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# School Reform News

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THE MONTHLY NEWSPAPER FOR SCHOOL REFORMERS

Vol. 11 No. 6 August 2007

## Ohio Rallies for Education Options



More than 1,800 people gathered at the Ohio State Capitol in Columbus on May 9 to express their support for charter schools and the statewide Educational Scholarship Program (EdChoice). Earlier this year, Gov. Ted Strickland called for a moratorium to be placed on charter schools and EdChoice to be eliminated.

### *School choice proponents win General Assembly vote*

By Lori Drummer

Approximately 1,800 school choice supporters traveled to Columbus, Ohio to voice their support for educational freedom on May 9, calling for the state to safeguard the Educational Choice (EdChoice) Scholarship Pro-

gram and Ohio's community school system.

During his March State of the State address, Gov. Ted Strickland (D) had called for the elimination of the EdChoice Program and proposed placing a moratorium on charter schools. He also included in his exec-

utive budget a provision that bans for-profit companies from operating charter schools.

On May 1, the Ohio House of Representatives unanimously passed its version of the state budget, which fully restored the EdChoice Program,

OHIO p. 11

## Utah Voters Will Decide the Fate of Universal Voucher Program

By Robert Holland

Utah voters will decide November 6 whether they want to preserve and implement a landmark K-12 voucher program that their elected representatives enacted into law this spring.

The referendum is the result of a peti-

tion drive mounted by adamant foes of school choice, led by teacher unions, the PTA, and other elements of the public education establishment organized as Utahns for Public Schools (UTPS). Utah permits citizens to petition for

UTAH p. 10

## Hawaii Removes Obstacle to Charter Schools

By Ben DeGrow

As a charter school champion engaged in a difficult struggle, Hawaii's chief executive has claimed a key victory for educational choice in her state.

On May 31, Gov. Linda Lingle (R) signed into law Act 115, which affords charter schools on the seven Hawaiian Islands more independence from the

HAWAII p. 4

## Georgetown Finds Choice Works in D.C.

By Aaron Atwood

According to a second-year evaluation of the D.C. Opportunity Scholarship Program (OSP) conducted by Georgetown University's School Choice Demonstration Project, parents see positive changes through school choice.

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

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School Reform News is published 10 times per year by The Heartland Institute. Subscriptions are \$36 per year. Order online at [www.heartland.org](http://www.heartland.org). Heartland is a nonprofit and non-partisan public policy research organization serving the nation's federal and state elected officials, journalists, Heartland Members, and other opinion leaders. Its activities are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.

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# Congress Prepares for NCLB Reauthorization Debate

By Dan Lips

After months of committee hearings, congressional leaders are now looking to begin the legislative process for the scheduled reauthorization of the No Child Left Behind Act (NCLB). Democrats control Congress, but Republican leaders are proposing an agenda of policy ideas to be considered in the reauthorization.

Rep. Howard "Buck" McKeon (R-CA), the ranking Republican on the House Education and Labor committee, will play a lead role in the reauthorization process.

"House Republicans have consistently fought to maximize flexibility for local schools and options for parents whose children attend underperforming schools," McKeon explained. "My goal in this reauthorization is straightforward—arrive at a final product that balances flexibility and choice with real accountability to ensure taxpayers know what kind of return they are getting on their substantial investment in K-12 education."

**"After months of committee hearings, congressional leaders are now looking to begin the legislative process for the scheduled reauthorization of the No Child Left Behind Act."**

### Alternate Bills

To address those goals, "I've introduced legislation to give parents whose children attend underachieving schools the option of sending them to a better-performing private school through Opportunity Scholarships," McKeon said, "as well as a bill to give school districts the unprecedented ability to shift billions in federal dollars toward education programs that meet their unique needs."

McKeon also highlighted other initiatives introduced by his House colleagues.

"Congressman Tom Price [R-GA] has introduced legislation to authorize a teacher incentive fund to give states and school districts a chance to reward our highest-achieving teachers through locally designed performance-pay programs," McKeon noted. "And Congressman Charles Boustany [R-LA] soon will introduce legislation to target charter



Rep. Howard "Buck" McKeon, ranking Republican on the U.S. House Education and Labor committee, believes NCLB reauthorization will be completed this summer.

school funds toward states without [enrollment] caps and to make the charter school option a more attractive one during school restructuring under NCLB."

### 'Race to Bottom'

McKeon didn't suggest making fundamental changes to NCLB's core testing regime or the national goal to have all students score "proficient" on state exams by 2014—an issue many analysts say must be addressed.

Dr. Matthew Ladner, vice president of research for the Goldwater Institute, a free-market think tank in Phoenix, explained the problem in the existing law.

"Requiring states to have 100 percent proficiency, but leaving the test contents and passing thresholds up to them, is a recipe for a 'race to the bottom'—which is exactly what we are seeing," Ladner said. "Ironically, NCLB is the greatest threat to public school transparency out there, as states dummy down their tests to avoid federal sanctions."

Ladner said fundamental changes to NCLB are necessary.

"States need to create their own accountability systems," Ladner explained. "In return for their 7 percent of K-12 school funds, the federal government ought to have more modest goals, such as promoting transparency. As it is, NCLB is in terrible danger of completely backfiring and deeply discrediting the notion of top-down accountability in the process."

**"My goal in this reauthorization is straightforward—arrive at a final product that balances flexibility and choice with real accountability to ensure taxpayers know what kind of return they are getting on their substantial investment in K-12 education."**

**HOWARD "BUCK" MCKEON**  
U.S. REPRESENTATIVE  
CALIFORNIA

### Capitol Hill Timeline

The timeline on the reauthorization debate is uncertain, but McKeon is confident the legislation will be handled in 2007.

"Staff has begun meeting to work through legislative language, and I believe we can see the reauthorization pass the House sometime this summer," McKeon said. "The Senate, as always, is another story. However, I'm hopeful we can see this through to completion this year."

Dan Lips ([dan.lips@heritage.org](mailto:dan.lips@heritage.org)) is an education analyst at The Heritage Foundation in Washington, DC.

# Detroit Closes 34 Public Schools

*City launches PR drive to regain students*

By Aricka Flowers

In what is being called the largest number of simultaneous school closings ever, anywhere in the nation, the Detroit Board of Education voted 6-5 on April 4 to close 34 public schools by this autumn, due to poor test scores and the district's need to save \$18.6 million.

Eight more could close this school year if student test scores fail to improve.

According to an April 5 Detroit Public Schools (DPS) news release, the closings are "a strategic step designed to move the district forward academically and fiscally." In addition to expanding some successful programs, DPS plans to create new ones: Two single-sex high schools and an African-American-centered high school are already in the works.

## Exercising Choice

"School quality is obviously an issue," said Ryan Olson, director of education policy at the Mackinac Center for Public Policy, a free-market think tank in Michigan. "Parents are realizing that they are not sending their children to the best schools available to them when

they use assigned schools. School safety is another issue. There have been a number of crimes committed in and around school property, including a rash of crimes this year and last.

"The options that parents have are very limited, and the demand far exceeds the supply, but parents are using their options," Olson said. "Charter schools in the metro Detroit area are full, and many parents are demanding that more open."

According to its news release, DPS has lost 60,000 students over the past year to declining birth rates, a shrinking city population, and competition from charter schools and neighboring school programs.

In an April 5 statement, Detroit Board of Education member Paula Johnson said the closings will improve the system.

"This, I believe, is a significant step in making the educational opportunities offered by DPS first among equals," Johnson said. "I've always believed that we need to close schools in order to become a more efficient and more fiscally responsible organization. This will

move us closer to that goal, but more needs to be done."

## Competing with Charters

On May 23, DPS began working on an aggressive campaign to lure students back to the school system.

"This is a critical year for the district," said DPS Interim Superintendent Lamont Satchel. "While we continue to face declining student enrollment, we must also confront the possibility of cuts in per-pupil funding. These two factors could harm the district irreparably. They could significantly weaken our academic programs.

"We offer a variety of quality academic programs that no other school district or charter school in the state does," Satchel continued. "The shrinking of the district could potentially kill some of these programs. We refuse to let that happen."

With the school system losing students at an estimated rate of 10,000 per year, the total enrollment of 116,000 students could quickly fall below the important benchmark of 100,000.

"If the district's enrollment dips below 100,000 it will cease to [be categorized by the state as] a school district of the



first class," Olson explained. "Michigan law [strictly regulates] the opening of charter schools in first-class districts. That means if enrollment falls below 100,000, charter schools will be free to open throughout the city."

Aricka Flowers ([atflowers@hotmail.com](mailto:atflowers@hotmail.com)) writes from Chicago.

# Hawaii

Continued from page 1

state bureaucracy than they have previously enjoyed.

The new law transfers authorizing power from the State Board of Education to a separate Charter School Review Panel, which formerly operated only in an advisory role. Though the State Board still appoints panel members, it now acts only as an appeals board for denied applicants.

## Bureaucratic Opposition

Hawaii's State Board is the only one nationwide with direct oversight of all public schools, without any local or intermediate boards.

"Our Board and Department [of Education] have been very hesitant to provide the kind of autonomy that will ensure charter schools can be successful," said Lingle's senior policy advisor, Linda Smith.

Jeanne Allen, president of the Center for Education Reform, a charter school advocacy group based in Washington, DC, agreed.

"Because the state has made it not

only difficult to get a charter but almost impossible to get equitable funding or get the flexibility the schools need to achieve, the [charter school] movement there has shrunk in recent years," Allen said. "Hawaii's charter law needs a boost."

**"Gov. Linda Lingle signed into law Act 115, which affords charter schools on the seven Hawaiian Islands more independence from the state bureaucracy than they have previously enjoyed."**

Allen lauded Lingle as a charter school champion, and noted her previous reform efforts have been stymied by the State Board and other political opponents.

"We have long followed [Hawaii's] progress and are so impressed with her command of the issue," said Allen. "But her proposals have almost been summarily dismissed each time."

## Changing Methods

Act 115 marks a turning point. Besides expanding autonomy by changing the authorizer, the new law also establishes a formula guaranteeing charter schools are funded at the same rate as other public schools. The state now will provide equivalent funding for charter facilities, whereas it previously allotted them no capital dollars at all.

Smith said some Hawaii charter school operators have housed students in trailers, tents, and warehouses—even part of a mortuary. "They've been creative, imaginative, and determined," she said.

The bill passed through both houses of the legislature with no votes cast in opposition.

"We believe it's because we've done a lot of work informing our legislators what a great job charter schools are doing," Smith said, adding that the state's charter schools tend to be safer, as well as better-performing and -attended.

Hawaii currently has 27 charter schools serving 6,500 of the state's 180,000 public school students. Smith said total public school enrollment figures are the same as 30 years ago, the stagnation largely caused by parents choosing private education and home-schooling.

"Charter schools are the only growing

segment of our public school system," Smith said.

## Important Innovations

Many parents are attracted to the traditional culture native Hawaiian groups teach in about half the state's charter schools.

"This is just one of many innovations going on, and they need to continue," Allen said.

Still, Hawaii is scheduled to limit the number of charter schools to 30 this year, Smith said. The cap is based on the number of current charters receiving accreditation from the Western Association of Schools and Colleges.

Hawaii ranked 47th of 50 states in average math and reading scores on the 2005 National Assessment of Educational Progress, and last in the percentage of schools that achieve Adequate Yearly Progress under the No Child Left Behind Act.

"We have nowhere else to go but up in terms of our public education, and charters are going to play a role," said Smith.

Ben DeGrow ([ben@i2i.org](mailto:ben@i2i.org)) is a policy analyst for the Independence Institute, a free-market think tank in Golden, Colorado.



# Special-Needs Grants Would Save Money for Virginia Public Schools

By Lori Drummer

An independent study released on April 27 shows the long-debated proposed Tuition Assistance Grant (TAG) program for Virginia students with disabilities would financially benefit the commonwealth's public school systems.

The report, *The Fiscal Impact of a Tuition Assistance Grant for Virginia's Special Education Students*, was released jointly by the Milton and Rose D. Friedman Foundation, Virginia Chamber of Commerce, and Thomas Jefferson Institute for Public Policy. The author finds the school system would gain an average of \$11,943 for each student with a disability whose parents use TAG funds to choose another school.

## Net Gains

The study, prepared by Dr. Susan L. Aud, a senior fellow with the Friedman Foundation, finds if Virginia offered a TAG of \$5,000 to parents of students with special needs, "the average school division would gain a net fiscal benefit of \$5,214 from revenue they would continue to receive even after the student departed, and an additional net fiscal benefit of \$6,729 resulting from a reduction in special education costs."

"This landmark study adds intellectual analysis to the parental choice debate and sets the record straight on Tuition Assistance Grants for students with disabilities," said Michael W. Thompson, president of the Thomas Jefferson Institute, a free-market think tank in Virginia. "Opponents of helping these students have all too often resorted to vicious distortions

that aren't worthy of honest discussion. This study lays out the undeniable facts about the finances of TAGs for students with disabilities."

Aud assumes that when a special-education student leaves public school through the TAG system, 15 percent of a district's per-student funding under the federal Individuals with Disabilities Education Assistance program will no longer go to the public district. This estimate is the most conservative savings assumption that can be made, because even if a district's special-education student population dramatically declines within a year, it is guaranteed to receive at least 85 percent of the funds it received the previous year.

**"An independent study released on April 27 shows the long-debated proposed Tuition Assistance Grant program for Virginia students with disabilities would financially benefit the commonwealth's public school systems."**

## Simple Math

Student funding in Virginia is based on 11 components of the state Standards of Quality established by the General Assembly. Once these total allowable costs are calculated, they are divided by the number of students in the school division. As a result, each public school student generates approximately the same amount of state revenue, regardless of whether the pupil receives special-education services.

While special-education students generate only slightly more state revenue than their peers, their education can be considerably more expensive. According to Aud's research, if a student with special needs used a TAG, the local school system would experience a substantial

reduction in costs, compared to the loss of state dollars, resulting in a significant financial gain to the school.

"Education funding, and particularly funding for students with disabilities, is complex in Virginia, and [it] benefits from dispassionate analysis in determining the best way to help kids," said Hugh D. Kehoe, president and CEO of the Virginia Chamber of Commerce.

## Legislative Debate

For three consecutive years, Senate Majority Leader Walter Stosch (R-Glen Allen) has sponsored legislation that would provide a TAG for public school special-needs students to attend a private school if their parents are dissatisfied with their educational progress. The scholarship amount is limited in the bill to the state share of the child's public school education, and the maximum scholarship is set at \$10,000 per year.

Participating private schools would have to be non-religious and licensed to teach students with disabilities. Fewer than 100 schools in Virginia currently qualify.

Senate Bill 1419, Stosch's TAG proposal for the 2007 legislative session, passed the Virginia Senate but was defeated in the House Appropriations Committee on February 16 by a 7-13 vote.

One of the only alternatives currently available in Virginia to dissatisfied parents of a student with special needs is a due process hearing or a lawsuit, which can be quite expensive for the school district and parents alike.

Lori Drummer ([ldrummer@AllianceforSchoolChoice.org](mailto:ldrummer@AllianceforSchoolChoice.org)) is director of state projects at the Alliance for School Choice.

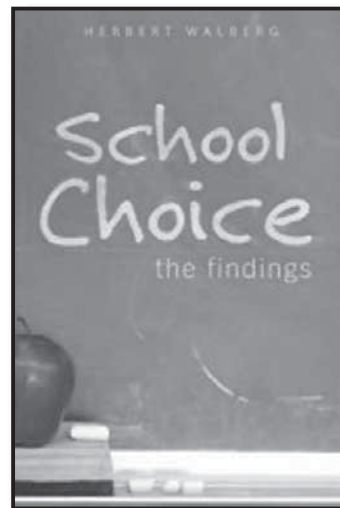
## INTERNET INFO

*The Fiscal Impact of a Tuition Assistance Grant for Virginia's Special Education Students*, by Dr. Susan L. Aud, published April 27, 2007 by the Milton and Rose D. Friedman Foundation et al., is available through PolicyBot™, The Heartland Institute's free online research database. Point your Web browser to <http://www.policybot.org> and search for document #21462.

## School Choice: The Findings

BY HERBERT J. WALBERG

Distinguished Visiting Fellow, Hoover Institution  
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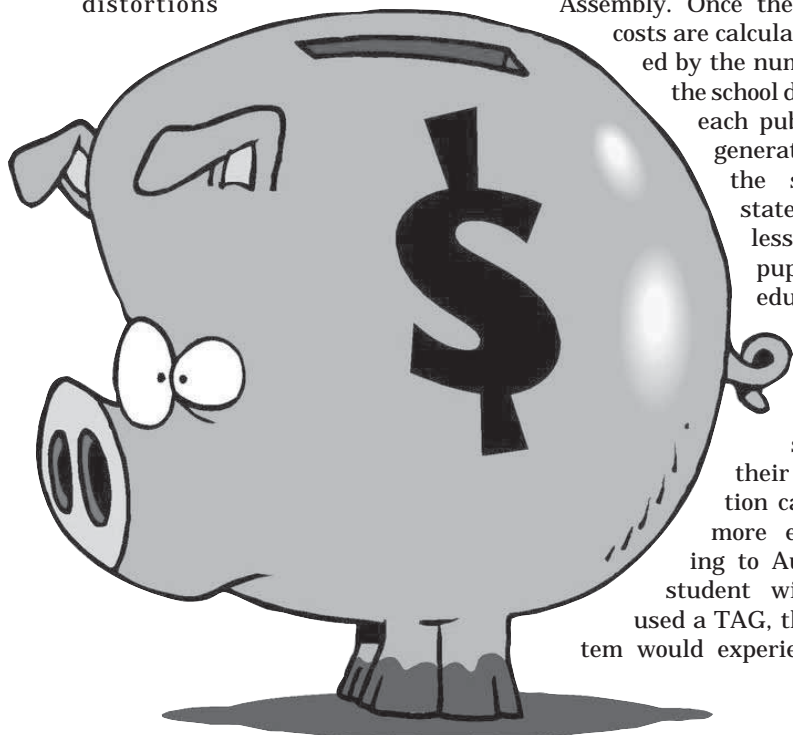


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# Kentuckians Favor Vouchers and Tax Credits

By Jim Waters

A new survey commissioned by the Bluegrass Institute for Public Policy Solutions, a Kentucky free-market think tank, confirms most state residents believe “parents should have more choice in determining where their children attend school.”

While 79 percent of the 493 respondents support the concept of choice, the survey reveals most Kentuckians are unfamiliar with the educational options available in other states. Only 4 percent of respondents were “very familiar” with charter schools, and 65 percent said they were “not familiar” with vouchers.

## Strong Support

When given a short description of four types of school choice—charters, vouchers, tax credits, and parent-controlled open-enrollment agreements—the amount of support expressed for most types of choice nearly matched the lack of familiarity expressed before respondents received the descriptions.

For example, while 65 percent of respondents were “not familiar” with vouchers, 64 percent agreed, after receiving a one-sentence description, that “education vouchers would be good for Kentucky education.”

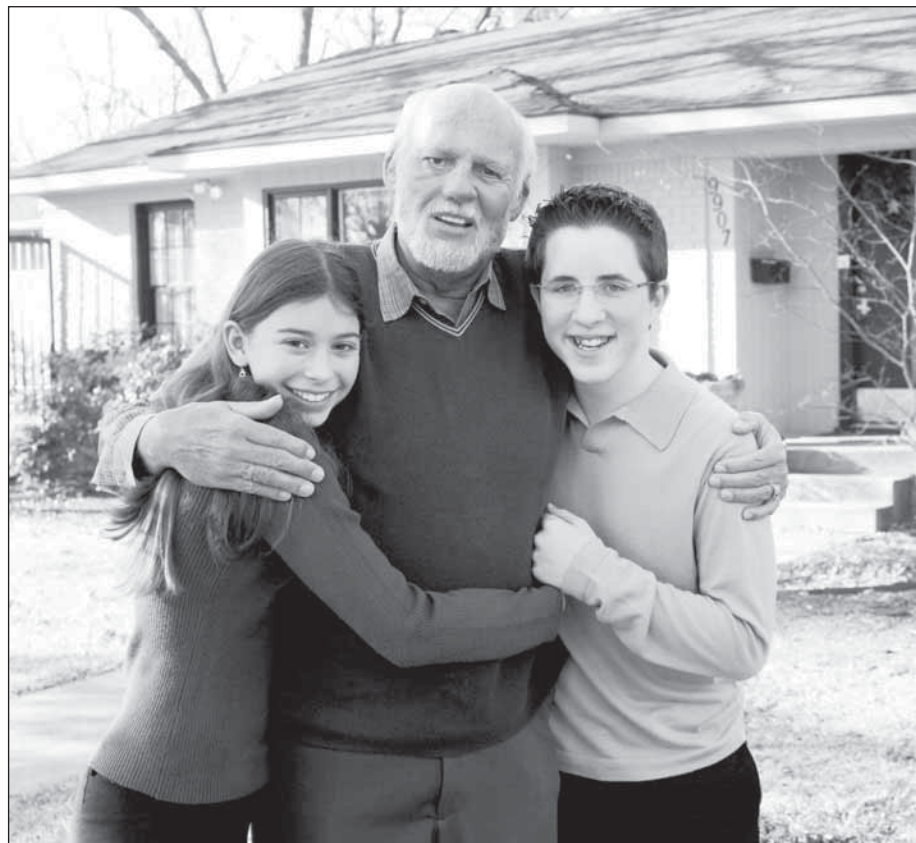
The random telephone survey—likely the first statewide school choice poll in Kentucky history—was conducted between March 11 and April 1. It has a margin of error of plus or minus 3 percentage points and was conducted by a team of researchers working with Dr. Larry M. Caillouet, an associate professor of communications at Western Kentucky University.

**“A new survey commissioned by the Bluegrass Institute for Public Policy Solutions ... confirms most state residents believe ‘parents should have more choice in determining where their children attend school.’”**

## Choice Information

Those results don’t surprise Adam Schaeffer, a policy analyst with the Cato Institute’s Center for Educational Freedom.

“People do like the idea of choice, generally speaking, in most areas of public



policies. In education, it’s no different,” Schaeffer said. “However, most people don’t know a whole lot about policy. After all, you can poll people on who the vice president is, and many won’t know. It’s amazing how little people know off the top of their head about some of these issues.”

Nearly 70 percent of respondents favored allowing parents to obtain a tax refund equal to the amount of tuition they might pay to send their child to a school outside their residential school district.

Schaeffer said that pattern agrees with surveys conducted in other states.

“It’s obviously a tax reduction, which people tend to like,” Schaeffer said. “Another consistent thing is that people don’t like government handouts for special groups. Sometimes the voucher question makes it sound like that—some special benefit for those who have chosen a private school.”

## Open-Enrollment Policies

Of all the school choice options, respondents were most favorable to open-enrollment agreements, which allow parents to choose public schools for their children outside of their residential districts. Nearly 73 percent said they supported open-enrollment policies.

While Kentucky currently has a form of open enrollment, the option is controlled by local education bureaucrats rather than by parents.

State law requires signed agreements between participating districts before releasing funds to follow students to another district. Without such funding, parents who want to send their children to a different district must pay tuition.

Parents in several Kentucky school districts—including in Jackson and Murray, where transfer policies have become controversial in recent years—currently must pay tuition in addition to their tax dollars to take advantage of the open-enrollment option by sending their children to a school outside their residential district. Local school officials either restrict or will not consent to continue the popular open-enrollment programs without the extra tuition payment.

## Bureaucratic Interference

Bluegrass Institute education analyst Richard Innes said while open-enrollment agreements are “a great option,” the state’s current policy is inadequate and doesn’t consider children’s best interests. He said a true statewide open-enrollment choice program should restrict school officials’ ability to interfere.

“It needs to be more extensively reworked to eliminate the hang-ups that the Kentucky Department of Education has thrown into the works that have severely restricted these choice options in recent years,” Innes said. “The Kentucky Education Reform Act mandates that the state does what’s in the best interest

of the child. If the department really was doing that, Kentucky’s parents would already have these unrestricted district-by-district transfer options.”

Innes said survey respondents may have understood open-enrollment agreements better than other options because Kentucky is a rural state.

“It may very well be that for parents in rural areas [open enrollment] may represent at least the best short-term option,” Innes said. “Many of these areas don’t offer parents a lot of choices, such as a large number of private schools.”

**“Only 4 percent of [Kentucky survey] respondents were ‘very familiar’ with charter schools, and 65 percent said they were ‘not familiar’ with vouchers.”**

## Poor Reporting

State education department officials claim parents don’t take advantage of choice options already made available as part of the federal No Child Left Behind Act, but Innes said that’s “a terrible misrepresentation.”

Innes said the department doesn’t adequately inform parents of their choices, and it drags its feet on reporting test scores so many parents don’t get sufficient notice of their choice options before the school year begins.

“Parents have to know they have the right to choose before they can exercise it,” Innes said. “Basically, the Kentucky Department of Education has done just about everything in its power to fight NCLB choice.”

*Jim Waters (jwaters@bipps.org) is director of policy and communications at the Bluegrass Institute for Public Policy Solutions in Bowling Green, Kentucky.*

## INTERNET INFO

“School Choice Survey,” by Dr. Larry Caillouet and Kalisa Hauschen, published April 30, 2007 by the Bluegrass Institute for Public Policy Solutions, is available through PolicyBot™, The Heartland Institute’s free online research database. Point your Web browser to <http://www.policybot.org> and search for document #21466.



# Georgetown

Continued from page 1

"After nearly two years in the OSP, parents by and large are very satisfied with their school choice experiences," the study concludes. "Most parents cited changes in their children's attitudes about learning as the main source of their satisfaction."

**"According to a second-year evaluation of the D.C. Opportunity Scholarship Program ... parents see positive changes through school choice."**

The OSP is the nation's first federally sponsored K-12 scholarship initiative. It gives students up to \$7,500 in tuition scholarships to attend any of 58 private schools. Eligible participants are selected through a lottery system. More than 1,800 students with an average household income of \$21,000 are currently enrolled. The program is operated by the Washing-

ton Scholarship Fund through a contract with the U.S. Department of Education.

"As a parent, I know that there is nothing more important than giving our children the chance to learn and succeed in this increasingly competitive world," U.S. Secretary of Education Margaret Spellings said in a statement. "The D.C. School Choice Program is leading the way in providing opportunities for students and families so that success is within reach."

## Attitude Change

The evaluation, released in May and titled "The Evolution of School Choice Consumers: Parent and Student Voices on the Second Year of the D.C. Opportunity Scholarship Program," analyzed conversations with more than 100 families and 180 students about their attitudes and experiences with the program. A quantitative study, focusing on hard evidence such as test scores, will be released later this year.

"This evaluation showed that students' attitude[s] about education changed," said lead author Steve Cornman, an assistant research professor at Georgetown, in an interview for this story. "It also showed that self esteem increased. The study highlighted things you wouldn't see in a quantitative study using test scores."

The qualitative conclusions are impor-

tant, said coauthor Patrick J. Wolf, a professor of education reform at the University of Arkansas.

"These are committed families, and they want to make positive things happen," Wolf said. "This self-selected group of parents is sharp, and they know what they are doing. They are demanding consumers. They understand what school choice involves in terms of their responsibilities and making it a success for their child."

## Greater Involvement

Parents reported greater involvement in their children's education since entering the OSP, specifically in areas of individual achievement. According to the study, "It was striking how involved the parents in the OSP program were with their children's life experiences. Parents of high school, middle school and elementary students ... emphatically stated that their parental involvement dramatically increases when their children participate in the OSP program. The majority of parents were willing to make the sacrifice to work with their children on an individual basis."

The report continued, "One of our most important and predominant findings in the Parent and Student Voices study to date is that the majority of parents interviewed reported that they are more involved in their child's life at school when their children participate in the OSP program."

Cornman said that may be due to the efforts parents take to find the best participating school for their child.

"Parents might have been passively using benefits of other programs before OSP," Cornman said. "The school choice program requires more, so they began to become sophisticated, savvy consumers. It requires them to think about what they want, like class size, better academics, and safety. Once they put all that energy into picking the right things, then they are more apt to follow that up with their child on an individual basis."

## Room to Improve

Parents weren't completely satisfied with their experiences, however. They wanted more information, and they struggled with schools' ability to accommodate students' adjustment to the new environment.

"Information is very important on the front end," Wolf said. "Many families



don't have easy access to lots of good information about schools. They are certainly looking for guides and information that is informative and highly accessible."

One example, Wolf said, is the "sort of struggle for the families between whether they want the school to make special accommodations or whether they want their child to fit into their schools. A school singled out a child as a scholarship recipient and [the] parents weren't happy. But other times their children were punished for behavior that was acceptable in public school, and parents believed there should be some accommodations for that."

Aaron Atwood (aaronatwood@juno.com) writes from Colorado Springs, Colorado.

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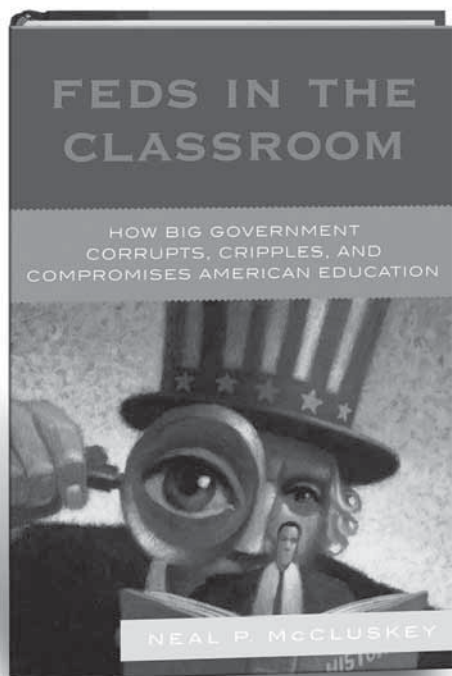
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"The Evolution of School Choice Consumers: Parent and Student Voices on the Second Year of the D.C. Opportunity Scholarship Program," by Stephen Q. Cornman, Thomas Stewart, Ph.D., and Patrick J. Wolf, Ph.D., published in May 2007 by the Georgetown University School Choice Demonstration Project, is available through *PolicyBot*™, The Heartland Institute's free online research database. Point your Web browser to <http://www.policybot.org> and search for document #21461.



# School Choice Saves Money, Report Shows

*Study debunks claims choice takes money from public schools*

By Ben DeGrow

An April 2007 report from the Milton and Rose D. Friedman Foundation estimates the 12 voucher and tuition tax credit programs in operation nationwide before the 2006-07 school year will produce a 15-year cost savings of \$444 million.

In the weeks following the release of the report—*Education by the Numbers: The Fiscal Effect of School Choice Programs, 1990-2006*, prepared by Friedman Foundation Senior Fellow Dr. Susan Aud—critics of private school choice failed to come forward to dispute the findings.

"I think there is a concession of the point, which is why we're not seeing a lot of push-back on it," said Robert Enlow, executive director of the Friedman Foundation.

Aud observed that at press time the only criticism had come from some school choice supporters who believe her estimate of savings is too low. Aud used reported instructional expenditures only, rather than the broader category of current expenditures, to compare with

the funds provided to students to pay private school tuition.

"I wanted to show the effects directly attributable to the tax credit or voucher program," Aud said.

## Savings Leaders

Of the 12 programs studied, Aud found only Utah's Carson Smith special-needs voucher program and the 200-year-old practice of "town tuitioning" in Maine and Vermont to be cost-neutral. The remaining programs have reaped savings of at least \$1 million each.

**"An April 2007 report from the Milton and Rose D. Friedman Foundation estimates the 12 voucher and tuition tax credit programs operating nationwide ... will produce a 15-year cost savings of \$444 million."**

The report identifies Pennsylvania's scholarship tax credit program as generating the greatest savings: \$144 million since its inception in 2001. Florida's McKay Scholarships for disabled children have saved taxpayers \$139 million in the program's first seven years of operation.

"Some of the voucher programs for special-needs students show these students can be instructed for much, much less than the public education system does," Aud said.

The report revealed other noteworthy savings for the Cleveland Scholarship and Tuitioning Program (\$61 million), Florida's corporate tax credit scholarships (\$42 million), and the Milwaukee Parental Choice Program (\$28 million).

Enlow said the scope of *Education by the Numbers* gives it a landmark quality.

"It's the most comprehensive report," Enlow said. "It includes every single program out there in the last 15 years."

## More Transparency

Looking ahead, Aud has great expectations for the fiscal impact of Utah's new universal voucher program, which will give almost all students between \$500 and \$3,000, based on family size and personal income.

"I think they're going to save a lot of money. Even for the low-income students, the amount spent is not very high," Aud said. "I hope it's going to force Utah to rethink how they fund their schools."

Aud believes the introduction of more expansive choice programs will give parents and taxpayers a clearer picture of where money goes in school systems.

"In order to figure out how to implement a voucher program, someone has to understand how the system works," Aud explained. "I think it's going to be a call for transparency, and if people see a large number of students are simply getting \$7,500 and taking it with them, then they'll wonder, 'Why can't schools be funded that way?'"

## False Rumor

Ultimately, Aud believes educational choice will improve school funding sys-

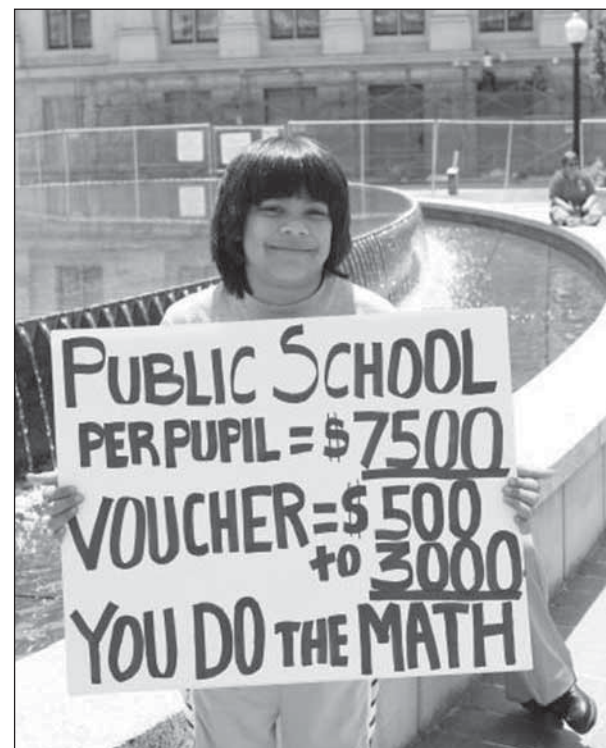


photo credit: Kathy Tenney

Studies show children are educated more efficiently and less expensively under voucher programs than when they are stuck in government-run schools.

tems' efficiency.

"But it's not going to happen until schools are held accountable for their spending and the number of students they have," Aud said.

For now, leading school choice advocates are glad to debunk the oft-repeated but unproven assertion that voucher and tax credit programs are a financial burden to state and local governments.

"The fact is, you've got to be able to put a myth to rest," Enlow said. "If you look at the study and the methodology, there's just no way to dispute anymore that school choice doesn't take money from public schools."

Ben DeGrow ([ben@i2i.org](mailto:ben@i2i.org)) is a policy analyst for the Independence Institute, a free-market think tank in Golden, Colorado.

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## INTERNET INFO

*Education by the Numbers: The Fiscal Effect of School Choice Programs, 1990-2006*, written by Dr. Susan Aud and published in April 2007 by the Milton & Rose D. Friedman Foundation, is available through PolicyBot™, The Heartland Institute's free online research database. Point your Web browser to <http://www.policybot.org> and search for document #21292.





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# Utah

Continued from page 1

a statewide vote on repeal if a bill has passed the state legislature by less than a two-thirds margin.

## Court Ignored Second Bill

A bitter donnybrook over ballot language ended June 8 when the Utah Supreme Court ruled the vote would be a straight yes-or-no on school vouchers, even though the legislature had passed an amended version of the law by a supermajority, which the state's attorney general ruled should take precedence.

Political pundits forecast a media blitz this fall in Utah as the National Education Association (NEA)—the 3.2 million-member teachers union that has been instrumental in defeating voucher initiatives in several states—squares off against private-sector advocates of school choice. However, Utah advocates on both sides of the issue said they will emphasize grassroots work to inform voters.

"This is exactly the way the process is supposed to work," said Carmen Snow, a UTPS spokesperson and petitioner to the Supreme Court. "We followed all the proper procedures to get the voucher issue on the ballot, and now the voters will have the final say. This is a victory for Utah voters."

## Voucher Supporters Optimistic

Parents for Choice in Education (PCE) and other voucher supporters had argued the petitioners targeted the wrong bill, thus creating much confusion for the citizenry. Ultimately, PCE spokesperson Leah Barker said voucher supporters were pleased with the court's decision because it provided "clarity."

**"Utah voters will decide November 6 whether they want to preserve and implement a landmark K-12 voucher program that their elected representatives enacted into law this spring."**

As for the up-or-down vote on vouchers in November, "we will continue our aggressive grassroots effort to educate Utah citizens on the true merits of the voucher program," said Barker. "Historically, Utah citizens have always supported initiatives that revolve around families. We are optimistic that once



(top and middle) More than 1,200 students, parents, and teachers gathered at the Utah State Capitol in Salt Lake City on May 15 to urge the state Board of Education to allow the nation's first universal voucher program to take effect this fall. (bottom) Richard Eyre, an author, speaker, and family advocate, uses Oreo cookies to explain to the crowd how money is divided between public schools and students in voucher programs.

Utah citizens understand that vouchers are really about moms, dads, and kids, we will have the votes we need to get vouchers implemented and offer every Utah family equal access to a quality education.

"We will fight the NEA with relentless passion for the truth and what is right for Utah families," Barker continued. "We were able to make history by getting the only statewide voucher program passed into law, and we hope

to make history again by winning the votes of the people at the polls."

## Union Coercion Claimed

In February, establishment of the nation's first universal voucher program appeared to be a certainty.

On February 12, Utah Gov. Jon Huntsman Jr. (R) signed House Bill 148, which had passed the House 38-37 and the Senate 19-10 and was to make means-tested vouchers of \$500 to \$3,000 per-pupil available to families who wished to transfer their children to private schools starting this fall.

In addition, the House on February 23 and the Senate on February 28 passed by overwhelming margins H.B. 174, which recodified the main parts of H.B. 148 while adding a few technical requirements. It omitted a section of H.B. 148 that provided compensatory funds to public schools losing students to vouchers.

On March 1, the anti-voucher forces filed notice of their intent to seek repeal of H.B. 148 via referendum. They collected 124,000 verifiable signatures in 45 days, gathering many at parent-teacher conferences and other public school functions.

The National Right to Work Legal Defense Foundation said it fielded complaints from Utah teachers of union coercion and misuse of school resources for political purposes.

On March 6, Huntsman signed H.B. 174 into law. On March 27, responding to the governor's inquiry, Attorney General Mark Shurtleff issued an opinion that a voucher program should be implemented because H.B. 174 could "easily stand on its own" and the referendum would apply only to sections of the voucher program created by H.B. 148 but not found in H.B. 174.

## Board Flouted Law

The battle lines grew sharper during April and May, as Shurtleff repeatedly admonished the State Board of Education to follow the rule of law by implementing vouchers through H.B. 174, and the elected board staunchly refused.

PCE charged that the board's chairman, Kim Burningham, has a serious conflict of interest because he is working with UTPS to promote the anti-voucher referendum.

As to the ballot's meaning, the Supreme Court decided it was "the clearly expressed intent of the legislature" that H.B. 174 was an amendment joined at the hip to H.B. 148. So the voters will decide whether they want 148 as amended by 174, or if they want neither.

*Robert Holland (holland@heartland.org) is a senior fellow for education policy with The Heartland Institute.*

photo credit (all photos): Kathy Tenney



# Ohio

Continued from page 1

created a new scholarship program for special-needs students, lifted the moratorium on charter schools, and returned parity aid and additional support for poor students to charter and virtual schools. At press time, the budget was being debated by the Ohio Senate.

## 'Every Kid Counts'

Susan Zanner, executive director of School Choice Ohio, a state-based advocacy group, led the host of voucher and charter school allies on the steps of the Ohio Capitol. My School, My Choice, a coalition of choice advocacy groups, coordinated the event, working with School Choice Ohio to recruit parents, teachers, public charter schools, public e-schools, families, and education leaders to support educational freedom.

"For too many years, our bright and beautiful young people ended up right where they began—in failing schools, without hope, without options," Zanner said at the rally. "Now thanks to Ohio's EdChoice Scholarship Program and to Ohio's 309 charter schools, nearly 84,000 children ... have a chance for a bright future."

House Speaker Jon Husted (R-Kettering), a longtime supporter of charter schools and vouchers, pledged his continued support for choice. Jewish groups showed up in force as well.

"We all come here from different backgrounds, different faiths, and different reasons bring us to Columbus today, but we are here on one goal—to proclaim that every kid counts," said Rabbi Yehiel Mark Kalish, national director of government affairs for Agudath Israel of America, a group based in New York. "It is a basic American right to allow parents the right to choose [their children's education], even if the choice is a religious school."

**"Approximately 1,800 school choice supporters traveled to Columbus, Ohio to voice their support for educational freedom on May 9 ..."**

## Varying Needs

Organizers noted the vast array of educational options in Ohio and said the rally showed the General Assembly the need for school choice.



(top) School choice activist Daria Dillard Stone (seated) joined Ohio House Speaker Jon Husted at a May 9 rally supporting the state's EdChoice voucher program and charter schools. (bottom) School Choice Ohio Executive Director Susan Zanner (left) shares a moment with activist Daria Dillard Stone at the EdChoice rally.

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Tracie Craft represented the Ohio Chapter of the Black Alliance for Educational Options at the rally, where she pledged, "Ohio BAEO is committed to ensuring that every family that wants choice has the tools needed to make quality decisions for their children."

Zanner called the rally "a great success."

"The energy in the crowd was impossible to ignore, and the many legislators in attendance were very enthusiastic," Zanner said. "As Speaker Husted noted as families lined up on the Statehouse steps to visit their elected representatives, the rally was truly 'democracy in action.'"

Students whose resident public school has been on academic watch or in academic emergency—the lowest categories

on the state's school rating system—for two of the past three school years are eligible to apply for 14,000 available EdChoice scholarships to attend the participating private school of their choice.

In 2006-07, the program's first year, the Ohio Department of Education awarded 3,141 scholarships; to date, 7,957 students have applied for the 2007-08 school year, representing a 153 percent increase between the program's first and second years of operation.

Ohio's 309 charter schools serve more than 86,000 students.

*Lori Drummer (ldrummer@allianceforschoolchoice.org) is director of state projects at the Alliance for School Choice.*

# Los Angeles Charter Schools Sue District for Equal Access to Facilities

By Kate McGreevy

Los Angeles charter schools could be one court date away from equitable access to public school facilities, with two lawsuits pending against the Los Angeles Unified School District (LAUSD) filed May 17 in Los Angeles Superior Court.

Partnerships to Uplift Schools, Green Dot Public Schools, and the California Charter School Association have challenged LAUSD's refusal to grant charters competitive access to facilities in accordance with a provision passed under Proposition 39 in 2000.

Steve Barr, chief executive officer and founder of Green Dot Schools, a charter school management organization, explained LAUSD is defying Proposition 39, a state ballot measure that passed easily, with broad public support.

"Proposition 39 establishes that property owned by the school district is also technically owned by the tenants in that area—students and families, too," Barr said. "L.A. families are paying for these schools."

**"Los Angeles charter schools could be one court date away from equitable access to public school facilities, with two lawsuits pending against the Los Angeles Unified School District ..."**

## Baffling Refusal

In essence, because the property—open space and facilities—is technically owned by taxpayers, Proposition 39 requires that property be shared equitably among all public schools in the system. Charter schools, by law, are public schools. According to LAUSD, 104 charter schools in the district together serve more than 41,000 students.

Barr said although tensions between charter schools and LAUSD have been

rumbling for years, the stark lack of cooperation from the district evidenced over the past two years drives the lawsuit.

Between 2005 and 2007, LAUSD either outright denied or placed extraneous demands on 57 of the 59 charter school requests for facilities, Barr said. In some cases, plaintiffs claim LAUSD has shifted students and administrators from site to site to lay claim to certain areas.

"They are moving kids around into open classrooms," Barr said. "And in terms of open space, there are 17 acres just south of downtown L.A. that are within the attendance area of five Green Dot schools. The district has moved portable trailers onto this space to house administrators."

## Bureaucrats First

The most distressing aspect, Barr said, is that although LAUSD and charter schools serve the same constituents—students and parents—their effectiveness is

**"[B]ecause [school] property—open space and facilities—is technically owned by taxpayers, Proposition 39 requires that property be shared equitably among all public schools in the system. Charter schools, by law, are public schools."**

threatened by this disunity. By making the facilities process both unfriendly and, according to the lawsuit, unlawful, students suffer, he said.

"There is a whole inventory of properties—open properties that we would raise funding for—but they are choosing bureaucrats over kids," Barr lamented. "The bottom line is that this issue shouldn't have made it to the courts, because we should be working together."

At press time, a court date had not been set. LAUSD officials did not respond to interview requests.

Kate McGreevy ([mcgreevy@gmail.com](mailto:mcgreevy@gmail.com)) writes from Washington, DC.

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# Education Innovation Missing in Democrats' 'Innovation Agenda'

By Robert Holland

In recent years, corporate leaders have also overused a perfectly good word, "innovation," as to render it meaningless.

Now, they're being joined in that effort by the majority party of the U.S. House of Representatives.

On April 30, U.S. House Speaker Nancy Pelosi (D) released with great public fanfare the "Innovation Agenda" of the House Democrats. The headline on the education portion reads "A New Generation of Innovators," and the opening sentences typify the promiscuous use of the magic "I" word:

"America's greatest resource for innovation resides within classrooms across the country. With a new commitment more of our students will be trained in math, science, and technology to turn ideas into innovative technologies. Future innovators must reflect the diversity of our country, and we must provide opportunities for every qualified student, including minorities and women."

Great: Affirmative action for innovation.

**"The Innovation Agenda would foster even greater government control of education, from preschool through graduate school."**

## More Involvement

What the Innovation Agenda proposes is more government subsidizing and control of education at all levels.

In a quest for 100,000 "new innovators" (as though a degree confers creativity) over the next five years, the agenda would fund Congressional Science fellowships and new master's degree programs in science, engineering, and math, with "loan forgiveness options."

It would dole tuition handouts to undergraduates who major in math, science, or engineering and who agree to teach in troubled schools. It would "invest in" (that is, subsidize) 25,000 new teachers by paying for various forms of training.

The agenda also would "enhance the ability of states [meaning state governments] to coordinate education and workforce goals, identify the challenges



U.S. House Speaker Nancy Pelosi released an "Innovation Agenda" that is short on innovative ideas for education.

of recruiting students and retaining them in innovative fields, and developing collaborative solutions through statewide coalitions of education, business, and community leaders, such as P-16+ Councils."

Translation: The Innovation Agenda would foster even greater government control of education, from preschool (P) through graduate school (16+).

## Rehashed Material

That's innovative? Federal influence in K-12 education has grown steadily since the passage of the Elementary and Secondary Education Act more than 40 years ago. Yet in return for hundreds of billions of dollars in federal subsidies and diminished local control, Americans see disappointingly low levels of student achievement in core subjects.

Even if some good can come from targeted federal student aid, it is reasonable to ask what is innovative about it. The National Defense Education Act (NDEA) of 1958 funded math, science, foreign language, and technical education programs as part of the effort to keep the United States ahead of the Soviet Union in the space race.

NDEA may have helped to some degree, but it didn't bring nearly as much regulatory baggage as today's federal enactments.

The House Democrats first released their agenda in 2005 when they were still the minority. So the Innovation Agenda isn't even new. It's a re-release. That's not very innovative.

## True Innovation

Truly innovative thinking means seeking ways to remove the dead weight of government from the backs of citizens so they can make their own decisions as free people. In many cases government rules, such as the imposition of teacher certification requirements that block bright people from becoming teachers, are what stifle innovation.

One of the few even minimally innovative proposals in either the Democrats' agenda or President George W. Bush's extremely similar American Competitiveness Initiative, announced in his 2006 State of the Union Address, was Bush's proposal for suspending certification rules so science and math profes-

sionals can bring their content mastery and practical experience into high school classrooms as teachers of math, science, and technology.

Schools are desperately short of education school-educated teachers who know math and science, yet government certification bureaucracies continue to block true experts from helping out.

Unfortunately, the Democrats' Innovation Agenda makes no mention of anything like Bush's proposed Adjunct Teacher Corps.

Robert Holland ([holland@heartland.org](mailto:holland@heartland.org)) is a senior fellow for education policy with The Heartland Institute.

## INTERNET INFO

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# Cutting Costs or Cutting Corners?

## School district consolidation debate rolls on

By Marc Holley, Brent Riffel, and Brian Kisida

As the debate over school size continues, it's up to educators and policymakers to maintain the delicate balance between what's best for students and what's best for the bottom line.

**"[I]t's up to educators and policymakers to maintain the delicate balance between what's best for students and what's best for the bottom line."**

For years, the consensus was that school district consolidation was one of the most effective ways to provide an adequate education for rural students.

At its peak, between 1930 and 1970, school district consolidation resulted in the closing of nine of every 10 school districts nationwide.

Since the 1970s, interest in consolidation has waned, but it continues to be viewed by many policymakers as a way to cut costs.

Maine, Michigan, and Vermont are the latest states considering consolidation as a way to streamline public education. This policy, which often entails closing small rural schools, has intuitive appeal because money presumably can be saved by achieving economies of scale. For example, one superintendent can oversee a district of 600 students nearly as well as a district of 300 students—resulting in one less superintendent to pay.

However, even if money can be saved, should states consider closing small schools if they provide better education? The answer to that question lies first in determining how effective small schools really are, and then in calculating how much money can be saved.

### Student Achievement

The evidence on school size and stu-

dent achievement is decidedly mixed. In her 1996 survey of "School Size, School Climate, and Student Performance," Kathleen Cotton reported 14 studies on school size and student achievement revealed no difference between students in large and small schools. However, Cotton found eight other studies in which smaller schools outperformed their larger counterparts.

A 2006 Brookings Institution study by Barbara Schneider and others found small schools did not positively affect student performance, with all else being equal. But a 2003 study published by the KnowledgeWorks Foundation reported graduation rates are better for students attending small schools than large ones.

Herbert J. Walberg, in a 1993 analysis for The Heartland Institute, concluded, "States with large districts and large schools, and which pay more of the costs of primary and secondary education, tend to have the lowest student achievement. During the past half century, nonetheless, states have created ever-larger schools and districts, and increasingly they have concentrated funding responsibility on state rather than local authorities. Theory, previous research, and the new analysis reported here strongly suggest that these trends have been counterproductive for education's chief purpose: learning."

Of course, student achievement, though perhaps the most important goal of public education, cannot be pursued with no holds barred. Efficiency mat-

often espoused by rural school administrators, is that small districts are actually more cost effective because they have more operational flexibility and less bureaucracy.

So what can we make of this evidence? Should states move to consolidate or not? Under the right circumstances, consolidation might be a way to save money. States with many small districts—that is, districts with approximately 300 or fewer students each—might want to consider it. However, states whose small districts have much larger student populations might want to look for other cost-saving options.

Brian Kisida ([bkisida@uark.edu](mailto:bkisida@uark.edu)) is a research associate for the School Choice Demonstration Project, Brent E. Riffel ([briffel@uark.edu](mailto:briffel@uark.edu)) is deputy director of the Office for Education Policy, and Marc Holley ([mholley@uark.edu](mailto:mholley@uark.edu)) is a doctoral fellow in public policy, all at the University of Arkansas Department of Education Reform.

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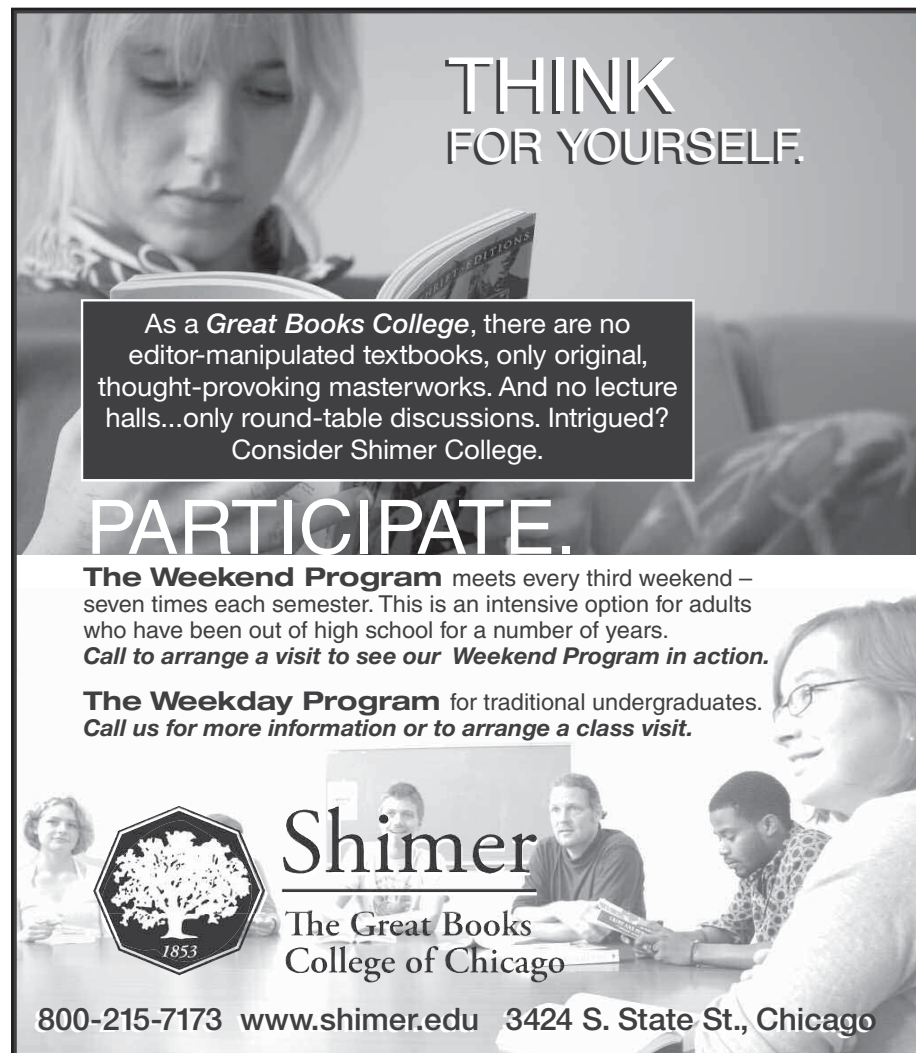
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**"Since the 1970s, interest in [school district] consolidation has waned, but it continues to be viewed by many policymakers as a way to cut costs."**

### Different Options

William Duncombe and John Yinger's 2005 paper, "Does School District Consolidation Cut Costs?" suggests consolidating two 300-student districts can save more than 20 percent. However, the rate of savings diminishes as the size of schools increases. According to Duncombe and Yinger, combining two 900-student districts saved only about 8 percent, and combining two 1,500-student districts did not result in any significant savings.

An alternative view, untested but



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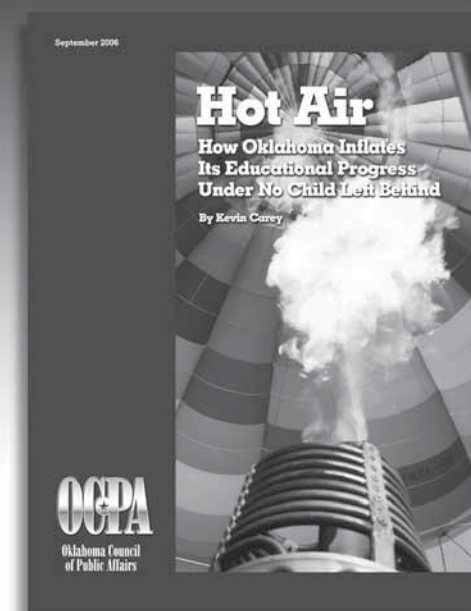
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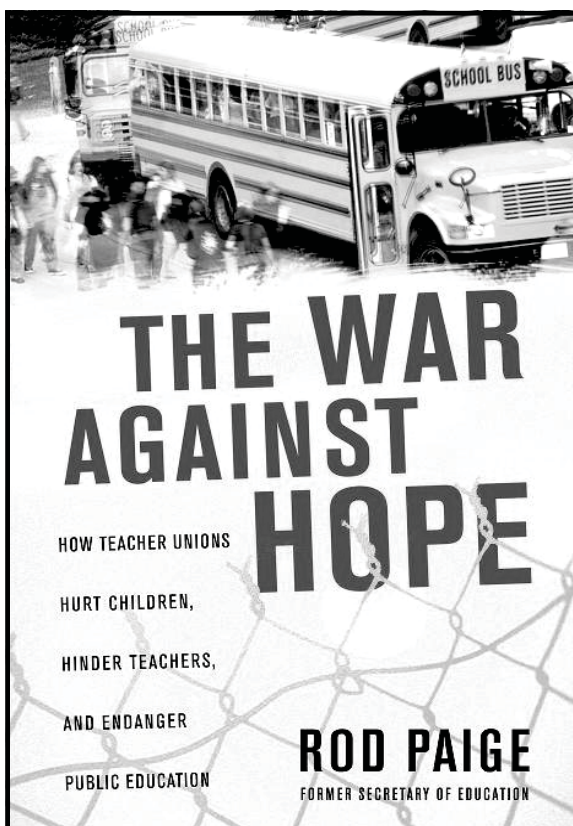
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## Strength in Unity?

Former U.S. Secretary of Education Rod Paige is no stranger to controversy when it comes to his beliefs about teachers' unions. In 2004, for example, he was criticized widely for labeling the National Education Association a "terrorist organization" because of its opposition to provisions of the federal No Child Left Behind Act; he later apologized for his choice of words. In his new book, **The War Against Hope**, he elaborates on what he sees as the dangerous hold unions have on schooling, and calls on the public—parents, school boards, and local businesses—to regain its control of public education.

"Until we as a nation face up to [teachers' union bosses'] systematic efforts to thwart meaningful change, all the billions of dollars, millions of man hours, and immense political capital spent on public education reform will be—to borrow from Shakespeare—"but a tale told by an idiot, full of sound and fury, signifying nothing."

From **The War Against Hope: How Teachers' Unions Hurt Children, Hinder Teachers, and Endanger Public Education**, by Rod Paige (*Thomas Nelson, www.thomasnelson.com*, 336 pp., \$25.99 hardback). Reprinted with permission.

## COMMENTARY

# North Carolina Faces Opposition to Charters

By Richard G. Neal

Recently I had the pleasure of attending an outstanding student presentation of the musical *West Side Story* at the North Carolina School of the Arts (NCSA), a charter school in Winston-Salem.

The school has an enrollment of 1,000 high school and college students. It is the University of North Carolina's conservatory for the arts, dedicated entirely to the professional training of high school and college students possessing exceptional talents in the performing, visual, and moving image arts.

I have followed NCSA's development for many years, and *West Side Story* was just one more achievement in a long line of successes from that school.

NCSA is a well-known conservatory, and the productions from its departments of dance, design, drama, filmmaking, and music are very popular.

Considering the fact that NCSA was the first state-supported residential school of its kind in the nation (it opened in 1965), and its long history of several thousand successful public productions, it is difficult to justify the state's efforts to limit

the number of charter schools in North Carolina to only 100.

## Students March

Under North Carolina's charter school law, passed in 1996, any individual, group, or nonprofit corporation can apply to open a charter school. The state, the University of North Carolina, and local boards of education may grant charters. Local and university-chartered schools must be approved by the state board of education.

The number of charters is capped at five per district per year, with a maximum of 100 charter schools allowed statewide. Currently, about 29,000 students are enrolled in North Carolina charter schools. With more than 5,000 students on waiting lists (according to the state Department of Instruction), the cap has thwarted the opening of many charter schools.

These schools, similar to those in other states, are open to all, receive public money, and don't charge tuition. They are run by private boards instead of locally elected school boards, and administrators don't have to follow all the regulations imposed on traditional public schools. Nationwide,

there are 3,950 charter schools in 39 states and the District of Columbia. Just over a million students attend these schools.

In North Carolina, charter school tuition is paid by the state—an amount equal to the average yearly cost per student. In 2006-07, the tuition was about \$7,000. No public funds are provided for construction.

Since 1996, many unsuccessful attempts have been made to increase or remove North Carolina's charter school cap. On May 2, hundreds of charter school students and parents marched to the North Carolina Legislative Building in Raleigh to demand legislators lift the 100 school cap. The march was organized by Americans for Prosperity-North Carolina.

**"In early May, [North Carolina] House budget-writers recommended a bill that would allow the Department of Public Instruction to 'study' charter schools over the next two years, without lifting the cap."**

## Legislators Delay

Unfortunately, it appears the legislature will again stifle demands for choice. In early May, House budget-writers recommended a bill that would allow the Department of Public Instruction to "study" charter schools over the next two years, without lifting the cap.

On the surface, it would appear North Carolina is an ideal place to achieve choice in K-12 education. Unlike 34 other states, it has no collective bargaining law. Consequently, much of the unions' clout has been limited. Also unlike many other states, North Carolina's constitution is free from legal restrictions on choice.

"There is no better place or time to release the marketplace of ideas and provide choice in every aspect of education," said David Roland, an attorney for the Institute for Justice (IJ) and author of the study "School Choice and the North Carolina Constitution," released in April 2006 by IJ and the North Carolina Education Alliance.

## Establishment Resists

Although there is no state law enabling teacher unions to engage in collective bargaining with local school boards (thus limiting union power), the local teacher associations, with the help of their state

and national chapters, do possess considerable power in local and state politics. Many view these associations as the chief impediment to providing real choice for students.

But it's not just the teachers. It is the entire education establishment, all members of which profit from the government school monopoly.

In his excellent study, "Ten Years of Excellence: Why Charter Schools Are Good for North Carolina," Terry Stoops, education policy analyst for the John Locke Foundation, offers several suggestions for expanding charter schools in North Carolina.

According to Stoops, charters should be unlimited. Successful charter schools should be allowed to franchise themselves. Every student should be entitled to *pro rata* tuition to attend any school, public or private. The state should revise the tests used to measure academic achievement and should remove current teacher certification requirements.

Stoops also says the state should permit counties to contribute to their charter schools' capital needs and should allow State Education Lottery funds to flow proportionately to students in charter schools. Finally, the state should require that all proposed charter school regulations be approved by a majority of the boards of directors of all existing charter schools before going into effect.

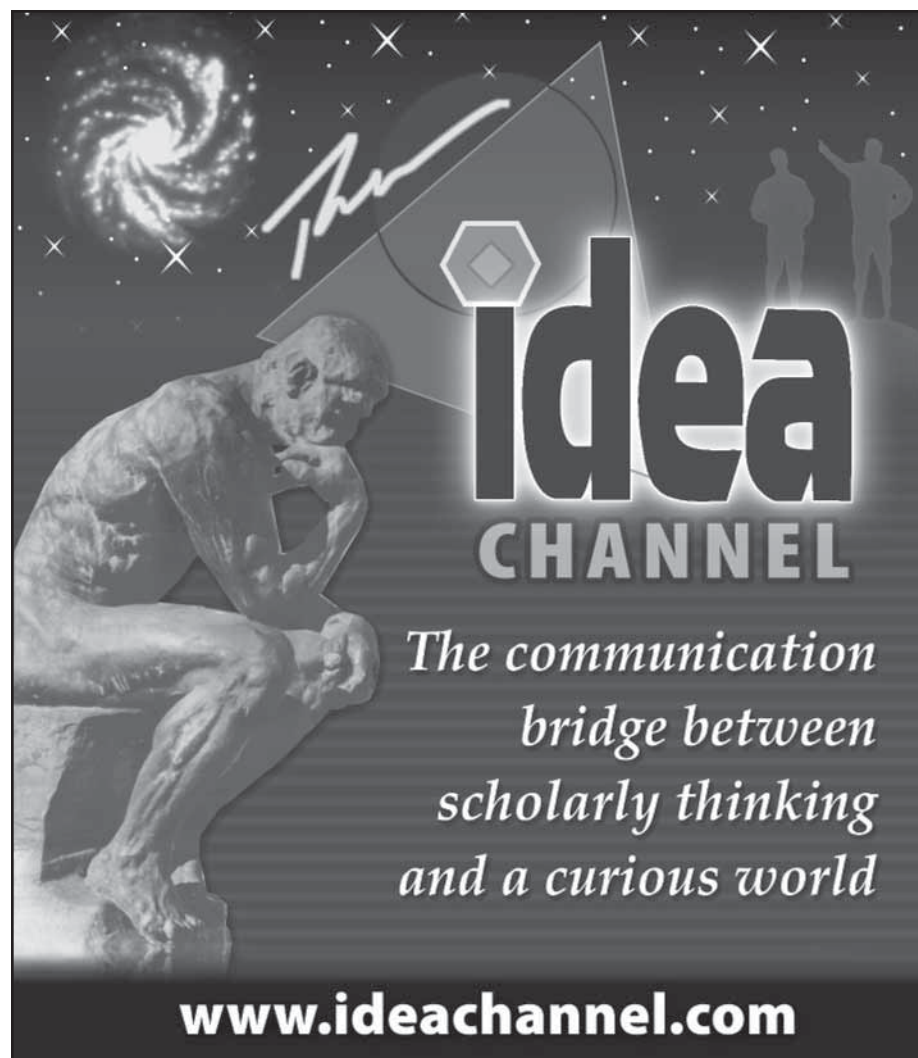
The state's students would benefit greatly from such an expansion of freedom to attend charter schools. Isn't that what the law should be for?

Richard G. Neal ([rneal1@triad.rr.com](mailto:rneal1@triad.rr.com)) writes from North Carolina.

## INTERNET INFO

"School Choice and the North Carolina Constitution," by David Roland, published by the Institute for Justice and the North Carolina Education Alliance in April 2006, is available through *PolicyBot*™, The Heartland Institute's free online research database. Point your Web browser to <http://www.policybot.org> and search for document #21463.

"Ten Years of Excellence: Why Charter Schools Are Good for North Carolina," by Terry Stoops, published on May 2, 2007 by the John Locke Foundation, is also available through *PolicyBot*™. Search for document #21464.







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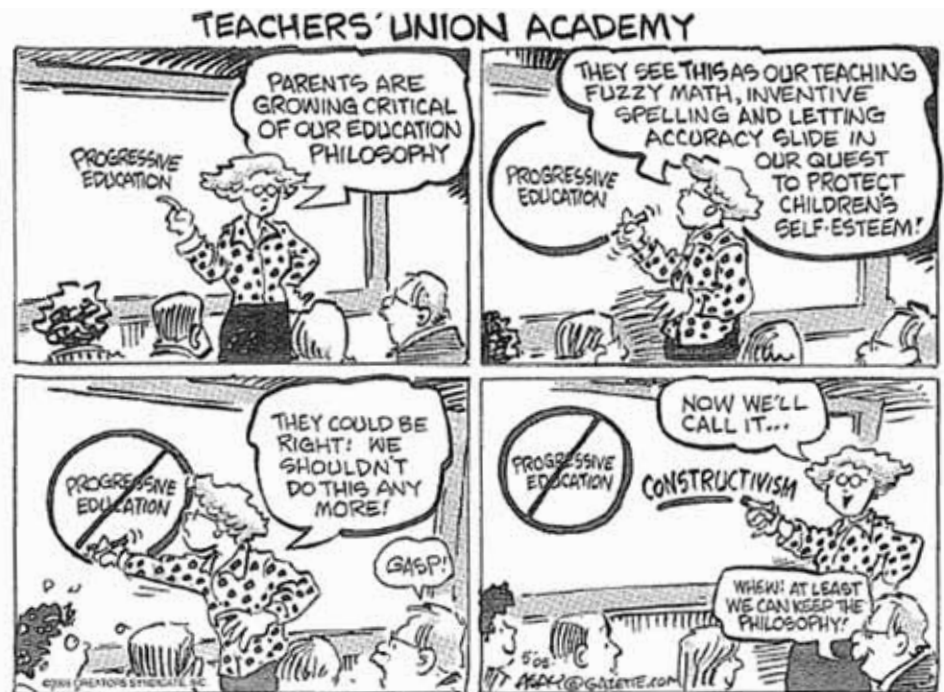


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## Paige on Unions, and a Primer for Reporters

By Ryan Bedford

Former U.S. Secretary of Education Rod Paige meant what he said in early 2004 when he described the National Education Association as a “terrorist organization.” When he apologized, he apologized only for the words he used, not the idea he expressed.

Paige’s new book, *How Teachers’ Unions Hurt Children, Hinder Teachers, and Endanger Public Education*, backs up his statement with proof that the nation’s teacher unions are doing all they can to sabotage promising education reforms.

In an April 18 interview with the *New York Sun*, Paige revealed the key to union success in thwarting reform.

“The union is sitting on both sides of the negotiating table,” Paige said, referring to unions’ ability to get politicians elected who then return the favors through legislation and collective bargaining. The result, he said, is “systems whose main purpose is the employment well-being of the adults in the system.”

Source: “Rod Paige Warns of a ‘Death Grip’ by Unions,” by Ira Stoll, *New York Sun*, April 18, 2007, <http://www.nysun.com/article/52666>

most powerful [force] in public education today”—teacher unions—or the “single biggest influence on what happens in schools”—the teachers union contract.

Hoping to fill the void, the Hechinger Institute on Education, based at Columbia University in New York City, published a tutorial for reporters in April 2007.

The manual is made up of articles and testimonies from reporters who have covered teacher unions for decades. It explains much about unions, including the history of the teachers union movement, the political clout the unions wield, union work rules, and the role of unions in the school reform movement.

With humorous anecdotes and personal stories, *From Contracts to Classrooms: Covering Teachers Unions* is essential reading for reporters, policymakers, and anyone else wanting to understand their local school system.

Source: *From Contracts to Classrooms: Covering Teachers Unions*, Hechinger Institute on Education and the Media, [http://cms.ceoi.summitqwest.com/assets/hechinger/pdfs/Hechinger\\_Union\\_Primer.pdf](http://cms.ceoi.summitqwest.com/assets/hechinger/pdfs/Hechinger_Union_Primer.pdf)

### Tutorial Helps Reporters, Others

Reporters newly assigned to cover an “education beat” are often woefully unprepared for the job because they do not understand the ins and outs of “the

Ryan Bedford ([rbedford@affwa.org](mailto:rbedford@affwa.org)) is a labor analyst with the Evergreen Freedom Foundation in Olympia, Washington.



## COMMENTARY

# Avoiding the Ratification Trap

By Myron Lieberman

In 1971, I served as an expert witness for the National Education Association (NEA) in two legal cases.

In one, the North Carolina NEA affiliate was challenging a state law banning public-sector collective bargaining. The other involved an NEA effort to render Florida's sunshine laws—those requiring public business to be conducted in announced meetings open to anyone—inapplicable to collective bargaining in public education.

In North Carolina, my side lost. In Florida, it won, and I received a congratulatory note saying my testimony played a significant role in the victory.

Today, however, I believe my testimony in both cases was wrong on the issues.

Were I to testify again on these matters, I would say collective bargaining in Florida and as proposed in North Carolina should be struck down unless dramatically revised. Because the issues are important and still active, let me tell you why I've changed my mind.

**"The [collective] bargaining process, which sets the rules governing about half of school board expenditures, violates our basic norms for making public policy ..."**

## Lacking Information

Theoretically, school boards represent the interests of third parties—pupils, parents, vendors, taxpayers, etc. This is impractical in the bargaining context, however. School boards cannot elicit the reactions of others to last-minute union offers and counter-offers and meld them into a coherent position at the table.

Other parties have not been at the table and will not be known.



ledgeable about the data and reasons for and against the proposals, as these can change at any time. Bringing up-to-date new parties to the table would be highly disruptive.

In addition, the usual practice in such negotiations is that the union and school board agree neither will release any statement to the public on the progress of negotiations until agreement is reached on the entire contract or the parties have reached an impasse. Obviously, such agreements minimize the time available to others to study and express their views on the proposed agreement before it becomes public policy.

Once the parties reach agreement on a contract, the union wants it ratified as soon as possible in order to minimize opposition from union members. School boards share similar concerns—they do not want to give outside parties time to organize opposition. I have sometimes participated in situations in which the union ratified the agreement in the afternoon and the school board ratified it the same evening.

## Deflecting Complaints

After school board ratification, the response to any parental complaint often is sympathy for the complainant ... and then to point out that the contract with the teachers union precludes the remedy sought.

If the complaint is about teacher unavailability, the principal may note the contract defines the teacher workday to be from 8:30 a.m. to 2:30 p.m.—therefore, the administration cannot require teachers to be present after 2:30 p.m. or on weekends. If the complaint is about a teacher, the administration may respond that it must be given in writing, with specific dates, times, persons present, and remedy sought, so the teacher and his or her union representative can respond.

In short, the school district's response may be, "We can't do anything about it because of the contract," or "You have to take actions A, B, C, D, and E before we can act on your complaint."

This is how many parents and taxpayers learn about the provisions in a teachers union contract—but the learning comes too late to avert parental helplessness.

## Different Process

To understand what happens in these cases, bear in mind that the agreement between the school board and the union is legally binding public policy for its duration. It is public policy, like speed limits, zoning restrictions, qualifications for public office, and thousands of other government policies. The difference is not in the status of the policies adopted in collective bargaining, but in the process leading to their adoption.

Under normal school board processes, proposed policies are submitted to the school board, which might refer them to a subcommittee for review. The proposals would go on school board agendas

to be considered at scheduled meetings open to anyone. All interested parties would have time to submit their reactions before a vote on the proposal.

Public meetings are scheduled, agendas announced, supporters and opponents notified, and media are allowed to observe and comment on proposed legislation.

If adopted, there is no legislative bar to changing the policy at any time thereafter. There is no legal bar against any citizen attending a school board meeting and urging support or opposition to a proposal. Despite exceptions and qualifications, this is the common pattern.

**"State law should require school boards to post collective bargaining agreements on their Web sites for at least 30 working days prior to board action on the proposed agreement."**

## Changing the System

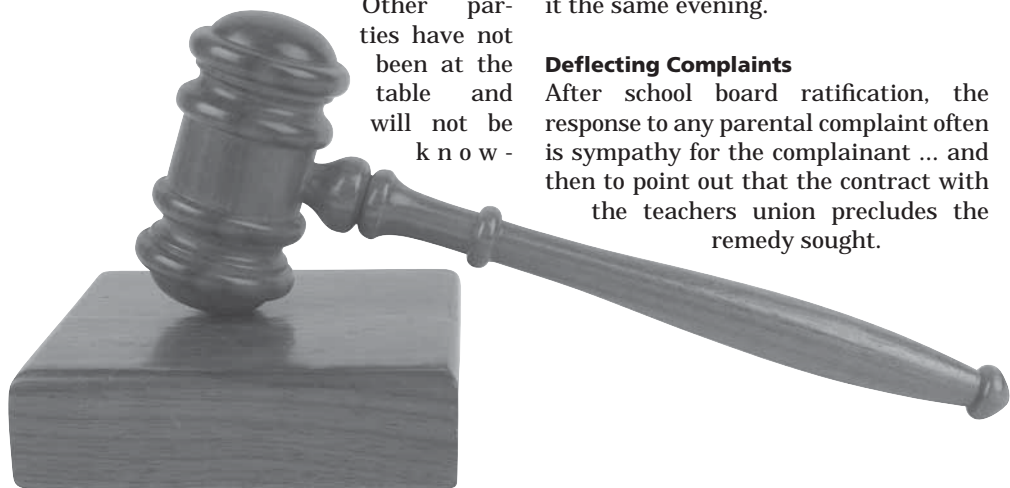
The bargaining process, which sets the rules governing about half of school board expenditures, violates our basic norms for making public policy, but when the process is defined in bargaining terminology, the underlying violation of our political norms is obscured.

Absent judicial decisions restoring the public's ability to control school district policy-making, the most helpful action relates to ratification. State law should require school boards to post collective bargaining agreements on their Web sites for at least 30 working days prior to board action on the proposed agreement.

Such action, with telephone numbers and e-mail addresses to respond to questions about the agreement, would provide a much-needed correction to the situation.

The most effective solution would be a state law mandating an interim period for interested parties to react to proposed contracts. This solution could also be a winning issue in school board elections. Activists at the local level would achieve some surprising victories, despite the inevitable opposition from public employee unions and their allies in government.

*Myron Lieberman (lieberm2@aol.com) is a union expert based in Washington, DC.*





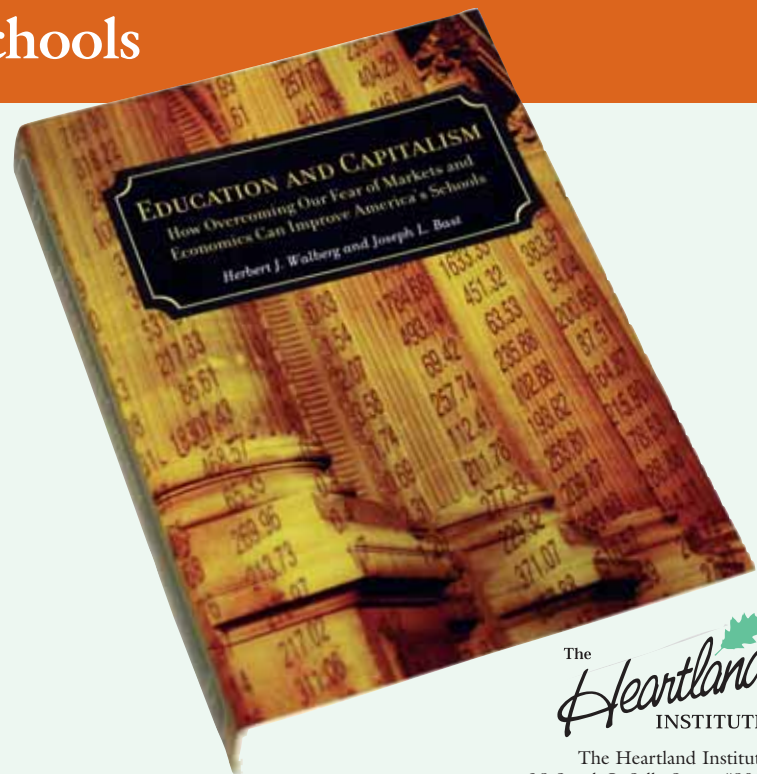
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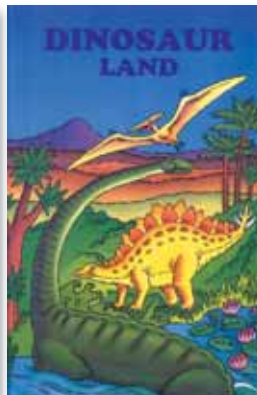
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## School Choice on Audio

Audio recordings from the 2006 Educational Choice Speaker Series are now available online.

The luncheon series is hosted by the Illinois School Choice Initiative (ISCI), a project of The Heartland Institute. The mission of the initiative is to enable all parents in Illinois to choose quality schools for their children. For more information, please contact Michael Van Winkle, The Heartland Institute's legislative specialist for education policy, at 312/377-4000, email [mvanwinkle@heartland.org](mailto:mvanwinkle@heartland.org).

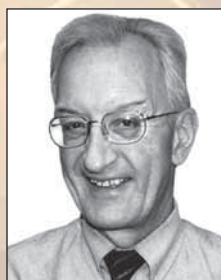
Since January, the ISCI has hosted a monthly luncheon at the Metropolitan Club of Chicago, where business and civic leaders

and school choice supporters have heard from some of the movement's most important leaders, including Robert Enlow of the Milton & Rose D. Friedman Foundation, Rebeca Nieves-Huffman of the Hispanic Council for Reform and Educational Options, and Lawrence Patrick III of the Black Alliance for Educational Options.

The audio recordings can be listened to online or downloaded to an iPod or MP3 player by subscribing to the Educational Choice Speaker Series Podcast. Visit The Heartland Institute's online audio center at <http://www.fromtheheartland.org/live/audio.html> and scroll down to the ISCI Educational Choice Speaker series.



## THE FOLLOWING PRESENTATIONS ARE AVAILABLE:



### **JANUARY: George Clowes, The Heartland Institute**

On January 19, Clowes kicked off the new monthly Educational Choice Speaker Series with a talk titled, "Competition as an Effective Education Reform: What Works and What's Ahead."



### **FEBRUARY: Ken Johnson, Milwaukee Public Schools**

(Audio Only) On February 16, Kenneth L. Johnson, Milwaukee School Board president, addressed "Milwaukee Public School Reform: Rethinking of Parents as Our Customers."



### **MARCH: Virginia Gentles, Florida Department of Education**

On March 16, Virginia Gentles, executive director of the Florida Department of Education's Office of Independent Education and

Parental Choice, described the school choice programs available to parents in the Sunshine State.



### **APRIL: Lawrence Patrick, BAEO**

On April 20, Lawrence Patrick III of the Black Alliance for Educational Options (BAEO) addressed the need for educational choice for black parents and students.



### **MAY: Rebeca Nieves-Huffman, Hispanic CREO**

On May 18, Rebeca Nieves-Huffman addressed the education crisis and how it affects Hispanic children. Huffman is president and CEO of the Hispanic Council for Reform and Educational Options (Hispanic CREO).



### **JUNE: Robert Enlow, Milton & Rose D. Friedman Foundation**

On June 15, Robert Enlow, executive director of the Milton & Rose D. Friedman Foundation, gave an overview of the school

choice movement, assessing the strength of the movement.



### **JULY: Lisa Snell, Reason Foundation**

On July 27, Lisa Snell, director of education and child welfare at the California-based Reason Foundation, spoke about the pitfalls of universal preschool and the benefits of weighted student funding as a viable and effective K-12 reform.



### **SEPTEMBER: David Brennan, White Hat Management**

On September 21, David Brennan's speech, "The U.S. Education System Is Perfectly Aligned with Cuba and North Korea: Do We Really Treasure Individual Rights? Don't We Value the Power of Consumer Choice?" stressed the importance of innovation in our education system.



### **OCTOBER: Clint Bolick, Alliance for School Choice**

On October 19, Clint Bolick closed the ISCI's

2006 Educational Choice Speaker Series with a discussion of school choice cases currently in the courts, and what the future holds.

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## SCHOOL CHOICE ON DVD

DVD recordings from the 2006 Educational Choice Speaker Series are also available for purchase.

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