Legislators Seek Freedom for Colo. Schools

By Ben DeGrow

An initiative propelled by school leaders is gaining traction with state lawmakers in Colorado, creating the prospect of greater administrative freedom in the state’s schools.

Senate President Peter Groff (D-Denver) introduced a bill this February that would empower school districts to

DC Parents Support Renewal of Vouchers

By Neal McCluskey

After three years, the primary concern of parents with children in the DC Opportunity Scholarship Program (OSP)—a federal voucher program in the nation’s capital serving about 1,900 low-income students—has changed from basic

New Jersey Lawmakers Revamp the State’s School Funding Formula

By Wendy Cloyd

New Jersey is changing the state’s formula for dispersing education funds, news heralded by advocates of education reform, and increased annual school funding by more than a half-billion dollars.

The new legislation replaces the state’s Comprehensive Education Improvement Finance Act. Though passed in 1996, that measure was never fully funded or implemented after the State Supreme Court found it unconstitutional in 1997.
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No Child Left Behind Measure’s Reauthorization Unlikely in 2008

By Dan Lips

While President George W. Bush and congressional Democrats marked the sixth anniversary of the signing of the No Child Left Behind Act (NCLB), it seemed unlikely the measure would be reauthorized in 2008.

Appearing at Horace Greeley Elementary School in Chicago in January, Bush urged Congress to act on reauthorization this year. He said the law’s testing and accountability requirements had encouraged schools such as Horace Greeley Elementary to improve their performance.

The president also offered a firm warning to Capitol Hill.

“If Congress passes a bill that weakens the accountability system in the No Child Left Behind Act, I will strongly oppose it and veto it,” Bush said.

“While President George W. Bush and congressional Democrats marked the sixth anniversary of the signing of the No Child Left Behind Act, it seemed unlikely the measure would be reauthorized in 2008.”

Doubtful Prospects

Sen. Ted Kennedy (D-MA) marked the anniversary by writing an op-ed for The Washington Post on “How to Fix No Child.” Kennedy wrote in favor of several changes, including more mentoring and training programs for teachers, programs to address the dropout crisis, and sharp funding increases.

Noticeably absent in Kennedy’s commentary was a pledge to reauthorize the law in 2008. At press time, Kennedy, who serves as chairman of the Senate Health, Education, Labor, and Pensions Committee, had yet to introduce legislation to reauthorize the program.

Some education experts are doubtful about the prospects for reauthorization.

“There’s very little chance that NCLB will be reauthorized this year,” said Neal McCluskey, a federal policy analyst at The Cato Institute’s Center for Educational Freedom. “Loosening a few screws on the Titanic wouldn’t have kept it afloat, and a little more flexibility won’t help NCLB,” McCluskey said.

“As much as President Bush might want NCLB reauthorized to shore up his legacy, it’s going to be the next administration’s problem,” McCluskey continued.

Possible Changes

The Bush administration is expected to take steps to reform the law even if proposals do not move forward in Congress. Education Secretary Margaret Spellings has pledged to use her executive authority to reform NCLB.

Speaking at the National Press Club on January 10, Spellings outlined plans to expand the use of growth-model testing systems, allow states to define different consequences under NCLB’s accountability sanctions for schools where only a small sub-population of students miss state testing benchmarks, and create new requirements for states to track graduation rates.

“Congress has had over a year to consider these reforms, but students and teachers need help now. So if Congress doesn’t produce a strong bill quickly, I will move forward,” Spellings told the audience. “As I’ve done since taking office, I will partner with states and districts to support innovation.”

‘Expensive, Bureaucratic Demands’

McCluskey is skeptical the proposed changes would improve the law.

“Spellings might offer flexibility through waivers and regulation changes, but they will do little good,” McCluskey said. “In the end, NCLB will still impose expensive, bureaucratic demands on states while giving them every incentive to set standards as low as possible.

“Loosening a few screws on the Titanic wouldn’t have kept it afloat, and a little more flexibility won’t help NCLB,” McCluskey said.
Redistricting May Hurt School Choice in Maine

By Aricka Flowers

Maine’s education system is in the midst of big changes, and families enjoying school choice may turn out to be major victims of the process.

The state budget passed in June 2007 called for an overhaul of the school system, including consolidating districts to reduce their number from 152 to 80 by next year. The overhaul plan, which threatens the loss of administrative resources and thus school closures, has sparked calls for its repeal and petitions for a referendum.

Ignoring Other Issues

The focus on district consolidation has stolen the spotlight from other important issues affecting the school system, according to a study released in December by the Maine Heritage Policy Center.

One of those issues is school choice, which students in rural districts have enjoyed as part of the state’s Town Tuitioning Program since 1954. A handful of such programs, which give rural students without their own school district vouchers to attend the public or private school of their choice, exist throughout New England. The vouchers can even be used out of state, so long as the school of choice is not affiliated with a religion.

School choice advocates say they fear some parents will lose the option to send their child to a school of their choice once redistricting is complete.

Maintaining Choice

“Our concern is that the robust school choice options in certain towns will suffer,” said Stephen Bowen, an education policy analyst for the Maine Heritage Policy Center and author of the report.

“When you regionalize, some kids will be able to keep school choice and some won’t,” Bowen noted. “We want to help kids in the latter regions get choice. The current system is unsustainable because it’s not fair that some kids have choice and others will not.

“We are fearful that redistricting will take choice away altogether,” Bowen continued. “We have talked to other school choice advocates about this danger, and everyone is on high alert.”

Closing Small Schools?
The redistricting effort may hurt small school choice advocates say they fear a referendum.

by Aricka Flowers

Maine’s education system is in the midst of big changes, and families enjoying school choice may turn out to be major victims of the process.

Pursuing Standards

The report also notes the overhaul plan focuses little on making sure students are meeting state standards.

“Reorganization is important to talk about, but there are other things that are important too,” Bowen said. “For example, student education standards have been in place for 10 years, but we still don’t have a statewide assessment system monitoring them. The new legislative session began a few weeks ago and, again, they are focusing on the redistricting issue.

“The attention needs to turn away from the constant bean-counting and look further into the issues,” Bowen continued.

Helping Unions

The redistricting law also has generated concern over the loss of elected officials and apprehension about a potential exodus of high-quality superintendents in response to the reduction in jobs. Bowen’s report suggests forming Regional School Unions might be a way to assist teachers and provide a collaborative resource for administrators.

“We want to cut down on spending, private schools. Creating larger districts will limit eligibility for the Town Tuitioning Program and may lead to declines in enrollments in such schools.

“Because every district will likely have a comparable high school for children to attend, people will not be able to send their kids to schools outside of the district unless the superintendent approves it, which is called superintendent’s choice,” said Frank Heller, coordinator of the Maine School Choice Coalition, a Brunswick-based organization aimed at preserving and promoting school choice.

“I doubt that will happen often, which will reduce the availability of school choice,” Heller said.

“My thought is that the regional system will not be as loyal to the independent schools as the smaller districts were,” Heller explained. “School choice has been prized in the state of Maine for a long time, and nobody knows how it will work out in the regional system.”

INTERNET INFO


A major school redistricting effort underway in Maine may have its residents asking the same question as this student rallying in Utah for school choice in 2007.

but we are also concerned that the larger districts will be less accountable,” Bowen said. “We figure having the collaborative efforts of Regional School Unions would help [compensate for] the sharp decrease of administrative resources and help reduce costs in areas like transportation, which could be taken on as a union function.”

Bowen says the idea has received some attention from legislators and could become a bill after the redistricting uproar dies down.

Aricka Flowers atflowers@hotmail.com writes from Chicago.

Visualize School Choice

The school choice movement has gained political momentum in recent years, with programs having been established in Milwaukee, Florida, Texas, and elsewhere. But today’s programs are nothing like the “free market in education” proposed four decades ago by the early proponents of school choice.

Economist John Merrifield shows that the school choice movement has become mired in false alternatives, petty distinctions, and diminished vision. Yet, he argues that school choice must not be allowed to fail like so many other government reforms—a freely competitive market for education must remain the ultimate goal. School Choice: True and False charts a clear course for the achievement of this goal.

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New Mexico Schools Have Little to Show for Increased Spending

By Dr. Sanjit Bagchi

The academic performance of students in New Mexico has remained stagnant despite the state’s rapidly increasing investment in K-12 education, according to a study by the Rio Grande Foundation, a free-market think tank based in Albuquerque.

The study, “The Way to Education Success in New Mexico: Breaking Free from Failed ‘Reforms’,” notes reading and science scores have “for the most part declined,” while there has been a slight improvement in students’ math scores.

Other subjects didn’t undergo enough testing to discern a trend, notes author Harry Messenheimer, a senior fellow with the institute. He used testing data from the National Assessment of Educational Progress (NAEP) and budget data from the state and federal governments.

“In a state that is consistently ranked among the nation’s worst in terms of student achievement, this report’s findings and conclusions are refreshing,” said Kara Hornung, director of communications at the Washington, DC-based Center for Education Reform. “More money does not automatically mean students will perform better. It’s how those resources are used that makes all the difference.”

Throwing Money Away

The study notes 42 percent of New Mexico’s fourth-grade students in 2005 failed to achieve even a basic level of proficiency in reading. That year, more than half of the state’s eighth-grade students, 54 percent, could not reach basic proficiency in science.

“We are falling further behind the nation as a whole in all three subjects [math, reading, and science],” Messenheimer writes. Over the past two decades, New Mexico has dramatically increased resources devoted to education.

“When adjusted for inflation and population growth, general fund spending has increased by 34 percent over the past 19 years,” the study notes. The average New Mexican is now paying an extra $319 each year for no improvement in the education of our children.

Moreover, state spending is supplemented by federal and local dollars,” the study continues. “All told, per-pupil spending from all sources has increased by nearly $2,700 (in FY 2006 dollars) over the 18 years ending in FY 2005.”

“The academic performance of students in New Mexico has remained stagnant despite the state’s rapidly increasing investment in K-12 education ...”

Calling for School Choice

“Once again we see that there is little or no connection between money spent on government school bureaucracies and improving results among those students,” observed Paul J. Gessing, president of the Rio Grande Foundation. “Putting more resources into a broken system has been tried repeatedly in the past, with little in the way of positive results.”

The study suggests New Mexico could substantially improve its students’ performance by encouraging—and allowing—more parents to choose their children’s schools.

 “[M]aking education more market-like would work,” Messenheimer writes. “The author of this study believes that a system of tax credits for needy children is the most immediately available and politically feasible means of improving New Mexico’s education system.”

Considering Tax Credits

During the current legislative session, Gessing said, New Mexico lawmakers will discuss implementing a tax credit program similar to Arizona’s. (See stories on pages 1, 10, and 11.)

“This is the most viable choice option available in New Mexico at this time, but all forms of school choice and parental empowerment must be ‘on the table’ if education is to improve,” Gessing said.

David V. Anderson, an education fellow at the Ocean State Policy Research Institute in Providence, Rhode Island, says it’s too early to say what will happen.

“Sometimes a research report like the one cited will suggest a particular state or region has bad education policies that might lead one to infer that other states have good policies,” Anderson said. “[But] my impression is that all states suffer from similar problems in their public and private schools.

“Social promotion is a problem in every state and in nearly every school,” Anderson said. “Some states are far worse than others, but even the best public education system in the United States, Massachusetts, has large numbers of children performing below proficient levels—about 55 percent, by my reading of the NAEP scores.”

In Other Words

“I’m looking at U.S. Department of Education statistics on reading achievement and see that here in Minnesota—proud, progressive Minnesota—on a 500-point test (average score: 225), 27 percent of fourth-graders score below basic proficiency, and black and Hispanic kids score 30-some points lower than whites on average, and the 30 percent of public school kids who come from households in poverty (who qualify for reduced-price school lunches) score 27 points lower than those who don’t come from poverty.

“Reading is the key to everything. Teaching children to read is a fundamental moral obligation of the society. That 27 percent are at serious risk of crippling illiteracy is an outrageous scandal.

“This is a bleak picture for an old Democrat. Face it, the schools are not run by Republican oligarchs in top hats and spats but by perfectly nice, caring, sharing people, with a smattering of yoga/raga/tofu/mojo/mantra folks like my old confreres. Nice people are failing these kids, but when they are called on it, they get very huffy. When the grand pooh-bahs of education stand up and blow, they speak with great confidence about theories of teaching, and considering the test results, the bums ought to be thrown out.

“There is much evidence that teaching phonics really works, especially with kids with learning disabilities, a growing constituency. But because phonics is associated with behaviorism and with conservatives, and because the Current Occupant [of the White House] has spoken on the subject, my fellow liberals are opposed.

“The No Child Left Behind initiative has plenty of flaws, but the Democrats who are trashing it should take another look at the Reading First program. It is morally disgusting if Democrats throw out Republican programs that are good for children. Life is not a scrimmage. Grown-ups who stick with dogma even though it condemns children to second-class lives should be put on buses and sent to North Dakota to hoe wheat for a year.”

Author Garrison Keillor, Salon.com, January 30, 2008, on why Democrats are failing kids when it comes to education.
Charter Schools Set Standards, Break Benchmarks in Michigan

By Ben DeGrow

As Michigan charter school enrollment has climbed to more than 100,000 students, some traditional public schools are seeking to emulate their success.

The enrollment growth also calls into question the arbitrary cap on the number of charter schools the state can have, set by legislators several years ago.

Data released by the Michigan Association of Public School Academies (MAPSA) in December 2007 revealed the state’s 230 charter schools now enroll more than 100,000 students. According to estimates from the Center for Education Reform, a national charter school advocacy group, Michigan’s enrollment ranks fourth nationwide, behind California, Arizona, and Florida.

MAPSA acts as a facilitator in connecting member charter schools to resources and ideas that help ensure the highest quality education. Michigan’s total public school population dropped from 1.68 million students in 2006-07 to 1.65 million in 2007-08. During that period, the number of students in Michigan’s public charter schools climbed from 99,124 to 100,146.

MAPSA President Dan Quisenberry said the figures reflect a positive trend. “This is very important to us as an indicator that the charter school option continues to be strongly supported by parents,” he said.

Competing for Students

Results from 2007 state tests and parental surveys show the state’s charter schools are performing at a superior level. Some of the ingredients they have in common, Quisenberry said, are their small size and “relevant” focus on themes that are important to the students they serve. He pointed to the Henry Ford Academy in Dearborn and Black River Public School in Holland as nationally recognized charter school models.

Ryan Olson, director of education policy for the Mackinac Center for Public Policy, a think tank in Midland, Michigan, says the established education sector has taken notice and is beginning to compete more openly for students. “As Michigan charter school enrollment has climbed to more than 100,000 students, some traditional public schools are seeking to emulate their success.”

As Michigan charter school enrollment policy, which has been in place since 1999, also has encouraged competition for students, Olson said.

Quisenberry noted some traditional public schools have begun to replicate popular and successful charter characteristics, including longer school years and character education programs. “In a way, you could say charter schools are serving as an opportunity for best practice development,” Quisenberry said.

The Detroit Federation of Teachers’ 16-day strike in September 2006 also stimulated interest in charter schools. “Parents were flooding the phone banks of different schools, trying to get out of the school district,” Olson said. “Legislators were getting requests for more charter schools.”

Detroit Public Schools enrollment fell nearly 14,000 between 2005 and 2006 and is estimated to have dropped another 7,000 since.

Authorizing Battles

Quisenberry says approximately 10,000 Michigan students are currently on waiting lists to get into a charter school. Local school districts, intermediate school districts, community colleges, and universities all can authorize charters.

State law caps the number of university-authorized charter schools at 150. Quisenberry notes universities are “the farthest from local politics, and therefore the most active authorizers.”

Michigan’s single most active authorizer, though, is not a university. Bay Mills Community College, the state’s only accredited community college operated by a Native American tribe, operates 35 charters. As a community college, it faces no cap on the number of charters it can operate, and its tribal status means it can operate statewide. BMCC has been the target of union-sponsored legal action. (See “Michigan Governor, Union Split on Charter Schools,” School Reform News, November 2005.)

In 2006 the state’s appeals court dismissed a lawsuit from the Michigan Education Association (MEA), the state’s teachers union, that sought to deprive Bay Mills-chartered schools of funding. It is unclear whether the union plans to tone down its opposition. MEA declined a request for comment.

“Of course if they’ve learned their lesson yet,” said Olson.

Addressing the Cap

Quisenberry supports raising the ceiling on university-authorized charter schools, while Olson proposes eliminating altogether what he called the “arbitrary cap.”

“Universities have demonstrated themselves to be high-quality authorizers and are doing a good job overseeing these schools,” said Olson.

Quisenberry believes the growth of charter schools, in number and student population, has had a positive effect on lawmakers in Lansing. “Ten years ago, legislators didn’t know anybody who was in a charter school. Now they can confidently say, I’ve got someone in my district,” said Quisenberry. “It’s not just a concept any more. It’s a real school.”

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

In Other Words

“This is a big issue for us, quite frankly. What message does it send if you ask people to support you on that issue and then you endorse somebody who hasn’t supported you? We would be sending a mixed message. The issue here is that we look at records.”

Richard Ianuzzi, president of the New York State United Teachers union, on why the union endorsed a Republican, Assemblyman Will Barclay, for an important special election for a seat in the New York Senate scheduled to take place in February. Barclay had not attached his name to a bill to give tuition tax credits and other benefits to parents of children in private and parochial schools, while the Democratic candidate for the seat, Assemblyman Darrel Aubertine, had. The New York Sun, January 29, 2008
Parents

Continued from page 1

school safety to academic outcomes. That is a positive development, school choice experts note.

In addition, OSP parents are pleased with their children’s academic progress and want to tell lawmakers all about it as a bill passed the House by a vote of 386 to 13, but it was tabled in the Senate and died without a vote. Due to the lack of action in Congress, school choice opponents—including Sen. Kennedy and Del. Norton—will be hard pressed to vote to end these kids back to low-performing public schools.”

Only time will tell on whether OSP will defend the program, but at the very least “Satisfied, Optimistic, Yet Concerned” shows that despite some concerns among focus-group parents, they are generally happy with the program and think it should be continued.

Neal McCluskey (nmcluskey@cato.org) is associate director of the Cato Institute’s Center for Educational Freedom in Washington, DC.

INTERNET INFO


“Changing Minds?”

Dan Lips, an education analyst at the Washington, DC-based Heritage Foundation, said such lobbying could have a strong effect, possibly even swaying members of Congress such as Sen. Edward Kennedy (D-MA) and Del. Eleanor Holmes Norton (D-DC), both of whom opposed the program the first time around.

Noting almost 2,000 students are benefiting from OSP, Lips said, “If members of Congress and the public hear about how the scholarship program is positively impacting [students’] lives, even the biggest school choice opponents—including Sen. Kennedy and Del. Norton—will be hard pressed to vote to end these kids back to low-performing public schools.”

Parents also reported they would be willing to speak directly to Congress or the District of Columbia City Council to express their support for the program.

Lobbying Congress

This last finding could become very important in the next year because while the scholarship program will expire after the 2008-09 academic year unless Congress renews it, a GOP-controlled Senate barely passed OSP when it was enacted in 2004, and the

Parents...
waive certain state laws or rules in targeted ‘zones of innovative performance’.”

Defining Waivers
Sen. Nancy Spence (R-Centennial) said besides affording individual schools the opportunity to seek more hiring freedom, the proposal also may enable them to bypass tenure laws and rigid salary schedules.

“Depending on what they waive, it could allow schools to hire teachers at will so they have a year-to-year contract rather than a lifetime contract,” Spence said. “They also could use differentiated pay if they choose to do so.”

But rather than giving the proposal overly prescriptive guidelines, Groff said local boards should choose the criteria to determine the boundaries of their specific zones and which waivers to request for them.

“Leave it up to the district to create something innovative,” Groff said.

In Other Words
“Our two years of analysis of test data in ACPP schools in Little Rock reveal consistent findings: Students of teachers who are eligible for performance bonuses enjoy academic benefits. Further, many of the criticisms of merit pay programs simply have not proven true in Little Rock.”

Gary Ritter, who holds an endowed chair in education policy at the University of Arkansas, presenting the findings of a study on the second year of a merit-pay program, the Achievement Challenge Pilot Project, operating at five elementary schools in Little Rock, at a January 22 news conference.

Seeking Freedom
In December 2007, the leaders of Denver’s high-poverty Bruce Randolph School submitted a formal request to be unshackled from district bureaucratic policies and rules formulated through collective bargaining negotiations with unions. The Denver Public Schools (DPS) board unanimously approved the request on December 20.

Following Randolph’s lead, Denver’s Manual High School asked for autonomy in January 2008, which at press time it had yet to receive. Manual had closed its doors in 2006 after several attempts to thwart declining enrollments and test scores. Drawing much support from the community, the school reopened in the fall of 2007 for freshmen only and will add a new grade in each successive year.

New principal Rob Stein says the school district’s rigid budget and hiring policies are holding back his ability to enact successful plans for Manual’s revitalization. He says he would be ahead of the game if he had the autonomy he has requested. The school’s instructional staff unanimously voted to support the autonomy request, he said.

“I’d already have the draft of a budget, I’d be way ahead of the planning cycle of what I have within the district,” Stein said. “I could be recruiting the best teachers available on a free market, rather than waiting until most of the best teachers have been grabbed by other districts ahead of me.”

Practical Concerns
Stein said there are problems in the agreement negotiated between the union and the district. Though he noted his teachers “have much better working conditions” than stipulated in the contract, “the minute work rules” dictating schedules and class loads interfere with plans to improve.

Stein said providing autonomy for all district school leaders, although a good idea, is not yet practical.

“If this were universalized, not all principals would be equipped to deal with it,” Stein said.

Stein added that the district has been supportive of his request, and that he was willing to meet with union leaders to answer their concerns.

But on January 22, Denver Classroom Teachers Association (DCTA) officials announced they would not consider any new autonomy requests. DCTA said it would support only a limited waiver agreement for Randolph as a pilot pro-ject and called for new bargaining provisions to address the issues raised.

“[B]esides affording individual schools the opportunity to seek more hiring freedom, the proposal also may enable them to bypass tenure laws and rigid salary schedules.”

Groff believes the same kind of freedom would benefit students in other states.

“I doubt that Randolph and Manual are the only schools in the whole nation where parents, teachers, and principals want to step aside from [the regulations],” Groff said. “There are situations where teachers and parents have the opportunity to create a type of school that really serves their students’ needs.”

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

By Jillian Metz

The Rev. H.K. Matthews, a civil rights leader who marched with Dr. Martin Luther King in Selma, Alabama in 1965, told a crowd of more than 500 students and local dignitaries in Jacksonville, Florida the fight for racial equality is still going on, particularly in education.

Matthews has dedicated his life to guarding civil rights and continues to fight for basic liberties. Early last year he determined parental choice in education aligns with his continued fight for equal opportunities—and he believes delivering this liberty is an extension of his life’s work.

“The fight for parental choice brings flashbacks of the civil rights movement, during which I was jailed 35 times as a political prisoner for the staging of various protest demonstrations,” Matthews said. “It shouldn’t matter the color of your skin, or your socioeconomic status—we are all Americans and have the right to a great education.”

Bipartisan Support for Choice

At the January 15 assembly, Matthews declared his support for the Step Up For Students Scholarship Program, a Florida nonprofit effort that empowers parents to choose the best school for their child by providing scholarships to low-income families. More than 20,000 children statewide currently receive scholarships.

On December 10, Florida Gov. Charlie Crist and other state dignitaries thanked corporate sponsors for their donations to the Step Up For Students program. Step Up For Students held its fourth annual Donor Appreciation Rally that day in South Florida. More than 4,500 of the region’s children have received Step Up For Students scholarships, allowing them to attend schools their parents choose as best for them.

More than 500 people celebrated the past six years of scholarship success by thanking donors such as Wachovia, CVS Caremark, and Waste Management.

“The Rev. H.K. Matthews, a civil rights leader who marched with Dr. Martin Luther King in Selma, Alabama in 1965, told a crowd ... in Jacksonville, Florida the fight for racial equality is still going on, particularly in education.”

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Jill Metz (jillian.metz@gmail.com) writes from Florida.
Arizona

Continued from page 1

(ACLU) is challenging the program’s constitutionality, claiming it violates the federal Establishment Clause, said Tim Keller, the Institute for Justice attorney who argued the case on behalf of several Arizona families.

“The argument [the ACLU] made in their briefs is that it has the forbidden effect of advancing religion, because of the high percentage of parents who choose, of their own accord, to send their children to private religious schools,” Keller said.

“That argument seemed to change a bit at the hearing—they said that for a scholarship-granting organization to have religious affiliations violates the Constitution, and that a scholarship-granting organization must fund the entire universe of private schools to avoid an Establishment Clause violation,” Keller explained.

Strong Precedent

Precedent falls on the side of school choice. Winn v. Garriot was originally filed in U.S. District Court for the District of Arizona in February 2000; that court dismissed the challenge and upheld the law in March 2005. A previous challenge to the program, Kotternier v. Killian, was dismissed by the Arizona Supreme Court in January 1999 and by the U.S. Supreme Court in October 1999. Both courts found the program to be legal under the U.S. Constitution.

Approximately 25,000 children in Arizona currently receive scholarships to attend the school of their family’s choosing through the individual tax credit program. The state operates a similar program that grants tax credits to corporations donating to STOs, which the ACLU is also challenging in a separate case filed last year, as well as voucher programs for foster kids and disabled students.

Florida, Iowa, Pennsylvania, and Rhode Island offer corporate tax credit programs as well.

Private Choice

Keller says it would be “absurd” for the Ninth Circuit to strike down the individual tax credit program in Arizona.

“The Establishment Clause is concerned with the state remaining neutral regarding religion, and that any funds flowing to religious institutions not be directed by a state actor,” Keller explained. “In this case, only private individuals decide which STOs to fund in the first place, and only parents decide which STOs they’ll apply to to fund their particular [school] choice.

“All the legal precedents have said repeatedly the constitutionality doesn’t hinge on where and how the beneficiaries of a particular program intend to use their benefits,” Keller continued. “You have to look at all the educational options the state provides.

“Arizona has open enrollment, charter schools, magnet schools, a family-friendly home-school policy, the corporate tax credit program, and two voucher programs,” Keller said. “To look at all that and think a parent could possibly be coerced into choosing a religious option is absurd.”

Wide Interest

Other experts agree. In Missouri, a bill to create a tuition tax credit program similar to Arizona’s is pending in the state legislature, and a study showing the benefits such a program would have for the state’s residents was released in mid-January by the Show-Me Institute, a think tank based in St. Louis.

“Wealthier Missourians already have choice options. We’re trying to extend that choice to all Missourians,” explained Justin P. Hauke, a policy analyst with the group. “We’ve estimated that the tuition tax credit bills currently under consideration in the Missouri General Assembly have the potential to save the state up to $14 million per year.

“Such legislation is a win-win for everyone,” Hauke continued. “It allows taxpayers to target their tax dollars toward education and meaningful reform, it provides options to thousands of Missouri families who otherwise would have little control over their educational options, and it saves the state money.”

According to a similar study released by the Friedman Foundation for Educational Options, a national group based in Indianapolis, Arizona’s tax credit program has saved the state nearly $18 million since its inception.

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

INTERNET INFO


PREDICTION

Arizona Tax Credit Program Will Stand

By Andrew Coulson

The plaintiffs in Winn v. Garriot argue that Arizona is unconstitutionally pressuring families to choose religious over secular schooling due to the state’s education tax credit program, because taxpayers are currently choosing to donate more money for scholarships to religious schools than to non-religious schools.

To accept that argument, it is necessary to believe that tax credits are government spending and that the tax credit program can be judged without considering the state’s far more extensive public school system. Neither belief holds legal water.

As the Arizona Supreme Court itself has already ruled, tax credits are not government funds. The money in question is never collected by the state treasury in the first place. Plaintiffs argue that, without the tax credit program, Arizona would collect more tax revenue, and, solely on the basis of that hypothetical observation, claim that the money private individuals donate under the program is therefore government money.

This is patently ridiculous, and the Arizona Supreme Court already dismissed that reasoning on the grounds that it would redefine essentially all money as government money, because the legislature always has the power to raise taxes above current levels—either by eliminating any of its existing tax credit or deduction programs, or by simply raising tax rates.

By the plaintiffs’ argument, any money that would enter the state’s coffers under these other hypothetical scenarios must also be state money, merely because the legislature has those tax revenue-increasing options. But that would mean that essentially all the money earned by Arizona residents in fact belongs to the state, and it is only by the legislature’s largess that taxpayers are allowed to keep some portion of it.

If the Ninth Circuit rules in the plaintiffs’ favor on this point, it is highly likely to be overturned by the Supreme Court of the United States, as has so often happened in the past—the Ninth Circuit is by far the most reversed appellate court in the nation.

Furthermore, it is senseless to evaluate the tax credit program in a vacuum, as though the state were not actually involved in operating tuition-free secular schools that currently enroll well over 90 percent of the state’s schoolchildren. A chief reason that private schools in Arizona and the nation are predominantly religious institutions is that the government is giving away secular schooling.
Experts Support Arizona Choice Program

“T

The important facts have not changed since the Arizona Supreme Court found the Arizona scholarship tax program just fine nearly a decade ago.

“The Arizona scholarship tax credit program is not the sort of thing you would expect Chief Justice Roberts and Milton Friedman to have any real disagreement about, save for whether tax credits or vouchers are more suited for the job.”

Don Soifer
Education Analyst
The Lexington Institute

“Instead of recognizing the tremendous educational opportunities that Arizona’s school choice programs have created for thousands of children, the American Civil Liberties Union just continues its misguided quest to force those children back into the public schools that failed them.

“Both the Arizona Supreme Court and the Supreme Court of the United States have already rejected the arguments the plaintiffs are pushing. Arizona’s Supreme Court held that it’s no constitutional violation for governments to allow people to use their own money to help kids attend better schools. Likewise, the U.S. Supreme Court clearly ruled that the Constitution does not forbid parents from choosing to use scholarships at religious schools.

“Courts should never interfere when the government gives people an opportunity to use their own hard-earned money to make life better for someone else.

“As the Arizona Supreme Court has already held in this case, nothing in the Constitution prevents parents from using privately funded scholarships to send their children to the best available schools—even if those schools happen to be operated by religious groups.

“This case is about far more than the survival of Arizona’s Tax Credit Scholarship programs. If the Ninth Circuit somehow accepts the plaintiffs’ absurd logic, its decision could threaten to cut off the educational lifeline these scholarships have provided for tens of thousands of disadvantaged children nationwide.”

Dave Roland
Education and Legal Policy Analyst
The Show-Me Institute

“In the 2002 Zelman v. Simmons-Harris decision, the U.S. Supreme Court rejected a more credible challenge to the [Cleveland] voucher program made on similar First Amendment grounds. The case against tax credits is astonishingly flimsy.

“This latest suit is a sad act of desperation by the ACLU, which should devote its resources to issues more worthy than denying children the opportunity to attend good schools.”

Adam B. Schaeffer
Education Policy Analyst
Cato Institute

“The Alliance for School Choice strongly believes that the court should side with Arizona’s families in reaffirming the constitutionality of the state’s popular, effective Individual School Tuition Tax Credit Program. It would be an outrage for the court to force thousands of disadvantaged children from their schools.

“The fact that establishment special interests have spent eight years and untold hundreds of thousands of dollars in an attempt to destroy the hopes and opportunities of so many families is indeed revealing. It’s time to end the stream of frivolous special-interest litigation, which only serves to frighten parents into thinking that the dreams they hold for their children might be snatched away.”

Charles R. Hokanson
President
Alliance for School Choice

Tax credits are popular across the country. The REACH Foundation hosted a May 8, 2007 rally to celebrate the sixth anniversary of Pennsylvania’s Educational Improvement Tax Credit. More than 2,300 people attended the rally.

In the 2002 Zelman v. Simmons-Harris decision, the U.S. Supreme Court rejected a more credible challenge to the [Cleveland] voucher program made on similar First Amendment grounds. The case against tax credits is astonishingly flimsy.

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Charles R. Hokanson
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for “free.” Free secular government provision crowds out fee-charging secular private provision.

Religious private schools, offering a service that the state cannot offer (devotional religious instruction), are protected to a certain degree from the free government system in a way that secular private schools are not. Thus, the Arizona legislature has been disproportionately favoring secular over religious education through the operation of free secular public schools for generations, and if the relatively tiny tax credit program leans somewhat in the other direction, the overall emphasis of the state’s educational services still leans very heavily toward pres-
Virtual Schools Win Support of Wisconsin Parents, Children

By Karla Dial

Parents, children, school choice advocates, and some lawmakers in Wisconsin are banding together in an effort to keep a choice option available to the state’s families after a controversial state court decision.

More than 1,100 students attending virtual schools in Wisconsin gathered at the state capitol in late January to show their support for a bill aimed at keeping their schools open.

Last December, the Wisconsin Court of Appeals rendered a decision in a four-year-old case filed against the Wisconsin Virtual Academy (WIVA), a virtual charter school enrolling more than 700 students statewide, by the Wisconsin Education Association Council (WEAC).

The union argued that because WIVA is a virtual school that provides curricula through K-12, Inc. (the nation’s largest provider of online education), and because parents monitor much of the work their kids are doing, the district that houses WIVA employs non-certified teachers—violating a state law. Accepting that reasoning, the court ruled any school district educating students who don’t attend school within its physical boundaries can’t receive taxpayer funds.

Although the parents were happy with WIVA and student achievement was high, Wisconsin state law was interpreted to mean the parents were too involved with their kids’ education. Mike Dean, the attorney who argued the case on behalf of WIVA, described it as a battle between twenty-first century individualized instruction and nineteenth century certification concepts.

Permanent Fix?
State Sens. John Lehman (D-Racine) and Luther Olsen (R-Ripon) and state Rep. Brett Davis (R-Oregon) worked out a deal to impose a set of standards on virtual schools and cut their per-pupil funding from the $5,845 they received before the ruling to $3,000.

Wisconsin public schools receive $11,000 per student. Parental satisfaction and student achievement are generally much lower than in privately run schools and for homeschoolers.

The standards the legislators propose would require virtual students to receive the same number of instructional hours per year as those in traditional classrooms; make sure only certified, licensed teachers develop lesson plans and grade assignments, and that they complete 30 hours of training in online education within two years; and make all virtual schools’ records subject to the state’s open-records law.

In addition, the measure would require teachers to respond to inquiries from parents and students within 24 hours; define “truancy” for online students and keep those records; and allow the state Department of Public Instruction (DPI) to run its own online academy, to provide advice and suggest standards for districts that want to start their own virtual schools statewide.

Compromise Bill
Legislators said they would like to see the bill passed and on Gov. Jim Doyle’s (D) desk by March 1. DPI Superintendent Elizabeth Burmaster said she would recommend he sign it.

As of late January, WEAC had not decided whether to support the compromise or try to defeat it.

“We hope to move our compromise through committees and through both houses of the legislature to get it on the governor’s desk very soon,” Lehman wrote in a January 25 op-ed criticizing the coverage given the case by The Journal-Times, a Racine newspaper.

“The real story is that we are doing everything we can on this issue to put politics aside and do what is right for all the children and all the taxpayers of Wisconsin,” Lehman noted.

Ripple Effects
If allowed to stand, the court’s ruling could affect virtual schools in Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Kansas, Minnesota, Missouri, Nevada, Ohio, Oregon, Pennsylvania, and Washington as well. Collectively, virtual schools in those states, combined with Wisconsin, educate 90,000 students, according to the North American Council for Online Learning trade association.

Wisconsin currently has 12 virtual schools.

“While the [state] supreme court decides whether to take up the appeal in the virtual school case, there are several well-intentioned legislators looking for a legislative fix,” Rose Fernandez, president of the Wisconsin Coalition of Virtual School Families, told the crowd at the rally.

“We have union dues-paying teachers, parents, kids, school administra-

tors, and those well-intentioned legislators on our side,” Fernandez continued.

“The teachers union, which wants to close these schools, stands alone with their allies at the state Department of Public Instruction. We hope this massive civics lesson today will help bring even more allies our way. AB 697 is the only legislation out there that will keep these schools open.”

“Parents, children, school choice advocates, and some lawmakers in Wisconsin are banding together in an effort to keep a choice option available …”
New Jersey

Continued from page 1

New Jersey Gov. Jon Corzine (D) signed the new bill January 14. Corzine had unveiled the detailed plan to overhaul education funding in early December to fix what he described as an “ad hoc” system jury-rigged to keep the courts happy.

Soon after, groups often at odds over how the state should spend education dollars—public schools, charter schools, and school choice advocates—found common ground in Corzine’s plan and fought side-by-side to see it through the legislature.

Increasing Transparency

Lawmakers approved the School Funding Reform Act by a narrow margin on January 8, adding $532 million to the state’s current $7.8 billion education budget.

Under the new formula, the amount of money a district receives will be based on the number of students currently enrolled—commonly called a “per-pupil” formula. Additional funds will be added based on the number of low-income and special-education students. Areas with an unusually high concentration of poverty can count on an extra cash injection above the per-pupil base.

Derrell Bradford, deputy director of Excellent Education for Everyone (E3), a school choice advocacy group, said the weighted formula will make schools more accountable—and almost everyone agrees accountability improves quality.

“This kind of formula, in a state like New Jersey, is an enormous win,” Bradford said. “This state spends more on education than any other state. However, it’s important to make sure that the money you weight and allocate for a specific child actually makes it to that child’s school—and that child’s classroom—and isn’t lost in a central office somewhere.”

Laying Foundations

Gregg Edwards, president of the Center for Policy Research of New Jersey, based in Bloomsbury, said school choice advocates like the plan because it’s an incremental step toward the ultimate goal—allowing each student to attend the school he wants with the funds attached to enrollment instead of the family’s geographic location.

“It is the beginning foundation for a ‘dollars follow the child’ approach—where the aid attaches to the child and follows the child,” Edwards explained. “This doesn’t do that, but at least it calculates per child. The elements are there, but the money just goes to the school district—the way the old formula worked. It doesn’t let the child pick the school, with the exception of preschool.”

Joyce Powell, president of the New Jersey Education Association, told The Press of Atlantic City for a January 8 story her organization is behind the new formula, despite the fact some districts fear it will cost them funding.

“We supported it because we think more children will benefit,” Powell said. “But it is a complex issue.”

Gaining Accountability

Edwards said the only groups unhappy with the legislation are those that wanted to keep the status quo.

“Nobody is losing—everyone is gaining,” Edwards said. “The gain may be minimal, but everyone is going to get a little bit more.”

Some districts may see only a 2 percent increase in funding, and they say it will be difficult to manage without more. But Bradford said that’s due in part to the mismanagement of current funding.

“A couple of districts approved budgets counting on a 5 percent increase,” Bradford said. “Now they have to figure out how to more efficiently use the funds they’ll actually receive.”

“In Other Words

“We want to see a very strong and vigorous movement. The need is definitely there, and we’re not able to meet the need.”

New Jersey Charter Public School Association Director Jessani Gordon, on the state having approved only one of 22 applications to start new charter schools submitted since last July—the smallest number ever in the 10-year-old movement in New Jersey. The Star-Ledger, January 25, 2008

“Some of them were pretty close, so hopefully they will make it with our assistance.”

New Jersey Assistant Education Commissioner Jay Doolan, saying financial details played a role in most charter school application denials. New Jersey currently operates 56 charter schools serving about 16,000 students; five approved last year will open this autumn. The Star-Ledger, January 25, 2008

“New Jersey is changing the state’s formula for dispersing education funds, news heralded by advocates of education reform, and increased annual school funding by more than a half-billion dollars.”

Making Strides

Charter schools, Bradford noted, will greatly benefit from the legislation. Under the old system, charter schools received as little as half as much funding as their public school neighbors.

“Now they will get up to 90 percent of the weighted total—an increase for some of 20 to 40 percent across the board,” Bradford said. However, he noted, “They’re still not getting 100 percent, though they should be equal.”

The disparity, Bradford said, shows there is still a lot of work to be done on the new formula, and his group will continue to educate lawmakers about the importance of school choice.

“There were things not addressed, like open enrollment,” Bradford said “These things are key in moving forward.”

Currently only preschool students in 31 districts have an opportunity to choose the program best suited for them. Of the 60,000 preschool students in such areas, two-thirds are in private or community-based programs.

Keeping Momentum

Under the new legislation, an additional 75 districts will allow preschoolers a choice. Bradford hopes legislators will see that as a blueprint for K-12 choice in the future.

“If we don’t fix K-12, we lose out on the preschool investment,” Bradford said. “The gains [of having a choice of preschool programs] disappear by fifth grade, and by sixth grade there is a marked drop in test scores—bigger if you are a minority.”

Bradford encouraged everyone in the choice movement to “more deftly examine the landscape.

“This is not a time to recoil, to shrink away, but to broaden the scope of success,” Bradford said. “To get a formula like this is a real sign that things are changing. The inertia of the status quo is changing.

To build on that momentum, plans are underway to expand efforts to educate lawmakers about the benefits of open enrollment. When children and parents can choose the school that best suits their academic needs, Bradford explained, students thrive and schools are forced to raise their standards in order to attract enrollment.

School-based budgeting ensures schools are able to meet the needs of their population. Choice advocates are pushing for an open enrollment provision and school-based budgeting, Bradford said.

“Our goal is to get kids in terrible schools to a better place as soon as possible,” Bradford noted.

Wendy Cloyd (wendy_cloyd@hotmail.com) writes from Alaska.
Missouri Legislators Grapple with Contrasting Education Reform Measures

By Jim Waters

Two education bills filed in Missouri during the 2008 legislative session offered a striking contrast between bottom-up school reform approaches emphasizing parental choice and top-down policies that further increase the government’s role in education.

“Two education bills filed in Missouri during the 2008 legislative session offered a striking contrast between bottom-up school reform approaches ... and top-down policies ...”

Affirming Parents’ Role

House Bill 1316, the “Parents’ Bill of Rights,” is intended to affirm parental control over the health care and education of their children.

Filed by Rep. Cynthia Davis (R-O’Fallon), the bill would, among other things, reimburse parents who home-school their children or enroll them in private schools. Reimbursements would cover educational costs incurred by the parents and would be capped at the amount of county property taxes the parents pay that would otherwise end up in the coffers of their resident school district.

Because the bill is intended to help families with children already in private school, rather than extending choice to low-income families who currently don’t have it, some observers have said Davis’s measure won’t attract enough political support to pass. She shrugged off such suggestions.

“This is the right way to do school choice,” Davis said. “All the other ways are using government money. With this bill, taxpayers are using their own money.”

Uphill Climb

“The impulse of this bill is commendable, but [its] political feasibility is what I’m concerned about,” said Dave Roland, a policy analyst with the Show-Me Institute, a research group based in St. Louis.

Roland says reforms aimed at helping disadvantaged students have a better chance of gaining public support and, in the end, political success.

“There’s political sympathy, and people instinctively want to help underprivileged kids,” Roland said. “By making this a benefit for only those who pay property taxes, it seems to do the opposite. It seems to actually exclude most disadvantaged students. And they are the ones stuck in really, really bad schools.”

Davis disagreed, saying the sympathy argument no longer moves enough lawmakers to act for school choice.

“We’ve tried school choice where we’ve appealed to compassion,” Davis said. “There’s very little compassion in this building.”

Licensed Preschools

At the other end of Missouri’s legislative spectrum is Senate Bill 779, sponsored by Sen. Jeff Smith (D-St. Louis), which would fully subsidize low-income children attending licensed preschools in failing districts that are unaccredited or provisionally accredited.

Only 11 of the state’s 524 districts are not currently accredited. But the list includes St. Louis Public Schools, the state’s largest school district, which was stripped of its accreditation last year by the Missouri Board of Education.

Deputy Education Commissioner Bert Schulte described Smith’s bill as “a way to provide additional resources to this district” by helping low-income children get a solid preschool education.

“The rationale, I think, behind the bill is to assist with preparing these kids with a preschool education that will help them throughout their school years,” Schulte said.

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

Government-Funded Preschool Is No Solution, Researchers Say

Proponents of government-funded preschool programs, such as the one being considered in Missouri (see story on this page), often portray research as presenting an airtight case for long-term, positive effects from preschool programs.

Not so fast, say education researchers.

Lisa Snell, who directs the education program at the Reason Foundation in Los Angeles, says the most reliable research shows the positive effects of universal pre-K programs mostly disappear when children leave them.

No Lasting Impact

In a report on the impact of preschool and kindergarten programs, Snell and Goldwater Institute President Darcy Olsen highlighted a February 2006 study by University of California-Santa Barbara researchers Russell W. Rumberger and Loan Tran, who found no lasting academic impact from state-run preschool programs.

“They found that while children enrolled in preschool had some moderate advantages in kindergarten performance, the benefit dissipated by third grade,” wrote Snell and Olsen.

Snell says the answer to academic and financial woes in the St. Louis public schools and other such districts lies in competition and market-oriented reforms.

“The idea of school choice, where funding follows the student, makes use of existing resources that schools can put toward needed programs instead of requiring huge sums of additional monies in hopes that a new program works,” Snell said.

Decentralized Administration

Snell pointed to reforms in New York City and San Francisco, where school administrations are being decentralized and local superintendents and principals are being given more autonomy in spending their budgets.

“It’s making a huge difference in those public schools because it allows princi-

“[M]ost reliable research shows the positive effects of universal pre-K programs mostly disappear when children leave them.”

— Jim Waters
Special-Needs Scholarship Bill Is Moving Forward in Ohio

By Michael Coulter

Most parents of children with special learning needs have few educational choices. They can make use of the services offered by their local public school or, if they are financially well-off, can send them to a private provider of special-needs education. If they can’t afford a private school and their public school program is inadequate, they’re out of luck.

That situation may change soon in Ohio, where legislators are considering a bill to provide scholarships to some children with special learning needs to attend the public or private school that best suits them, even if that school is outside of their home district.

The bill—the Special Education Scholarship Pilot Program—has been introduced in both the House (H.B. 348) and Senate (S.B. 57). At press time, the House bill had eight co-sponsors, and House Speaker Jon Husted (R-Kettering) has expressed support.

“It has absolutely strong support right now, and we’re confident that this bill will attract broad and bipartisan support in the General Assembly this spring,” said T.J. Wallace, interim executive director of School Choice Ohio, an organization based in Columbus. “There are indications that this bill could move in the spring.”

Capped at 3 Percent

If passed, the bill would provide scholarships ranging from $7,000 to $20,000 per year, depending on the nature of the child’s disability.

According to the Ohio Legislative Services Commission, the per-pupil amount will be more than the state provides in aid for special-education students in some districts, but less than what some districts provide. The legislation limits the total number of scholarships available each year to 3 percent of the total eligible population.

According to the Ohio Department of Education, about 260,000 students statewide have an Individual Educational Program (IEP), a legally binding document stating which services a special-needs student will receive. This is about 14 percent of the 1.8 million students in Ohio’s public schools.

Up to 8,000 scholarships would be offered per year statewide if the program is enacted.

Governor Vetoes Bill

This is not the first time Ohio legislators have considered such a measure. Essentially the same program was included in a large budget bill that passed the Ohio General Assembly in June 2007, but Gov. Ted Strickland (D) used his line-item veto power to strike out the provisions.

During his 2006 gubernatorial campaign Strickland said he opposed voucher programs. In his 2007 State of the State address, he expressed his opposition to the Ohio EdChoice program, a statewide voucher program launched in 2005.

News reports at the time indicated Strickland wanted to use his line-item veto to end the EdChoice program but could not do so.

Wallace notes that with a cap of nearly 8,000 students statewide, there is little chance more than a few students would leave any district’s public schools. He said the financial impact on nearly all districts would be minimal.

Ohio Parents Call for Special-Needs Scholarship Program

Showing public support for school choice, several Ohio parents testified about the need for a special-needs scholarship program during a House Education Committee hearing on the Special Education Scholarship Pilot Program bill currently under consideration in the state legislature.

Expensive Help

Lori Skeldon, a mother of two from Hamilton, said her son Tyler had great trouble learning to read in the first through third grades at his public school.

“He basically could not read before we enrolled him at Springer in fourth grade,” said Skeldon. The Springer School and Center is a private school in Cincinnati specializing in students who learn differently. After four years there, Tyler now “exceeds in the classroom.”

But that achievement hasn’t come cheap.

“We have cashed out college and retirement savings to pay Springer tuition,” Skeldon said at the October 30 hearing. She knows other families with children like Tyler who can’t afford a school like Springer.

Aisha Saunders of Columbus testi-

“[S]everal Ohio parents testified about the need for a special-needs scholarship program during a House Education Committee hearing ...”

fied about her son Nathan, whose learning challenges qualified him to attend Marburn Academy, a private school in the city, before entering kindergarten. The Saunders could not afford to continue sending him there after that year. She said she wished they could have, because the Marburn staff “equipped [them] with information about how he learns, [and taught them] how to more effectively parent, given our son’s challenges.”

Saunders said though she was able to advocate for her son in the public schools, not all parents can do so. Having an alternative to the local public school would be great, for parents, she said.

‘Not Always Heard’

Another parent, Joni Schottenstein from Columbus, spoke about her 15-year-old daughter, who has Down Syndrome and hearing impairments.

“It’s not easy to navigate through the system when seeking aid for one’s child,” Schottenstein said. “As parents of a child with special needs, our voices are not always heard.” The Columbus school district gave her daughter the services they had available, she said, instead of the services she needed.

Michelle Francis of the Ohio School Boards Association (OSBA) also testified at the hearing, saying her group opposed the Special Education Scholarship, as did the Ohio Association of Public School Employees, Ohio Association of School Business Officials, Ohio Education Association, and Ohio Federation of Teachers.

The current system, she said, already “meets the individual needs of students,” and the bill could “undermine services for some children.”

— Michael Coulter

Ohio House Speaker Jon Husted has expressed his support for the proposed Special Education Scholarship Pilot Program.

Ohio Parents Call for Special-Needs Scholarship Program

“[O]hio legislators are considering a bill to provide scholarships to some children with special learning needs to attend the public or private school that best suits them ...”

Similar Scholarship

The Special Education Scholarship Pilot Program would work very much like the state’s Autism Scholarship Program, which was established in 2003 and provides scholarships allowing some families to send their autistic children to the public or private school that best meets their needs.

Wallace said approximately 400 students received autism scholarships in 2006-07 and nearly 700 are using them during the current academic year.

Michael Coulter (coulter@heartland.org) writes from Pennsylvania.
Philadelphia Charter Schools Are Placed Under Increased Oversight

By Andrew T. LeFevre

Charter school operators and parents of students enrolled in the schools will be on the alert in April when a task force appointed by the School Reform Commission of Philadelphia reports its initial findings on the schools’ academic programs, costs, and facilities.

The task force was created to address operators’ and parents’ concerns after the commission approved a new policy last December increasing its oversight of the city’s 61 charter schools. Charter operators say the district is trying to micromanage their schools.

Initially scheduled for consideration at the commission’s November meeting, the vote on the policy was postponed until December 19 after some charter operators said they had not had an opportunity to review it.

Tim Daniels, executive director of the Pennsylvania Coalition of Charter Schools, said his group’s members were gravely concerned by what they saw as the beginning of a slippery slope of increasing regulation by the commission.

“It is the beginning of death by 1,000 cuts,” Daniels explained. “The more you regulate an independent school, the less independent it becomes, and the more it begins to resemble all the other traditional public schools.”

Legal Exemption

The new oversight policy details how the district will evaluate new charter applications and monitor charters it has already authorized. When considering charter renewals, the policy stipulates the commission will consider the school’s fiscal management and whether it is meeting academic standards of the federal No Child Left Behind law. The new policy also allows the district to visit charter schools more often.

One of the most significant changes would give the commission the flexibility to consider charter applications every two years instead of annually. That would violate the state’s 1997 charter school law, but the legislation that allowed the state to take over Philadelphia schools in December 2001 exempts the School Reform Commission from many of the charter law’s provisions.

In response to charter operators’ concerns, the commission also established a charter task force. Its membership will include charter operators, parents, and city officials. The task force will study the schools’ academic programs, costs, and facilities and consider ways in which the Philadelphia School District can assist them.

Ongoing Struggle

Kara Hornung, director of communications at the Center for Education Reform, a charter school advocacy group in Washington, DC, said these developments are part of a continuing process in the city.

“Charters have faced plenty of ups and downs in Philadelphia as varying agencies struggle with losing—and sometimes gaining—control,” Hornung explained.

Improving Graduation Rates Can Cut Crime

By Dr. Sanjit Bagchi

Los Angeles County Sheriff Lee Baca and other local law enforcement leaders have unveiled a report linking low graduation rates with violent crimes such as homicide and aggravated assault.

According to the authors, the dropout crisis is a substantial threat to public safety in California. An estimated one in three high school students statewide doesn’t graduate from high school on time.

“School or the Streets: Crime and California’s Dropout Crisis,” released December 13 by the California-based bipartisan organization Fight Crime: Invest in Kids California, notes 68 percent of state prison inmates did not receive a high school diploma.

The report suggests just a 10 percentage point increase in graduation rates could reduce murder and assault by nearly 20 percent. That would prevent 500 murders and more than 20,000 aggravated assaults in California each year.

Poor Parenting

Bill Felkner, president of the Ocean State Policy Research Institute in Rhode Island, criticized the logic of the report and sees it as a tactic for more government money and control.

“Correlating graduation rates and crime is a ‘symptom-effect’ strategy and not a ‘cause-effect’ strategy,” Felkner said. “High crime only relates to poor graduation rates because those rates are a symptom of poor family conditions. Looking to public schools for the solution is a mistake.”

The report suggests several measures to improve graduation rates. Taking part in high-quality preschool, for example, can lead to a 44 percent increase in the high school graduation rate, and targeted dropout prevention programs, such as the Check & Connect program, which uses monitors to check whether high-risk students are in school, can also connect them with needed services, the report stated.

More Money

The report urges California to increase its investment in such programs. “California is falling far short of the investment needed to substantially increase graduation rates,” the authors write, noting, “fewer than half of the state’s low-income 3- and 4-year-olds attend publicly funded preschools” and no schools in California provide Check & Connect dropout-prevention programs.

“Proven interventions that improve graduation rates are a smart investment for California,” the authors continue. “Even putting aside benefits to graduates themselves and the economy generally, each dollar invested in First Things First, quality preschool, and the other interventions proven to increase graduation rates generate[s] $2 to $4 in taxpayer savings alone.”

Parental Involvement

Farkel disagreed. “We look at children in poverty and say that they need ‘pre-school’ learning because they are not getting the proper stimulus at home,” Felkner said. “Rather than dumping more money into programs that supplant parental involvement, why not put that effort into improving the parent involvement?”

“That being said, in those areas where parent involvement is nearly nonexistent, this type of intervention is beneficial,” Felkner continued. “However, it can be most effective when done via community-based private and/or faith-based organizations.”

Dr. Sanjit Bagchi (drsanjitbagchi@gmail.com) writes from India.
Schools Nationwide Hide Teacher Misconduct and Incompetence

By Richard G. Neal

ew reports show teachers nationwide are allowed to continue teaching, or are paid not to teach, after being found guilty of misconduct. Expensive, difficult, union-mandated rules prevent them from being dismissed.

Over the course of a two-year investigation culminating in mid-December 2007, Florida’s Herald Tribune uncovered what likely is the tip of an iceberg—a confidential, nationwide list of 24,500 teachers who have been punished for a wide array of offenses.

The list, gathered and maintained by the National Association of State Directors of Teacher Education and Certification (NASDTEC), does not tell why the teachers were disciplined, but criminal investigations culminating in mid-December found more than 500 New York City teachers, assistant principals, and principals had records so dismal they were deemed unfit for any school and were placed in a dozen reassignment rooms, often referred to as “rubber rooms,” where they idle away their time on full salaries and benefits while waiting to enter or complete a dismissal procedure rendered endless and unworkable by union contracts.

Rigged System

In his award-winning series on “The Hidden Costs of Tenure,” investigative reporter Scott Reeder of the Small Newspaper Group, which publishes three newspapers in Illinois, revealed just how tough it is to discover what happens to incompetent teachers in that state.

Reeder told me about the frustration of obtaining information that should be easily accessible to the public. He was forced to lodge 1,500 Freedom of Information Act requests with various government agencies and interview hundreds of educators, union officials, and experts. This is not a user-friendly procedure for the average citizen.

Shocking Cover-Up

One of Reeder’s big discoveries was that procedure trumps everything when it comes to dismissing an incompetent tenured teacher. The slightest deviation from a meaningless bureaucratic procedure can lose a case—resulting in another incompetent teacher remaining in the classroom.

It’s also very expensive. Because of due process requirements, complicated by union contract impediments, one dismissal can cost a school district $100,000 to $400,000. That’s why so many districts decide to leave incompetent teachers in the classroom or buy them off with a promise of a clean record if they resign.

Reeder found in the previous 19 years, 94 percent of the 876 school districts in Illinois have never even attempted to fire any tenured teacher. And of every 930 evaluations of tenured teachers, only one resulted in an “unsatisfactory” rating—without which there can be no dismissal.

Richard G. Neal (rneal@triad.rr.com) writes from North Carolina.

Teacher Unions Exploit Due Process to Protect Their Own ... And Students Are the Victims

Wherever teacher unions exist, the rigors of state-mandated due process are exacerbated by excessive procedures negotiated by the union designed to frighten off any principal who tries to discipline a teacher. Plus, the unions have access to top-notch attorneys specifically trained to defend teachers brought up on dismissal charges.

In my book, The Alliance Against Education Reform (AuthorHouse, 2007), I discuss the meaning of due process and dissect its complicated requirements as they pertain to teacher discipline.

For several years, I was responsible for handling all disciplinary actions, including dismissals, for a large school district. During that time I presented seminars to school board members, administrators, and attorneys in other districts on how to dismiss tenured teachers.

From these unique experiences I learned many lessons, including the following:

- School board members don’t want to get involved in dismissing teachers.
- Union reps are well-prepared to defend even the most incompetent teacher and will do so to enhance their image as defenders of “exploited” teachers.

“For several years, I was responsible for handling all disciplinary actions, including dismissals, for a large school district.”

- Dismissal procedures are rigged to protect the guilty. Whereas tenure originally was designed to protect competent teachers from interference with their academic freedom, tenure has degenerated into a process for protecting the incompetent.

— Richard G. Neal
NEA Gave $12 Million to Advocacy Groups

By Mike Antonucci

If you ran a liberal political, advocacy, or research organization and you went to the National Education Association last year with your hand out, chances are good you came away with a fatwad of dollars. An Education Intelligence Agency analysis of NEA’s financial disclosure report for the 2006-07 fiscal year reveals the national teachers union contributed $12 million to a wide variety of advocacy groups.

The total nearly tripled its contributions from the previous fiscal year. The expenditures include a host of payments connected with ballot initiatives in November 2006 and the first eight months of 2007. They range from $2.3 million to Citizens for Education, which campaigned in favor of a school funding initiative in Michigan, down to several smaller grants to groups such as Rainbow/PUSH, FairTest, Amnesty International, Sierra Club, and Human Rights Campaign.

The following is an alphabetic list of the recipients of NEA’s largesse:

ACORN - $218,452
American Council on Education - $10,000
American Library Association - $5,000
American Rights at Work - $5,000
Americans United for Change - $350,000
Amnesty International - $7,500
Arizona Minimum Wage Coalition - $28,000
Arizona State University Office for Research & Sponsored Projects Administration - $250,000
Asian American Justice Center - $5,000
Asian American Legal Defense and Education Fund - $6,000
Asian Pacific American Institute for Congressional Studies - $5,000
Asian Pacific American Labor Alliance - $5,000
Bloggerpower.org - $10,000
Business and Professional Women/USA - $5,000
Campaign for America’s Future - $40,000
CAP Charitable Foundation - $5,000
Celebrate ME - $50,000
Center for Community Change - $25,000
Center for Equity and Biliteracy Education Research - $8,000
Center for Law and Education - $50,000
Center for Policy Alternatives - $10,000
Center for Teaching Quality - $277,485
Central Intercolllegiate Athletic Association - $81,500
Children's Defense Fund - $10,000
The Citizenship Project - $25,000
Citizens for Education - $2,316,000
Citizens United to Protect Our Public Safety, Schools and Communities - $550,000
Citizens Who Support Maine’s Public Schools - $195,000
Coloradoans for Excellent Schools - $792,000
Coloradoans for a Fair Minimum Wage - $20,000
Coloradoans for Responsible Reform - $50,000
Committee for Education Funding - $18,902
Committee to Protect Our Children’s Legacy - $50,000
Communities for Quality Education - $273,000
Communities United to Strengthen America - $150,000
Congressional Black Caucus Foundation, Inc. - $40,000
Congressional Hispanic Caucus Institute - $90,825
Conservatory of Arizona’s Future - $50,000
Creating Arizona’s Future - $425,000
Democratic GAIN - $10,000
Democratic Leadership Council - $40,150
East Meadow Jewish Center - $5,000
Economic Policy Institute - $150,000
Educational Testing Service - $21,134
Everybody Wins DC - $8,000
FairTest - $35,000
Ford’s Theatre - $10,000
Funnest Celebrity in Washington - $10,000
Gay and Lesbian Alliance Against Defamation - $6,000
Gay Lesbian and Straight Education Network - $130,000
Give Missourians A Raise - $200,000
Give Nevada A Raise - $25,000
Great Lakes Center for Education Research and Practice - $300,000
Harvard Labor and Worklife Program - $5,000
Harvard University Office for Sponsored Research - $50,000
Healthy Schools Network - $5,000
Human Rights Campaign - $15,000
Japanese American Citizens League - $5,000
Joint Center for Political and Economic Studies - $15,000
Labor Council for Latin American Advancement - $15,000
Latina Initiative - $25,000
Leadership Conference on Civil Rights - $15,000
League of Rural Voters - $15,000
League of United Latin American Citizens - $5,000
Learning First Alliance - $54,240
Mexican American Legal Defense and Educational Fund - $15,300
NAACP - $56,500
National Alliance of Black School Educators - $11,000
National Association for Asian and Pacific American Education - $5,300
National Association for Bilingual Education - $5,000
National Association for the Advancement of the English Language - $10,000
National Association of Latino Elected and Appointed Officials Education Fund - $10,000
National Association of Legislative and Political Specialists for Education - $14,021
National Baptist Voice - $15,450
National Board for Professional Teaching Standards - $8,000
National Coalition for Technology in Education and Training - $10,000
National Coalition on Black Civic Participation - $10,000
National Conference of Black Mayors - $10,000
National Conference of State Legislatures - $42,275
National Council for Accreditation of Teacher Education - $348,385
National Council of La Raza - $14,700
National League of Cities - $40,000
National League of Cities - $40,000
National Partnership for Women and Families - $5,000
National Parent Teachers Association - $5,000
National Public Pension Coalition - $135,000
National Staff Development Council - $70,500
National Urban League - $10,180
National Women’s Law Center - $10,000
Nebraskans Against 423 - $500,000
Nebraskans for the Good Life - $250,000
Not In Montana - $310,000
Ohioans for a Fair Minimum Wage - $680,000
Organizations Concerned About Rural Education - $5,000
Partnership for 21st Century Skills - $55,803
People for the American Way - $275,000
Project New West - $86,000
Rainbow/PUSH Coalition - $10,000
Rebuild America’s Schools - $20,000
Second District Religious, Educational Charitable Development Project - $5,000
Service Employees International Union (SEIU) - $15,000
Sierra Club - $50,000
Southeast Asia Resource Action Center - $5,000
Southern Christian Leadership Conference - $12,771
Task Force Foundation - $10,000
Teachers Count - $50,000
U.S. Action - $100,000
U.S. Fund for UNICEF - $7,500
Vote Early Denver - $25,000
Women’s Campaign Forum - $15,000
Women’s Voices Women Vote - $75,000
Workers Independent News Service - $5,000
Working America - $150,000

Mike Antonucci (educationintel@aol.com) is director of the Education Intelligence Agency, a California-based group that conducts public education research, analysis, and investigations.

In Other Words

“Silicon Valley executives fret about finding enough talented foreign workers to fill the jobs their growing industry demands. Most of America’s business community believes that the current system does not prepare students for the workforce, according to the U.S. Chamber of Commerce.

“The solution for this malaise is one the business community should be familiar with: competition.

“Allowing parents to send their children to any traditional public school, regardless of where they live, raises school productivity by at least 28 percent in terms of higher student achievement and more efficient spending. Competition from independent public charter schools multiplies those effects.”

Vicki Murray, Ph.D., senior fellow in education studies at the Pacific Research Institute. Los Angeles Daily News, January 22, 2008

January 22, 2008

Los Angeles Daily News, January 22, 2008
Bush Uses His Final State of the Union Address to Propose $300 Million School Choice Program

By Robert Holland

In the final State of the Union Address of his presidency, delivered January 28 to a joint session of Congress, President George W. Bush renewed his support for private school choices for children of low-income families, but with some new wrinkles.

Noting faith-based schools “are disappearing at an alarming rate in many of America’s inner cities,” the president announced he would “convene a White House summit aimed at strengthening these lifelines of learning.”

Bush called for a new $300 million “Pell Grants for Kids” program of scholarships to help needy children in failing schools transfer to better-performing public schools in other districts or nearby private or faith-based schools.

Parochial Schools Closing

A White House briefing paper on State of the Union initiatives noted that over the past four decades the population of racial minorities in Catholic schools has increased 250 percent and non-Catholic enrollment has gone up 500 percent—showing these schools are magnets for diverse families seeking alternatives to government schools.

Yet between 1996 and 2004 almost 1,400 inner-city religious schools closed for financial reasons, sending 355,000 students into other institutions. Recently some Catholic leaders have considered converting their financially struggling schools into secular charter schools in order to preserve an alternative for low-income families.

The White House said the summit would be held in the spring and would bring together leaders in education, research, philanthropy, business, and community development to seek ways to help the faith-based schools remain viable. At press time no date had been set.

Pell Grants for Kids

The scholarships proposed by Bush would go to disadvantaged students who attend public schools that have failed to make adequate yearly progress under the No Child Left Behind Act (NCLB) for five years or longer, or that have graduation rates of less than 60 percent.

By repackaging past voucher/scholarship proposals as Pell Grants for Kids, the Bush administration is calling attention to the fact that the popular Pell Grant program aids needy college students in attending the public, private, or faith-based higher educational institutions of their choice.

“While education reform has been largely absent on the campaign trail during this year’s presidential election, it is an issue that directly impacts low-income families all across America,” said Charles R. Hokanson Jr., president of the Washington, DC-based Advocates for School Choice, in a January 29 statement. “We urge leaders of both parties to come together and take action on the president’s initiatives.”

Kudos, Criticism

In Utah, where a $4 million campaign of teachers union attack ads scuttled a universal voucher program in last November’s election, Parents for Choice in Education (PCE) heartily endorsed the Bush proposal.

[Bush] recognizes that our current educational system is failing many children across the country, and believes that parents ought to have the opportunity to choose an alternative that meets the needs of their children,” PCE co-chair Robyn Bagley said in a January 29 statement. The president of the 3.2-million-member National Education Association, the nation’s largest teachers union, criticized Bush for pointing out the similarity between vouchers and Pell grants.

“The president knows that ‘voucher’ is a politically tainted word for parents who want quality public schools, not more government bureaucracy,” said Reg Weaver of the nation’s largest teachers union, National Education Association.

Bush uses taxpayer dollars to fund religious schools into secular charter schools in order to preserve an alternative for low-income families—manage to pass constitutional assessments, Coulson declared, “NCLB is a proven failure.”

IF Bush withdrew his backing of NCLB and called on states to use their newfound freedom to create or expand school choice programs, “it would have a far more dramatic and positive impact on American education than any other action he could take,” Coulson said.

People for the American Way (PFAW), a Washington, DC-based advocacy group that strongly opposes religious groups’ influence, deemed the president’s voucher proposal objectionable not only on educational grounds “but also because, by using taxpayer dollars to fund religious schools, the voucher program would subvert a founding principle of this nation—the separation of church and state.”

PFAW did not explain in its January 29 statement how higher education vouchers—the existing Pell Grants students may use to attend religious colleges—manage to pass constitutional muster.

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