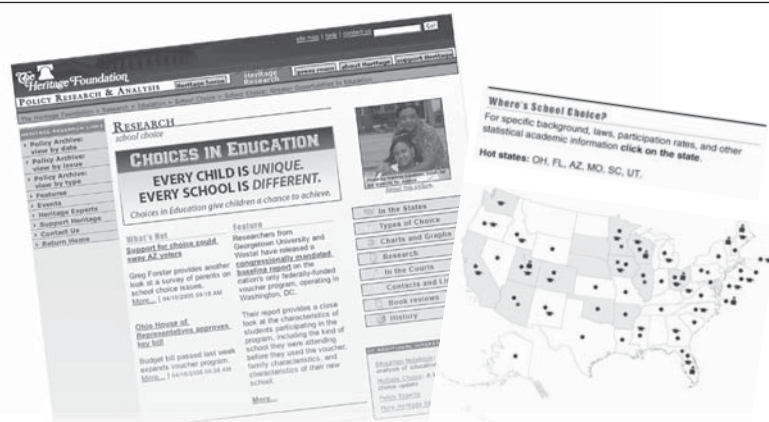


**"The measure of our success is not whether we provide more money for education, but more education for our money."**  
TEXAS GOV. RICK PERRY

**On financial accountability:** "If the taxpayers are going to pick up the tab, they ought to be able to look at every item on the receipt. The only way to ensure more dollars make it to the classroom is to make sure classroom expenditures are disclosed in plain terms. I think taxpayers deserve to know how much is spent on administration and instruction and how much they are paying lobbyists and lawyers to extract more tax dollars from their pockets. Taxpayers should also be empowered to control future spending by having the authority to vote on future property tax enrichment increases. The decision to spend more local tax dollars on local schools should be made by local voters."

**On mentoring and "battle" pay:** "Too often our toughest learning environments attract the most inexperienced teachers. That's why we must make two critical reforms: We must increase funding for teacher mentoring so that young teachers grow professionally and succeed in the classroom, and we must appeal to our best and brightest teachers to teach in difficult settings by paying them significantly more to do so."

**On the goal:** "Ultimately, our task is to usher in a new era of academic achievement that is based not on the number of students that pass state assessments, but the number of students that graduate ready for college. ... The measure of our success is not whether we provide more money for education, but more education for our money."



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# U.S. Public Schools Failing to Combat Predatory Employees

*Abuse cases suggest some schools are havens for sexual predators on staff*

by Neal McCluskey

Julia Haich had been misled by the school she trusted to protect her, and now another girl was suffering.

On March 20, Steven Ostrin, a 51-year-old history teacher at New York's prestigious Brooklyn Tech, was arrested for allegedly groping and kissing a 15-year-old student.

It was not his first offense. Haich, now 19, said Ostrin molested her in 2002—but when she reported the assaults to school officials, they persuaded her not to press charges, promising Ostrin would retire at the end of the academic year. Haich believed them.

"I thought if I spoke up about what happened, it would never happen again," she told the *New York Daily News* for a March 29 story. "I was wrong."

## Predators Lurking Nationwide

Haich's 2002 accusations were not the first ever leveled at Ostrin. According to the *Daily News* story, in 1992 female students at Boys and Girls High School in Brooklyn complained that Ostrin "told X-rated stories and rubbed their shoulders and arms."

In response, "officials placed a letter in Ostrin's file and ordered him to 'act appropriately,'" the *Daily News* reported. Despite that admonition, Ostrin continued to make off-color remarks in front of students and to touch them—behavior he attributed to being a "touchy-feely person."

Assaults like those allegedly perpetrated by Ostrin are not uncommon in public schools. Nor is it uncommon for districts to fail to adequately protect students from them.

According to a report from the state's auditor general and a *Detroit News* investigation, Michigan fails to keep tabs on teachers convicted of sexual assault and other crimes. More than 200 licensed school workers in Michigan had criminal records in 2004, and the state didn't know about 178 of them.

In addition, the state often failed to revoke the certification of teachers found guilty of crimes—including, according to the *Lansing State Journal*, Matthew Mankoff, a band teacher in Deckerville found guilty of soliciting sex from a minor in 2003, and William Ayler, a Detroit teacher who pleaded guilty in 1997 to one count of second-degree sexual assault.

In Florida, David Mosquera, a 71-year-old Orange County school bus monitor, was arrested in April and charged with eight counts of abuse for molesting a special-needs child.

## Complaints Are Common

Earlier this year, a Berwyn, Illinois elementary school band teacher was arrested on charges of molesting five girls between 1999 and 2003. According to court documents, Robert Sperlik, 45, used duct tape to bind his victims to chairs before fondling them.

Although Sperlik's arrest didn't come until 2005, the *Chicago Sun-Times* reported that in 2001 three girls told district officials Sperlik had touched them inappropriately. In response, the district placed in Sperlik's file a reprimand and guidelines on how to teach without touching. The police didn't hear about the 2001 allegations until they were contacted in January 2005.

According to *Educator Sexual Misconduct*, a 2004 report by Hofstra University professor Charol Shakeshaft, as many as one out of every 10 children will suffer school employee sexual misconduct at some point between kindergarten and 12th grade. That figure includes teachers telling sexually themed jokes or making suggestive gestures—mild behavior compared to the acts allegedly committed by people like Mosquera and Sperlik, but behavior that can harm students nonetheless.

Of course, no one wants potentially threatening employees in the schools. So why are incidents of misconduct so prevalent?

## Communication Is Lacking

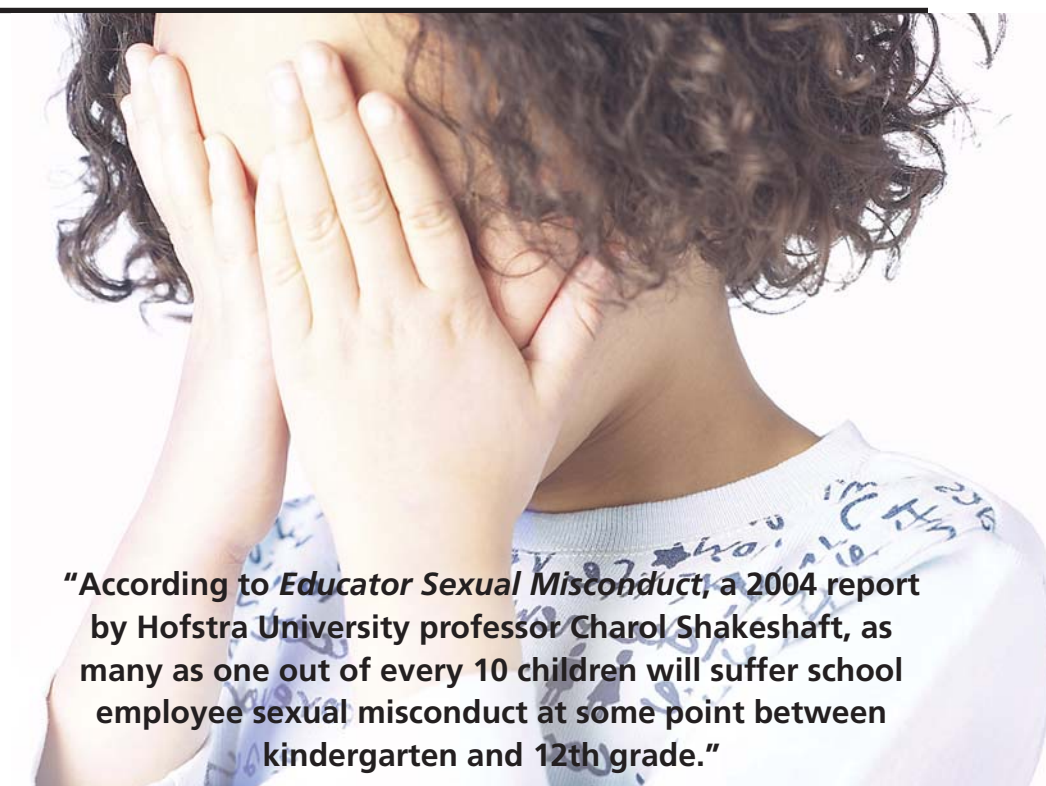


**"More than 200 licensed school workers in Michigan had criminal records in 2004, and the state didn't know about 178 of them."**

The first problem is that keeping predators out of schools is difficult because many have no records of abuse before they're hired. As a result, Shakeshaft noted, "screening will not identify the majority of educators who have or will sexually abuse."

The system also breaks down, as the Michigan auditor general found, because individuals with criminal backgrounds often aren't adequately tracked due to communication breakdowns between school districts and police departments.

New York City, in particular, may have a political atmosphere that exacerbates the problem, said Betsy Combier, president of the E-Accountability Foundation,



**"According to *Educator Sexual Misconduct*, a 2004 report by Hofstra University professor Charol Shakeshaft, as many as one out of every 10 children will suffer school employee sexual misconduct at some point between kindergarten and 12th grade."**

a local group that keeps tabs on public school officials. She said New York City school board members often are more interested in hiring people who won't rock the boat about district decisions than they are about safety.

"[They] want to hire teachers who are new, who they can mold," she explained.

## Teacher Contracts Impede Removal

Perhaps even more vexing than schools' inability to find predators in the initial screening is the difficulty officials have in removing them once they have been identified. Policymakers often blame teacher contracts that make removing suspect teachers extremely difficult.

According to an April 22 *New York Post* article, New York City Mayor Michael Bloomberg blamed the collectively bargained teacher contract for difficulties in heading off predators.

"If you look back in history, [sex abuse is] not a huge scandal. It is unfortunately business as usual," Bloomberg said, noting that firing teachers is a Herculean task, and because of that, sexual assaults happen far too frequently. "It just goes to reflect the fact that unfortunately at the moment, the city really has little recourse to terminate teachers who abuse their position."

Mike Antonucci, director of the Education Intelligence Agency, an organization that tracks education labor unions, agreed, saying that in districts around the country union contracts require administrators to follow onerous, costly procedures before they can fire a teacher, and hence "when a case is not clear-cut ... districts will always side with employees."

## Suspected Teachers Collect Pay

Common Good, a group dedicated to restoring "common sense to American law," corroborates those conclusions, noting in its November 2004 report *Over Ruled: The Burden of Law on America's Public Schools* it can take longer than a year in New York City to oust a bad teacher.

In addition, the *New York Daily News* reported in an April 22 editorial that school officials can't actually do the firing. The best they can do is assign suspected

teachers to so-called "rubber rooms"—where they are segregated from students but continue to collect full pay—until their case is heard by administrators.

## Effort Is Just Beginning

Combier believes the solution to the problem is to close the door on predatory teachers. She said districts should hire a neutral third party, such as an education ombudsman, to investigate allegations of teacher abuse.

In her report, Shakeshaft agreed, saying that in addition to doing things like writing clear guidelines describing inappropriate teacher behavior and meticulously screening new hires, districts should "appoint a case coordinator who handles all incidents of educator sexual misconduct. In the most effective structure, the case coordinator is outside of district control but with regulatory authority within the district."

Shakeshaft prefaced her recommendation by noting, "[b]ecause so little has been done to prevent educator sexual misconduct ... there are no studies of the effectiveness of prevention programs or legislation." Therefore, any reforms undertaken in the near future will be just the beginning of the effort to combat predators in the nation's public schools.

Neal McCluskey ([nmccluskey@cato.org](mailto:nmccluskey@cato.org)) is a policy analyst at the Cato Institute's Center for Educational Freedom.

## INTERNET INFO

The 156-page report by Charol Shakeshaft, *Educator Sexual Misconduct*, is available online at <http://www.ed.gov/rschstat/research/pubs/misconductreview/report.pdf>.

The November 2004 Common Good report, *Over Ruled: The Burden of Law on America's Public Schools*, is available online at <http://cgood.org/schools-newscommentary-in-the-news-183.html>.





*Editor's note: Robert Enlow, executive director of the Milton & Rose D. Friedman Foundation, delivered these remarks at the 2004 Emerging Issues Forum in Chicago.*

by Robert Enlow

**H**ow well has the school choice message been promoted to the public since we started in 1996? What have we done well since then? And what do we need to do?

In 1996, when the Milton & Rose D. Friedman Foundation was founded, the school choice movement had a very fractured message. There was a lot of conservative rhetoric, a focus on how markets work, and a lot of groups speaking with a lot of different voices—nothing really cohesive. On the other hand, school choice opponents have and will always continue to speak with one voice against the movement. It's a simple but dramatic difference.

#### Multitude of Opponents

Whether it's the school boards, the National Education Association, or their various allied advocacy groups, opponents of school choice speak with one voice, using similar phrasing, labels, and stories to make a persuasive case against allowing parents to choose their children's schools. The school choice side was handicapped because there were too few programs in place in the country to draw stories from, so we didn't have enough real-life examples.

We also really didn't have many good messengers at that stage. Who could deliver this message of school choice and freedom in a credible way to members of the public? It was right-wing white folks who were delivering the message, and

**"The most powerful message for school choice is that children learn more and gain knowledge from school choice, and that leads to a more prosperous future."**

that doesn't sell in many ways.

That's where we were in '96, and when the Friedman Foundation started, we said, "We need to change the message on school choice. We need to get groups speaking with one voice."

#### Laying Groundwork

The first thing we did was commission a national study to come up with a common message, and we shared the results with everyone. We wanted to create an environment where school choice became a widely accepted policy alternative everywhere in the nation—and frankly, right now, school choice is on the menu of policy options in almost every state. It was not in 1996.

The study produced a "mind map," a map showing how widely different values and different messages are embraced. The most powerful message for school choice is that children learn more and gain knowledge from school choice, and that leads to a more prosperous future. The story that America wanted to hear

was all about giving children a greater opportunity to achieve goals and succeed in the future. We had to claim that ground in order to win the next level of the school choice message. And that's what we have been doing.

#### Doing the Right Thing

The "ladder" of values that people climb goes like this: I want a better school with good performance, and I want it because my children are going to learn better and learn faster, and that means they're going to get a better job. And if they get a better job, that means they're going to have a chance to succeed in the future. They're going to have a better life, and I'm going to be less worried as a parent. I will have done the right thing by my child.

The most effective messages are oriented toward child advancement or parental pride in doing the right thing for their children. Those were the two messages we wanted to get out, and we did. Many groups started to use those.

Other messages come out of this new focus, messages that are very simple: School choice is widespread unless you're poor. School choice works. Opponents of school choice lie when confronted by the facts.

Those were our messages. And we hammered those in many different ways.

#### Working Together

Since 1996, the school choice movement has adopted a more unified message. The Friedman Foundation, Alliance for School Choice, Cato Institute, and many others

are working to advance school choice, using different methods and aiming at different audiences, but working together so that we speak with one voice.

We did a great job getting the moral high ground. For example, opponents of choice often claim we are taking away a fundamental right to public education, a right we've had since the beginning of our country. We've countered that with, "You know what? If you're poor, the current system does not deliver on its promise. You're totally being abused by this system." Parents themselves got out front with this message, through groups such as the Black Alliance for Educational Options.

We've also linked school choice with performance. All the studies say school choice works not just for parents, who are more satisfied, but for students, who are better educated. Even public schools do better when they have to compete with other schools. This message works.

And we helped destroy several reigning myths about school choice, such as that it helps only those who are rich. Or that it's illegal. The Supreme Court proved that wrong in 2002 ... but we were making that case three years before the Supreme Court ruled.

#### Exposing Financial Realities

So where do we need to go from here? What are the things we need to do better?

We need to address the financial side of school choice, since for many of the important players in this debate, it is all

**CONTINUED at right**



**CONTINUED from left**

about the money. We spend half-a-trillion dollars on K-12 education every year. The public does not understand—most think we don't spend enough. They don't know how much we actually spend. It's a pretty well-kept secret.

We need to better understand the public's attitudes on money and leverage this issue. One thing we do know is that most people don't think public schools spend their money wisely. We need to do a lot more messaging on just how badly the money's being spent.

**Earning Trust**

We also need more messengers the public can trust. The moral message stays the same: School choice is already available for some, but it should be available for all. School choice and the idea of freedom in education should not be for some groups of people only. It should be for all groups of people.

We've done a great job at getting the beneficiaries of school choice out in front of the debate, but we have a critical lack of civic and business leaders out front. Corporate America is not on board for school choice, in terms of being willing



**"[W]e need to shift away from the message that school choice is primarily or only for the benefit of the poor, and move instead to a message about the importance of freedom in education. Freedom has no boundaries."**

to speak out for it. We need the president of a nationally prominent company to lead this charge and make calls to legislators. Voters say they are more likely to support political candidates who say they support school choice, so we know this is a winning issue for voters if we do it right.

**Explaining Vouchers**

We need to better understand the word "voucher," in terms of our messaging. Does using the "v-word" make a difference any more? We all know that "voucher" is a demonized word, but when we conducted polls asking people's opinions about school choice, using the word "voucher" in a question asked of one group and the same question without the word "voucher" to another group, there was absolutely no difference in the responses.

We need to avoid defining school choice by specific terms such as "vouchers" or "tax credits" or "charter schools," and instead position the concept as an objective that can be achieved in a wide variety of ways. Otherwise we get caught up in debates about means instead of benefits.

We need to have a better response to questions about holding choice schools accountable to taxpayers and elected offi-

cials. The debate right now often consists of school choice opponents saying choice schools should be subjected to the same kinds of rules as public schools, and we're saying, "No, no, no," and that's the end of it. We should be saying, "We think accountability for schooling should look like this, and this is what we're going to promote," instead of being reactive.

**Seeking Choice for All**

Finally, we need to shift away from the message that school choice is primarily or only for the benefit of the poor, and move instead to a message about the importance of freedom in education. Freedom has no boundaries. According to one of the polls we've done, 41 percent want all

parents to be able to exercise choice in education, and only 10 percent believe choice ought to be limited to people with low incomes.

We also conducted polls in Washington, DC before and after we ran ads there, to see if people believed school vouchers should be available only to low-income people. Before the ads, 50 percent believed choice should be provided to all parents. After the ads, 51 percent believed that.

In that same poll, 49 percent said, "Let's just make public schools better." That's our fight right there. That is the moral fight we need to be aware of. It's imperative that we get involved in all aspects of education reform, as people

who believe in liberty. It's not just vouchers, it's not just tax credits. We live in areas where there are bond issues going on. Here in Chicago, Renaissance 2010 is expanding the limits of school choice. Are we involved in that? If we are not, we can't be credible.

We need to define a positive, pro-active agenda for school choice, and not be, or appear to be, reactive. We've made a remarkable amount of progress since 1996 in doing this. Now we need to redouble our efforts in order to win.

*Robert Enlow (rcenlow@friedmanfoundation.org) is executive director of the Milton & Rose D. Friedman Foundation in Indianapolis, Indiana.*

## Colorado Homeschoolers Fear New State Database Threatens Freedom

by Ben DeGrow

Homeschool activists in Colorado knew they had reason to be wary of the new majority in the state legislature, but they also were disappointed by one of their allies this spring when Gov. Bill Owens (R) signed a bill changing the state's immunization tracking system.

In the 2004 elections, several state lawmakers who had demonstrated support for the homeschool agenda were replaced by less-supportive officials. Familiar legislation that had been opposed—and previously defeated—by the homeschool community progressed this year through the House and Senate.

On April 29, Owens signed into law Senate Bill 87, which allows Colorado's health department to create a statewide database of immunization records and to contact parents directly when their children are due or overdue for inoculations.

Treon Goossen, a spokeswoman for Concerned Parents of Colorado—a grassroots group that lobbied against S.B. 87—said the homeschool community's opposition focused on privacy issues. While some homeschool families choose not to get certain inoculations for medical or religious reasons, she said immunization itself was not the primary objection.

**Individual Privacy vs. Public Health**

Goossen said creating such a comprehensive database is a frightening prospect for some families, who fear the information in it could be misused. This spring, a laptop computer containing sensitive medical and personal information on 1,600 children was stolen from a state health department employee's car. Even more disturbing, Goossen said, was the fact that an autism study on the computer's hard drive contained information obtained without any of the parents' consent.

Some homeschooling families fear compromised medical privacy could be

used to justify removing children from their custody. "There is no way to guarantee the privacy issue," Goossen said. "There is an agenda out there, and it's to do away with our freedom of choice."

Owens said he understands those concerns but his decision to sign S.B. 87 reflected various elements of his political philosophy. "It gets to my fusionist view of balancing libertarian values with what's in the interest of the community good," he said.

Owens said he took into account not only individual privacy, but also the state's responsibility to prevent the spread of potentially serious childhood diseases by reminding parents when it's time to inoculate their kids.



**"There is no way to guarantee the privacy issue. There is an agenda out there, and it's to do away with our freedom of choice."**

**TREON GOOSSEN**  
CONCERNED PARENTS OF COLORADO

**Competing Interests**

The second-term governor, who as a state representative in 1988 cosponsored the measure legalizing homeschooling in Colorado, pointed to key protections in the immunization bill as sufficient justification for authorizing changes to the tracking system. The bill gives parents the option of not participating in the database "on the grounds of medical, religious, or personal belief considerations." Further, health department officials are required to inform parents of their right to opt out.

But Goossen and other activists believe the measure's protections are inadequate. She said homeschool parents could not truly opt out of the tracking system since their names and birthdates would remain in the data-

base. She also said several legislators during the 2005 session suggested mandating all immunizations for every child unless there was a valid medical reason for failing to immunize. Under such a system, Goossen said, "Any parent that did not comply would face possible charges of medical neglect, and the children would be forcibly immunized and possibly removed from the home or forced into the public school system for 'monitoring.'"

Goossen argues that even though S.B. 87 stipulates parents cannot be charged with abuse or neglect for opting out of the database, some fear state officials eventually could use the new database as a tool to single out non-participating homeschool parents for prosecution for those kinds of crimes.

Homeschool activists had little confidence that they could convince enough members of the legislature to block passage of S.B. 87. Instead, they worked with the National Vaccine Information Center (NVIC), an organization dedicated to informing parents about the risks of vaccinations, to persuade the governor to wield his veto pen.

**Still Fighting**

According to NVIC, the extent of vaccine-related problems is unknown. Although 12,000 to 14,000 injuries or deaths are attributed to vaccines each year, those figures are based on reports from fewer than 10 percent of all doctors. The organization seeks to empower parents and to oppose the imposition of mandatory immunization, according to the group's Web site.

At press time, House Bill 1161—the measure needed to fully fund the new immunization database—was on the governor's desk awaiting his signature.

Goossen said homeschool activists planned to promote a repeal of the new law in a future legislative session.

"We will revisit it," she said. "It's not a done deal."

*Ben DeGrow (ben@i2i.org) is a research associate for the Education Policy Center at the Independence Institute in Golden, Colorado.*





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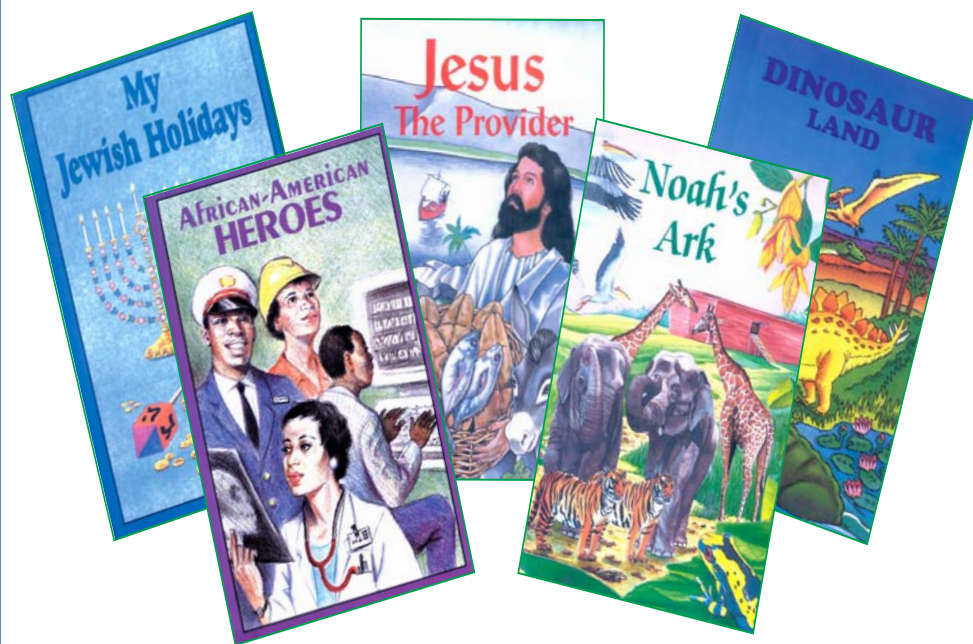
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# Are Tax Credits Really Not “Public Money”?

by George Clowes

Some education policy analysts say tuition tax credit programs such as Arizona's, which a federal district court judge on March 24 upheld as constitutional, are preferable to vouchers because they do not involve “public money” and are therefore less likely to be subject to government regulation.

But recent objections to tax credit programs raised in Florida, Pennsylvania, and South Carolina suggest school choice opponents see little difference between the two policy options, even though they involve fundamentally different approaches toward the goal of advancing parental choice in education.

The voucher model enables parents to access the tax dollars already designated for their children's education and redirect them to the public, private, or religious school they choose for the children. The tax credit model enables parents to access new dollars for education, either through an individual-use tax credit taken against the cost of private education or through scholarships from an organization funded by donations that qualify their givers for tax credits.

“[The tax credit] approach is far more sustainable legislatively and judicially,” said Trent Franks, originator of the scholarship tax credit, when the Arizona Supreme Court ruled such credits constitutional in *Kotterman v. Killian* in 1999. “It will make scholarships available to all families, and religious schools don't have to be afraid of strings attached to the money, since none of it comes from government coffers.”



**“[S]chool choice opponents see little difference between [vouchers and tax credits].”**

#### Opponents Disregard Court's Ruling

Plaintiffs in the *Kotterman* lawsuit had argued the credit was “public money” because, without it, an equivalent amount of tax revenue would flow into the public treasury. However, the court ruled that reducing an individual's tax liability is not the same as the government spending a certain amount of money: The tax credit cannot be considered “public money” because no money enters the state's control as a result of the tax credit.

Opponents of school choice ignored the ruling. In their criticism of scholarship programs funded by tax credits, they have consistently made no distinction between privately funded tax credits and publicly funded vouchers.

For example, critics of Florida's corporate tax credit scholarship program have consistently characterized it as a “corporate voucher” program to imply the scholarships are publicly funded by the state rather than privately funded through tax credits. Specific criticisms of the scholarship program also have been virtually identical to the attacks leveled at publicly funded voucher programs—they argue that private schools participating in tax credit programs should be accredited, private school teachers should be certified, private school students should have to take state tests just like those in public schools, and the program “drains” money from underfunded public schools.

#### Distinctions Ignored

Newspaper reports in Florida typically make no distinction between the different funding sources for the tax credit program and the state's two publicly funded voucher programs. For example, a May 3 *Tampa Tribune* story about voucher accountability described the Sunshine State's three school choice programs as “three voucher programs” and stated, “[a]ll are paid for with taxpayer dollars.”

Critics of Pennsylvania's Educational Improvement Tax Credit Program have made similar calls for fiscal and academic accountability standards for schools chosen by parents using the state's tax credits. Last year, State Rep. Phyllis Mundy (D-Luzerne) proposed that private schools benefiting from tax credits—which she called “backdoor vouchers”—should be subject to the same state assessment tests as public schools.

Before South Carolina Gov. Mark Sanford's (R) tuition tax credit proposal was stymied by the legislature in May, the *Charlotte Observer* ran a February 14 article on the proposal under the headline, “Should public money be used for private schools?”

The article, while not addressing the question of whether tax credits were in fact public money, quoted critics of Sanford's proposal who raised the common objections to vouchers. They said the money was needed for underfunded public schools, the credits would go to families who already had children in private schools, and there weren't enough private schools to handle additional students.

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



# Florida

Continued from page 1

those hoping to enroll in the state's new Voluntary Pre-Kindergarten program.

This past March, the American Civil Liberties Union sent a letter to Florida legislators citing a lower court's ruling against Opportunity Scholarships, warning that the new pre-kindergarten program, which includes religious and secular options, "will inevitably [lead to] more litigation."

Elsewhere in the media and court filings, school choice opponents have signaled their belief that pre-kindergarten, McKay scholarships, and possibly other programs may be challenged if the court rules against Opportunity Scholarships.

**"There is simply no reason to remove hundreds of kids from the only good schools they have ever known, and we will take the fight to save their scholarships to the U.S. Supreme Court if we have to."**

CLARK NEILY  
INSTITUTE FOR JUSTICE

## Court Faces "Clear Choice"

"The Florida Supreme Court faces a clear choice: Will Florida continue to lead the nation in educational opportunity, or will teachers' unions and other special-interest groups succeed in [thwarting] proven education reform?" said Clark Neily, a senior attorney at the Institute for Justice, a Washington, DC-based group representing the Opportunity Scholarships in the case.

"There is simply no reason to remove hundreds of kids from the only good schools they have ever known," said Neily, "and we will take the fight to save their scholarships to the U.S. Supreme Court if we have to."

Under Opportunity Scholarships and similar programs, parents and students are awarded scholarships that can be used at the school of their choice, with no consideration as to whether the school is religiously affiliated or not. The case hinges on the Florida Constitution's Blaine Amendment—an amendment preventing the public funding of parochial schools.

"These scholarships aid students, not schools," explained John Kirtley, vice chairman of the Alliance for School Choice in Tampa. "Opportunity Scholarships work identically to scholarship programs like Bright Futures college scholarships—students and parents use publicly funded scholarships to choose from religious and non-religious providers. So why has the teachers' union not sued to remove Bright Futures? Perhaps it is because their own economic interest is not threatened?"

The Florida Education Association did not return calls for comment.

## Floridians Support Choice

Support for K-12 school choice in Florida—where the average annual graduation rate at public high schools hovers near 50 percent—has grown steadily since 1998. Under Gov. Jeb Bush (R), several choice programs have sprung up to serve low-income, disabled, and high-achieving college-bound students.

Tallahassee has been the site of several school choice rallies in the past, most notably a March 2004 rally of 3,000 participants, the largest school choice rally in the nation's history. No school choice opponents appeared outside the court building on June 7.

Rally participants traveled from as far away as Miami; most rode on a bus overnight to arrive in Tallahassee on time.

Organized by individual schools, the trip also served as a civics lesson on participation in government. Following lunch on the capitol grounds, students toured the Historic Capitol Building, Museum of Florida History, and the Challenger Learning Center.

## Sponsors Were Minority Groups

The rally was sponsored by the Black Alliance for Educational Options (BAEO), Hispanic Council for Reform and Educational Options (HCREO), and

Florida State Hispanic Chamber of Commerce. The event was emceed by BAEO President Howard Fuller.

Featured speakers included Virginia Walden Ford, president of D.C. Parents for Choice, a leader in the movement to bring school choice to the nation's capital and one of the first African-American students to attend Little Rock's Central High following *Brown v. Board of Education*. Florida Hispanic Chamber of Commerce President and HCREO board member Julio Fuentes also spoke, as did John McKay, the former state senator who sponsored the bill creating Florida's McKay Scholarships for Students with Disabilities.

The state supreme court is expected to rule on the case later this year.

Jenny Rothenberg ([jrothenberg@stepupforstudents.com](mailto:jrothenberg@stepupforstudents.com)) is a public relations associate at Step Up for Students, a Tampa-based initiative of the Florida Corporate Tax Credit Scholarship Program.



More than 2,000 parents, educators, and students marched in Tallahassee on June 7 in support of Florida's Opportunity Scholarship program.

## Paige, Petrilli Join Fordham Foundation

by Krista Kafer

The Thomas B. Fordham Foundation, a Washington, DC-based education research organization, gained two education experts formerly with the U.S. Department of Education this spring.

Rod Paige, U.S. secretary of education during President George W. Bush's first term, was elected to the Foundation's Board of Trustees, and Michael J. Petrilli, former associate assistant deputy secretary in the department's Office of Innovation and Improvement, will serve as the foundation's vice president for national programs and policy.

## Advocates for Standards, Choice

Foundation President Chester E. Finn Jr. said in a news release it was a "thrill to welcome onto the Fordham team two of the wisest, most ardent and effective education reformers in the land. Rod Paige and Mike Petrilli embrace both standards-based and choice-based reform strategies and appreciate the crucial nexus between them. They're as pumped about charters as about testing, as keen on quality teachers as on standards."

Paige, who handed the U.S. Department of Education reins to Margaret Spellings earlier this year, is currently a public policy fellow at the Woodrow Wilson International Center for Scholarship. During his

**"Rod Paige and Mike Petrilli embrace both standards-based and choice-based reform strategies and appreciate the crucial nexus between them."**

CHESTER E. FINN JR.  
THOMAS B. FORDHAM FOUNDATION

tenure as the nation's seventh education secretary, Paige played a key role in creating the No Child Left Behind Act.

Prior to his appointment in 2001, Paige served as superintendent of the Houston Independent School District, where he was elected National Superintendent of the Year in 2001 by the American Association of School Administrators. During his lengthy career, he served as a classroom teacher, coach, and dean of the College of Education at Texas Southern University, where he established the Center for Excellence in Urban Education. He is now writing a book on African-American leadership and the achievement gap.

**Pressing for Continued Innovation**  
Paige, also in the news release, said

he is "honored to join the distinguished individuals who comprise the Foundation's board and staff, people whose work I have long respected," and that "no organization surpasses Fordham at posing and illuminating the fundamental issues that confront American K-12 education. ... I look forward to helping to advance that vital work."

This is Petrilli's second stint with the Fordham Foundation. In the late 1990s, before being tapped to work for the federal government, he served as the foundation's program director, editing reports and directing its reform programs in Dayton, Ohio.

At the federal level, Petrilli supervised reform-centered discretionary grant programs, coordinated evaluation and dissemination activities, and promoted innovations such as charter schools and alternative certification programs. Prior to that, he served as a special assistant for policy and planning in the deputy secretary's office.

"I will never forget the four historic, rewarding years I have spent at the U.S. Department of Education," Petrilli said in the release, "and I look forward to continuing to fight for the principles embodied in the No Child Left Behind Act" as a senior officer at Fordham.

Krista Kafer ([kristakafer@msn.com](mailto:kristakafer@msn.com)) is a freelance education writer based in Denver.

# Illinois

Continued from page 1

other aspects of the state's \$54 billion budget, lawmakers agreed to short-change the state's public pension funds by more than \$2 billion over a two-year period. Gov. Rod Blagojevich (D) also proposed pension reforms, including limits on inflated pension payouts to teachers.

## State Faces Pension Crisis

The pension issue is a potent one. As David Hoff reported in the May 18 edition of *Education Week*, Illinois has "promised \$51 billion in pensions to 225,000 current and retired teachers, but it has only \$31 billion in its accounts to pay for these pensions."

According to Steve Stanek, author of a May report on Illinois' public pension fund crisis, at the end of FY 2004 the state's total unfunded pension liability stood at \$35.1 billion, a greater amount than any other state.

Notes Stanek, "Large end-of-career pay raises for teachers and school administrators have resulted in substantial



Illinois Gov. Rod Blagojevich balanced the state's FY 2006 budget primarily by short-changing pension funds for teachers and other government employees.

cation, promise \$2 billion in property tax relief (neither permanent nor substantial), and hand over more than \$2 billion to state politicians in general revenue funds to spend however we like,"

**"The FY 2006 Illinois budget, which passed in May, includes a \$314 million increase in funding for K-12 education, bringing the guaranteed per-pupil expenditure to \$5,164."**

increases in retirement benefits for some individuals."

"Under the current system," explained a May 29 news release from Blagojevich's office, "school districts can increase salaries by up to 20 percent every year to boost pension benefits, with the state having to cover those costs. Under the new plan, the state's share will be capped at 6 percent."

"Taxpayers across Illinois shouldn't have to pay billions of dollars more in increased pension costs," Blagojevich had said in his state budget speech last February, "just to cover those end-of-career raises."

But Illinois Education Association spokesman Charles McBarron told *Education Week* the raises are justified.

"Local unions negotiate the pay raises as 'deferred compensation' for years of working for low salaries," he said. "This is simply a way to compensate teachers at the end of their career."

## Tax Swap Proposed

Blagojevich's pension reform was not the only education funding alternative on the table before the Illinois legislature adjourned at the end of May.

House Bill 750—a proposed "tax swap"—would have increased personal income, corporate, and sales taxes in order to fund education more substantially through state government than through local property taxes. Proponents claimed the measure would have reduced property taxes by as much as 25 percent.

Opponents of the bill warned the promised property tax relief would not materialize, meaning Illinois taxpayers would be worse off than ever. "Proponents will put \$2 billion into edu-

State Sen. Chris Lauzen (R-Aurora) wrote in a December 2004 article for "The Rant," an e-zine.

H.B. 750 was referred to the Rules Committee in mid-March and did not resurface before the close of the legislative session.

The tax swap measure, which has been proposed and rejected in Illinois several times over the past few years, would violate Blagojevich's campaign promise not to raise state income or sales taxes—"one of the few good promises the governor has made and kept," according to Stanek.

Nancy Salvato (nsalvato@limitedgovernment.org) is director of education and research at Americans for Limited Government in Glenview, Illinois.

## CORRECTION



In the June issue of *School Reform News*, we pictured the wrong Ken Kennedy in an article about school choice in South Carolina. Rep. Ken Kennedy (D-Greeleyville) is correctly pictured

here. We also mistakenly illustrated an article about the Pennsylvania tax credit with a photo of South Carolina legislators. *SRN* regrets these errors.

# La. Lawmakers OK 65 Percent Education Funding Measure

by Nancy Salvato

On June 9, the Louisiana Senate passed a measure directing the State Board of Elementary and Secondary Education to require every school district in the state to spend 65 percent of its education budget on classroom instruction. The measure passed 36-0, with one senator absent.

The House had earlier passed the provision by a unanimous vote. It does not require action by the governor to take effect.

"The state Senate's vote in favor of this provision is an outstanding step forward for public schools, teachers, and students in Louisiana,"

said Patrick Byrne, advisory chair of First Class Education and developer of the 65 percent proposal. "By re-prioritizing the funding so that 65 cents out of every education dollar goes to the classroom, upwards of \$200 million will be available to increase teacher pay and to put more computers and other supplies in the classroom—all without a tax increase," he said.

Only four states—Maine, New York, Tennessee, and Utah—currently spend at least 65 percent of their money in the classroom. On average, the nation

sends 61.5 percent of its education funding to the classroom. The 3.5 percent needed to bring classroom spending up to 65 percent would make a huge difference, providing an addi-

tional \$13 billion for classroom teaching, according to an April 10 commentary from syndicated columnist George F. Will.

The 65 percent solution has been warmly received by state legislators in Arizona, Michigan, Minnesota, and Pennsylvania. Illinois State Sen. Chris Lauzen (R-Aurora) is considering introducing 65 percent legislation next year.

According to a November 2002

*Chicago Tribune* article, "just 45.8 percent of school budgets statewide [in Illinois] was devoted to teachers, textbooks, and other basic instructional costs in 2000-01."

— Nancy Salvato



Illinois State Sen. Chris Lauzen (R-Aurora) is considering introducing 65 percent legislation next year.

## INTERNET INFO

To learn how the 65 percent solution would affect classroom instruction in your state, visit the Web site of First Class Education at <http://www.firstclasseducation.org>.

## Circulation Report

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# Defeats, Some Victories Scored by School Choice Supporters

by Lisa Snell

As many state legislative sessions drew to a close for 2005, the fate of several school choice initiatives was decided for the year.

In Arizona on May 20, Gov. Janet Napolitano (D) vetoed corporate tax credit legislation school choice supporters had expected to become law as part of a budget deal made a few weeks earlier. The budget Napolitano signed included her

funding priorities, such as a new medical school branch campus, expansion of all-day kindergarten, and funding for social programs—all of which she negotiated in exchange for approving the tax credit legislation.

Napolitano said she vetoed the tax credit initiative because Republicans did not include a five-year sunset on the legislation. School choice advocates accused the governor of breaking her promise to

Arizona children.

"The governor is a liar," Rep. Eddie Farnsworth (R-Gilbert) told the *Arizona Daily Star* afterward.

"It's unfortunate that for the moment this bipartisan agreement has been turned on its head," Milton & Rose D. Friedman Foundation President Gordon St. Angelo said in a May 20 news release. "Children in Arizona shouldn't have to wait for greater educational freedom

because of legislative wrangling."

The tax credit legislation would have allowed scholarships for 1,000 economically disadvantaged children to attend private schools. At press time, Napolitano was considering calling a special session to resolve the matter, indicating she may approve the corporate tax credit legislation if it includes the five-year sunset provision.

## Amendments Overwhelm Florida Bill

In Florida, the 2005 session closed on May 6 with the legislature failing to agree on school choice accountability legislation. The proposed measure would have barred schools that accept vouchers from discriminating on the basis of religion, required student progress to be measured using one of four standardized tests, and subjected voucher schools to unscheduled visits by an auditor. On the last day of the session, House members opposing the bill tacked 281 pages of amendments onto it, and the Senate did not take it up again.

Gov. Jeb Bush (R) has promised to tighten up school choice accountability and monitoring through an executive order.

In addition, Bush had hoped to expand the state's voucher program dramatically this year. The Reading Compact Scholarship would have given a taxpayer-funded voucher to any student scoring at the lowest level on the reading portion of the Florida Comprehensive Assessment Test for three consecutive years. The Senate voted to reject the program, saying it didn't want to expand vouchers before the state supreme court rules on the Opportunity Scholarship program. Oral arguments on that case were held June 7.

## Some Existing Programs Expand

Florida's corporate scholarship tax credit program funding cap rose from \$50 million to \$88 million. A May 8 news release from the Alliance for School Choice noted the tax credit expansion—passed by the legislature as part of an omnibus budget package—nearly doubles the current expenditures and will enable up to 9,000 additional low-income students to use scholarships to attend private schools over the next 18 months.

Approximately 11,500 students are currently enrolled in the state's scholarship tax credit program. That number could swell to 15,000 students this fall and to 20,000 students by the 2006-07 school year. Scholarship funding organizations may award up to \$3,500 per student.

In Ohio, the Senate version of the state budget, released May 24, maintained the statewide voucher program passed by the House on April 12. The House created the program with 18,000 vouchers for children in low-performing districts. The Senate kept the concept, but scaled it back to 10,000 students in low-performing schools.

Lisa Snell ([lsnell@reason.org](mailto:lsnell@reason.org)) is education director at the Reason Foundation, a Los Angeles-based think tank.

## New Chicago High School to Split Voc-Ed, College Prep Students

by Greg McConnell

Chicago Mayor Richard Daley (D) announced a controversial plan in April to build the first new public high school on the city's west side in 29 years—and splitting its 1,200 students evenly between a selective-enrollment college prep school and a vocational-education magnet school.

Daley claims the school will meet a demand and could be a positive model for other Chicago high schools to follow.

The new school—which will replace Westinghouse Career Academy on West Franklin Boulevard and is being built across the street from the old school—will cost \$47 million. Construction is scheduled to begin in 2006, with doors opening to students in 2008.

Schools spokesman Tim Tutton.

According to an April 19 news release from the Public Building Commission of Chicago, the new college prep school will use the same admission standards as the other eight, which give competitive entrance exams to students who do well on their 7th grade standardized tests in math and reading. The voc-ed school will interview students to determine the best fit for them; 30 percent of the 600 voc-ed slots will be guaranteed to students residing in the communities surrounding Westinghouse.

There also will be some crossover studies: Daley told the *Chicago Sun-Times* on April 19 some of the new school's voc-ed students could take college prep classes, and some of the college prep students could take voc-ed classes.

## Finance Monopoly Remains

John Norquist, president of the Congress for New Urbanism and former mayor of Milwaukee, isn't convinced the new Westinghouse is the best way to improve Chicago's high schools.

"Chicago public schools are trying lots of techniques that public school districts try," Norquist said. "They're creating charter schools, creating magnet schools, ... but fundamentally, the problem is that it's all part of an education-finance monopoly."

"When that public money all goes to the public school district and the parents don't really control it, then you get what you have in all major metropolitan areas, which is selection against the city—or wherever poor people live, you get school choice by geography."

Detroit, Norquist said, is a prime example: There, people who can afford to do so move to suburbs like Grosse Pointe Farms to escape low-performing urban school districts. But in Chicago, a little more choice is provided by the city's private school network, often used by wealthier parents. Chicago also has more political accountability than



Chicago Mayor Richard M. Daley announced the city will build a combined voc-ed and college prep high school on the city's west side.

other urban school systems, Norquist said.

"Everyone knows who the mayor is," Norquist noted, "and if the schools get worse, then that would be part of the record he'd have to defend at the next election."

## Vouchers Are Best

Norquist said he'd like to see Chicago adopt a voucher model similar to the ones already operating in Milwaukee, Cleveland, Washington, DC, and parts of Florida, where state aid follows the parents' wishes to public, private, or parochial schools. Such programs are also being used in Canada and western Europe.

"Even socialist Sweden has private school choice," he said.

Greg McConnell ([gjmc@yahoo.com](mailto:gjmc@yahoo.com)) is a freelance writer in Palatine, Illinois.

**"Chicago public schools are trying lots of techniques that public school districts try. They're creating charter schools, creating magnet schools, ... but fundamentally, the problem is that it's all part of an education-finance monopoly."**

JOHN NORQUIST  
CONGRESS FOR NEW URBANISM

## Demand Is High

In 2004-05, only 233 of the 1,700 students applying to Chicago's eight college-prep schools from the communities surrounding Westinghouse—which has been strictly a vocational-ed school since 1997—secured places in a college prep school.

"There was a real demand for a selective-enrollment school on the west side of Chicago," said Chicago Public

# Tax Credit Program Could Save New Mexico Millions

by Kate McGreevy

Providing students with scholarships financed by tuition tax credits could save New Mexico more than \$42 million in 10 years, according to a study released April 28.

"The Fiscal Impact of Tuition Tax Credits in New Mexico," a rigorous economic study conducted by PolEcon

**"New Mexico posted the nation's lowest scores on the reading portion of the National Assessment of Educational Progress ... in 2002-03, with just 20 percent of eighth graders scoring in the proficient range."**

Research, was commissioned jointly by the Milton & Rose D. Friedman Foundation and Albuquerque Partnership.

"Students from families with money can afford to choose a different school if

their assigned public school doesn't serve them. Students from low-income families have the same right," said Troy Williamson, executive director of Educate New Mexico, a scholarship-granting organization in Albuquerque.

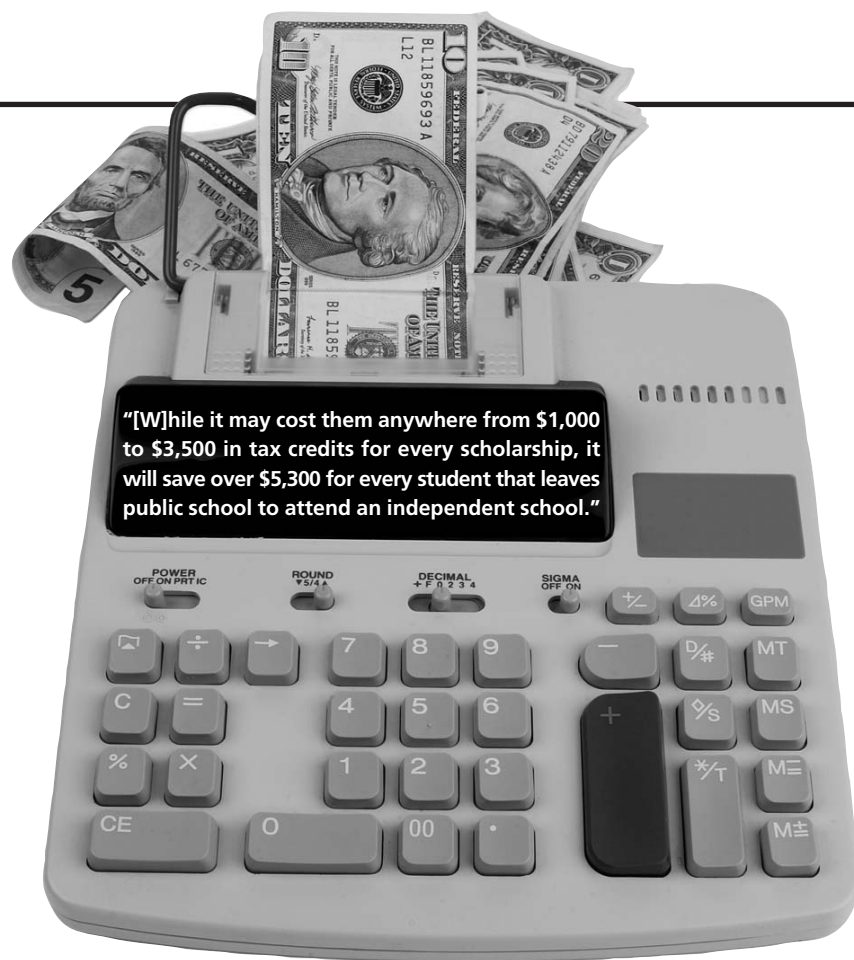
"This right becomes especially important in a state like New Mexico," said Williamson, "a state that consistently ranks at or near the bottom of every educational assessment in our nation."

New Mexico posted the nation's lowest scores on the reading portion of the National Assessment of Educational Progress (commonly referred to as the nation's report card) in 2002-03, with just 20 percent of eighth graders scoring in the proficient range.

## Scholarships Spreading

Six states—Arizona, Florida, Illinois, Iowa, Minnesota, and Pennsylvania—have laws that give individual or corporate tax relief for contributing to scholarship organizations, which in turn provide grants for students to attend private schools.

New Mexico legislators are considering a tuition tax credit for individuals and corporations contributing to a "Citizen Educational Support Fund"



(CESF) such as Educate New Mexico. CESFs would be nonprofits that provide either scholarships for students to attend private schools or education materials to teachers in public schools, but not both.

Brian Gottlob, author of PolEcon's study, believes the plan is fiscally promising.

"In order for the program to have no cost to the state ... the tax revenue lost as a result of the contributions to CESFs from individuals and businesses must be offset by lower expenditures for educating public school students," Gottlob said. "The way New Mexico saves money is that while it may cost them anywhere from \$1,000 to \$3,500 in tax credits for every scholarship, it will save over \$5,300 for every student that leaves public school to attend an independent school."

## Migration Won't Hurt Schools

Gottlob's calculation is based on a conservative estimate of student migration from public to private schools. In the first year, about 1,700 students will need to transfer from public to private schools; by the third year, about 1 percent (fewer than 4,000 students) will need to migrate for the state to achieve an even fiscal break.

"I think the numbers of public school migrants we are forecasting, while saving the state money, is likely to be small on a percentage basis and should allay fears of tax credit critics that the proposal would somehow decimate public schools," Gottlob said.

The study suggests the predicted level of migration is not unreasonable because parents will likely treat the scholarship as a limited form of income, and with the rise of income comes increased movement to independent schools, according to PolEcon's analysis of U.S. Census data from 2000.

## Natural Balance

Gottlob's research indicates New Mexico stands to benefit fiscally if at least 60 percent of the scholarships are awarded to students who qualify for the free- and reduced-price lunch program. He notes

"the 60 percent rule" could bring balance to the entire program.

"In order to meet the 60 percent criterion, CESFs will have to provide scholarships to a large number of students currently enrolled in public schools, thus ensuring a savings to the state," Gottlob said, referring to the fact that most low-income students are not currently enrolled in independent schools. "The final implication is that in order to meet the 60 percent rule by inducing migration from public schools, you will have to offer scholarships of a larger dollar value because lower-income students will require a greater subsidy to migrate. When you offer higher dollar value scholarships you will be able to give fewer of them, so it acts as a check on migration."

The optimal scholarship would be \$1,750, Gottlob said. Even though that would cover only half the cost of annual tuition at the average New Mexico private school, Williamson said most families would gladly make up the difference to give their kids a better education, given the number of private school applications he sees every year.

"Families," he said, "are standing in line to pay for what is being offered them for free down the street."

The New Mexico Education Association did not respond to interview requests.

Kate McGreevy ([mcgreevy@gmail.com](mailto:mcgreevy@gmail.com)) is a freelance education writer from Indiana and formerly worked with the Cesar Chavez Public Charter High School for Public Policy in Washington, DC.

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## INTERNET INFO

Brian Gottlob's April 2005 study, "The Fiscal Impact of Tuition Tax Credits in New Mexico," is available online at <http://www.friedmanfoundation.org/NMstudy.pdf>.

More information on Educate New Mexico is available online at <http://www.educatenm.org>.



# Maine Prepares NCLB Lawsuit

by Frank Heller

The state of Maine is moving to become the next state to sue the federal government over the No Child Left Behind Act (NCLB). As many as 17 states already have brought suit.

In late May, both houses of the state legislature passed a bill directing the state to investigate the costs of implementing NCLB and compare them to the federal funding allocated for compliance.

At press time, Maine's Department of Education (MDOE) was finishing a study on what NCLB's testing requirements would cost the state, and it was scheduled to send the report to the attorney general for review in June. If the attorney general's office determines NCLB is an insufficiently funded mandate, a lawsuit

against the federal government could soon follow.

## Older Program Deemed Adequate

The issues behind the lawsuit have been simmering for 15 years. In the early 1990s, State Sen. Michael Brennan (D-Portland), then a state representative, sponsored a bill creating the state's Learning Results program—the result of a decade-long effort to develop a broad range of educational standards for each grade level, adapting standards from associations such as the National Council of Teachers of Mathematics.

The program's guidelines were published in 1997. Under the plan, students have been taking a battery of tests administered annually by local school

districts, as well as the state-run Maine Educational Assessment (MEA) test.

The complex, expensive testing process has yet to yield the desired results. In 2004 only 12 percent of low-income high school juniors in the state were proficient in math, and 13 percent were proficient in science—yet most of them received diplomas the next year.

Despite this lack of success for the state's own Learning Results program, in June 2003 Brennan sponsored a bill directing the MDOE to undertake "a thorough investigation of the costs and benefits of participation in NCLB." The bill, titled "Resolve, Regarding the No Child Left Behind Act of 2001" (LD 676), passed May 24, 2005 by a vote of 85-58 in the state House. The Senate had passed it on May 20.

Brennan said he wants Maine to return the NCLB money and stay with Learning

Results. "No Child Left Behind is the single most intrusive piece of federal education legislation in the history of our nation. In a time of budget cuts and [military] base closures, we just can't afford an unfunded mandate," Brennan said. "NCLB could cost the state an additional \$100 million, and it hinders the implementation of the state's Learning Results curriculum."



Maine State Sen. Michael Brennan (D-Portland) opposes No Child Left Behind, preferring the Learning Results program undertaken by the state in the early 1990s.

## Can Markets and Economics Improve America's Schools?

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By Herbert J. Walberg  
and Joseph L. Bast

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"If the attorney general's office determines NCLB is an insufficiently funded mandate, a lawsuit against the federal government could soon follow."

## State Accepted NCLB Funds

The MDOE favors Learning Results over NCLB as well. In his written testimony on LD 676, Deputy Commissioner Patrick Phillips said, "determining the costs of NCLB has been a controversial issue. ... The most contentious area has been defining what the federal law actually requires in terms of student achievement ... and whether federal funds are 'adequate' to allow student achievement."

One problem is that the state accepted the NCLB money and all the conditions attached. According to the U.S. Department of Education (USDOE), Maine has seen a "47 percent funding increase over the last five years while the student census has declined 30 percent." Phillips, however, said the MDOE never requested additional funding from USDOE, and that the state had even returned some of the money.

Nonetheless, Phillips estimated Maine needs approximately \$11 million more to comply with NCLB's accountability requirements, as well as any others that go beyond those listed in the Elementary and Secondary Education Act.

Complexities in the accounting process—including separating which administrators are to be paid for routine tasks from federal, state, or local budget accounts—make it difficult to determine whether the underfunding problem exists because MDOE failed to estimate the full cost of administering NCLB or because it failed to reallocate monies to administrative and other tasks in a timely manner.

Frank Heller ([global3004@gwi.net](mailto:global3004@gwi.net)) is cofounder of the Maine Children's Scholarship Fund in Brunswick, Maine.

# Defective Educational Philosophy Is Real Culprit in K-12 Education Failures

## Review of *Doomed to Fail: The Built-in Defects of American Education*

by Paul A. Zoch

Chicago: Ivan R. Dee, 2004, 237 pages, ISBN 1-56663-567-5, \$26.95

by George A. Clowes

Paul A. Zoch's book, *Doomed to Fail*, clearly, concisely, and convincingly lays out the reasons why K-12 education in the United States produces high school seniors who score well below their peers in other countries. Yet those who pick up this book expecting a denunciation of public schools and public education will be disappointed, because the defects he describes are defects of educational philosophy, not structure. His focus is on teachers, and his targets are the beliefs that shape teaching styles and student attitudes.

As a high school teacher with 16 years' experience, Zoch is familiar with student attitudes and initiatives to improve public schools, such as increased spending, organizational changes, better curricula, and the quest for better teachers.

### Educational Philosophy Damaging

Zoch, however, argues none of these reforms will improve student perfor-

mance because none requires any change in student effort. The problem, he says, lies in an educational philosophy that assumes students will remain passive and disengaged from the learning process until the teacher sparks each student's interest in discovering more about the topic at hand. One student failing Zoch's class complained, "Maybe if you'd sing and dance, we'd learn this stuff."

"Students must understand that going to school is their job, something most do not now realize," Zoch writes. "Many students, thinking it is the teacher's job to do what will 'make' them smart, feel little need to take their classes seriously."

At the same time, Zoch says, teachers who currently demand more effort from students are "not infrequently" seen in "an antagonistic light," by students, parents, and administrators alike.

Today's "American educational philosophy ... expects teachers to provide stimuli that will overpower the students' sense of boredom or so inspire the students

to learn that they will be swept up in a torrent of educational ecstasy and learn naturally without having to experience stress or discomfort," Zoch writes. He contrasts this approach with Japan's, where students do not expect learning to be "fun" or "exciting" but instead anticipate it will be difficult and involve some suffering.

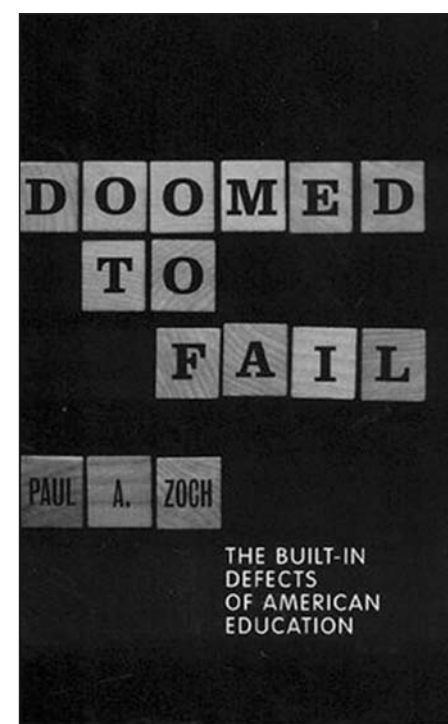
### Opposed to Achievement

How did American educational philosophy come to be so opposed to academic achievement? That is the heart of Zoch's book, in which he describes the transition from education requiring disciplined effort to what is known today as "Progressive Education." The Progressive philosophy has three belief strands, Zoch notes:

- Behaviorism. The teacher, expertly trained in pedagogical science, elicits appropriate responses from helpless, passive students.

- Compulsion-free learning. Students learn only what they feel they need to; compelling them to do more may inflict grave psychological damage.

- "Fun." Since learning must be fun, academic subjects are given short



shrift because mastering them requires disciplined effort.

The Progressive educational philosophy is also profoundly hostile to fundamental American values. For example, in William H. Kilpatrick's 1933 book, *The Educational Frontier*, Progressive advocates laid out their ideas for creating a collectivist society by reconstructing the public school curriculum to show the evils of a system based on individualism.

"The outworn and irrelevant ideas of competitive private individualism, of laissez faire, of isolated competitive nationalism are all strenuously inculcated [in our present schools]," write John Dewey and John L. Childs in Kilpatrick's book. "We are demanding the abolition of all such indoctrination, on the grounds that it is injurious equally to the health and growth of genuine individuality and to that of a collective public order."

### Student Responsibility Essential

Until this philosophy is repudiated and students are required to assume individual responsibility for their achievement, reforms will fail, Zoch concludes. He proposes the following:

- a challenging, rigorous national curriculum detailing the facts and concepts students must know in every subject at every level;

- fact-based, end-of-course tests in each subject that students must pass to gain credit for the course; and

- recognition and adoption by public schools of the effective practices of successful schools and the self-reliant attitudes of successful students.

While Zoch suggests public schools should be like "other areas of American life" and adopt the effective practices of successful schools, he offers no incentives to spur changes in the system, and it's not clear why his reform proposals would not also be "doomed to fail." A market-based public education system, in which schools compete for funds and students, would provide those missing incentives for change.

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

## Home Schools Remedy Public School Woes, New Book Says

### Review of *Public Schools, Public Menace: How Public Schools Lie to Parents and Betray Our Children*

by Joel Turtel

New York: Liberty Books, 2005, 387 pages, ISBN 0-9645693-2-9, \$17.95

by George A. Clowes

"[T]ake their future into your hands, now."

That's Joel Turtel's blunt message for parents of school-age children in *Public Schools, Public Menace*. Turtel contends government-run schools have become so dangerous and so completely unable to teach that parents should give up on those schools and look elsewhere—he recommends homeschooling—to educate their kids.

Turtel provides a range of measures indicating the current public school system's shortcomings. These, he argues, are a result of government control of K-12 education and the suppression of a free-market education system.

"The main reason our public schools fail, and will continue to fail, is because they are a compulsory, government-run, near-total education monopoly," he writes.

### Competition Ensures Accountability

Turtel contrasts the way apologists

offer excuses for public schools' poor performance with the way service providers in the rest of the econ-

**"The main reason our public schools fail, and will continue to fail, is because they are a compulsory, government-run, near-total education monopoly."**

JOEL TURTEL

*PUBLIC SCHOOLS, PUBLIC MENACE*

omy offer the quality of their work as the proper measure of their performance. Whereas poorly performing public schools continue to exist (and in fact typically receive increased funding), a lack of customers soon puts poorly performing service providers



out of business.

In a revealing analogy, Turtel speculates on the likely consequences of charging the government with providing adequate food or "No Child Left Hungry." Under

his imaginary plan, a local Food Board would levy food taxes to operate government-owned supermarkets, where tenured civil-service staff would provide publicly funded groceries "free" to their assigned customers. All concerns about food and staff quality, and requests to shop at other stores, would be handled through the Food Board.

"If this system sounds absurd to you," Turtel asks, "why do you put up with such a system when it comes to your children's education?"

The book also provides responses to questions parents considering homeschooling often ask about access to curricula, time required, qualifications, socialization, college admission, and other issues.

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



# School Choice Is Good Politics in New Zealand

by Adam Shelton

An education policy that leans toward giving parents their choice of schools and schools control of their finances and curricula has been released by New Zealand's leading opposition party in the build-up to the country's general election to be held this year.

The National Party's school choice advocacy contrasts boldly with the position of the current Labour Party government. That contrast, along with National's other policies, seems to have hit a note with voters: A National Business Review-Phillips Fox poll, conducted by UMR Research and published in early June, put National ahead of the government for the first time. The election date has not yet been announced, but by law it must be held before September 25.

National has been keen to play up its education differences with Labour, using large, colorful campaign billboards appearing in June proclaiming, "Which school? You decide" above a photo of a smiling National leader, Don Brash, and "We decide" above a grim-looking Prime Minister Helen Clark.

National's policy contains several school choice initiatives that were part of the market-oriented Tomorrow's Schools program implemented in 1989 initiatives that have since been dumped under political and union pressure. It also includes innovative new proposals, including one to allow successful public schools to expand and take over less successful neighboring ones.

Though the policy doesn't provide full school choice, it is seen as a welcome step in a sector that over the past 15 years has slowly seen the generally successful initiatives of Tomorrow's Schools cut back by successive administrations.

## Research Shows Proof

Detailed research, released in late May by the Maxim Institute, an education freedom organization, made national headlines, revealing 84 percent of parents believe individual schools should be allowed to teach their community's positive values, and 79 percent believe schools should be free to offer alternative examinations.

In June, the country's largest newspaper, the Auckland-based *New Zealand Herald*, released a poll finding 43.8 percent of those surveyed believed education is worse now than when the government took power two terms ago in 1999, and that education was the third most important election issue, behind taxes and health.

## Parents Want Choices

Parent behavior seems to indicate choice is wanted now as strongly as ever. The number of parents going to great lengths—including moving or lying about their address to get into "popular" school zones—has become a recurring story each school year.

Catholic schools continue to expand as



Don Brash, a leader of New Zealand's National Party, is a vocal proponent of school choice. National, the country's leading opposition to the current Labour Party government, is making school choice a cornerstone of its campaign for the general election to be held later this year.



**"[The National Party's proposed policy would] shift the focus of decision-making from a cabal of teacher union leaders to where it truly belongs and has been shown to get the best results—families and education professionals."**



**NORMAN LAROCQUE**  
EDUCATION FORUM

growing numbers of non-Catholic parents look to get their children into parochial schools—a further sign of parental demand for education alternatives.

Recent student performance data back up parents' support for choice. Ministry of Education data from 2003 show that Maori students (New Zealand's indigenous people, who are over-represented in education failure statistics) are five times more likely to leave secondary school with the top qualification if they have been educated in a private school.

In a 2003 National Business Review poll, conducted by UMR Research, 63 percent of Maori surveyed said they thought private education was better than public education.

## Parents Would Make Decisions

When the National Party released its policy statement in April, the *New Zealand Herald* argued in an editorial that the proposal would put public education "back on track," and Newstalk ZB, a national radio station, gave it extensive and supportive coverage on a morning show.

Norman LaRocque, policy advisor to the Education Forum, a leading New Zealand school choice advocacy organization, said the most heartening aspect of the National Party's proposed policy was that it would "shift the focus of decision-making from a cabal of teacher union leaders to where it truly belongs and has been shown to get the best results—families and education professionals."

He said the policy had all the ingredients needed to provide real improvements in teacher quality, school management, and learning outcomes.

In addition to the proposed policy, LaRocque said, ongoing work from several education and business advocacy

organizations has helped promote the benefits of school choice for New Zealand.

## Teacher Unions Condemn Plan

"The activities of everyday families up and down the country in looking for education alternatives make it clear that school choice policies are just what they need to escape the narrow confines of the current 'one-size-fits-all' system," LaRocque said.

Joy Quigley, executive director of Independent Schools of New Zealand, described the policy as pragmatic, non-politicized, and built around children's needs. She said it would help reverse New Zealand's decline in the rankings for education and economic standards listed annually by the Organization for Economic Cooperation and Development.

Teacher unions, however, condemned the policy.

The head of the secondary school teachers' union, the Post Primary Teachers Association, claimed the policy's calls for parental choice and education excellence really meant privatization, and that the National Party intended for the few schools termed "excellent" to get all the resources while leaving the rest to struggle.

## American Experiments Criticized

The primary school teachers' union said overseas experiments with vouchers—most notably in the United States—had failed.

"Vouchers are a device governments use to privatize education," union president Colin Tarr said in a statement.

The governing Labour Party, with several former teachers in its cabinet, reacted with scorn to the National Party's policy, saying it had spent "the last five years

rebuilding the state school system after National's decade of neglect and failed policies." However, it was the Labour Party that wrote the Tomorrow's Schools legislation in the late 1980s.

In other countries, support for school choice policies spans the political spectrum, with parties similar to New Zealand's governing party in favor. In Britain, Labour Prime Minister Tony Blair made choice and self-management policies a key component of his education platform in Britain's general election this year. In the United States, some Democrats have supported expanding some forms of choice such as charter schools—essentially the same as National's proposal for self-managing schools.

## Parents' Choices Limited

New Zealand does have some school choice, but only in the early childhood and post-secondary sectors.

Kate Ormsby, an accountant for a property development company in Wellington, New Zealand's capital, said her experience in choosing a suitable early childcare center for her daughter highlighted the value of giving parents control over where their children are educated.

"It infuriates me that under current policies I won't have that choice when Tui gets to primary school," Ormsby said. "It's also amusing to see parents who say they do not support school choice taking a very active role in deciding which childcare center would be best for their pre-schoolers."

"Choice is really important. Parents know what's best for their children and should have the right to make those decisions. They just need the relevant information to base their decisions on."

Although National's policy captured headlines and the attention of families like the Ormsbys when it was released in April, analysts say it is unlikely to be an election decider for voters. However, it has set the ground for a heightened school choice debate between politicians, educators, and families.

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# “Essential Reading,”

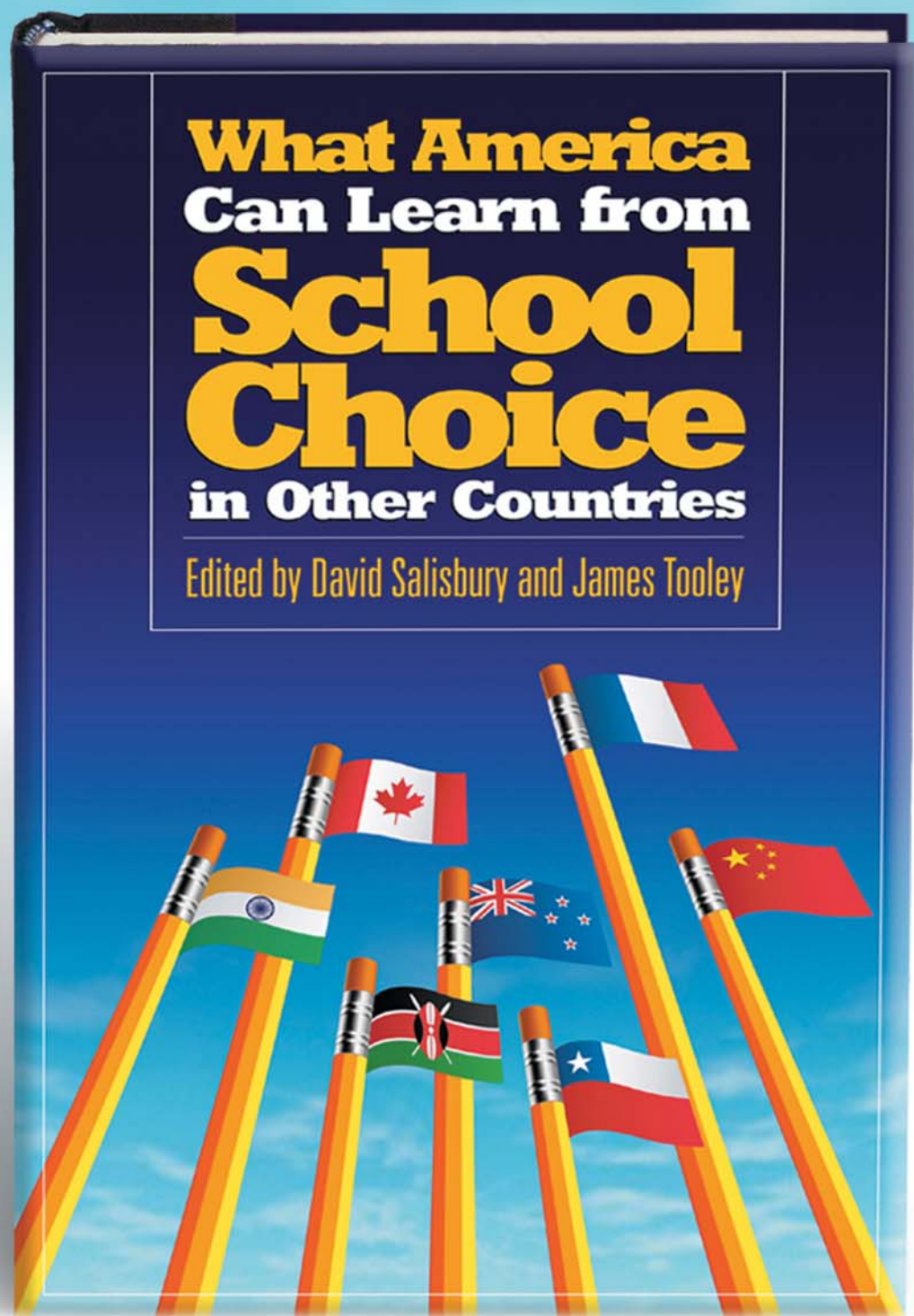
—Rod Paige

Former U.S. Secretary of Education

“A useful compendium of educational policy from other countries that ought to inform our own debates as we travel down the road of reform.”

—Clint Bolick

President and General Counsel  
Alliance for School Choice



**P**arents in many other countries have more freedom of choice in education than Americans do. In Chile, Sweden, and the Netherlands, they can choose private schools without financial penalty. As we expand school choice in the United States, reformers and policymakers should look beyond our borders and learn from the examples of other countries. Critics in America claim that school choice would benefit a minority of students at the expense of the majority, drain funding from public schools, and segregate students into racial or economic groups. Are these claims based on fact or fear?

In this collection, scholars from Europe, South America, New Zealand, Australia, Canada, and the United States examine other countries' experiences with school choice and draw

out critical lessons for America. What school choice policies are most effective? How well do private schools serve the poor? What policies are necessary to promote the widest selection of educational opportunities for the largest number of children? Also, what controls and regulations are most harmful to the development of a competitive education industry? Has school choice in other countries led to a free education market, or has it, at least in some cases, led to increased regulation, regimentation, and uniformity among private and public schools?

The wealth of information and insight contained in this volume will aid policymakers and reformers as they search for the best ways to improve American education.

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