California State Schools Chief Proposes Parent Empowerment ‘Clean Up’

By Ben Boychuk

California Superintendent of Public Instruction Tom Torlakson and his staff say the state’s groundbreaking parent empowerment law may be too vague for the state department of education to write clear regulations.

Torlakson announced at the state board’s February meeting he was forming a working group with Assemblywoman Julia Brownley (D-Santa Monica) to draft “cleanup” legislation that the superintendent claims would simplify the job of writing permanent regulations for the year-old statute.

The state board, which includes seven new members appointed in January by Gov. Jerry Brown (D), took no action on permanent regulations or the temporary rules that expire in

CALIFORNIA, p. 8

‘No Child’ Reforms Clip Choice Options

By Patrick Gibbons

President Barack Obama and U.S. Education Secretary Arne Duncan have renewed their call for Congress to reauthorize the No Child Left Behind Act this year, proposing, among other changes, that the 2001 law be stripped of public school choice provisions.

Obama touted his administration’s reforms during his State of the Union address in January. “Race to the Top should be the approach we follow this year as we replace No Child Left Behind with a law that’s more flexible and focused on what’s best for our kids.”

Obama originally introduced his blueprint to reform No Child Left Behind (NCLB) in March 2010. Administration officials say the plan would create flexibility for schools by eliminating some

NO CHILD, p. 12
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Texas Legislators Rethink Class-Size Rules as State Faces Budget Shortfall

By Jenna M. Schuette

In an effort to ease financial pressures on the state budget, Texas State Comptroller Susan Combs is suggesting the legislature replace the current cap of 22 students in each K-4 classroom with a maximum average of 22 students for the entire district’s K-4 classrooms.

Texas faces a combined $27 billion budget shortfall for fiscal years 2012 and 2013, which may bring on cuts to public education totaling $5 billion. “Districts will be operating on tighter budgets in the coming years,” explained Combs. “Adhering to the proposed [class-size] average would give school districts more flexibility than the current cap, allowing them to make their own decisions about how best to allocate their resources efficiently while being responsive to local preferences.”

Combs’ recommendations are drawn from a recent study, required by the 2009 Texas State Legislature, of the Lone Star State’s public school spending and student achievement.

Class-Size Mandates ‘Costly’

Combs said when she asked her advisory panel of superintendents from across the state, class-size caps were commonly noted as a “costly and burdensome” state mandate.

“The problem with class-size mandates is that they limit school leaders’ ability to make the best tradeoffs for students and teachers and can force diversion of funds from investing in teaching quality to just adding bodies whether or not they are highly effective or have the right skills,” said Karen Hawley Miles, executive director of Education Resource Strategies, a Massachusetts-based nonprofit that works with large urban school systems to transform their resource use to improve student learning.

Terry Grier, superintendent of Houston Independent School District, agrees changing the class-size mandate would give local leaders more flexibility in their budgets. Grier notes some of his principals likely would take advantage of such relief.

“If HISD loses a significant amount of state funding, raising class size, if permissible by law, would be a strategy that some principals might choose to balance their school’s budget,” Grier said.

Political ‘Hot Potato’

Although popular with state leaders such as state Sen. Florence Shapiro (R-Plano), who currently chairs the state Senate education committee, the recommendation has come under fire from many educators, parents, and teacher unions.

“The issue of class size has always been a political ‘hot potato’ in many circles,” Grier explained. “Parents and teachers support lower class size, and it’s hard to argue that fewer students in a class make it easier for a teacher to manage the students in his or her classroom.”

The Texas chapter of the American Federation of Teachers strongly opposes changing the current class-size mandates. “Lawmakers aren’t fooling anyone by pretending that class size doesn’t matter,” Texas AFT President Linda Bridges said in a statement. “It does, and it’s one of the most important education reforms passed in decades and has stood the test of time, study, and plain old common sense.”

‘No Evidence’

Harvard University researcher Matthew Chingos says the research points the other way. Chingos last year published a study of Florida’s class-size reduction mandate. He compared schools that had yet to reduce class sizes with those that already had.

“You’d expect to find improvements in the classes that were reduced. However, I found no evidence that the small reductions made any difference in student achievement,” said Chingos. “The results I found in Florida parallel the situation in Texas, because we’re only talking about small increments in class size.

“Given that reducing classes by two or three students may not make that much of a difference, and that hundreds of millions of dollars can be saved, it seems like a reasonable thing to do,” Chingos said.

In Broward County, Florida, Miles says hundreds more teachers were hired to meet class-size reduction mandates. Many of those teachers were novices.

“So the district has invested dollars to bring less-qualified individuals on board rather than being able to invest in paying great teachers more to take on extra students or allowing districts to come up with other ways of ensuring individual and small group attention that is targeted to needs,” said Miles.

Jenna M. Schuette (jenna.schuette@gmail.com) writes from Washington, DC.
Milwaukee Choice Students Have Higher Graduation Rates

By Lindsey Burke

Students in Milwaukee’s Parental Choice Program have a better chance of graduating from high school than their peers, a study of the 21-year-old voucher program finds.

According to the report for School Choice Wisconsin by University of Minnesota sociologist John Robert Warren, Milwaukee choice students were 18 percent more likely to graduate from high school than students from all economic backgrounds in Milwaukee Public Schools. Warren used seven years’ worth of data to track the graduation rates of students enrolled in the Milwaukee Parental Choice Program (MPCP).

The MPCP, which began in 1990, now serves more than 20,000 children annually. In six of seven years of data Warren studied, students who received vouchers had higher graduation rates than those enrolled in public schools.

During that time period, graduation rates increased for students in both the MPCP and in Milwaukee Public Schools.

Competing Explanations

Warren’s study concludes 3,939 additional students would have graduated from 2003 to 2009 had the graduation rate in Milwaukee Public Schools been equivalent to that in the MPCP. Although Warren conducted the study to document the differences in graduation rates between Milwaukee Public Schools and the MPCP, he is careful not to say the MPCP necessarily caused the higher levels of achievement.

Warren says given the data at his disposal, it’s impossible to rule out competing explanations, such as family motivation and post-high-school plans. But the clear bottom line, he says, is students in MPCP schools graduate at a higher rate.

In addition, “I doubt that it’s socioeconomic factors, since from what I understand kids in MPCP schools tend to be relatively disadvantaged,” Warren explained.

Warren’s caution is echoed by Patrick Wolf, endowed chair in school choice in the Department of Education Reform at the University of Arkansas.

“The voucher students are graduating high school at higher rates than are MPS students, even as the MPS graduation rate is increasing over time. Those are true facts from [Warren’s] research,” Wolf said. “We just need to be careful drawing further conclusions from it.”

Wolf’s own study of Milwaukee graduation rates is scheduled for publication in late March. The study will use a different methodology and, Wolf says, should provide more evidence of whether the MPCP is responsible for the higher graduation rates of students in the program.

Lindsey Burke (lindsey.burke@heritage.org) is an education policy analyst at The Heritage Foundation.

Education Savings Accounts Would Create Robust School Choice Options

By Lindsey Burke

Establishing education savings accounts in Arizona and elsewhere could make school choice a viable option for more families, a new report by the Goldwater Institute concludes.

The report from the Phoenix-based state policy organization makes the case that Arizona’s existing school choice provisions—including a popular but controversial corporate tax credit program—are insufficient to meet the demands of families throughout the Grand Canyon State.

To provide more options to Arizona children, the state should create individual education savings accounts providing 90 percent of current state per-pupil spending, suggest report writers Matthew Ladner, Goldwater’s vice president for research, and Nick Dranias, director of the organization’s Moller Institute for Constitutional Government.

Parents could use money deposited in their ESAs for private school tuition or online education, or save the money to pay for their child’s postsecondary education, Ladner and Dranias suggest in “Education Savings Accounts: Giving Parents Control of their Children’s Education.”

‘Maximum Control to Parents’

Ladner says education savings accounts would maximize school choice options for families.

“A system of choice based upon ESAs gives the maximum possible level of control to parents,” Ladner explained. “Parents can choose between a large array of education programs, including private schools, college courses, tutors, and online programs.

“Parents will have the incentive to choose academically and cost-effective programs, as they will have the ability to save money not spent [and use it] for college expenses,” Ladner added.

Ladner says such a plan would have a good chance of being passed by the state legislature. “An ESA bill was introduced into the Arizona Senate with a majority of Senators as cosponsors. Lawmakers have been developing bills in Arizona, Florida, Montana, and Ohio,” he noted.

Florida Weighs Accounts

Florida Gov. Rick Scott (R) has discussed ESAs, and a bill is pending in the state legislature. Jaryn Emhof, press secretary at the Foundation for Excellence in Education, says ESAs would help ensure children are no longer assigned to schools that fail to meet their needs. “We believe every child should have access to a quality education that best fits their learning style and needs. A child’s access to a customized, quality education should not be based on their ZIP code or parents’ financial status,” Emhof said.

Florida has an array of educational choices, including tax credit scholarships for low-income families and vouchers for disabled children. Emhof says ESAs would build on the success of those programs and expand choices to all Florida families.

Under the Florida proposal, the parents of every student who opted for an alternative to public school would deposit annual education grants from the state—up to 85 percent of current per-student funding—into a special account.

Emhof says the funds could be used for a variety of educational purposes: “Under Florida’s ESA model, parents have the ability to invest in their child’s K-20 education, including private school, dual enrollment in college courses, full-time college enrollment after high school, or a combination.”

Lindsey Burke (lindsey.burke@heritage.org) is an education policy analyst at The Heritage Foundation.
In NC, Charter Fight Compared to Civil Rights Struggle

By Sara Burrows

The vast majority of the 700 parents, grandparents, and educators crowded into the North Raleigh Hilton January 24 were black.

Many were dressed in their Sunday’s finest, and some chanted “Praise God” and “Amen” as they listened to the “good news.” The event featured the intensity and fervor of a tent revival or civil rights demonstration.

In the eyes of the participants, perhaps it was. The cause for celebration? The promise by the General Assembly’s new leader to remove the state’s cap on charter schools.

The town hall gathering was sponsored by Parents for Educational Freedom in North Carolina as the grand finale to its Waiting for Superman tour. PEFNC offered free viewings of the documentary—which highlights the failures of traditional public schools and the successes of charter schools—to nearly 2,000 people across the state.

“I’m haunted by this mental picture of four black students sitting down at a lunch counter in Greensboro [in 1965] demanding to be served,” said Howard Fuller. “And now in 2011, four students sit down at a lunch counter where they are welcome, and they can’t read the menu.”

Fuller, cofounder of the Black Alliance for Educational Options, is regarded as the nation’s most influential African-American spokesman for school choice. As superintendent of the Milwaukee Public School District, he helped implement the first publicly funded school voucher program in the country two decades ago.

“We’ve got to be clear that our children can learn,” Fuller said. “If they’re not learning, it’s not because they’re genetically incapable of learning. It’s because we’ve got them in systems that are not meeting their needs.”

Fuller called it immoral and illogical to continue sending more money to government-run schools, when privately run schools produce better results.

He warned members of the black community that if they continued sending their children to ineffective public schools, there would be another “public institution waiting for them” down the road: prison.

Standardized Tests Criticized

Fuller acknowledged there are public school teachers “who love our children deeply,” but he said their hands are tied because they are trapped in a dysfunctional system.

Kristy Moore, president of the Durham Association of Educators, echoed Fuller’s concern.

“We would love to teach like the charter schools teach,” Moore said. “We would love to have that freedom.”

Moore said public school teachers often tell her they can’t use teaching methods they know would work better for certain children, because they have to prepare them for standardized tests.

Charters Get Less Funding

Another featured speaker was Peter Groff, president of the National Alliance for Public Charter Schools. Before working full-time as an advocate for charter schools, Groff was the first African-American president of the Colorado state Senate, where he cosponsored legislation boosting capital funding for charter schools and allowing any public school in the state to terminate its union contract and gain greater autonomy from school district regulations.

Groff noted there are 420,000 students across the country on waiting lists to get into charter schools. He encouraged North Carolina lawmakers in attendance not only to lift the cap on charter schools but also to give them more funding. He said charter schools generally receive about $2,200 less than traditional public schools per student per year.

“Charters have done more with less, but imagine what we could do with the same,” Groff said.

2011 ‘Promising’ for Choice

State Rep. Paul “Skip” Stam (R-Wake), the House majority leader, said he thinks this will be a promising year for school choice legislation.

Stam said the state Senate is scheduled to take up charter school reform this session and
Nevada Gov. Brian Sandoval (R) is proposing education reforms aimed at boosting student achievement while saving taxpayers money. Among the most ambitious and controversial of his proposals is a constitutional amendment to implement a voucher program allowing parents to choose a public or private school for their child's education.

Sandoval discussed his education reform plans at length during his first State of the State address, in January. His other proposals include ending teacher tenure, seniority protection, and student social promotion. Sandoval also stressed the need to grade schools on a simple A to F scale, evaluate teachers and principals based on student value-added data, and promote expansion of charter schools.

Sandoval pointed to Nevada’s educational achievement gaps and last-in-the-nation high-school graduation rates, stressing how “the education system is broken.”

“Vouchers make a private school education a possibility to more families,” Sandoval told lawmakers. He also applauded the efforts of Michelle Rhee, former Washington, DC schools chancellor and founder of Students First, who was in attendance.

Open-Minded Legislature
Dale Erquiaga, a senior advisor to Sandoval, has said the governor’s voucher bill will come in the form of a constitutional amendment.

The governor’s office says it is pursuing a constitutional amendment because of Nevada’s “Blaine Amendment,” which reads in part, “No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purposes.”

State Sen. Barbara Cegavske (R-Las Vegas), a longtime voucher proponent, says she “looks forward to working with the governor on school vouchers.”

Other school choice supporters aren’t as excited about the governor’s proposal. Erin Cranor, a newly elected trustee to the Clark County School Board—the fifth-largest school district in the nation—said she worries vouchers would dilute the autonomy that makes private schools successful.

“Private schools don’t have to deal with the feel-good legislative mandates that burden public schools,” Cranor said. She says she worries burdensome public mandates will follow the vouchers, leaving students with no real options at all.

Legislative Strategy Argued
“Arizona is the first and only state with a Blaine amendment to have a voucher program overturned.” noted Clint Bolick, an attorney at the Phoenix-based Goldwater Institute who successfully defended an Ohio voucher program before the U.S. Supreme Court in Zelman v. Simmons-Harris.

Bolick says a voucher program would be legal in Nevada even without a constitutional amendment, because “vouchers are not aid to religious schools, but aid to students, just like the G.I. Bill” that provides grants for higher education.

Andrew Coulson of the Cato Institute acknowledges voucher programs in Arizona and Florida have been defeated recently, but he noted, “No modern education tax credit program has ever been overturned.”

Bolick and Coulson both say the governor should first try to get the legislature to pass the reforms as state law, either with vouchers or education tax credits, before pursuing a constitutional amendment.

Representatives from Nevada’s ACLU argued in 2010 before the state assembly a voucher bill proposed by then-Gov. Jim Gibbons (R) would be unconstitutional. The Arizona ACLU successfully overturned that state’s special-needs and foster-care voucher programs in 2009.

Amending the state constitution is a complicated and time-consuming process. The governor’s proposed amendment must be passed by the state legislature in two consecutive sessions and ratified by voters in the following general election.

If the state legislature fails to act, Sandoval may take his proposed amendment directly to the voters, who must pass the amendment in two consecutive general elections. Either route would require four to six years before vouchers could become law. Pursuing a new law would be considerably less time-consuming but would be subjected to a constitutional fight in the state courts because of the state’s Blaine amendment.
Opportunity Scholarships Overcome Hurdles in NJ

By Andrew T. LeFevre

A key New Jersey state Assembly panel has cleared the New Jersey Opportunity Scholarship Act, a bill to aid low-income students in the state’s worst schools.

The vote sets the stage for a contentious floor fight over the bill even though it has bipartisan support.

The Commerce and Economic Development Committee unanimously approved Assembly Bill 2810 by Angel Fuentes (D-Brooklawn) and Jay Webber (R-Morris). All three Democrats on the panel, including committee chairman Albert Coutinho (D-Essex), voted yes.

The February 3 Assembly committee vote followed the state Senate Budget and Appropriations Committee’s 8-5 vote approval in January of Senate Bill 1872 by state Sens. Ray Lesniak (D-Union) and Tom Kean Jr. (R-Union), a companion bill with virtually identical language.

If passed, AB 2810 would set up a five-year trial program allowing a specified number of children in the 13 worst-performing school districts in New Jersey to choose another public school or a private or parochial school. Approximately 80 percent of students statewide that attend failing schools reside within those 13 districts.

The act would be financed through tax-deductible private donations.

“The Poor Are Trapped”

A diverse coalition of organizations, including the NJ School Choice Alliance, Latino Leadership Alliance, New Jersey Catholic Conference, Agudath Israel of New Jersey, and New Jersey Alliance of African American Ministers, are supporting the bill. The measure’s sponsors say the groups’ participation shows how much support has grown for school choice in the Garden State over the past decade.

“We'll go toe to toe with anyone who is going to stand in the way of a child having an opportunity to get a better education.”

DERREL BRADFORD
EXECUTIVE DIRECTOR
EXCELLENT EDUCATION FOR EVERYONE

Among New Jersey legislators supporting the New Jersey Opportunity Scholarship Act are (from left) Assembliesmen Angel Fuentes, Jay Webber, and Albert Coutinho, and Sens. Ray Lesniak and Tom Kean Jr., who back a virtually identical Senate bill.

“Those of us from across the ideological spectrum who support this bill see a shared characteristic of every chronically failing school in every troubled district: That they were not broken in a day, and they cannot be fixed overnight,” said Kean. “Solving problems that have snowballed over many years requires the sort of big ideas and big reforms that take time to achieve.”

Howard Beigelman, deputy director of public policy for the New Jersey Orthodox Union, said his organization was a “proud and strong supporter of change and choice.” Beigelman said the Orthodox Union’s support was based on more than just sound public policy.

“It’s also about Jewish values,” Beigelman explained. “The poor and near-poor in our society are trapped in failing schools. That’s not right or fair.”

Reconciliation Required

According to Derrell Bradford, executive director of Excellent Education for Everyone (E3), the main difference between the Senate and Assembly versions of the bill at this point is the number of scholarships to be provided. The Assembly version would allow approximately 20,000 scholarships, and the state Senate version would allow 40,000 scholarships.

“I think that we’ll end up somewhere in the middle of those two numbers,” explained Bradford. “The key thing that we are seeing right now is that Democrats are lining up to support this bill.”

Although there are still concerns within the Democratic caucus about some aspects of the bill, Coutinho said the recent committee vote was “a sign that we’re serious about education reform and considering all options.”

Gov. Chris Christie (R) has indicated he will sign the bill. Christie has received much national attention during his first year in office by directly taking on the New Jersey Education Association’s opposition to reform.

Newark Mayor Cory Booker (D), a strong proponent of school choice, says he sees the proposal as just part of what’s needed.

“Opportunity Scholarship Act doesn’t remove our moral obligation to fix the failing public schools. ... But it’s about time we give some small sliver of immediate hope for parents who are desperate in our city.”

CORY BOOKER, MAYOR
NEWARK, NEW JERSEY

“Opportunity Scholarship Act doesn’t remove our moral obligation to fix the failing public schools. ... But it’s about time we give some small sliver of immediate hope for parents who are desperate in our city.”

“Opportunities don’t remove our moral obligation to fix the failing public schools in New Jersey, nor does it relieve the crime that’s happening every day when we fail our children,” explained Booker.

“But it’s about time we give some small sliver of immediate hope for parents who are desperate in our city.”

Opposing Ad Campaigns

Prior to the hearing, opponents aired commercials throughout New Jersey criticizing the bills. In response, E3 launched a print advertising campaign designed to educate voters about the NJEA’s decades-old opposition to school choice of any kind.

The ad, which pictured a little girl, read: “My school is failing me. I go to one of the worst schools in New Jersey. There are 80,000 kids just like me. The New Jersey Education Association wants me to stay here. Will you help me get out? Support the NJOSP.”

According to Bradford, choice opponents painted E3’s ad as “everything wrong with politics in America today,” which he found “unbelievable.”

“I wish these people were as outraged about the failure of our schools as they were about the ads,” said Bradford.

“We’ll Go Toe to Toe”

The Assembly version of the bill still has to make its way through at least one more legislative committee before it can go to the floor for a final vote. Bradford says he’s cautiously optimistic, acknowledging the early momentum behind the bill will be slowed by the opposition.

“The legislative process is tumultuous,” Bradford noted. “We are moving toward our goal of providing educational options for these children and parents trapped in underperforming schools in as deliberate a fashion as we can.”

But knowing how critical this issue is in New Jersey, Bradford says E3 won’t be afraid to take the gloves off in the fight for children.

“We’ll go toe to toe with anyone who is going to stand in the way of a child having an opportunity to get a better education,” said Bradford.

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Calif. Schools Chief Seeks Parent Empowerment ‘Clean Up’

Continued from page 1

March. Torlakson and his chief deputy, Richard Zeiger, told board members the draft permanent rules under consideration since September may not align with state law.

“The law is difficult,” Zeiger said. “It’s vague where you want specificity, and specific where you would want a little more flexibility.”

Under the Parent Trigger law, if at least half of eligible parents at a failing school sign a petition, the school district must shut down the school and allow students to enroll in higher-performing public schools nearby; convert the school into an independent charter; or implement the “turnaround” or “transformation” models of reform set forth by federal Race to the Top rules.

The permanent regulations under consideration by the state board of education would specify how petitions must be formatted, who’s qualified to sign, how quickly a school district must act on a valid petition, and how parents may appeal hostile district decisions.

‘Clean Up’ or ‘Clean Out’?

Brownley, who chairs the state Assembly’s education committee, quietly introduced her bill in January. As currently written, AB 203 would make what the legislative counsel’s bill summary calls “technical, non-substantive changes” to the parent empowerment law. The state superintendent’s office could offer no details about when the working group would meet or which stakeholders would be invited to attend.

Gabe Rose, assistant executive director of the Los Angeles-based Parent Revolution, said Torlakson’s announcement and the board’s inaction threaten the Parent Trigger’s viability in California. He noted Brownley’s “cleanup” bill contains only “intent” language and few specifics.

“The legislation would roll back or repeal the law entirely,” Rose predicted, citing Brownley’s opposition to the original Parent Trigger and her effort to dilute an early version of the first bill in her committee. Torlakson also voted against the bill as a state senator.

Torlakson’s office disputed Rose’s characterization.

“The word ‘repeal’ was never spoken,” said Tina Jung, a state Department of Education spokeswoman. “‘Clean-up’ doesn’t mean ‘clean out,’ and it doesn’t mean repeal. It simply means the board needs the law to be clearer so the regulatory process can work more smoothly.

“The parent empowerment law is here to stay,” Jung added.

But Rose says Parent Revolution stands by its statements. “You don’t have to call it repeal for it to be repeal,” Rose said. “You could write a [parent empowerment] bill that does nothing but trigger a meaningless hearing with no actual school transformation for parents, which Brownley proposed in 2009.”

Compton Parents Sue, Testify

Although Rose and state education officials disagree about the scope and intent of AB 203, both factions agree clear rules would help avoid controversies such as the one playing out in the south-central Los Angeles city of Compton.

Parents from McKinley Elementary School on February 3 sued Compton Unified School District officials in Los Angeles County Superior Court for trying to block their petition to convert that failing school into an independent charter.

In December, more than 62 percent of parents at Compton’s McKinley Elementary School delivered petitions to district officials, requesting the failing elementary school be handed over to Celerity Education Group, a charter school operator.

Compton district officials in January announced parents who signed the trigger petition had to verify their names in person with a picture ID, as well as submit to a five-minute interview at the district office. Parents allege the district’s demands violate state and federal laws.

About 65 parents from Compton and surrounding communities on February 10 chartered a bus to Sacramento to urge state officials to approve the permanent regulations.

“We have never acted dishonestly,” a Spanish-speaking Compton mother told the board through a translator. “We knew what we were signing” when parents signed the petition, she added.

“The school district is saying we’ve been lied to,” another parent said. “Nobody lied to us.”

Rules Could Clarify Process

Colin Miller, vice president of policy at the California Charter Schools Association, also spoke before the board in support of permanent regulations. Miller explained that he did not expect the board to take action but was surprised the draft permanent regulations were not placed on the agenda for March.

“Regulations can help clarify the petition process,” Miller said. “That’s what you really want regulations to do. Rules can place clear limits on what districts may or may not do to verify signatures, and [can] prevent districts from going overboard.”

California’s 1992 charter school law allows parents to petition to start a new charter school, but not to convert an existing school as the Parent Trigger allows.

“Because [charters] are mostly locally approved, the parent petition hasn’t been defined clearly in state regulations,” Miller explained. “In general, for start-up charters, as long as you can verify the signer has children who can attend the school, that’s enough.”

‘Steps Backward’

Former state senator Gloria Romero, who sponsored California’s Parent Trigger law and now directs the California chapter of Democrats for Education Reform, says she has little confidence in the rulemaking process under Torlakson and the new state school board.

“The rest of the nation is racing ahead,” Romero said, noting at least a half-dozen other states have introduced Parent Trigger bills in 2011. “We’re busy burrowing ourselves in the past. These are steps backward.”

Ben Boychuk (bboychuk@heartland.org) is managing editor of School Reform News.
Ind. Lawmakers Propose ‘Dramatic’ School Reforms

By Joy Pavelski

Indiana Democrats are balking at votes on several labor and school reform bills winding through the state legislature. Despite a walkout, in which some House members reportedly fled to adjacent Illinois, Gov. Mitch Daniels (R) and Speaker of the House Brian Bosma (R-Indianapolis) say they remain optimistic the proposals will pass.

A charter school expansion proposal passed the Indiana House 59 to 37 on February 9, to angry demonstrations from teacher unions and only one yes vote from a Democrat. HB 1002 is in committee in the Republican-controlled state Senate, where it is expected to pass and receive Daniels’ signature. Republicans hold a supermajority in the Senate.

House Democrats have vowed to boycott legislative sessions, citing objections to 11 bills, including those on the budget, school vouchers, and collective bargaining rights for teacher unions.

Along with the vouchers and collective bargaining bills, Bosma has introduced or cosponsored several pieces of legislation to streamline charter applications, introduce a Parent Trigger to transform persistently failing schools, provide early high school graduation options, and implement merit-based pay.

“If successful, this reform package will be one of the most revolutionary in the country,” Bosma said before stepping into an Indiana town hall meeting. He said his coalition hopes to “catapult Indiana to the top of the education reform ladder.”

BRIAN BOSMA
SPEAKER OF THE HOUSE
INDIANAPOLIS, INDIANA

“If successful, this reform package will be one of the most revolutionary in the country. [We hope to] catapult Indiana to the top of the education reform ladder.”

There may be plenty of competition for that position, however, as many newly elected conservative lawmakers are planning education and budget overhauls in other states such as Ohio, Oklahoma, and Wisconsin.

In Indiana, Daniels made education reform the focal point of his January 11 State of the State address, spending more than half his speech advocating “major change[s] in our system of education” to secure the state’s economic future.

“(Gov. Daniels) is intimately aware of this legislation and has been working extensively with the House leadership on these bills,” said Scott Jenkins, the governor’s education policy director. However, he added, “Most of these things will probably come down to the wire.”

For decades, Bosma said, Indiana school choice advocates have found little traction because of union-influenced opposition. The reformers could manage only “nibbling around the edges of school reform” by defending a pilot charter school program and a scholarship tax credit, going into special session in 2009 to defend them.

Democratic education committee members suggested some 30 amendments to the charter school expansion, “most of which would have gutted the bill,” Bosma said.

“It’s very difficult to change the discussion from protecting a system to focusing on children,” Bosma said. “Any time there’s dramatic change, there is dramatic resistance, so I am sure there will be plenty of that.”

If school reform cannot be done in Indiana this year, Bosma added, “there simply won’t be another time.”

The Indiana bills are among the most extensive of the many education reforms being offered in statehouses around the country.

“All these bills are out there to put the interests of kids ahead of the interests of adults,” said Robert Enlow, president and CEO of the Foundation for Educational Choice in Indianapolis. “That changes the conversation, and that change in dialogue will change the public schools.”

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The Heartland Institute is a 27-year-old national nonprofit organization based in Chicago. Its mission is to discover, develop, and promote free-market solutions to social and economic problems. For more information, visit our Web site at www.heartland.org or call 312-377-4000.
Brown Seeks Extension of Tax Hikes to Sustain California School Budgets

By Ben DeGrow

California Gov. Jerry Brown (D) is asking voters to extend a sales- and income-tax increase for five years to help close a $25 billion state budget deficit this year and spare the state’s public schools from deep budget cuts.

Education policy analysts at Stanford and Pepperdine University dispute claims by Brown and Democratic legislators that K-12 funding could not endure further cuts.

Under Brown’s proposal, elementary and secondary education expenditures would skirt the significant reductions other departments face. California’s constitution requires K-12 education receive at least 40 percent of general fund appropriations. Brown’s budget allocates just over 42 percent of the budget to schools.

‘Prepare for Defeat’

Brown’s plan would reduce the state’s annual K-12 spending of more than $50 billion by less than 1 percent. If voters reject the tax extension initiative in June, Brown will have to cut at least $2 billion more from the budget.

Brown won’t say what further cuts would be made if voters reject a tax extension. “If I tell them this is going to happen, some people might say I am putting a gun to their head,” Brown told reporters at a budget forum in January.

Bill Evers, an education research fellow at Stanford University’s Hoover Institution, says the major interest groups that backed the governor’s election campaign could not realistically expect a better deal.

“Brown’s budget is the best the public-school unions can hope for currently,” said Evers, who is a former U.S. assistant secretary of education. “His effort to sustain the status quo in school spending spares the school establishment from making hard choices and trying to get more student learning at lower cost.”

Evers predicts Brown will have a difficult time persuading citizens to vote for the higher taxes. “California voters want both liberal intentions and constraints on tax hikes,” he explained. “Public schools should prepare for defeat of the tax extension in the June election and, hence, spending cuts.”

District Expenditures Probed

Recent research suggests there may be room for cuts to K-12 spending without adversely affecting California classrooms.

Two studies by Pepperdine University’s Davenport Institute show state spending on primary and secondary education increased annually from Fiscal Year 2003-04 until FY 2007-08, and leveled off in FY 2008-09. The most recent study, released January 31, found total school expenditures increased every fiscal year when capital expenditures were included in the calculations.

An earlier Davenport Institute study, published in July, investigated 52 California school districts and found an adjusted 22 percent spending increase from 2003-04 to 2008-09, while the state budget deficit ballooned. Administrative expenditures grew more quickly than classroom-related spending, which fell from 50 percent to 48 percent of total operational spending over the five-year period.

Pepperdine researchers combed through raw data at the district level. “Instead of taking summary data, we actually get in there and look at accounting code data,” said Steve Frates, the Davenport Institute’s research director.

Lack of Transparency Cited

The earlier Davenport Institute study created controversy. An August memo released by the California education consulting firm Blattner and Associates faulted Frates and his team for not including shares of funds spent on facilities and maintenance, as well as counseling and instructional supervision, in the assessment of “direct support of classroom education.” The January study attempts to address that criticism.

Frates says any confusion that may arise from the interpretation of accounting codes points to a larger problem in the way California’s K-12 dollars are spent.

“The fact it took considerable effort to ferret these data out from the codes shows there’s a need for greater transparency,” Frates said. “It’s too opaque for the average citizen, or even a pretty conscientious citizen, to decipher.”

Lance Izumi, senior director of education studies at the Pacific Research Institute in Sacramento, says California’s complex school finance system makes it difficult to figure out what is being spent on what. “While per-pupil funding figures are reported in the news, the wide variety of pots of money that go into making up those figures are a mystery to the average person. Because of this lack of transparency, it is easy for bad policies to be adopted,” Izumi explained.

‘Backpack Budgeting’ Seen as Solution

As a key part of promoting more effective and productive education spending in California, Izumi recommends a system of “backpack budgeting” in which money follows individual students to the schools they choose.

“Parents would know exactly how much money was going to a school, and since the money would go to a single school, as opposed to a huge bureaucratic system, they would have the opportunity to keep better tabs on how and where the money was spent,” said Izumi. “Decentralization and parental empowerment would result in the transparency that we all want and all need.”

Lisa Snell, director of education and child welfare studies at the Los Angeles-based Reason Foundation, said, “California could make this school financing change by restructuring existing resources and directing districts to link 70 to 80 percent of operating revenue to students. This would immediately increase school-level resources without increasing the California education budget.”

Ben DeGrow (ben@12i.org) is a policy analyst for the Independence Institute in Golden, Colorado.

INTERNET INFO

California’s Governor’s Proposed Budget, 2011-12: http://www.ebudget.ca.gov/

Steven B. Frates and Michael A. Shires, Pepperdine University School of Public Policy, Davenport Institute, An Analysis of K-12 Expenditures in California: FY 2003-04 to FY 2008-09: http://www.schoolreform-news.org/article/28935
For-Profit Colleges Challenge Federal Regulations

By Lindsey Burke

The Association of Private Sector Colleges and Universities is suing to prevent the U.S. Department of Education from implementing three new regulations designed to rein in the growth of the for-profit higher education sector.

The group, which represents more than 1,500 accredited private, postsecondary schools serving 3 million students across the United States, calls the new regulations “a classic case of bureaucratic overreach.”

APSCU President and CEO Harris Miller says the association’s lawsuit focuses on three provisions: regulations over the way recruiters are compensated, misrepresentation of programs at for-profit colleges, and state authorization of colleges.

Rules Target Ads, Compensation

The lawsuit, filed January 21 in the federal District Court in Washington, DC, alleges the Department of Education’s new university authorization rules impede a state’s ability to implement its own oversight structures. This provision, APSCU contends, could have a negative effect on colleges and universities that provide courses online, since these colleges will have to be authorized in every state in which a student is enrolled in a course. Currently, an online college or university needs only a single state or regional accreditation.

APSCU also worries the new compensation regulations could lead to a loss of quality employees if for-profits are prohibited from using merit-based compensation.

Finally, the association says the proposed penalties for schools that allegedly mislead students, even inadvertently, could force schools to be less transparent in their recruitment practices.

‘Witch Hunt Against For-Profits’

Jane Shaw, president of the John W. Pope Center for Higher Education Policy, says the regulations represent bureaucratic overreach “at the very least.”

“In my view, the Department of Education—and some senators—are conducting a witch-hunt against for-profit schools, even to the point of using a Government Accountability Office report that’s been shown to be full of flaws and misleading claims, designed to make profit-making schools look bad,” Shaw stated.

“The Department of Education rules appear to me to be discriminatory and vindictive,” Shaw continued. “And the rule about state authorization of colleges seems to be a violation of freedom of commerce among the states.”

Shaw also noted the for-profit higher education sector is serving the needs of students historically underserved by traditional colleges and universities.

“For-profit schools have a right to exist,” Shaw emphasized. “They have grown in recent years in part because they have reached out to populations who have been inadequately served by the nonprofit education sector.”

These groups are often older, working people, including a sizable number of low-income minorities and immigrants Shaw says are often overlooked or disdained by the nonprofit educational sector.

“These rules could harm the schools and thus reduce educational opportunities for these groups,” Shaw said.

Some Scrutiny Warranted

While Shaw sees the administration’s efforts to rein in the for-profit sector as unfortunate and potentially harmful, she notes some colleges deserve a measure of scrutiny.

“Conservatives can and should have mixed feelings about for-profit colleges,” Shaw said.

“Certainly, for-profit schools continue to strive to do that, but something has changed.

“Since the 1972 Higher Education Act amendments, postsecondary students at for-profits have been able to receive aid from the federal government to attend school through grants for low-income students and subsidized loans for all students,” Shaw continued.

The law has had enormous effects on higher education, Shaw says.

“The Department of Education professes to be helping students succeed and making colleges more affordable, its assault on for-profit colleges and universities runs counter to those goals.”

MATT DENHART
ADMINISTRATIVE DIRECTOR
CENTER FOR COLLEGE AFFORDABILITY AND PRODUCTIVITY

Ignoring Real Issues?

Gainful employment requirements, requiring state authorization, and mandating a federal definition of a credit hour do not provide students the type of outcomes-based information they need to assess the quality of a college, Denhart argues.

Instead, Denhart says, the regulations punish the very institutions that have been most innovative in providing an affordable education.

“Rather than focusing on the real issues of cost escalation, stagnating outcomes, and the absence of accountability, the Obama administration has unfairly targeted a single sector, to the detriment of all of higher education, but especially the underserved students who have found educational opportunities in for-profit institutions,” Denhart concluded.

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key mandates, including school choice.

“Our proposal in fact eliminates federal mandates to provide supplemental education services and public school choice,” Duncan said at a press conference for rural reporters.

Instead of mandates to offer supplemental education services (SES) or school choice, schools and school districts will be awarded grants for high achievement, achievement growth, and creating charter schools, autonomous schools, magnet schools, and public school choice.

‘Very Limited Choice’
Currently, federal law requires schools failing to make adequate yearly progress (AYP) two years in a row to offer SES, such as tutoring or other after-school programs. The programs may be run by the district or by private, nonprofit organizations.

Additionally, NCLB requires the schools to offer students the chance to transfer to higher-performing public schools.

“Public school choice might make sense in an urban community,” Duncan told the rural reporters, “but if there isn’t a school for 30 or 40 miles, it doesn’t quite make as much sense.”

“It is a very modest, very limited school choice,” said Lindsey Burke, an education analyst with The Heritage Foundation in Washington, DC. She said the mandate has value because “it serves as a lifeline for students in failing schools.”

‘Symbolic Defeat’ Only
Jay P. Greene, chairman of the Department of Education Reform at the University of Arkansas, says removing the public school choice and SES mandate “isn’t a big deal.”

Greene says terminating the mandates would be a “symbolic defeat” of school choice but he argues it “wasn’t meaningful choice and competition” in the first place.

“It hasn’t offered students very much,” Greene said. Greene points to a report he wrote with Jonathan Butcher, Lauren Jensen, and Catherine Shock for the Georgetown Journal of Law and Public Policy, titled “You Can’t Choose if You Don’t Know.”

The report’s authors contacted 2,488 “choice-eligible schools” across the country, with ambiguous emails to give the impression parents were seeking information regarding their right to choose another public school as required by NCLB. The vast majority of schools (85 percent) never responded to the inquiries.

Meaningful Choice ‘unlikely’
Should Obama successfully overturn the school choice mandates, Burke says, the question remains whether competitive grants will encourage districts to create meaningful public school choice.

“That seems unlikely,” said Burke, who believes the reform grants will be dwarfed by further subsidies to “fund the status quo.”

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Idaho Supt. Pushes Online Learning, Tenure Reforms

By Ben DeGrow

Idaho’s Superintendent of Public Instruction says he wants to put his state on the map with a comprehensive series of school reform proposals.

Superintendent Tom Luna has a three-pronged plan to bring major changes to Idaho schools. Dubbed Students Come First, the plan would use technology to transform classrooms, redraft major teacher policies, and enhance fiscal transparency and accountability.

“The current system is not financially sustainable,” Luna told legislators at a joint session of the state House and Senate in January. Luna said Idaho voters sent a strong message in the 2010 elections not to raise taxes. “We can make a clear path to educate students at a high level with limited resources, and I think the timing is right on,” he said.

Leaders in Florida, Indiana, and New Jersey have embarked on significant initiatives to change how public schools operate. Though less well known, Luna’s plan has garnered favorable attention from some leading national education reform groups.

“When you talk about states with leaders proposing bold reforms, Idaho would definitely be on that list,” said Jaryn Emhof of the Foundation for Excellence in Education.

‘Teachers Are Not Cogs’

The importance of promoting high-quality classroom instruction drives Luna’s plan. He proposes increasing class sizes by one or two students through teacher attrition and using some of the estimated $100 million in annual savings to raise teacher pay through performance-based incentives.

“The tradeoff is for historic investments in teachers and technology,” Luna explained in his address to lawmakers.

“What we’re talking about is recognizing the fact there’s not going to be any new money anytime soon.”

Emhof agrees schools need greater flexibility more than lower student-teacher ratios, citing Florida’s costly experience with a statewide class-size mandate. “It is a fiscal drain to states,” she noted.

Another facet of the plan would phase out teacher tenure by not offering the same job protections to new hires and replacing the system with two-year rolling contracts for teachers and principals.

Local experts say the proposal has great merit.

“Teachers are not cogs in a machine,” said Briana LeClaire, education policy analyst for the Idaho Freedom Foundation. “We know there are good teachers, bad teachers, and excellent teachers, yet they’re treated like factory workers.”

Choice, Online Learning Linked

LeClaire praised Luna’s call to expand virtual learning opportunities. “For a lot of kids in Idaho, the only school choice they’re going to have is what comes to them electronically,” she said.

Luna says online education is an important factor in increasing parental choice. The state already has several active virtual charter options, but the superintendent wants to open the door to allow colleges to operate them as well.

Luna further proposes furnishing laptops to all ninth graders, requiring students to take six online course credits, and extending dual college enrollment opportunities to seniors who complete high school credits early.

Emhof notes the workplace demands of a burgeoning digital world suggest students could benefit from virtual course offerings. “At some point they would have to become adept with technology as a learning mechanism, because that’s going to be a very real occurrence in the future,” she said.

LeClaire supports the plan but thinks it doesn’t go far enough in incorporating the potential to adopt an “iTunes model” of customized digital learning. “The better thing to focus on is any content over any platform,” she said. “That is the future of education, not necessarily laptops for ninth graders.”

Increasing Transparency

Luna’s plan emphasizes public accountability by advancing requirements to guarantee parental input on teacher evaluations and posting school financial information online. Luna told lawmakers his goal is to ensure school districts take advantage of cost-saving statewide purchasing contracts and streamline non-classroom expenses.

The superintendent also has called for narrowing the focus of formal school-teacher negotiations to salaries and benefits, while making sure the collective bargaining process and finished agreements are made accessible to citizens.

“Opening up bargaining sessions to the public would help ensure that all relevant viewpoints are represented,” said Mike Reitz, general counsel and labor policy expert for the Evergreen Freedom Foundation in Olympia, Washington. “It’s more difficult for a teachers union to grandstand and protest tight-fisted administrators when the public can evaluate the bargaining positions of both sides.”

Legislative ‘Advantage’

With backing from Gov. Butch Otter (R) and key committee chairs, Luna is counting on legislators to introduce and adopt several education reform bills in 2011. The plan’s chances of success could be helped by unified Republican Party power among the legislature and state-wide constitutional offices.

“It doesn’t mean the path is paved in gold bricks, or we would have done it in the past,” Luna said. “It does give us an advantage that other states may not have.”

LeClaire sees tough choices ahead for legislators considering how to cut costs and restructure K-12 education.

“They’re totally accessible; there’s no insulation between them and the public,” LeClaire said. “To make these hard decisions that are going to affect the livelihoods of people you know and that you’re close to, I don’t envy them.”

The superintendent’s plan faces a tight timetable. The session typically lasts 70 to 80 days, and it is slated to end March 25.

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Online AP Courses Save Districts Dollars

By Joel Mathis

Cash-strapped schools are increasingly turning to online delivery of Advanced Placement classes for high school students seeking college credit, a change that could be a boon to students and policymakers by expanding access to high-level instruction without incurring higher costs.

The Princeton, New Jersey-based College Board, which runs AP testing and certifies instructors for the advanced classes, says the number of online students is still small but growing quickly. Online students—about 18,000 total, out of 3 million test-takers—accounted for less than 1 percent of AP exams in May 2010. But the number has been growing by 10 percent annually in recent years, The College Board reports.

Notably, online students appear to be performing as well as their counterparts who receive face-to-face instruction. The mean score for AP’s English language and composition courses was 2.9 for both sets of students; similarly, both groups had a mean score of 2.8 for government and politics exams.

“We see virtually no difference in mean AP scores between students who took the AP course online and students who took it in a brick-and-mortar classroom,” said Jennifer Topiel, director of communications for The College Board in New York.

Expanded Access ‘Huge’
The trend comes as no surprise to Lisa Gross, a spokeswoman for Kentucky Virtual Schools. The organization has been providing classes online since 1999 and started delivery of AP classes a year later. The move proved popular with rural schools that lacked the resources to provide the classes to their top students.

“One of the reasons we started online delivery of courses was because many of our schools couldn’t offer AP classes,” Gross said. “They didn’t have the teachers who were trained, they didn’t necessarily have the capacity, and they may not have had enough students interested. It wasn’t feasible for schools to offer AP classes.”

That expanded access is “huge,” says Bill Tucker, executive director of Education Sector, a think tank in Washington, DC.

“Particularly the rural schools, there’s no other way to do it,” Tucker said. “They’re not going to have the resources of a suburban school.”

Tucker said online AP courses share other advantages of online learning—students can go at their own pace and receive personalized instruction that’s often not available in a traditional classroom. And some students just fit better in an online classroom.

Quality Still Matters
But Tucker cautions the similar AP scores of traditional and online students show computerized learning isn’t necessarily an upgrade. Student learning often depends on the quality of instruction, and that’s true no matter whether the class is held in a building or in cyberspace.

“Just because it’s online doesn’t mean the quality of instruction doesn’t matter,” Tucker said. “We shouldn’t think because it’s online that it’s magically good.”

Cost Remains a Concern
The College Board says variations in learning might be smoothed out, however, because AP requires all instructors—online or traditional—to go through the same process of certification and syllabi approval.

In Kentucky, Gross says, the financial advantages of delivering AP courses online are counterbalanced by the fact somebody still has to pick up the bill. Some districts pay the tab—around $300 per course—while others make students pay. Some students and their families can afford the cost, and there can be financial assistance in some cases.

“That can be a hardship for some students, or for some schools. Cost is always going to be an issue, no matter how low it is,” Gross said, noting recession-era austerity makes it unlikely more funding is forthcoming.

“The only obstacle is making sure we have enough funding to pay salaries to the teachers involved,” Gross said. “Unfortunately, there’s no money out there.”

Self-Motivation Seen as Crucial
Education observers shouldn’t be surprised when online students perform as well as their bricks-and-mortar peers, Gross added.

“Students now are so focused on online activities, [they] do it without thinking. We think there are many students who perform at higher levels using an online system,” Gross said.

“These students have to be self-motivated,” Gross explained. “There’s no teacher in the room with them. It takes a certain kind of student to be successful.”

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Five more Philadelphia charter schools have joined a class-action lawsuit challenging limits placed on enrollment by the city’s public school district, which controls the tax dollars that flow to the independently operated schools.

In all, a coalition of 11 schools called Philadelphia Charters for Excellence has mounted the legal challenge to the city’s charter school law. The Walter D. Palmer Leadership Learning Partners Charter School, a 900-student K-12 school in North Philadelphia, launched the effort in late 2010.

The district had imposed a limit of 675 students on Palmer. The school exceeded that enrollment this year and sued; a judge in October granted Palmer a pre-liminary injunction and ordered the district to release money to the school while the lawsuit is pending.

In mid-January, five more schools joined the challenge, defying the district’s decision to cap their enrollments. They say up to 30,000 Philadelphia schoolchildren have been unnecessarily turned away from charter schools in the city because of the limits.

“These eleven Philadelphia charter schools are committed to accountability and transparency, and to academic excellence. ... Their only demand is that [the school district] act with fairness and lawfulness.”

**PHILADELPHIA ChARTERS FOR EXCELLENCE**

**National Implications**

The controversy has drawn the attention of charter advocates nationwide, who say a favorable precedent could free other charter schools to remove enrollment caps and start accepting many more new students.

“These eleven Philadelphia charter schools are committed to accountability and transparency, and to academic excellence,” the schools said in a statement released by Philadelphia Charters for Excellence announcing the suit. “They have the support of their students and their families, as well as their communities. Their only demand is that [the school district] act with fairness and lawfulness.”

The district, which countersued the Palmer school for violating the enrollment caps, is holding firm.

“The district stands firm in its belief that charter schools must be held to reasonable standards of academic performance in the delivery of education programs in similar ways as traditional public schools,” the district said in its own written statement to the media. “Our agreements are intended, and are structured, to ensure that public resources are used to provide students and parents with outstanding education choices.”

**Solution for Enrollment Crisis?**

The lawsuits arrive as the Philadelphia public school district is in crisis. Superintendent Arlene Ackerman has come under fire for bypassing district rules in giving no-bid contracts to a favored contractor—and then investigating her staff in a search for the whistleblower who took that information to the press.

The district also is facing a reported $430 million shortfall in its budget for the 2010 fiscal year, with a recent analysis revealing more than 70,000 empty classroom seats throughout the system. School closures may result.

“Charters shouldn’t be penalized for the financial mismanagement of the district and the gaping deficit it’s facing, which is directly related to spending stimulus funds on personnel and other recurring expenses,” said Jurate Krokys, vice president of Philadelphia Charters for Excellence. “Charters are managed with a level of accountability unheard of in district schools, with regular independent audits and financial reporting.”

Joel Mathis (joelmathis@gmail.com) is a freelance writer living in Philadelphia.
Kentucky Senate Passes Historic Charter Schools Bill

By Jim Waters

The Kentucky state Senate has passed a bill opening the state to charter schools, overcoming opposition from the state’s teachers union and culminating nearly a decade of work by school reformers in the Bluegrass State.

Senate Bill 3 would establish a state charter authorizer. The bill also would permit parents to send their children to neighborhood schools, a controversial proposal in Louisville where a busing program has come under federal court scrutiny in recent years. The bill, which passed the state Senate in January by a vote of 21-17, awaits a vote in the state House of Representatives.

The Senate vote marked the first time in state history a school choice bill has been approved in a floor vote by either of Kentucky’s legislative chambers.

Choice Supporters Claim Momentum

“Senate Bill 3 demonstrates that the school choice issue has finally received some legitimate traction in the commonwealth of Kentucky,” said Pastor Jerry Stephenson, minister of the West End Church of Christ in inner-city Louisville and chairman of the Kentucky Education Restoration Alliance, a grassroots coalition led by black pastors and local activists.

State Senate President David Williams (R-Burkesville), who is seeking his party’s gubernatorial nomination against Louisville businessman and Tea Party favorite Phil Moffett, made the charter school bill part of his aggressive agenda for the first week of this year’s legislative session, a time normally reserved for choosing caucus leaders and other organizational matters.

Stephenson says the Senate vote shows momentum is on school reformers’ side. “It won’t go back now; it can only go forward,” Stephenson said. “Any elected official that does not have a vision for charter schools ... really doesn’t have a vision to raise education in our commonwealth.”

State Rep. Brad Montell (R-Shelbyville), who filed charter legislation in the House for the third consecutive year, said it’s important to keep the issue from getting lost. Montell says negative media coverage of the state’s failure to win a piece of $4.35 billion in federal Race to the Top grant money in August provided new impetus for reformers. Lawmakers’ failure to pass a charter law hurt Kentucky’s application, Montell said.

“We have to keep this out front so that it won’t get buried and lost,” Montell said. “We have to keep it in the public view.”

Bill Alters Busing Plans

By including a provision in SB 3 to allow parents to choose a school closest to their residence and avoid busing their children dozens of miles away, Williams invited heated responses from Jefferson County school board members who showed up to testify at a January 4 hearing.

Whereas most school choice legislation is intended to allow parents to send their children to a school other than the neighborhood, or “assigned,” school, Williams said the Jefferson County (Louisville) Public Schools’ chaotic student-assignment plan equally discourages parental involvement in their children’s education.

“What this bill attempts to do is to reconnect that parent, ... to give them the information and the proximity to get involved in the school in their neighborhood, and to get their child off the bus and back into the school that’s near them for the purpose of improving their education,” Williams told the Senate Education Committee.

The U.S. Supreme Court overturned the Louisville school district’s busing plan in 2007. The court ruled in Meredith v. Jefferson County Board of Education school districts could not use race in student-assignment plans.

The district, led by Superintendent Sheldon Berman, drafted a new assignment plan in 2008 based on socioeconomic factors. That plan now is being challenged by parents of elementary school-age children, including kindergarten students, who are forced to endure long bus rides and even transfer, in some cases, between buses. (Berman’s contract was not renewed.)

Longtime JCPS board member Carol Haddad argued dense student populations and limited financial resources would result in some schools being overcrowded while others would suffer sizeable drops in attendance if parents were allowed the neighborhood option.

“You want the impossible dream,” Haddad told Williams during the January hearing.

Costs Debated

JCPS board member Linda Duncan claims the bill’s neighborhood schools proposal would cost $220 million in additional transportation and school construction costs, a claim repeated by state Sen. Tim Shaughnessy (D-Louisville) during Senate floor debate. Dun can could not provide sources for the higher costs when questioned by state Sen. Denise Harper Angel (D-Louisville). Angel voted against the measure.

Board members and several legislators also claimed the neighborhood schools policy would resegregate schools, a claim both Williams and Stephenson vehemently denied.

“It has no other purpose and no other intent except to allow the village to help raise the child, to return the previous community concept to schools so that parents and teachers can have proximity,” Williams said. “If you want to move anybody, move teachers, give differentiated pay to teachers, do individual lesson plans in difficult schools, and do voluntary programs to move kids.”

Stephenson said he doesn’t have a problem with older high school children being bused but it’s the wrong policy for younger pupils.

“The problem is in our elementary schools, and it’s because you’re taking the nurturing years out of these children,” Stephenson said. “Our babies in preschool and elementary school, they need to be in those neighborhoods where mama and ‘big mama’ … can steer them in the right direction.”

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Edgewood Voucher Program Shows Benefits of Choice

By John Merrifield and Nathan Gray

States, cities, counties, or school districts could use a well-crafted school choice expansion to attract families and businesses at no net fiscal cost—and probably some long-term savings to taxpayers—while also improving their public school system.


The unique provisions and circumstances of the Edgewood Voucher Program provide a useful glimpse of positive school choice outcomes when many of the restrictions placed on choice programs are removed. For example, in addition to universal voucher eligibility and zero regulation of school content, the Edgewood program allowed families to supplement vouchers with private funds at schools that charge more than the voucher amount. When we studied the program, one of our significant findings was that low-income families can and will make a significant tuition co-payment to place their children in an alternative to their assigned traditional public school.

But that is not all we learned.

Both Public, Private Benefits

The normal comparison of voucher users and similar children staying in public schools was unavailable because voucher users didn’t take the same tests as EISD students, and invalid because of large, historic gains by the public school students. In fact, test scores across the Edgewood district rose sharply compared to nearby public school districts from 2000 through 2003, to an extent not seen since.

Beyond those unusually large test score gains by public school students, and high satisfaction, achievement, and graduation levels by the voucher users, the Edgewood assessment showed significant benefits for economic development not previously considered in the context of school reforms.

The discovery of immediate economic development effects significantly expands the subject matter of school choice debates and strengthens the case for large, unrestricted programs.

Population Boom

In the early years of the Edgewood voucher program, before anyone could be sure it would not be permanent and before budget constraints closed the program to new voucher recipients, enrollment in the EISD public schools rose for the first time in recent history at the same time as EISD departures were a part of rapid growth in voucher use.

The only way for school district enrollment and voucher use to rise concurrently is through significant population growth. And during the 10 years the Edgewood voucher program was operational, San Antonio saw a sharp rise in economic activity, with a boom in commercial real estate and a significant increase in commercial and industrial property values.

In the early years of the Edgewood voucher program, an address in the Edgewood Independent School District became a highly desirable commodity, both for parents interested in the voucher plan and for those in search of much-improved public schools. The price of a single-family home in the EISD increased $6,500 on average, and the school district netted an additional $15 million in property taxes and per-pupil payments from the state.

We saw the reverse effects as the program wound down and the $52.4 million endowment for the vouchers ran out. As voucher use declined in the final years when few new applicants received vouchers, the EISD’s pre-voucher enrollment decline resumed even as voucher use fell, and even after the program expired and hundreds of EISD resident children lost access to subsidized private schooling.

What ‘Works’

Our analysis of the Edgewood voucher program indicates large, unrestricted school choice programs are likely to yield much larger effects than the targeted, restriction-laden programs scholars have been investigating for decades in search of evidence showing whether school choice works.

This limited glimpse of unrestricted school choice in action indicates school choice can in fact work much better than suggested by the assessments of the heavily studied, restriction-laden programs that have been tried thus far across the United States.

Furthermore, the study shows the effects of large, unrestricted programs are likely to extend beyond improvements in education outcomes. The most immediate effect is likely to be an influx of residents eager to exercise choice without paying twice, and increased business activity to serve them.

Legislators and policymakers struggling in this era of fiscal austerity should find a school choice program modeled after the Edgewood experiment highly attractive.

IN OTHER WORDS . . .

“I believe in public education. That’s where I want to see the reforms. If we squander these reforms, if we are unwilling to really bring about the changes in public education, I think that looking at vouchers is going to be the next step. I supported the DC voucher program.

“I think there may be communities, starting with low-income, high-poverty communities, where I think we can go ahead and put forth these private programs to see what is the effect, and how they work. Because the system we have now is not working.”

— Gloria Romero, director of California Democrats for Education Reform and former state senator, explaining her second thoughts on school vouchers.

INTERNET INFO

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Why 2011 Looks Good for Reformers

By Dan Proft

In political terms 2010 may have been the year of the Tea Party movement, but in policy terms it was the year of school choice. And with courageous reformers at the helm of several states, 2011 could be even better.

Last year, school choice moved beyond the think tanks and policy journals and squarely into popular culture.

The first annual National School Choice Week in late January was a fitting recognition that the issue has successfully entered the zeitgeist even as education remains mainly (and appropriately) a state and local issue.

In the midst of this ongoing battle, it’s useful to survey the ground that’s been taken and assess what’s necessary to traverse the terrain that remains between here and victory.

Shift in Public Opinion

Reform has come far since Wisconsin broke the seal with school choice in Milwaukee more than two decades ago. Thirteen additional states have some sort of opportunity scholarship initiative, and 40 states have charter school laws.

When the idea of charter schools became acceptable, so did the concept of choice. In fact, opponents of school choice are in such a weak position that not even a choice-averse president—remember, President Barack Obama decided to end Washington, DC’s voucher program over bipartisan objections—could muster a word of support for the status quo in this year’s State of the Union address.

Instead, Obama cited the turnaround of Bruce Randolph School in Denver as an example worthy of emulation around the country.

“Three years ago, [Randolph] was rated one of the worst schools in Colorado, located on turf between two rival gangs,” Obama said. “But last May, 97 percent of the seniors received their diploma. Most will be the first in their family to go to college.”

Teachers Union Sundown?

The president didn’t get into details, perhaps for fear of offending his major constituency, but in true Paul Harvey fashion The Weekly Standard provided the rest of the story. Turns out the local district gave the school autonomy three years ago, freeing the principal from the usual union-imposed strictures. Teachers were required to reapply for their jobs; only six were kept. That was the beginning of the turnaround at Bruce Randolph.

On the other end of the style spectrum is New Jersey Gov. Chris Christie (R). Not two years into his first term, Christie has become a superstar because of his unflinching willingness to take on the teacher unions and the edocracy. What has surprised many observers is that Christie’s popularity is a direct result of his willingness to take up the school choice fight, not in spite of it.

War of Attrition

Progress has been substantial. The excitement generated by movies such as Waiting for “Superman” and The Cartel has been uplifting. The political leadership of Republican governors such as Christie, Indiana’s Mitch Daniels, Florida’s Rick Scott, Wisconsin’s Scott Walker, and others has been encouraging.

The debate is no longer over the merits of school choice but rather over what forms it should take.

How we implement choice is the next front, where a war of attrition with the unions and their kept politicians is being fought. Despite winning the intellectual battle and securing a decisive legal victory with the Supreme Court’s seminal decision in Zelman v. Simmons-Harris (2002), progress toward full-blown opportunity scholarship programs has slowed.

The teacher unions are skilled political adversaries. They have conceded what they must, such as the introduction of charter schools, in order to pan-tomime receptiveness to reform while seeking to limit numbers and draw the line at charters.

The real takeaway from movies like Waiting for “Superman” is that winning the public opinion battle is a hollow victory without gaining implementation. The teacher unions largely ceded the field of public opinion and have made their stand on implementation.

Winning Phase Two

The good news for children and parents across the nation is the school choice movement’s best days are ahead of it. The unions are like a collective of candlemakers attempting to block the introduction of electricity. Thank goodness the candlemakers were not as obstinate or politically powerful.

The evidence of the impact of school choice mounts and the audience interested in the self-serving arguments advanced by the teacher unions is dwindling. It is only a matter of time.

Of course, that is little solace to families whose children are currently having their futures taken from them by being relegated to schools we know will fail them.

But reformers should take comfort in being part of a movement that lives its principles. There is no policy orthodoxy in school choice—the options are as varied as the supporters of the movement, and it is constantly evolving to meet the challenges of the latest specious argument from its opponents.

The teacher unions contend parents are the problem and low-income families or single mothers likely would not make an informed choice if given the opportunity. To that canard the school choice movement responds with Parent Trigger laws requiring the parental engagement the teacher unions allege they support—but I’m certain they did not have in mind the kind of engagement Parent Trigger laws provide.

Such innovations promise far greater success in the implementation phase of school choice. That would be something to celebrate for “National School Choice Week 2012.”

Dan Proft (dan@danproft.com) is a host and featured political commentator on WLS radio in Chicago.
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<tr>
<td>January</td>
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