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School Reform News

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Utah Voucher Plan Succumbs to Misinformation Ad Campaign



While Utah children, parents, and teachers rallied in May in support of the state's voucher program, they could not fend off a misinformation campaign waged by out-of-state voucher opponents, most notably the national teachers union.

By Michael Coulter

On November 6, the nation's first statewide universal voucher program was defeated in Utah when voters repealed, through referendum, the law that created it last February. More than 60 percent voted for repeal.

Voucher advocates were massively

outspent by teachers unions during the campaign. As a result, low-income children and racial minorities will continue to be trapped in a failing public school system, without the options enjoyed by their better-off white peers.

'Complacent in Prosperity'

"I've come to a sobering conclusion,"

said Paul T. Mero, president of the Sutherland Institute, a free-market think tank in Salt Lake City. "I believe that Utah's old pioneer stock—the predominantly white ancestors of the Latter-day pioneers—have become complacent in their prosperity, and this complacency is what prevents many of them from relating to the

UTAH p. 12

Taxpayers Defeat Billion-Dollar School Lawsuit

By Jim Waters

Three members of the board of directors of the Show-Me Institute, a free-market think tank, helped make Missouri the latest state to strike down a lawsuit claiming inadequate funding for education.

The Committee for Educational Equity (CEE)—a group of 236 public school

MISSOURI p. 8

New Jersey Returns Some Control to Newark

By John Mooney

Newark's public schools took their first steps back to local control in mid-October when the state Board of Education approved a resolution to return limited management power to the district after more than a decade of state control.

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2007 NAEP Scores Show Spending Increases Haven't Produced Results

By Robert Holland

The 2007 edition of "The Nation's Report Card" wasn't straight A or straight F when it was released in late September. However, had it had been an individual student's take-home report, conscientious parents would

have limited the kid's video game access and increased family reading time.

The National Assessment of Educational Progress (NAEP) report on fourth- and eighth-graders' math and reading skills yielded mixed results

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NCLB Reauthorization Stalls on Capitol Hill



Congress and White House officials continue to work toward reauthorization of the No Child Left Behind Act, which President George W. Bush signed in January 2002.

By Dan Lips

The Bush administration and Congressional Democrats continue to pledge their commitment to seeing the No Child Left Behind Act (NCLB) reauthorized during the 110th Congress.

But the outlook on Capitol Hill in late October remained unclear as early reauthorization efforts appeared to have stalled.

In September, House Education and Labor Committee Chairman George Miller (D-CA) publicly released draft legislation to reauthorize NCLB. Miller's reauthorization proposal included significant changes to existing law.

"The Bush administration and Congressional Democrats continue to pledge their commitment to seeing the No Child Left Behind Act reauthorized during the 110th Congress."

Those changes included a proposal to allow states to incorporate multiple indicators into their standards and testing systems. The draft legislation also would give states the option of changing how specific student groups, such as special-needs students and English language learners, are tested. For example, states would be allowed to use native-language

tests and portfolio assessments to measure non-English-speaking students' performance.

The draft legislation also called for several new federal programs, such as measures to encourage "environmental education," teacher training, and new bonus packages for teachers and principals.

Shaky Support

House Republicans have been critical of Miller's draft proposal.

"I remain concerned that some provisions in the draft would weaken accountability, allowing schools to mask a lack of achievement in the fundamentals of reading and math and obscure the information provided to parents and communities," Rep. Howard "Buck" McKeon (R-CA), the committee's ranking member, explained.

"I am also concerned about any effort to weaken or reduce the options made available to parents of children in underperforming schools," McKeon continued. "However, I remain hopeful that we can ultimately develop a package of common-sense reforms that will improve the law without undermining the core principles to which I have been committed from the outset—accountability, flexibility, and parental choice."

Miller faces a difficult challenge in trying to win support from Republicans for a bipartisan reauthorization while also maintaining support from Democrats. The National Education Association,

the nation's largest teachers union, has criticized the draft legislation's proposal to allow states to incorporate student assessments in deciding teacher compensation.

Liberals Divided

Dr. Matthew Ladner, vice president for research at the Goldwater Institute, a Phoenix-based think tank, described the divide between Miller and liberal interest groups, which could affect the reauthorization debate.

"This conflict reveals that progressives such as Miller, who want to improve the prospects for low-income children, will inevitably find themselves in conflict with the most reactionary force in American politics—the education unions," Ladner explained.

"We have the technology to identify both high- and underperforming teachers in [a way that revolutionizes] learning and which is completely fair to teachers," Ladner said. "The education union bosses, however, have drawn a line in the sand against treating teachers like true professionals by rewarding them according to their own accomplishments."

I remain hopeful that we can ultimately develop a package of common-sense reforms that will improve the law without undermining the core principles to which I have been committed from the outset—accountability, flexibility, and parental choice."

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

Unclear Prospects

In the other chamber, Sen. Edward Kennedy (D-MA) has stated his intention to move a reauthorization bill in the Senate Health, Education, Labor and Pensions Committee. But at press time he had not yet released a full reauthorization bill or announced a specific date for a committee markup.

The Bush administration continues to support a bipartisan reauthorization of NCLB. But at a public appearance in October, Bush said, "any effort to weaken the No Child Left Behind Act will get a presidential veto."

Dan Lips (dan.lips@heritage.org) is an education analyst at the Heritage Foundation in Washington, DC.

NAEP

Continued from page 1

that are subject to widely differing interpretation. As has been true in the recent past, this year's results were better in elementary school than in middle and high school, and math scores were higher than reading.

"We're making slow and steady progress in reading, and we're doing much better in math," was the positive spin Mark Schneider, head of the U.S. Department of Education's research arm, put on it.

In her official statement, U.S. Secretary of Education Margaret Spellings said the latest scores proved wrong those "naysayers" who contend the federal No Child Left Behind Act (NCLB) is not working. "Math scores for fourth- and eighth-graders and the reading scores for fourth-graders are at historic highs and the biggest gains were made by African American and Hispanic students," she said.

Minor Changes

Begun in 1969, NAEP regularly tests a representative sampling of U.S. schoolchildren to determine what they know and can do academically. Education analysts now watch this Report Card closely for signs NCLB, which requires states annually to test all pupils in grades 3-8, is having an impact after its first five years.

Average fourth-grade math scores rose from 238 in 2005 to 240 in 2007, while eighth-grade scores went from 279 to 281 over the same period. NAEP scoring is on a 0-500 scale.

Larger math gains came in the 1990s, however, before the advent of NCLB. Since 1990, fourth-grade math scores have risen 26 points, and eighth-grade math scores 18 points.

With regard to NCLB's objective of closing the achievement gap between minority and white kids, the U.S. Department of Education found its strongest evidence of gradual gap-narrowing in fourth-grade math. Gains since 2003 were largest for black (six points) and Hispanic (five points) students.

Different Story

Then there is reading, where evidence of improvement is scant. While fourth-grade reading scores went from 219 in 2005 to 221 in 2007, the long-term trend is flat. In 1992, the fourth-grade reading score stood at 217.

Progress for eighth-grade reading has been even slower—up just one point from 2005. The 2007 average score of 263 is one point down from the 1998 NAEP. Since 1992, eighth-grade reading



scores have gone up only three points, despite heavy federal and state spending on reading programs.

In the September 27 issue of the Thomas Fordham Foundation's online newsletter, *The Education Gadfly*, Michael Petrilli, the group's vice president for programs, suggested the NAEP results merit careful scholarly analysis. He wondered why there are small gains in fourth-grade reading but none in eighth grade.

"[H]ad [the 2007 edition of 'The Nation's Report Card'] been an individual student's take-home report, conscientious parents would have limited the kid's video game access and increased family reading time."

Lack of Knowledge

"Since 1998, average reading scores for fourth-graders are up six points (with four of those points coming during the pre-NCLB years), but flat in eighth grade," Petrilli wrote. "Are 'scientifically based reading' efforts paying off in the early grades? If so, will we eventually see greater gains at the eighth-grade level?"

"Or is the middle-school slump a signal that students are not building the vocabularies they need in order to comprehend effectively—because schools aren't offering enough subject matter

content in the form of history, literature, science, and the arts, right from the start? If early reading skills are honed on meaningless 'readers' and the kids never encounter George Washington or Stuart Little, they won't have the background knowledge to understand middle-school courses."

Petrilli told *School Reform News* part of the answer might lie in a recent Fordham Institute study, "The Proficiency Illusion."

"We discovered that most states are setting the bar higher—i.e., making their tests harder to pass—in math than in reading," Petrilli explained. "Thus, schools and school districts get test score results back indicating that their students are doing fine in reading but quite poorly in math—just because of the relative difficulty level of the test."

"This might be pushing schools and school systems to redouble their efforts in math, and to take it easy in reading," Petrilli concluded. "And that, perhaps, is causing the trends we see in NAEP. Bottom line: If we want to improve performance in reading, we might raise the bar on state reading tests."

Missing the Point

Andrew J. Coulson, director of the Cato Institute's Center for Educational Freedom, believes the focus on gains, large or small, in the fourth and eighth grades misses the point.

"The real story," Coulson said, "is that none of these improvements has been persisting through to the end of high school. What families and business leaders care about is how well students are prepared for life and work at the end of high school."

Coulson pointed out NAEP long-term test results "show that gains in the early grades evaporate by the end of high school. Since 1990, the scores of 17-year-olds have stagnated in math and fallen in reading."

"In fact, their scores have stagnated or fallen in reading, math, and science since the NAEP tests were first administered in the late '60s and early '70s," Coulson said. "That is despite the fact that we have more than doubled real per-pupil spending since 1970, to the current national average of more than \$11,000 per pupil."

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

INTERNET INFO

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Report Asks: Should Super-Rich School Districts Receive State Aid?

By Robert Holland

An October report by a respected budgetary watchdog group in New York has shed light on enormous differences in local wealth available to support public education. It raises the question of whether the state government should further subsidize rich districts.

Looking for ways New York State could close a potential budget shortfall of \$4.3 billion next year, the nonpartisan Citizens Budget Commission (CBC) listed as one of nine options a phasing-out of state aid to its wealthiest school districts.

New York is one of many states that attempt to "equalize" the tax burden by aiding local districts in inverse proportion to their ability to raise local revenues. The aid sent to the wealthiest districts amounts to about 14 percent of that sent to the poorest. Nevertheless, CBC noted, "the wealthiest districts still get significant state aid that contributes to spending inequities."

Vast Divide

The differences are stark. The tax bases in the wealthiest 10 percent of school districts have a per-pupil property valuation of \$3.1 million. That means their revenue-raising capacity is about 30 times greater than that of the poorest 10 percent, where the per-pupil valuation is \$129,694.

Within the wealthy group, the report stated, are "extremely high spenders, with some spending as much as \$64,000 per pupil."

"Wealthy districts are able to raise these revenues at tax rates considerably below the statewide median, while their counterparts in poor communities must tax at higher rates to raise much lower sums," CBC stated. "Despite their relative wealth and high spending, the wealthiest 10 percent of districts receive a base grant in State aid of about \$1,200 per pupil."

"An October report by a respected budgetary watchdog group in New York ... raises the question of whether the state government should further subsidize rich districts."

Increasing Disparities

In his first budget, Gov. Eliot Spitzer (D) proposed to reform school funding by

placing greater weight on local districts' ability to pay for their own schools. However, under a compromise reached with the legislature on April 1, the wealthy districts received an increase in state aid. Spitzer signed off on a "hold harmless" provision that bestowed a 3 percent grant increase on districts that otherwise would not have qualified for increases because of their local wealth.

"Base grants and hold-harmless provisions for the wealthiest districts work against equity, exacerbating disparities in per-pupil spending," CBC reported. "In the 2007-08 enacted budget, aid to the 68 (top 10 percent) wealthiest school districts is \$229 million. Eliminating this unnecessary and ineffective aid would allow these funds to be used for other needs."

"Looking for ways New York State could close a potential budget shortfall of \$4.3 billion next year, the nonpartisan Citizens Budget Commission listed as one of nine options a phasing-out of state aid to its wealthiest school districts."

Expanding Choice

Free-market experts, however, say the point is moot.

"Public education funding in New York is all smoke and mirrors, with state politicians taking from everyone and giving back to even the richest districts so they can claim all New Yorkers profit from state funding," said Neal McCluskey, a policy analyst at the Cato Institute's Center for Educational Freedom in Washington, DC. "In the end, though, everyone loses under this scheme, with higher taxes, out-of-control spending, and incred-

ible inefficiency. But these are the games politicians must play to get support for redistributing district funds.

"To end the reliance on trickery, New York ought to stop funding districts, give money directly to parents in the form of either tax credits or vouchers, and let parents choose whatever schools they want," McCluskey concluded. "It would be straightforward, efficient, and effective—in other words, everything the current system isn't."

Adding Options

Don Soifer, executive vice president of the Lexington Institute, a think tank based in Virginia, said there are other ways of helping children in have-not districts than the ones suggested by CBC.

"The best thing that could happen to those children stuck attending chronically poorly performing or dangerous public schools would be to allow them to take their \$10,000-plus of per-pupil spending and use it at a different public or private school of their choice," Soifer said. "The New York Archdiocese is having to close



schools due to shrinking enrollment, while hundreds of thousands of students are attending public schools that don't seem to be improving on any timeline that will be of much use to them."

CBC also recommended cost-saving measures such as cutting ineffective economic development programs, restructuring government workers' fringe benefits that exceed those in the private sector, and reforming Medicaid to target benefits to the neediest New Yorkers.

Founded in 1932 amid severe fiscal crisis, CBC provides independent analyses of city and state finances in New York.

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

Not all blacks are liberals (... and that's a good thing)

Lee H. Walker is president of The New Coalition for Economic & Social Change and a senior fellow of The Heartland Institute. He is a former member of the Illinois State Board of Higher Education, commissioner with the Midwestern (10 States) Higher Education Commission, and National President of the National Guardsmen. He currently serves on the editorial board of the *Chicago Defender*. Mr. Walker was recently appointed chairman of the Illinois Advisory Committee to the U.S. Commission on Civil Rights.

The New Coalition's mission is to cultivate effective multi-ethnic spokespersons on ideas that empower people with free enterprise and self-reliance. It helps these spokespersons gain access to forums where the major public policy issues of the day are debated.



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INTERNET INFO

"Options for Budgetary Savings in New York State," Citizens Budget Commission, October 17, 2007, 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 #22262.

Critics Raise Questions Over Textbook Accuracy in California

By Neal McCluskey

Is the Rio Grande California's southern border? Not likely, since the river never comes close to the Golden State.

But according to the Textbook Trust, a schoolbook watchdog, the textbook *Oh, California* says it is—and that's just one of many mistakes the Trust found in the book adopted for statewide use more than a decade ago.

Oh, California, published by Houghton Mifflin, is far from the only error-riddled textbook the state has adopted, says the Trust—a result, the group says, of the state doing far too little to ensure the accuracy of textbooks it adopts.

According to the Textbook Trust Web site, "Studies have found hundreds of errors in California textbooks. ... California virtually ignores factual accuracy in reviewing textbooks."

Textbook Mistake

Textbook Trust founder Carl Olson said he has spent the past seven years examining the accuracy of California textbooks. This year the issue came to a head after several events.

The first was in March, when in response to heavy lobbying by the Sikh community the state Board of Education

ordered corrections made to the textbook *An Age of Voyages: 1350-1600*, which depicted Sikh founder Guru Nanak wearing a crown rather than a turban, and a beard that was trimmed instead of long. The story made headlines across California and the country.

"Studies have found hundreds of errors in California textbooks. ... California virtually ignores factual accuracy in reviewing textbooks."

TEXTBOOK TRUST

The next event concerned Olson directly. In July, a member of the Ventura County Board of Education challenged Olson's assertion that the state board of education does not ensure the accuracy of information in state-adopted textbooks. In an effort to substantiate his claim, Olson sent a letter to the California Department of Education asking how it ensures the content of state-adopted textbooks is "factually accurate."

Legal Loophole

In August, Olson received answers to his inquiry, with officials acknowledging the phrase "factually accurate" appears nowhere in adoption regulations or the job description of any department staff.

"The existing California Code of Regulations ... do not include reference to 'factually accurate' as stated in California Education Code (EC) section 60200 (c)(3)," Susan Martimo of the Department of Education's Curriculum Frameworks Unit explained in an August 6 letter to Olson. Martimo noted new adoption regulations were being written at that time.

In addition, Curriculum Frameworks and Instructional Resources Division Director Thomas Adams explained in an August 17 letter that textbook Content Review Panel members—who are volunteers, not state employees—are trained to evaluate textbooks' accuracy.

Public Right

Despite those assurances, Olson believes California needs a system that enables anyone who finds a textbook error to alert the state, and that it should then be the responsibility of state officials to get it corrected.

"Everybody should have a right to put

in a complaint about an error and have it fixed," Olson said.

Olson says the state government should take the lead in fact-checking textbooks, however, because thoroughly vetting most books is far too involved a job for districts or individuals to do regularly on their own.

Bigger Problem?

It is particularly important for California to take the lead in identifying textbook errors because it is the largest state in the union and publishers often tailor the products they offer nationwide to needs expressed in the Golden State. Catching errors after the state has already adopted a book thus can cause unnecessary harm nationwide.

Some observers, including Gilbert Sewall, director of the New York-based American Textbook Council, contend the inaccuracy threat might be overblown. "The idea that textbooks are rife with errors is a misconception," Sewall said. He believes incoherence and lowest-common-denominator "balance" in many textbooks, driven by special-interest politics, is the biggest problem.

Olson said he will continue to work for a mechanism to fix textbook errors.

"When errors get out to the public, the public has the right to fix them," Olson said.

Neal McCluskey (nmcccluskey@cato.org) is a policy analyst at the Cato Institute's Center for Educational Freedom.

Teacher Sexual Misconduct Runs Rampant in U.S. Public Schools

By Karla Dial

A seven-month investigation by The Associated Press revealed a disturbing amount of sexual misconduct by schoolteachers—usually toward students—in American schools.

The investigators, whose findings were released in late October, said no policy generated so far at any level of government has proven a reasonably foolproof way of keeping molesters out of classrooms.

According to the AP, which examined the disciplinary records of teachers in all 50 states and the District of Columbia over the past five years, approximately 2,750 teachers nationwide had their credentials revoked, denied, surrendered, or sanctioned between 2001 and 2005 because of sexual misconduct allegations.

Incidents of female teachers having sex with male students have been popular tabloid fodder ever since Mary Kay

LeTourneau made headlines in 1997, but according to the AP investigation, 90 percent of abusers are male.

Of those allegations, students were the victims 80 percent of the time. Approximately 50 percent of the teachers punished by their districts were also later convicted in state court for their crimes.

Widespread Problem

Mary Jo McGrath, a California lawyer who's spent three decades studying the problem, told the AP, "every single school district in the nation has at least one perpetrator. At least one. It doesn't matter if it's urban or rural or suburban."

The problem is ongoing, the report said, because most abuse never gets reported. It is compounded by the fact that many districts deal with the problem internally, allowing abusive teachers to leave quietly—sometimes flouting state laws that require allegations of

"A seven-month investigation by The Associated Press revealed a disturbing amount of sexual misconduct by schoolteachers ... in American schools."

abuse to be reported to state education departments, because of fears of challenging strong teachers unions.

According to the AP, "The overwhelming majority of cases the AP examined involved teachers in public schools. Private school teachers rarely turn up because many are not required to have a teaching license and, even when they have one, disciplinary actions are typically handled within the school."

"Two of the nation's major teachers unions, the American Federation of

Teachers and the National Education Association, each denounced sex abuse while emphasizing that educators' rights also must be taken into account," the AP reported.

Karla Dial (dial@heartland.org) is managing editor of School Reform News.



Newark

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Lucille Davy

The vote was unanimous and expected after Education Commissioner Lucille Davy in July recommended the partial return. The district's Public School Advisory Board will now have control over certain facility and management operations; the state will still maintain its power over finances, personnel, and instructional programs.

"Hopefully within a reasonable period of time, we will be able to return full control," state board president Ronald Butcher said after the vote. "It's progress, and I'm very excited about that."

Failing District

Samuel Gonzalez, chairman of Newark's advisory board, also applauded the vote.

"The state's been here some 11 years, and it hasn't done any better a job," Gonzalez said. "I think the local community is ready."

The state since 1995 has controlled the Newark school district, which was the third district to be seized by New Jersey due to charges of management and educational failure. The state also operates schools in Paterson and Jersey City through a state-appointed superintendent.

Returning Control

In recent years, the state has sought to begin ceding those controls back to the districts as they have made progress in areas like fiscal operations, personnel, and instruction.

After a review under the state's new monitoring system, Davy this summer recommended Jersey City regain control over finances and governance, and the state board formally approved that resolution [in September]. Davy has yet to recommend any local controls be returned in Paterson.

However, Butcher said he expected each district would start to get more control back as they focused on areas highlighted in the state's reviews. The state is to conduct a new review of each of the takeover districts in six months.

"At that point for all three, hopefully the story changes," Butcher said.

John Mooney (jmooney@starledger.com) is a staff writer at the Newark Star-Ledger newspaper, where this story originally appeared on October 18, 2007. Reprinted with permission.

Return of Control Does Not Mean Newark Public Schools Are Improving

By Karla Dial

While the state of New Jersey decided in October to return some control of schools to the Newark School District, one expert says the move doesn't necessarily mean student achievement is rising. Instead, it mostly indicates the state wants to get out of the educational oversight business.

"It's not too much to say the state desperately wants to get out of the school business," said Derell Bradford, deputy director of Excellent Education for Everyone. "Eleven years ago, when Newark was taken over by the state, it was clear that the longer kids stay in public school, the worse they do. Nothing has changed. Return to local control means nothing without parental authority, in this situation."



"While the state of New Jersey decided in October to return some control of schools to the Newark School District, ... it mostly indicates the state wants to get out of the educational oversight business."

Poor Results

The story is in the numbers: According to the U.S. Census Bureau, the Newark School District—where enrollment is flat—spends \$20,482 per pupil. The superintendent, who oversees a district of 42,000 students in total, earns \$235,000 per year—as much as New York City Schools Chancellor Joel Klein, whose district includes 1.1 million students. Some Newark schoolteachers earn as much as \$80,000 a year.

The district will cost \$916 million to run in 2007-08 and is expected to cost \$987 million next school year. Less than 10 percent of that money comes from district residents.

"This place is awash in money," Bradford said. The problem is "people perceive Newark schools as a tool for municipal job creation. The schools are supposed to be accomplishing a very important task—charting a new path for America. If you can pay your teachers \$80,000 you should have the best instruction possible. That's totally not what we have."

Last year, seven high schools in the district had seniors who couldn't pass the



state's standard exit exam—which tests only eighth-grade level skills—in percentages ranging from 63 to 90.

School Choice

"So this is what the billion-dollar school system gets you that only pays 9.54 percent of its own costs," Bradford said. "And more importantly, all the folks that don't live here are paying for it. We don't have a problem with money—we have a problem with how it's being spent. The kids defi-

nately aren't getting anything for it. You are vastly undermining the confidence of people that resources are going to make any difference at all.

"A return to control really should be a return to mayoral control," Bradford continued. "Empower a centralized leadership and have school-based accountability. Let dollars follow the child."

Karla Dial (dial@heartland.org) is managing editor of School Reform News.

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Missouri

Continued from page 1

districts—had claimed in a lawsuit filed in January 2004 that the state's funding levels failed to meet the constitutional requirement for all students to receive an adequate education. The group's experts testified the state would need to spend an additional \$1 billion annually to fulfill their interpretation of its constitutional spending requirements.

In August 2007, Cole County Circuit Judge Richard Callahan ruled the plaintiffs failed to prove the state's current funding formula was unconstitutional. He refused to impose on the legislature a funding formula higher than required by the state's constitution. Importantly, the judge ruled individual taxpayers could assist defendants in constitutional battles over school spending.

Good Investment

By the time Callahan rendered his decision, CEE had spent \$3.2 million on the case and had forced defendants to spend \$1 million. About \$800,000 of the latter sum was contributed by Show-Me Institute President Rex Sinquefield, who—along with Institute Secretary Bevis Schock and Treasurer Menlo Smith—



were allowed by Callahan to become "defendant intervenors."

Sinquefield believes it's been worth the investment.

"Judge Callahan's ruling saves Missouri taxpayers more than a billion dollars," Sinquefield said. "This proves that the plaintiffs tried to get something out of the state legislature, and when they failed they went to the courts. Hopefully, this ruling will discourage the use of tax-

payer dollars to sue the state."

Inadequate Job

While it's not unusual for plaintiffs to include intervenors—in this case, CEE was joined by the St. Louis school board, which is performing so badly it has been taken over by the state—legal experts believe this is the first time individuals have been allowed to "intervene" to work with a state attorney general to defend a case.

"We decided to try it in this case because we didn't think the attorney general was adequately representing the taxpayers of Missouri," said Joshua M. Schindler, lead attorney for Sinquefield and his colleagues.

"Three members of the board of directors of the Show-Me Institute, a free-market think tank, helped make Missouri the latest state to strike down a lawsuit claiming inadequate funding for education."

Schindler said Missouri Attorney General Jay Nixon took only two depositions since the lawsuit was filed almost four years ago. After Sinquefield got involved, 52 depositions were filed, including that of Michael Podgursky, an economics professor at the University of Missouri-Columbia and a member of the Show-Me Institute's board.

Several calls to Nixon's office were unreturned.

'Vigorous Defense'

Podgursky testified about the relationship between school funding and student

performance.

"We put on a very vigorous defense," Podgursky said. "Having these individual intervenors allowed us to bring up issues about a lack of competition and single-salary schedules for teachers, and to show the non-relationship between the spending and student achievement—to get a lot of information out in the open."

Podgursky was able to counter claims that teachers are underpaid by noting Missouri has decided to lower its student-teacher ratio to 13.8:1. The national average is 15.8:1. He testified the state could give every teacher a 14 percent raise by moving to the national student-teacher ratio.

"Many common misconceptions about school performance, accountability, and per-pupil spending were brought to light because of this case," Sinquefield said.

National Trend

Even without individual intervenors, the Missouri decision is part of a national trend of school districts unsuccessfully suing based on claims current funding formulas don't produce enough revenue to ensure each student receives an "adequate" education.

While adequacy lawsuits have been filed in 21 states, they are not having the success of those filed during the 1990s.

Those earlier actions challenged the constitutionality of school funding systems relying primarily on property taxes, reasoning that districts with lower property values have less to spend on their students.

Adequacy lawsuits also have failed in Alaska, Kentucky, Massachusetts, and South Carolina over the past five years, Podgursky said.

Important Reversal

The Council for Better Education in Kentucky set the tone for the rest of the nation with its successful equity lawsuit in the early 1990s.

But earlier this year, a Kentucky judge ruled—in a decision similar to Callahan's—that the legislature, not the courts, should decide how to dole out school funds, in a second case filed by the group, this one an adequacy lawsuit. Taxpayers were not involved in resolving either Kentucky case.

In Missouri the outcome would likely have been different without taxpayers' personal involvement, Schindler said.

"The dynamics of the defense changed rather dramatically after the intervenors were allowed," Schindler noted. "When a taxpayer is involved at the table in the courtroom, they're more likely to see it as a defense of tax dollars."

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

Energize Your School Choice Campaign!



LET'S PUT PARENTS BACK IN CHARGE!

by Joseph L. Bast & Herbert J. Walberg, Ph.D.

Let's Put Parents Back in Charge! — a groundbreaking bilingual (English/ Spanish) tool for the school choice movement — is available free of charge (in quantities of 50 to 500) to grassroots school choice efforts, charter schools, parent groups, elected officials, and others.

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Individual copies can be ordered for \$5.95 in The Heartland Institute's online store at <http://www.heartland.org>.



Wisconsin Covenant Lacks Needed Structure, Funding

By Ben DeGrow

A new Wisconsin program designed to raise college awareness and opportunity has prompted a partisan clash over funding and priorities.

The first year's student signers of the Wisconsin Covenant started ninth grade this fall with Gov. Jim Doyle's (D) promise the state will help provide financial and guidance resources to enable them to enroll in the in-state college or university of their choice in 2011.

Nearly 10,000 of the state's 75,000 incoming high school freshmen signed the Covenant by the September deadline this year.

"The program tells [students] there will be a spot for them and the financial aid will be available based on their family's financial need," said Doyle spokeswoman Carla Vigue.

Lofty Promises

But leading Republicans say the program will fail to achieve its lofty promises.

"This has raised the expectations of parents. [Doyle] has sold kids a bag of goods," said Senate Minority Leader Scott Fitzgerald (R-Juneau). "We're going to be asked to deliver on something that we can't deliver on."

Fitzgerald said no price tag has been offered, nor has a bill been introduced to fund the program.

"It's just ridiculous that the governor thinks he could deliver on a program of this size without the legislature's support," Fitzgerald said. "No consideration has been given to the legislature. It's something he's out there doing on his own."

Funding Disagreement

At press time Doyle had proposed a \$44 million budget increase to fund college financial aid, while Republican lawmakers argued for keeping the previous year's spending levels.

Vigue said the government needs to spend more on higher education to improve the technology base of the state's economy.

"The priorities of the Republicans in funding are off-base for the vision of what Wisconsin's future should be," Vigue said. "[Doyle] is committed to building a core of financial aid."

Different Definitions

In September 2006, Doyle joined state post-secondary education leaders in establishing the Covenant. In order to qualify

for the promised aid, students who sign on by the beginning of their freshman year in high school are expected to maintain a B grade average, graduate, meet college entrance requirements, and "demonstrate good citizenship."

Fitzgerald says the lack of a written definition of "good citizenship" will lead to frustration and confusion.

"How do you define a good kid?" Fitzgerald asked. "If he's had one detention, is he off the Covenant? If he's found to have been in violation of the athletic code, is he off the Covenant?"

"When it's found their kid isn't deemed 'good,' you're going to have a lot of angry parents."

Vigue acknowledged the lack of a clear definition, saying a student's principal or guidance counselor will make the determination. She said requirements may include community service time but should not be interpreted too stringently.

"We're trying to make college accessible to people," said Vigue. "If you get a jaywalking ticket, we're not going to keep you out of college."

Motivating Kids

On May 10 the governor's office organized Covenant Day to bring more than 1,000

eighth-graders and their teachers to one of three different Wisconsin college or university campuses to offer a glimpse into higher education.

"Some families have not even had discussions of going to college," Vigue said. "The Covenant is just raising awareness of what it takes to get there. It's an effort to get kids motivated and thinking about that possibility."

Vigue said the governor's program is modeled after the Carolina Covenant, a conditional college-financing promise run by the University of North Carolina.

Fitzgerald believes Doyle's version lacks substance, suggesting his speechwriters created the Wisconsin Covenant before any careful analysis of the details could be made.

"Now there's a scramble to throw a program around the rhetoric," Fitzgerald said.

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

INTERNET INFO

The Wisconsin Covenant: <http://wisconsin covenant.wi.gov>

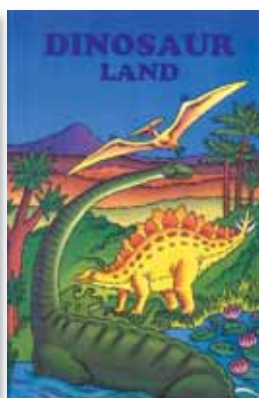


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Ohio Atty. General Says Charters Violated Charitable Trust Laws

Critics see move as payoff to teachers' union campaign contributors

By Kate McGreevy

Ohio Attorney General Marc Dann (D) has taken action against three underperforming charter schools in the Dayton area.

The move, which coincided with the Ohio Education Association (OEA) dropping its lawsuit against the state for charter governance issues, has called into question the status and sanctity of Ohio's charter school laws.

Dann's suit, filed in September, alleges the charters are violating charitable trust law, meaning their obligations as non-profit organizations, by failing to serve students, as indicated by poor academic performance.

"Ohio Attorney General Marc Dann (D) has taken action against three underperforming charter schools ... [calling] into question the status and sanctity of Ohio's charter school laws."

Broad Implications

Terry Ryan, vice president for Ohio Programs and Policy at the Thomas B. Fordham Foundation, said the suit could have broad implications for nonprofits and other charter schools in Ohio. Though existing law revokes the charters of failing schools, Ryan said Dann's suit is an attempt to circumvent it.

"Other charities that work to deliver a public good should be concerned about this," Ryan said. "If you can say a charter school isn't doing its job, and we are going to revoke its charter, couldn't you make the same argument against a hospital or a university or an art institute? It goes beyond the mechanisms that have been put in place to measure school quality in the state of Ohio."

"There [are] law, school sponsors, and the department of education, and [Dann's suit] bypasses all of these regulatory mechanisms. The AG is both judge and executioner, and it opens up the issue to a costly court battle," Ryan continued.

'Organizational Problems'

Leo Jennings, Dann's communications director, countered that the office is obligated to address organizational problems

that could be broadly categorized as failure to perform academically.

"The AG has the responsibility to regulate and oversee the operation of charitable trusts," Jennings said. "Just as he would do with a hospital system misusing charitable assets, or failing to meet its purpose, the AG is interested in schools that are not meeting charitable goals."

Complex Background

Charter schools have long been under pressure in Ohio courtrooms. In October 2006 the state supreme court ruled the charter program constitutional, capping off a five-year legal battle.

On the heels of that decision, the OEA, the state's largest teachers' union, sued the state in Franklin County Court in March 2007, alleging public officials were failing to provide systematic oversight of Ohio's charter school program.

The OEA settled with Dann just before he filed his lawsuit against three Dayton-area charters. Skeptics such as Ryan note the attorney general most likely would have prevailed against the union in those suits, given the Ohio Supreme Court precedent established in 2006.

Redirected Funds

According to Dann's office, the attorney general's power in the matter derives from the office's authority to regulate charitable trusts. Under Ohio law, charitable trusts are 501(c)3 tax-exempt organizations or 501(c)4 charitable health care organizations. Charter schools in Ohio, termed "community schools," are 501(c)3 organizations.

Jennings said Dann is not interested in taking down the charter school system.

"While Dann is the first to use this authority for charters, the office uses this authority hundreds of times a year," Jennings said. "In the past, there hasn't been an interest in holding charters accountable. Marc had that interest as a member of the Assembly."

"These schools have consumed over \$17 million in public funds that would be better spent in traditional schools or charter schools that do perform," Jennings continued. "This is not an assault against charters. It's an effort to hold underperforming schools accountable."

Poor Schools

Dann brought suit against three Dayton-area schools—Moraine Community School, Colin Powell Leadership Academy,

and New Choices Community School. In each case, he asked the court to find the organization a failed charitable trust, and in turn for the governing boards of the schools to close down the organization.

"Hopefully, as a result of this suit ... that money will now be redirected to traditional public schools and community schools," Dann said in a September 21 news release.

Both Moraine and New Choices failed to reach Adequate Yearly Progress (AYP) goals established under the No Child Left Behind Act in the past four years. Of the applicable indicators gauging school performance, Moraine met three of 32, New Choices met one of 29, and Powell Leadership Academy met just one of 61.

According to the Ohio Department of Education, approximately 62.4 percent of Ohio schools and 29.7 percent of districts met AYP standards in 2006-07.

"It seems like political payback to the unions, who were one of the largest donors to his campaign ... [T]he timing of the communications between the union and his office is very interesting."

TERRY RYAN

VICE PRESIDENT FOR OHIO PROGRAMS AND POLICY
THOMAS B. FORDHAM FOUNDATION

Existing Law

Ryan questions why the attorney general is chasing charters. He notes charter laws have been tightened in recent years and further legislative action would accomplish the goal of ensuring performance.

"One could argue that charter school accountability mechanisms could be strengthened, but that is a debate the Assembly has been having," Ryan said. "They have increased procedures and authorizing pressures for sponsors—deliver results or close."

Jennings said Dann is taking action because the Assembly has been too slow to do so.

"There is very little regulatory structure for charters, and only last year did the legislature pass legislation, meaning



Marc Dann
Attorney General
State of Ohio

action cannot be taken until 2009," Jennings said. "The AG believes that one day spent in an underperforming charter school is one day too many. So he is going to act to hold these schools accountable."

Strange Bedfellows

If Dann's charitable trust approach wasn't enough to stir the charter school community's suspicions, his settlement with the OEA was, since the teachers' union had targeted the state and its oversight of charter schools.

Public records obtained this fall by the *Columbus Dispatch* newspaper revealed Dann and the OEA had been communicating for several months about the suit, and that the OEA had suggested the charitable trust angle.

"The AG coming in seems a little invasive," Ryan said. "It seems like political payback to the unions, who were one of the largest donors to his campaign. Going after charters' charitable status is a questionable approach, and the timing of the communications between the union and his office is very interesting."

With three suits already filed, Dann most likely will file similar suits against other underperforming charter schools in the coming months, although Jennings says his office is "proceeding cautiously."

Kate McGreevy (mcgreevy@gmail.com) writes from Washington, DC.

INTERNET INFO

"2006-2007 Annual Report on Educational Progress in Ohio," Ohio Department of Education: <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=116&ContentID=34744&Content=34857>

Tuscaloosa Parents Fight for School Choice

By Robert Holland

Tuscaloosa, Alabama parents are pressing for the right to take their child out of bad schools and put them in good ones.

The No Child Left Behind Act (NCLB) of 2001 gave parents a limited right of choice within the confines of government-controlled schools. NCLB allows parents to transfer their kids to better-performing public schools when their assigned schools persistently fail to help students learn to read and do math.

Now black parents in Tuscaloosa, Alabama are seeking to use NCLB public choice to enforce their civil rights. When the local school board proposed a rezoning plan last spring that, in the parents' view, would have moved black children disproportionately into low-performing schools, they objected. Through letters to the editor and media interviews, they cited their right to choose better schools under NCLB.

Wasted Opportunity

Parents in other parts of the country can also assert this right, but relatively few have. Fewer than 2 percent of eligible families have opted for school transfers. In many cases, school bureaucracies have failed to fully inform them of their rights or have begged off with claims that better schools have no vacancies.

Even if Tuscaloosa parents don't win their local battle, they are affecting the debate in Washington over NCLB reauthorization, which at press time was still underway.

"What is emerging," said longtime

parental choice advocate Clint Bolick, director of the Goldwater Institute Center for Constitutional Litigation, "is a coming together of left and right to coalesce around solutions that secure better educational opportunities for kids."

"Tuscaloosa, Alabama parents are pressing for the right to take their child out of bad schools and put them in good ones."

"The Citizens Commission on Civil Rights [CCCCR], a liberal watchdog group, is the nation's leading proponent of strong enforcement of the public school choice provisions of NCLB," Bolick continued. "Its chairman, Bill Taylor, is one of the most respected veterans of the civil rights movement, and he recently broke ranks with many of his compatriots by writing a [Fordham Law Review] article supporting private school choice."

'Uphill Battle'

Because NCLB does not provide a "private right of action," said Bolick, the Tuscaloosa parents "face an uphill battle."

"Without a true enforcement mechanism, NCLB is a toothless tiger," Bolick continued.

Taylor's CCCR detects bipartisan support for adding teeth to a reauthorized NCLB. In a September 15 article for *Education Next*, CCCR Executive Director

Dianne Piche said states could be required to create slots to enable children to move from poor schools to good ones. To accomplish that, states could lift caps on public charter schools, expand high-achieving schools, or provide for inter-district transfers, she wrote.

Better Idea

As an alternative to government manipulation of supply, however, some say it would be simpler and more effective simply to award families tax-funded scholarships and let them choose the private or public school that best serves their children. A coalition led by Advocates for School Choice released such a proposal for NCLB on September 12.

"We firmly believe that every low-income child in a restructuring school should be given a promise scholarship to attend a public or private school of their parents' choosing," the coalition said in an open letter to the nation's political leaders published in *The Hill* newspaper.

"This should happen immediately as a matter of social justice," the letter continued. "Additionally, we believe that Con-



More than 1,200 teachers, parents, and children—including Kennedy, age 5—rallied in Utah for school choice on May 15.

gress should authorize and appropriate funds for national opportunity scholarships, where local non-profits could apply for federal grants that would provide scholarships to low-income children in schools that have failed for three consecutive years."

Best Strategy

Lexington Institute education analyst Don Soifer sees potential for individuals' civil rights claims cutting through a regulatory morass that has stymied progress in student achievement. In Illinois, he notes, the Civil Rights Act of 2003 makes it unnecessary to prove mean-spirited discrimination to establish a violation. Student achievement data may make the case.

Soifer sees "portability"—in which education money follows the child instead of going directly to schools—as "the best strategy for ensuring that schools do not become the twenty-first century's vehicles for discriminating against a new generation of poor and minority schoolchildren."

Under such a plan, Tuscaloosa families would be able to take a scholarship and pick any school instead of being shuffled from one assigned school to another.

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

Choice Is Key to Cutting Florida Dropout Rate

By John F. Kirtley

Many people are stunned to learn that less than 50 percent of minority children graduate high school in Florida.

According to the Harvard Civil Rights Project, a black male in Florida has a 38 percent chance of graduating—and statewide, only 57 percent of children of all races and incomes will do so.

Few would question the fact that life prospects for dropouts are bleak; most are consigned to a life of low wages, prison, or even an early death from violent crime. By any measure this is a crisis.

Solutions

The dropout rate is one of Florida's most serious problems. All possible

solutions need to be on the table:

- There are programs in the public schools—such as extended hours and more time in core classes—that are working to solve this problem. These need to be expanded.

"Many people are stunned to learn that less than 50 percent of minority children graduate high school in Florida."

- There are heroes in the public schools reaching children and preventing them from dropping out. They need to be supported and encouraged.

- Empowering low-income parents to choose the right schools also works. Thousands of parents and children will give you their testimony of its success.

Florida needs uniformity of educational opportunity, not uniformity of education providers. We need Florida's legislators, educators, opinion leaders—even judges—to understand this critical fact.

John F. Kirtley (jmi@jamesmadison.org) is vice chairman of the Alliance for School Choice and a member of the board of directors at The James Madison Institute in Florida and the Goldwater Institute in Arizona. A longer version of this article was published in October 2007 as Policy Brief 2 by The James Madison Institute.

Utah

Continued from page 1

struggles of their low-income, minority neighbors."

Mero characterized the results as only a temporary setback—the referendum vote concerned only a state spending bill, not vouchers in general. The state's Carson Smith voucher program for special-needs students remains in place, and support for school choice is growing among families nationwide.

"Win or lose, this new school voucher law will not go away," Mero said. "And try as they might, the special interests who would subordinate struggling children to a stifling 'system' will find themselves on the losing side of history."

"On November 6, the nation's first statewide universal voucher program was defeated in Utah when voters repealed, through referendum, the law that created it last February."

Effort Will Continue

School choice advocates agreed.

"The school choice movement, like any movement for reform, experiences the jubilation of successes and the disappointments of defeats," said Andrew Campanella, director of communications at the Alliance for School Choice, a national advocacy group based in Washington, DC. "We have seen disadvantaged parents rise up and demand options for their children and win."

"More than 100,000 children are the beneficiaries of a better education because of private school choice in America—more than ever before," Campanella

noted. "And despite the tens of millions of dollars spent by opponents, the clear majority of the American public supports school choice."

"A setback in one state is just that—a setback in one state," Campanella continued. "Today, school choice supporters across the country are rightly disappointed. But in our disappointment, we are emboldened to fight even harder to help the children in America who are too often forgotten."

Big Union Money

According to campaign finance data, the great majority of the \$4.4 million raised to defeat Utah's program came from union sources nationwide. By contrast, pro-voucher forces raised more than three-quarters of the approximately \$4 million they collected from in-state sources.

Tellingly, noted Bob Williams, a choice advocate at the Evergreen Freedom Foundation in Washington, "When given a choice, the number of Utah teachers voluntarily contributing to the union's political action committee declined from 68 percent to 5.18 percent," meaning "the money used by the teachers union is coming from mandatory dues of teachers—it is not coming from voluntary contributions."

Quin Monson, assistant director of the Center for the Study of Elections and Democracy at Brigham Young University, analyzed data on ad purchases on the five Salt Lake City television stations, which serve the entire state. According to his findings, voucher opponents outspent supporters five to one (\$1,049,058 to \$192,570) during September.

"The disproportionate advertising looks even worse when you look at the number of spots that have actually aired," Monson noted. "Through the end of September, it was nearly seven to one for the anti-voucher side."

Deceptive Ads

TV and radio spots and full-page news-

paper ads before the vote claimed the program would drain money from already underfunded public schools and that it would racially segregate classrooms. None of those assertions hold up to scientific research, said Dr. John Merrifield, an economics professor at the University of Texas-San Antonio and editor of the *Journal of School Choice*, a scholarly research publication.

"This claim amounts to an assertion that a lot of us are closet racists, and that the first decent chance we get, we'll move our children to schools where they will look just like the existing student body," Merrifield said. However, "actual interaction between children of different races and socioeconomic levels is larger right now in private schools of choice than in public schools."

"School choice is already an integration tool—the more autonomous the schools, the more likely that choice will be driven by academic reasons than concern about student body composition," Merrifield noted. "It would be very difficult to have more separation by socioeconomic and race than we have in the current system."

Andrew Coulson, director of the Cato Institute's Center for Educational Freedom, concurred.

"Correctly understood, school choice programs are not a threat to public edu-



The November 6 referendum vote means low-income children in Utah will continue to be trapped in a failing public school system.

cation, they are simply public education by other means," Coulson said. "Some people worry that a system of unfettered parental choice would fail to promote social cohesion—something that our public schools are widely believed to do. That view is precisely backward."

"There are numerous studies comparing the tolerance and civic engagement of public and private school students and graduates," Coulson continued, "and this research either favors the private schools or finds no significant differences between the sectors."

Michael Coulter (coulter@heartland.org) writes from Pennsylvania. School Reform News Managing Editor Karla Dial (dial@heartland.org) contributed to this report.

Romney and the Utah Voucher Vote

By Carrie Lukas

Massachusetts Gov. Mitt Romney (R) had an opportunity to help deliver a victory at the ballot box in Utah in November, when voters decided whether to repeal the state's universal school voucher program.

The benefits of sustaining it were clear: An education marketplace encourages innovation, greater efficiency, and more diversity. Instead of being stuck with one-size-fits-all, local-government-run public schools, parents are able to choose the schools that best meet their children's

unique needs and talents.

Schools respond by offering a variety of curricula and specialties. If parents doubt their child is thriving, they can take their business elsewhere. Schools, in turn, hold teachers accountable: They expect professionalism, and accordingly, reward teachers that provide the best service.

Vouchers have a poor track record at the ballot box. In 2000, initiatives to create school voucher programs in California and Michigan were soundly defeated. But choice advocates had reason to hope

Utah would be different. Voters weren't asked to create a program, but rather to approve one that had already made it through the legislative process and become law.

Another Shot

Romney was uniquely positioned to lend a helping hand: His popularity in a state where more than 60 percent of citizens share his religion is obvious. While on the campaign trail, Romney has stated he supports school choice and vouchers. Skeptics might note that as governor,

vouchers were not a priority for Romney.

The Utah initiative gave Romney the opportunity to prove his bona fides as a strong school voucher supporter at a critical time. By urging his supporters to give this program a chance, he could ensure that more parents control where their kids go to school and help Utah become a national model for universal school choice.

Carrie Lukas (clukas@iwf.org) is vice president for policy and economics at the Independent Women's Forum and a senior fellow at the Goldwater Institute. A longer version of this column originally appeared on National Review Online.

Does Government Funding = Government Strings?

By David W. Kirkpatrick

A common argument against public funding of parental choice of K-12 education is the claim it would result in government regulations harmful to non-government schools.

Some fear such regulation would so burden independent schools as to put them out of business or make them virtually indistinguishable from public schools.

This argument is too often used by, or effective with, those who might otherwise be among the strongest supporters of generally available publicly funded student grants.

People who sing the song of excessive regulation tend to accept it as a given, but they rarely cite evidence to support their fears. In fact, government programs that provide aid to individuals, such as the various G.I. Bills, college grants at the state and federal level, food stamps, etc., are not heavily regulated.

It is institutional aid, not individual aid, that leads to government regulations, because institutions are not accountable to those they serve for the expenditures of the public funds they receive.

Constitutional Right

When funds are made available for individuals to make their own decisions, and the money goes with them if they move from one institution to another, meaningful accountability can occur. When funds go to institutions, such as the public schools, they may to some degree be held responsible for accounting for the money, but they are less often held to any meaningful standards as to the results.

Those who would support government-funded school choice programs were it not for their fear of regulations play into the hands of defenders of the status quo. Ironically, they also increase the degree of government controls because they force more students to attend or remain in the heavily regulated public schools.

The 1925 U.S. Supreme Court *Pierce* decision declared "[t]he child is not the mere creature of the State" and that school choice is a constitutional right. However, the Court also said, "No question is raised concerning the power of the state to reasonably regulate all schools, to inspect, supervise, and examine them, their teachers and pupils, to require that all children of proper age attend some school, that teachers should be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught



and that nothing be taught which is manifestly inimical to the public welfare."

Fewer Regulations

The statement "that nothing be taught which is manifestly inimical to the public welfare" offers a counterargument to the fear that funding students will lead to schools established by witches, the Ku Klux Klan, skinheads, or the David Dukes of the nation, since the government clearly cannot only regulate such schools, it can prohibit them altogether.

Just two years after the *Pierce* decision, the Supreme Court demonstrated what it meant when it said the power to regulate must be reasonable. It invalidated a Hawaiian law setting teacher qualifications and textbook content and requiring teachers to pledge to "direct the mind and studies of pupils in such schools as will tend to make them good and loyal American citizens."

"[G]overnment programs that provide aid to individuals, such as the various G.I. Bills, college grants at the state and federal level, food stamps, etc., are not heavily regulated."

While having all youngsters become "good and loyal American citizens" is a laudable goal, it is arrogant for legislatures to define what "good and loyal" means, to assume it won't happen without their mandate, or to think they can

bring it about by fiat.

That regulations tend to be inversely related to the number of those who can exercise choice is demonstrated by programs such as those mentioned earlier—such as the G.I. Bill—and by the fact that a state such as Pennsylvania,

which has a significant share of its student population enrolled in nonpublic schools, has fewer school regulations than many states with a lower share of nonpublic school students.

Universal Choice

This was dramatically demonstrated in 1994 when U.S. Rep. George Miller (D-CA) introduced legislation interpreted as meaning nonpublic schools would be required to hire only certified teachers. The result was such a storm of protest through the swamping of congressional offices with phone calls, mail, and email that when the House voted on the amendment the lone vote for it was Miller's.

With public funding of student choice, everyone can decide whether to participate or not. Where such a program is blocked, no one has a choice. Why should those wanting no options be able to deny options to others?

David W. Kirkpatrick (tchrwrtr@aol.com) is a senior fellow for education at the U.S. Freedom Foundation.

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Students Thrown Climate Life Preserver

By Steven Milloy

Two new children's books on global warming are out. One is designed to reduce anxiety among children; the other is designed to heighten it.

So which is better? That depends on how you like your facts—right or wrong.

September 1 brought the release of *The Down-to-Earth Guide to Global Warming*, co-authored by Al Gore acolyte and *An Inconvenient Truth* co-producer Laurie David and former advertising copywriter and environmental activist Cambria Gordon.

Two weeks later, *The Sky's Not Falling! Why It's OK to Chill About Global Warming* was published. The book was written by resource economist Holly Fretwell, an adjunct professor at Montana State University and senior research fellow at the Property and Environment Research Center (PERC).

Judging from the authors' credentials alone, you may already suspect where this comparison of the two books might be headed—and you really don't have to go too far into either book to confirm that suspicion.

"Two new children's books on global warming are out. One is designed to reduce anxiety among children; the other is designed to heighten it."

False Information

The key issue in the controversy about whether humans are causing global warming is whether manmade emissions of carbon dioxide are causing global temperatures to increase.

If rising amounts of atmospheric carbon dioxide don't drive global temperature increases, then there is little reason to panic about greenhouse gas emissions for the sake of averting global warming.

On page 18 of the David-Gordon book, the authors present a graph of the relationship between atmospheric carbon dioxide levels and global temperatures for the past 650,000 years.

The accompanying text reads, "The more carbon dioxide in the atmosphere, the higher the temperature climbed. The less carbon dioxide in the atmosphere, the lower the temperature fell. You can see this relationship for yourself by looking at the graph on the left. ...

"What makes this graph so amazing is that by connecting rising carbon dioxide to rising temperature, scientists have

discovered the link between greenhouse gas pollution and global warming," David and Gordon conclude.

But page 19 of the Fretwell book presents essentially the same graph with accompanying text that reads, "Because the lines of the graphs seem to move together, many people believe that it proves that carbon dioxide causes global warming. However, a closer look at the evidence shows that temperatures peak hundreds or even thousands of years before carbon dioxide levels peak."

'Unsuspecting Children'

So the two books are precisely 180 degrees apart on the crucial issue of the global warming controversy. Which book is correct?

"What really makes [the David-Gordon] graph 'amazing' is that it's dead wrong," says a report from the Science and Public Policy Institute released in mid-September.

"In order to contrive a visual representation for their false claim that carbon dioxide controls temperature change, David and co-author Cambria Gordon present unsuspecting children with an altered temperature and carbon dioxide graph that falsely reverses the relationship found in the scientific literature," says the SPPI report.

"The actual temperature curve in the chart was switched with the actual carbon dioxide curve. That is, the authors mislabeled the blue curve as temperature and the red curve as carbon dioxide concentration," the report notes.

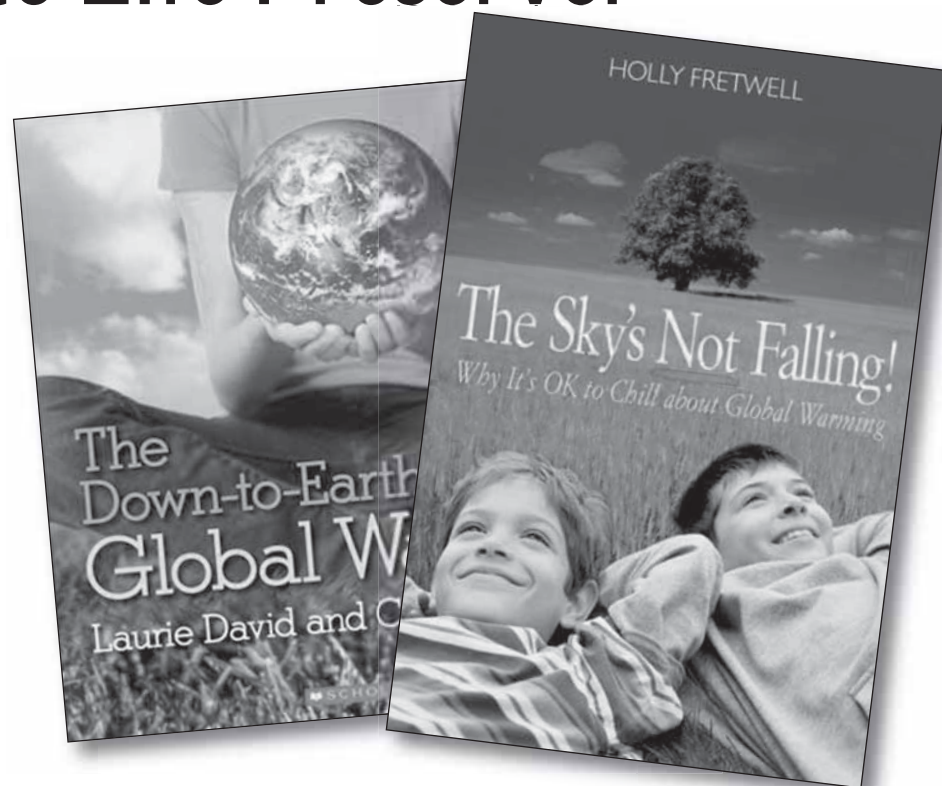
Uncorrected Text

You might think that with a mistake of that magnitude, the David-Gordon book would be immediately consigned to the ash heap of global warming history. But like *The Down-to-Earth Guide*, you'd be dead wrong.

The David-Gordon book is published by Scholastic, the children's publishing company whose self-described mission is to "help children around the world to read and learn."

"This essential guide will help you understand why global warming happens, how it affects the planet, and the simple steps you can take to get involved in protecting the environment," reads the Scholastic Web site's plug for the David-Gordon book.

Scholastic has acknowledged the error in the graph and plans to issue a correction—but the correction will involve only the graph, according to SPPI staff. Scholastic is refusing to acknowledge and correct the erroneous text, even though the graph expressly served as the basis for it.



Accurate Alternative

While Scholastic may want to risk its reputation with the David-Gordon book, parents who want their children to have the correct information about the pivotal relationship between atmospheric carbon dioxide and global temperature will want to check out Fretwell's *The Sky's Not Falling*.

While Fretwell's book does not come close to matching the number and visual quality of distract-from-the-text illustrations that the David-Gordon book contains, Fretwell's strength is that her text is easy to read and, most importantly, scientifically accurate.

The Sky's Not Falling is meant to spark discussion and rational thinking among kids—not to scare them.

"Fretwell's book—the presentation of facts instead of the fomenting of fear—is a terrific antidote to the intellectual and emotional child abuse committed by climate alarmists."

Antidote to Terror

A front-page *Washington Post* story published in April 2007 reported global warming is taking a terrible emotional toll on children.

"For many children and young adults, global warming is the atomic bomb of

today," says the story. "Parents say they're searching for 'productive' outlets for their 8-year-olds' obsessions with dying polar bears. Teachers say enrollment in high school and college environmental studies classes is doubling year after year. And psychologists say they're seeing an increasing number of young patients preoccupied by a climatic Armageddon."

Fretwell's book—the presentation of facts instead of the fomenting of fear—is a terrific antidote to the intellectual and emotional child abuse committed by climate alarmists.

Steven Milloy (junkman@junkscience.com) publishes *JunkScience.com* and *DemandDebate.com*. He is a junk science expert, an advocate of free enterprise, and an adjunct scholar at the Competitive Enterprise Institute.

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Vertical Equity Funds Are Not Reaching States' Neediest Students

By Marc Holley, Matthew Carr, and Nathan Gray

In response to lawsuits over inequities in school funding, state legislatures nationwide have adopted spending policies whereby disadvantaged students are to receive extra resources to enhance their learning opportunities.

However, recent studies show many school districts are not giving these students the mandated resources.

Until states change from district-based budgeting to student-based funding, the question of increasing spending cannot be accurately addressed.



"In response to lawsuits over inequities in school funding, state legislatures nationwide have adopted spending policies whereby disadvantaged students are to receive extra resources to enhance their learning opportunities."

Funding students differently based on their presumed need is the school finance policy known as vertical equity. This policy has intuitive appeal for those interested in providing equal educational opportunities and can be an inspired alternative to affirmative action. Rather than giving preferential treatment later in life, vertical equity gives disadvantaged students a more reasonable chance for success on the front end.

Unfortunately, many poor students are not receiving the additional resources they need.

Resource Allocation

Traditional research on spending equities has commonly evaluated the degree of variation in per-pupil spending at the district level, measuring disparities between wealthy and poor districts. However, recent research has uncovered a problem with analyzing spending at this level: Even if less variation exists across districts, great variation often exists within districts.

In response to this problem of analyzing spending at a district rather than school level, researchers at the Annenberg Institute for School Reform at Brown University have presented a method for analyzing within-district resource allocation. This method creates a weighted index score for each school within a district. The index is based on a comparison of actual school expenditures to the amount an individual school should have spent given the specific characteristics of its student body.

Employing a substantially similar

model, the authors of this column, in a study to be published later this year in *The Journal of Educational Research & Policy Studies*, analyzed intra-district spending in 72 high-poverty districts across Ohio. We found great spending disparities exist between schools even within high-poverty districts.

Despite state policies directed at providing greater resources for disadvantaged students, individual buildings are not receiving state-mandated funding, we found.

Teacher Salaries

In another study, published three years ago, Marguerite Roza and Paul T. Hill examined the intra-district revenue allocation of four major urban school districts: Baltimore City, Baltimore County, Cincinnati, and Seattle. They too found disparities in spending among the school buildings within each of the studied districts—and, as you might expect—in the wrong direction.

Roza and Hill assert many different forces are conspiring to undermine disadvantaged students' access to resources, but they focus on the largest single expenditure in schools' operational budgets—teacher salaries.

By tracking average teacher salaries at the building level, Roza and Hill were able to investigate relative levels of resource distribution. These researchers suggest seniority policies are largely to blame for the unraveling of vertical equity efforts. Because teachers with more experience often have discretion in their choice of teaching assignments, more expensive teachers are foregoing teaching assignments in high-poverty schools for the draw of less-challenging schools within the same district.

Ineffective Method

Roza and Hill are careful to explain that paying teachers more based on their years of service does not guarantee effectiveness. Indeed, they concede most quality research has repeatedly shown greater experience beyond the first few years makes little difference in student achievement.

However, they argue, schools in less-difficult settings have many more applicants for a given opening, and principals and boards in the more-desired schools are much more likely to choose the better teachers.

The bottom line is this: Union-advocated seniority policies that place the preferences of teachers ahead of the needs of students create intra-district funding inequities.

In addition to adopting vertical equity policies to level the playing field for disadvantaged students, states and districts should begin to modify the lockstep single-salary schedule so quality teachers have an incentive to compete for positions in high-poverty schools. Moreover, districts need to change budgeting policies so categorical funding for poor students follows them to their schools, not just their districts.

Until these changes are made, adding more money to the education budget will simply reinforce the existing inequities without closing the achievement gap.

Marc Holley (mholly@uark.edu), Matthew Carr (mcarr@uark.edu), and Nathan Gray (ngray@uark.edu) are doctoral fellows at the University of Arkansas Department of Education Reform.

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In Other Words

"The difference between our donor base is that all our donors have chosen to fund a cause they believe will impact children. The opposition can't say the same. They're collecting dues from teachers ... and then those dues are used any which way the union wants."

Leah Barker

Parents for Choice in Education

The Salt Lake Tribune

October 30, 2007

North Carolina's Site-Based School Management Program Is Faulted

Good idea needs better execution, report concludes

By Richard G. Neal

A site-based management program implemented in Wake County, North Carolina gives school principals too much power, according to a comprehensive investigation by a team of independent auditors.

But other recent reports note the approach has worked elsewhere, suggesting the real problem is the North Carolina program doesn't give families enough choice among schools.

The \$215,000, 400-page report, "A Curriculum Management Audit of the Wake County Public School System, Raleigh, NC," was conducted under the auspices of Phi Delta Kappa and released September 5.

"A site-based management program implemented in Wake County, North Carolina gives school principals too much power, according to a comprehensive investigation by a team of independent auditors."

The report recommended the Wake County school district tighten its "very liberal" policy on site-based decision-making, claiming principals have too much autonomy. The report concluded, "site-based decision making has created inequalities among schools."

One of the chief complaints in the

report is that fundraising by parent and booster groups differs from school to school by hundreds of thousands of dollars, allowing some principals to create programs or purchase equipment other schools lack. The report seems not to recognize that the point of site-based management is to allow schools to be different, hence the allegations of inequality.

National Implications

Although the report addresses the unique system of site-based management in Raleigh, it has value for other school districts involved in or contemplating this type of management system. In many ways, the report describes how not to operate under site-based management.

In the purest form of site-based (or school-based) management (SBM), money and accompanying decision-making powers are transferred from the school district's central office to individual schools—where site committees, consisting of the principal, parents, teachers, and students (in secondary schools), are enabled to better operate the schools according to students' needs.

The money the schools receive is based upon weighted student funding (WSF)—an algorithm that distributes funds equitably according to the different needs of students in each school.

The acid test of SBM is how much power and money is actually transferred to the individual schools. Since SBM enables schools to be different, effectiveness is enhanced if students are allowed to choose which school they attend.

Many Obstacles

The crux of the problem is how to transfer power to local schools within a web of federal regulations, such as the No Child Left Behind Act and special education rules, state regulations covering almost all aspects of school operations, entrenched local school board bureaucracies, and restrictive teacher labor contracts.

The Raleigh report serves as a reminder to other school districts that successful SBM requires a great deal of preparation, commitment, and cooperation among disparate interests—all while making sure students' educational welfare is the highest priority.

"The report seems not to recognize that the point of site-based management is to allow schools to be different, hence the allegations of inequality."

Most principals believe that to effectively lead their schools they must have sufficient discretionary powers to run them—such as whom to employ and fire and how to spend school funds. However, they are seldom given such discretion.

According to "The Autonomy Gap: Barriers to Effective School Leadership," a 2007 report from the American Institutes for Research, most principals encounter a sizable gap between the extent and kinds of authority they need to be effective and the authority they actually have. Unanswered in "The Autonomy Gap" report is how qualified principals are in terms of training and attitude to perform successfully as their schools' CEOs.

Future Possibilities

When done right, however, weighted student funding wedded to school-based management can result in better education for students. It has already proven successful in several school districts, such as Houston, Oakland, San Francisco, Seattle, and Prince William (Virginia).

The authors of "Weighted Student Formula: Putting Funds Where They Count in Education Reform" conclude,

"we believe that [weighted school funding] systems deliver the most benefits when a very high percentage of a district's budget is decentralized."

In another report, "Fund the Child: Tackling Inequity & Antiquity in School Finance," a diverse 70-member panel of K-12 leaders backed weighted school funding. That report, published by the Thomas B. Fordham Institute, draws a clear conclusion:

"By installing a system where funding follows each child according to his/her needs and school leaders are given the autonomy to make decisions, we can demolish many of the barriers to equity already in place and create a brand new school financing system, one in which schools compete to hire the best teachers and to attract the hardest to educate students, and in which they are free to try new and dynamic solutions to ensure that all of their students succeed."

Richard G. Neal (rneal1@triad.rr.com) writes from North Carolina. He is the author of *School Based Management: A Detailed Guide for Successful Implementation* (National Educational Service, September 1991).

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In Other Words

"America's decision to have its public schools funded by a government monopoly is stunningly stupid. Having a union-dominated monopoly run them is even stupider. Unionized monopolies create ossified, bloated bureaucracies that don't serve people well."

John Stossel

Myths, Lies and Downright Stupidity

New York: Hyperion, 2006, page 107

Distance Learning Is Advancing School Choice

By Jeremy Thompson

As important as school vouchers are, the greatest progress toward choice probably isn't taking place in Utah right now.

I say this not to minimize the efforts being made there, but to remind reformers the solutions to traditional questions may not have traditional answers.

Instead, the most exciting progress in education reform is in technology and distance learning.

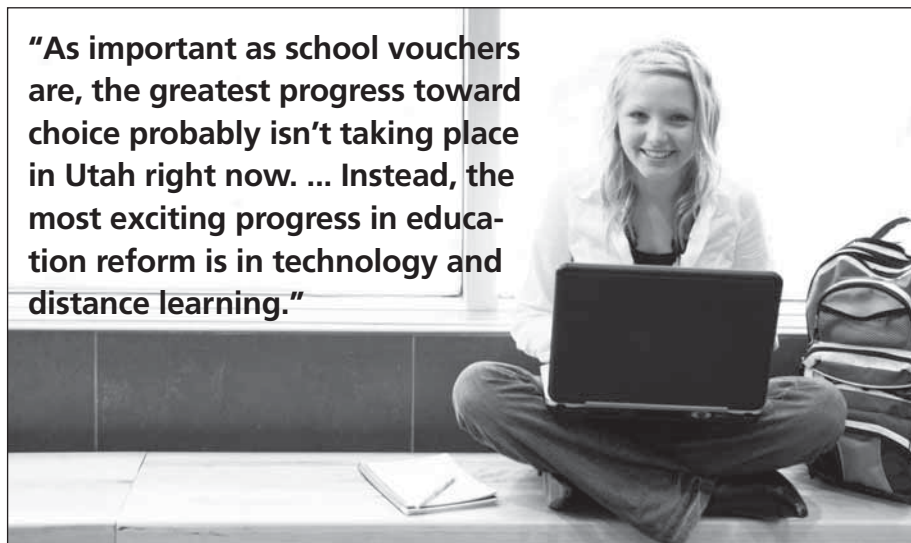
Education technology does not merely mean having a computer (or computers) in the classroom. It is simply a computer, the student—and, depending on the format, the tutor—all connected by Internet technology. On the surface, it might not seem very revolutionary, but the most effective forms of competition that have been introduced into the education monopoly have been through technology.

Win-Win Situations

Consider the following two examples:

In Alaska, the Galena school district, seeking to profit from the large number of homeschoolers statewide, set up a distance education program in 1997 to increase its revenue base. The program has been a roaring success. Homeschoolers like it because it gives them flexibility and ownership over their education,

"As important as school vouchers are, the greatest progress toward choice probably isn't taking place in Utah right now. ... Instead, the most exciting progress in education reform is in technology and distance learning."



and the district likes it because it can add those homeschoolers to its rosters when seeking funding from the state.

What makes Galena unique is that the distance education school has been established completely independent of any statute or regulation. From beginning to end, it has been a local project.

In Wisconsin, the Monroe school district, likewise seeking to expand its revenue base, started a distance education program in 2002. It subcontracts with colleges in other states to offer classes. Students can choose from a wide range

of classes from accredited universities, for Advanced Placement or regular credits toward their high school diplomas.

The district gets a block of funding from the state for each student using the program, gives a portion of it to the college or university that is teaching the student, and pockets the rest. It's not a true universal voucher, but it is a significant step in the right direction. The program has started with high school students and is now expanding to middle school students.

If this is the future of education

reform, it is completely changing the debate about the form school choice should take.

Future Steps

Inevitably, the traditional monopolies will seek to bottleneck this system and try to take control of it. Education reformers need to stay one step ahead through the following means:

- Expand the rights to on-demand education. In Massachusetts, if a student wants to take an online, distance education course, by state law the school cannot deny that student. Another idea is to mandate an Individual Education Plan (IEP) for every student in the state, and use that mandate to take ground concerning other educational rights. For example, if a parent or child wishes to change or customize an IEP, pass a law saying they cannot be denied that right.
- Expand local school districts' flexibility to subcontract to meet their goals. In a virtual classroom completely customized to the individual student, subcontracting teachers becomes a necessity. This will be easy for school districts to accept, given that an individual contract is easier to manage than hiring a full-time permanent employee. Making it easy for individual teachers to contract with individual school districts will open up one of the largest untapped resources of teachers we have—full-time graduate students.

"Education technology does not merely mean having a computer (or computers) in the classroom. It is simply a computer, the student—and, depending on the format, the tutor—all connected by Internet technology."

- Reform education funding formulas. Make the funding follow the student, and introduce all reforms with an opportunity for a school district to receive a portion of that funding. Most states' funding formulas are not prepared for online technology because they were built on the brick-and-mortar school model.

Jeremy Thompson (jeremyd.thompson@gmail.com) writes from Alaska.

Alternative Certification Is Being Undermined by Schools of Education

By Karla Dial

A study by the Thomas B. Fordham Institute and national Council on Teacher Quality concludes alternative teacher certification programs are proving to be more of a setback to education reform than an asset.

Alternative certification programs were designed to be a means of training teachers without going through colleges of education. Over the past 20 years, the number of alternatively trained teachers has increased 20 percent nationwide.

Unfortunately, said Fordham Institute President Chester E. Finn Jr., the quality of those graduates is low because entry standards are also low: Two-thirds of the programs studied accept half or more of applicants, and one-fourth accept virtually all of them.

Continuing Monopoly

The study, released in September and titled "Alternative Certification Isn't Alternative," by Kate Walsh and Sandi Jacobs, also found one-third of the alternative certification

programs require at least 30 hours of coursework in education schools—about the same amount as is required for a master's degree.

In addition, nearly 70 percent of alternative programs studied turned out to be run by education schools as a means of maintaining their monopoly on the business.

"The education school establishment has managed to undermine and trip the reformers," Finn said in a news release accompanying the study. "When it came to alternative certification, the ed schools apparently decided that if you can't beat 'em, join 'em. Now alternative certification itself has been co-opted and compromised. The empire has struck back."

Karla Dial (dial@heartland.org) is managing editor of School Reform News.

INTERNET INFO

"Alternative Certification Isn't Alternative," by Kate Walsh and Sandi Jacobs, 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 #22264.

Evolution of a Big-Government Nightmare

Feds in the Classroom: How Big Government Corrupts, Cripples, and Compromises American Education

By Neal P. McCluskey

Lanham, MD: Rowman & Littlefield Publishers, Inc.,

209 pages, \$19.95

ISBN: Cloth 0-7425-4858-9 / 978-0-7425-4858-9 Paper 0-7425-4859-7 /

978-0-7425-4859-6

Review by Jim Waters

Neal McCluskey's first book reads as both a historical treatise and a journal of current events—but the two strains are not mutually exclusive.

While McCluskey, a Cato Institute education policy analyst, isn't the first libertarian to lash out against the No Child Left Behind Act (NCLB), critics will have a more difficult time challenging his diagnosis of America's education system. The historical evidence he offers—in the form of a timeline “of trends ... rather than following a strictly chronological progress”—marking government's failed forays into education is irrefutable.

Along the way, he never misses an opportunity to reiterate that the U.S. Constitution offers the federal government no such authority.

Satanic Verse

The author's assessment of American government's first known attempt at centralized education policy in the mid-seventeenth century seems to

sum up all subsequent attempts.

In 1647, Massachusetts ordered townships to form public schools “after the Lord hath increased them to fifty households.” It became known as the “Old Deluder Satan Act,” with proponents of the law claiming public education would counteract the devil's commitment “to keep men from the knowledge of the Scriptures.” However, the citizens of Massachusetts failed to adhere to this “legislative Lucifer,” McCluskey notes.

“The law was subverted because it failed to meet the needs of the people,” McCluskey observes. “Individual colonists and communities made the decisions that were best for themselves based on the reality they confronted.”

Good Medicine, Bad Patient

McCluskey's ensuing analysis serves as an indictment of what lies at the root of the failure of unconstitutional involvement in all public education.

Far from the idyllic “little red schoolhouse” myth many Americans hold—of ideal institutions built and supported by tax dollars being the “bedrock of democracy,” McCluskey shows how curriculum controversies, social conflict, religious division, and even violence have been fueled by public schooling—right up to, and including, the current No Child Left Behind law.

At times, the author must feel as if he's trying to force badly needed medicine down the throat of a critically ill patient who is flailing about and resisting—demonstrating all the signs of acute denial. After all the money thrown at and political fighting over government education programs, McCluskey forces the patient-reader to surrender and down his medicine in one huge gulp.

Mann-Made Nightmare

The medicine offered in response to the fail-



ure of our public education system to afford adequate academic preparation to so many students—especially our disadvantaged ones—often has been the wrong kind, making the patient worse.

Culminating in NCLB, the evolution of a centralized education system has nearly completed the frightening dream of its would-be designer, Horace Mann, who later became the first secretary of the State Board of Education in Massachusetts.

Let's hope this is one nightmare we wake up from before it runs its course.

government to impose the same test on all students.

Like those early settlers, the states seem determined to subvert America's latest flirtation with a one-size-fits-all government education policy.

Determined not to have their schools deemed failures by a federal imposition, many states have simply lowered standards, employed statistical gimmicks, and failed to progress toward NCLB's deadlines for student proficiency in key academic subjects.

Parental Choice

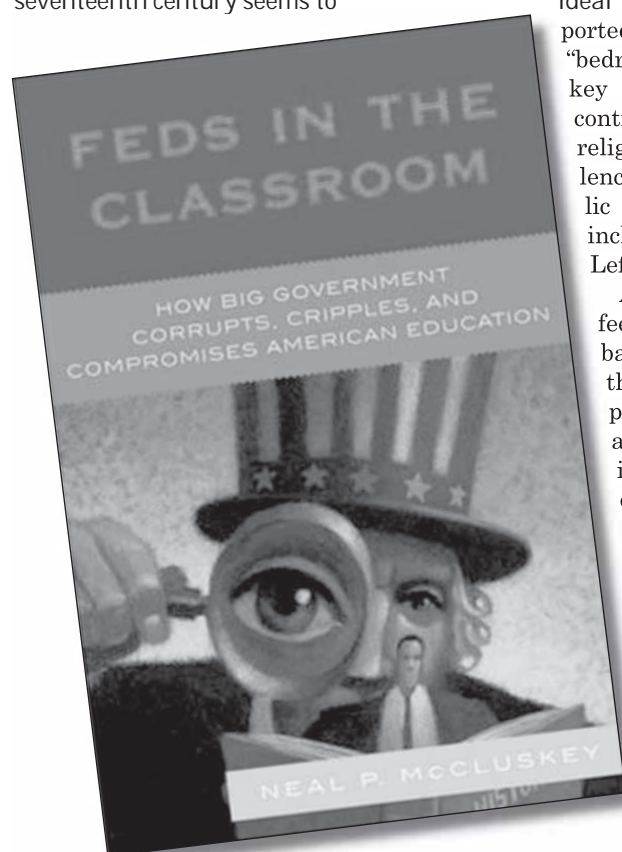
McCluskey seems encouraged by the proliferation of school choice programs—and the courts' protection of them—in recent years. Only by re-empowering parents, he argues, can the stranglehold of failing government-run education systems be broken.

“School choice ... has flourished as parents have lost faith in politicians' empty promises,” McCluskey writes. “Parents may yet regain power over their children's education.”

Our nation's founders adhered consistently to the theories of John Locke, who asserted that training future generations was doubtless “the duty and concern of parents.” By not even mentioning “education” or “school” in our Constitution, they also made it clear that, without a doubt, education is not in the federal government's purview.

McCluskey could write many more books about that.

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



“McCluskey shows how curriculum controversies, social conflict, religious division, and even violence have been fueled by public schooling ...”

One Government, Over All ...

Mann supported establishing in the United States a national education system much like the one he had seen in Prussia—one of the first countries in the world to institute a compulsory education policy complete with national testing of all students.

Sound familiar?

NCLB dictates curriculum content, demands annual testing of all students, and for the first time puts government in charge of essentially making every public school in the nation accountable through state standards and tests. All that remains to complete the Prussian-to-American transformation is for the

California's Expensive ZIP Codes Deliver Cut-Rate Education Results

Not as Good as You Think:

Why the Middle Class Needs School Choice

By Lance T. Izumi, Vicki E. Murray, and Rachel S. Chaney, with Ruben Peterson and Rosemarie Fusano

San Francisco: Pacific Research Institute, 2007

available online at http://special.pacificresearch.org/pub/sab/educat/2007/Middle_Class/Middleclass.pdf

or from the Pacific Research Institute, \$24.95

Review by Dr. Matthew Ladner

Opinion polls have long shown stronger than average support for school choice among Hispanics and African-Americans. Suburban complacency could explain much of this gap. If so, this fascinating book by a team of Pacific Research Institute scholars comes as an alarming wake-up call to well-to-do Californians who believe America's education crisis is

someone else's problem.

California's public schools are in a bad way. Only about four of 10 students in grades two through 11 scored at or above the proficient level in English language arts and math on the California Standards Test (CST), the state's main standardized tests, in 2006.

On the 2005 National Assessment of Educational Progress (NAEP), only two of

10 California fourth-graders scored at or above the proficient level in reading, and only three of 10 scored at or above proficiency in math. Scores for California's eighth-graders were either the same or worse.

These numbers suggest suburbs statewide don't have a lot of high-performing schools. California's schools fail to educate a large portion of students up to the state's own standards, much less those of NAEP.

Overpriced, Underperforming

The authors make this point abundantly clear in a tour of California cities with a combination of very high-priced homes and poorly performing public schools. The following passage gives you the flavor of this tour:

"Travel down the coast to San Diego County and one finds the city of Carlsbad, ranked by several magazines as one of the

most expensive communities in the state. While the area has some new subdivisions, the neighborhoods in Carlsbad High School's zip code are mainly characterized by more established single-family homes, some on streets without sidewalks or lighting to preserve a rural feeling. Carlsbad High is in a district called Olde Carlsbad, which has houses that range from giant mansions to more modest one-story homes. The median home price in the school's zip code is \$645,000.

"At Carlsbad High, 66 percent of students are white, 22 percent are Hispanic, less than 7 percent participate in the free-and-reduced lunch program, and slightly more than 5 percent are English language learners. Less than half of 11th-graders, 48 percent, score at or above proficiency on the CST English exam, while only 27 percent score at that level on the CST algebra I exam. Thirty percent score at or above the proficient mark on the CST geometry exam and 36 percent score at that level on the CST algebra II exam."

Fool's Gold

The authors drive home a point made in 2003 by Elizabeth Warren and others in *The Two-Income Trap: Why Middle-Class Mothers and Fathers Are Going Broke* (Basic, 2003), but with an additional turn of the knife. Warren demonstrated many middle-income families have been bankrupting themselves trying to buy into neighborhoods with highly regarded public schools. The PRI team demonstrates in California these same families have likely over-mortgaged themselves for overrated schools failing to teach affluent children.

The authors thoroughly and convincingly argue for expanded parental choice in order to jolt suburban public schools out of complacent mediocrity. California home prices are more than twice the national average, but fourth-grade reading scores are tied for 48th among the 50 states.

For all the pride and beauty of the Golden State, one cannot escape the conclusion there is something deeply unsustainable about this situation. This clarion call for far-reaching education reform is both timely and urgent.

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Small Districts in Maine Outperform Larger Ones

By Jason Fortin

A report released by The Maine Heritage Policy Center on October 23 finds bigger school systems may be cheaper to run but the state's smallest school districts outperform them.

The report, "Is Bigger that Much Better? School District Size, High School Completion, and Post-Secondary Enrollment Rates in Maine," by Stephen Bowen, examined Maine's 15 largest and 15 smallest school districts that provide high school education.

"School reform should focus on getting the best possible outcomes at a value to taxpayers," Bowen said in an October 23 news release. "Unfortunately, Maine policymakers seem more focused on district size than on working to make successful learning models more affordable."

More Income, More Outgo

Maine's 15 largest school districts range in size from 2,800 students in the Biddeford area to more than 7,000 students in the Portland system. All together, the 15 biggest districts enroll more than 55,000 students—more than a quarter of all the students enrolled in schools statewide.

On average, the biggest districts spend \$8,033 per pupil. They are located primarily in the southern part of the state and enjoy a median income that is

"[B]igger school systems may be cheaper to run but [Maine's] smallest school districts outperform them."

\$8,000 more per household than in the smallest districts.

By comparison, the 15 smallest districts supporting high schools enroll little more than 3,000 students combined—fewer than the individual enrollments of 12 of the 15 largest districts—and are scattered across eight counties. On average, these districts spend \$11,027 per student.

Academic Success

The smallest districts spend more for a variety of reasons not likely affecting student performance, including such fixed costs as buildings, maintenance, and bus service. But on measures of high school completion and post-secondary enrollment, smaller districts outperform the state's biggest districts.

The 15 smallest districts graduated an average of 91.4 percent of their students in 2005, the most recent year for which data are available—six percentage points more than the 15 largest

districts. Small districts also report 77 percent of their students enroll in post-secondary programs, compared to less than 72 percent from the largest districts, despite the fact that larger districts are wealthier.

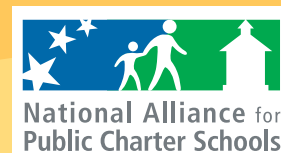
"Maine's small districts ... are clearly doing something right, despite their small size," Bowen noted in the release. "Perhaps policymakers should be looking to emulate these school districts, rather than do away with them through forced consolidation."

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INTERNET INFO

"Is Bigger That Much Better? School District Size, High School Completion, and Post-Secondary Enrollment Rates in Maine," by Stephen Bowen, The Maine Heritage Policy Center, October 23, 2007, 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 #22263.

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