Delays, Legal Challenges Pursue Historic Indiana Vouchers

By Jim Waters

Indiana’s new voucher program has attracted more than 2,800 students and 250 private schools this fall, despite a pending legal challenge and obstacles to the application process.

Many schools the state department of education has approved for vouchers are affiliated with religious institutions, sparking the challenge. Led by the Indiana State Teachers Association, claimants say vouchers violate the Indiana Constitution’s directive for a “general and uniform system of Common Schools” and may wrongfully send state money to support religion.

An Indiana judge on August 15 refused to block the program temporarily as litigation moves forward this fall.

“We are confident the courts will uphold the program’s constitutionality,” said Alex Damron, press secretary for the Indiana Department of Education.

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Missing Union Document Touts Success Squashing Connecticut Parent Trigger

By Joy Pullmann

A document temporarily posted on the American Federation of Teachers’ Web site, removed on August 3, details the union’s “kill mode” strategy to convert the Connecticut version of Parent Trigger legislation into an advisory committee with no “true governing authority.”

Among the factors assisting AFT’s effort, the document says, was the “absence of charter school and parent groups from the table.”

“This is just standard politics, and what you would expect from unions,”
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Montana Receives ‘No Child’ Waiver as Congress Moves to Reauthorize the Law

By Lindsey Burke

Dissatisfied with the pace of No Child Left Behind reauthorization in Congress, the U.S. Department of Education announced it will waive some of the law’s penalties for individual states, provided the states make unspecified policy changes in return.

Montana already has received a waiver, after declaring it would ignore NCLB requirements this year. “The president has directed us to move forward with an administrative process to provide flexibility within the law for states and districts that are willing to embrace reform,” said Melody Barnes, director of the White House’s Domestic Policy Council.

To receive a waiver, a state must implement education reforms the Obama administration prefers. Education Secretary Arne Duncan promised to publish waiver requirements in September, noting only that waivers will be granted to states “that are prepared to address our educational challenges.” He has not said what steps Montana will take in exchange for its waiver.

The waivers contrast proposals put forth by the House Education and the Workforce Committee and congressional consensualists to provide an alternative to NCLB.

The Setting New Priorities in Education Spending Act (HR 1891) and the State and Local Funding Flexibility Act (HR 2445) would provide states more flexibility with NCLB funding and eliminate and consolidate ineffective NCLB programs. The Academic Partnerships Lead Us to Success Act (HR 2514) would allow states to opt out of the law entirely.

The Obama administration is instead pushing for full NCLB reauthorization with increased education funding and says it plans to issue waivers until then. Ranking congressional Democrats, including Senate Education Committee Chairman Tom Harkin (D-IA), have said the House reauthorization bills will gain no traction in the Senate.

Constitutionality, Rule of Law

States are increasingly expressing concern about NCLB’s fast-approaching 2014 deadline, when the law requires them to have all children rating “proficient” in math and English on state tests. Most states set student proficiency targets along a curve, with lower benchmarks early on and steep jumps later, expecting Congress to change NCLB before 2014.

The Obama administration’s yet-to-be specified conditions for receiving waivers have some education experts on both sides of the political aisle concerned about federal overreach.

“There has been nothing good about this waivers threat—no details, more expected arm-twisting to get states to adopt national curriculum standards, and worst of all, a blatant disregard for constitutional separation of powers,” said Neal McCluskey, associate director of the Cato Institute’s Center for Educational Freedom. “But this is what we get of the Constitution and letting Washington into education in the first place. Once the overall rule of law dies, it’s dead everywhere.”

NCLB allows the Department of Education to issue waivers, but it does not allow the department to tie waivers to changes in state education policies.

“The Obama administration’s waivers go way beyond the NCLB waivers granted by the Bush administration to the extent that it violates the separation of powers and constitutes back-door lawmaking by the executive branch,” said Bill Evers, a fellow at the Hoover Institution and former U.S. assistant secretary of education. “Using waivers to lock in national curriculum is coercive central planning.”

Better Plan: School Choice

Other reformers argue the waivers prove government cannot produce meaningful education reform.

“The entire waiver fiasco underscores once again that Americans cannot rely upon governments at any level—federal, state, or local—to fix government-run public schools,” said Lance Izumi, senior director of education studies at the Pacific Research Institute. “The Obama administration’s issuance of waivers to states is frank admission that the whole notion of government-inspired self-improvement of public schools is a dismal failure.”

Izumi contends the nation’s school-children would be better served if the administration supported school choice measures like those newly implemented in Indiana, Ohio, and Wisconsin instead of trying to control public education through NCLB.

“The only solution for parents of children attending failing government schools is to give them an immediate exit ticket in the form of a voucher scholarship, a tuition tax credit, or some other school-choice tool,” Izumi said, rather than “wasting everyone’s time with more ‘trust-the-government’ hokum.”

Lindsey M. Burke (lindsey.burke@heritage.org) is an education policy analyst at The Heritage Foundation.
Surveys: Teachers, Public Disagree on School Choice

By Ashley Bateman

Two recent surveys of teachers and public opinion on education policies and reform reveal a growing divide between educators and the general public on topics such as merit pay and vouchers.

The National Center for Education Information (NCEI) and a joint project by journal Education Next and Harvard University report high job satisfaction among teachers, increased public support for vouchers, and more teachers entering their field through alternative certification programs.

“The views of teachers seem to have shifted over the past years away from the views of the public on several items,” said Martin R. West, an assistant professor of education at the Harvard Graduate School of Education and one of three principal investigators for the Education Next/ Harvard survey. “That made something that’s always been present in our data even more striking.”

West, William Howell, and Paul Peterson have worked together over the past five years compiling feedback from teachers and various public groups to measure current opinion on education policy.

“I think, in a nutshell, there’s a trend toward a different kind of person coming into teaching. It seems like the people, not the programs, may be the thing that is or will change the teaching profession.”

EMILY FEISTRITZER, PRESIDENT
NATIONAL CENTER FOR EDUCATION INFORMATION

Half of the public expresses support for merit pay, so Americans are almost three times as likely to support merit pay as teachers.”

MARTIN R. WEST
ASSISTANT PROFESSOR OF EDUCATION
GRADUATE SCHOOL OF EDUCATION
HARVARD UNIVERSITY

The Education Next/Harvard survey showed an eight percentage point increase, to 47 percent, in support of vouchers by the American public, while the public’s opinion of merit pay and charter schools had shifted, coming in at 47 and 43 percent support, respectively, with roughly a third declaring themselves neutral on the ideas.

Voucher Support Now Rising

“Since we began administering the survey we’ve pretty much seen a steady decline in support of school vouchers,” West said. “So that was a reversal of a longer-term trend.”

Howell said opinions of charter schools are usually very middle-ground “because there’s a lack of awareness about what charter schools are.” Forty-three percent of the U.S. public support charters, while just 18 percent oppose them. Teachers’ favorable views of charters increased from 39 percent in 2010 to 45 percent in 2011.

The researchers expected a change in general public opinion in this most recent survey because charter schools have attracted more attention recently, but there was none.

“There have been major initiatives to push charter schools,” Howell said. “Those initiatives may be having an effect in the elite, but it doesn’t appear that the public has been able to make sense of them.”

The researchers surveyed a nationally representative sample of more than 2,600 U.S. residents between April and May 2011. They found 37 percent of the American public said they pay either “a great deal” or “quite a bit” of attention to education issues, and 54 percent of the affluent and 84 percent of teachers said they do so.

Differences in Teacher Opinion

While public support for school choice has grown modestly, teacher opposition to such reforms has increased. Seventy-two percent of teachers oppose merit pay while only 18 percent support it.

“There is a hardening of teacher opposition to the subject,” West said. “Half of the public expresses support for merit pay, so Americans are almost three times as likely to support merit pay as teachers.”

There has been a less dramatic divergence of opinion about tenure in the Education Next/Harvard poll. Forty-nine percent of the public oppose teacher tenure while 53 percent of teachers support it.

The survey reported marked differences in opinion between public school teachers entering the profession using traditional routes (state certification, teaching degrees) and those employing alternate routes (alternate certification). Sixty-seven percent of traditional-route teachers favored pay based on seniority, whereas just 48 percent of alternative-route teachers did. Only 31 percent of traditional-route teachers favored eliminating teacher tenure, but 52 percent of alternate-route teachers did.

Frustration with Red Tape

NCEI President Emily Feistritzer, who directed her organization’s survey and wrote the final report, noted evidence of teacher discontent with government policies that affect them directly.

“They’re very unhappy with external mandates that they feel interrupt them from being really about the business of teaching,” Feistritzer said.

Despite worries stories in the press about negative attitudes toward teachers and schools, Feistritzer said teachers have “high levels” of satisfaction with their jobs.

“They like their jobs; they love their students. They generally think that they’re doing a pretty good job and think that the preparation programs they went through are just fine,” she said.

Changing the Profession

Teachers hired in the past five years report greater satisfaction with teaching and more openness to school reforms than their more experienced peers, Feistritzer said. Newer teachers also expressed more dissatisfaction with current textbooks than did older teachers.

“There are subtleties in the report that really point to some long-range changes,” Feistritzer said. “I think, in a nutshell, there’s a trend toward a different kind of person coming into teaching. It seems like the people, not the programs, may be the thing that is or will change the teaching profession.”

Both sets of researchers agreed education surveys tend to yield relatively stable results year after year.

“We had expected that all of the attention to the implementation of [new programs] and in general the media’s coverage of education policy issues in Wisconsin, Florida, and other states would lead to some changes in public opinion, but we didn’t see much,” West said.

Ashley Bateman (bateman.aa@gmail.com) writes from Williamsburg, Virginia.

INTERNET INFO


Denver Judge Halts Nation’s First District-Level Vouchers

By Joy Pullmann

A Denver district judge temporarily suspended the first district-level school voucher program in the country, sending several hundred students scurrying to find new schools after the school year had begun.

Advocates from both sides are readying themselves for a long legal battle. Judge Michael Martinez ruled those suing to stop the vouchers “are in danger of real, immediate, and irreparable injury” because “property rights or fundamental constitutional rights are being destroyed or threatened with destruction.” He put an injunction on the program pending further litigation. The Douglas County School District plans to appeal, as do their codefendants, the state of Colorado and three voucher recipients, said district spokesman Randy Barber.

Lawyers from the American Civil Liberties Union and Americans United for Separation of Church and State had argued the program diverts funds from public school students and creates a state subsidy of religion by supporting students at religious schools.

In 2002, the U.S. Supreme Court ruled in Zelman v. Simmons-Harris that since individuals, not the state, decide whether they will use the vouchers at religious schools, vouchers do not violate the Constitution’s prohibition against the government establishing a religion.

The Colorado Supreme Court previously has ruled similarly, said Michael Bindas, senior attorney for the Institute for Justice and legal counsel to three families who received vouchers.

“This is a religiously neutral program that operates on private parental choice, and it’s very clear under Colorado and U.S. case law that such a program is permissible,” Bindas said.

Ought to Have that Choice

Five hundred children had been accepted into the pilot program through a lottery. The district contracted through a charter school with 19 approved private schools to educate the enrolled students, giving private providers approximately $4,600 per child, about 75 percent of the state’s per-pupil allotment. The remaining 25 percent was slotted for administrative costs and to benefit local public schools.

“If services might be provided better by a private school, parents ought to have that choice,” said Douglas County School Board President John Carson. The board wants to strengthen public and local schools through competition, he said, and offer parents more options to tailor their child’s education as they see fit.

Douglas County School District is Colorado’s third largest, with more than 61,000 students enrolled this fall. It is the highest-performing district in the state on standardized tests. Household income in the Denver suburb is nearly double the national median, and the district offers charter, magnet, and virtual schools.

The district has paid for its legal fees through donations amassed at ChoiceLegalFund.org and a $500,000 private, matching grant from the Daniels Fund, Barber said. District officials are assessing their ability to continue doing so to avoid sticking taxpayers with the tab.

“We knew setting up a program this innovative and also seeing the cases that had come before with choice offerings that it was likely we would face a challenge in court. We believe in the long run it will stand up.”

Randy Barber
DOUGLAS COUNTY SCHOOL DISTRICT
DOUGLAS COUNTY, COLORADO

“On one side you have a handful of taxpayers who don’t like that parents can choose to use these scholarships at a school of their choice, and on the other you have families who received these scholarships months ago and have made decisions in reliance on that and have had that ripped away from them at the eleventh hour,” Bindas said.

Money-Saving Reform

The ruling followed a three-day preliminary hearing in early August, three months after claimants first filed suit and six months after the Douglas County School Board unanimously approved administering vouchers through a charter school in their district. The district already had sent initial tuition checks totaling approximately $300,000 to the parents of 304 children enrolled in the pilot and matched to private schools.

Districts across the state are watching the Douglas County case and will likely consider similar programs if it holds up in court, said Pam Benigno, director of the Education Policy Center at the Colorado-based Independence Institute.

Douglas County, like other districts around the state and nation, has experienced reductions in school funding and property taxes. That vouchers cost less than per-pupil spending for public schools makes them a good financial move, she said.

“In the long run it will stand up.”

Joy Pullmann (jpullmann@heartland.org) is managing editor of School Reform News.

Why Are Profits Good?
The “Johnny Profit” series for kids
by Michael A. Malgeri

By Michael A. Malgeri

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“Kids will learn from these. But adults would, too! Should be mandatory reading in Washington.”
STEVE FORBES, FORBES MAGAZINE

You can also contact Michael Malgeri at mmalgeri@kids4biz.com
States Examine, Recalibrate Double-Dipping Policies

By Stephanie McGill

Six states have proposed legislation this year restricting “double-dipping,” in which public employees retire early and collect a pension, then rejoin the state workforce, sometimes in their previous position, to retire again later with a second pension, says a report from the National Conference of State Legislatures.

With strained budgets and underfunded pensions, states view the restriction as an opportunity to trim waste, says the report’s author, Ron Snell, a senior fellow for NCSL.

Unions Encouraged Practice

Double-dipping has been common for years, says Andrew Biggs, a resident fellow at the American Enterprise Institute, and greatly encouraged by public-sector unions. Local and state-level unions, he said, secured legal protections for public employees who engage in the practice.

“A lot of double-dipping occurred because teachers quit their job, not to retire, but to become a teacher again,” Biggs said. “They are gaming the system and getting away with it.”

Biggs says it’s no surprise unions support and have pushed for such measures. “The union’s job is to represent the best interest of the employee, the teachers,” he said.

Arizona, Arkansas, Maine, Maryland, New Mexico, and Utah altered their policies on reemployment in 2011, the report notes.

In many states, employees can work overtime in their last year or two on the job to spike their final salaries and receive higher pensions, since payouts are often calculated by the worker’s final salary, said Terry Moe, a senior fellow at the Hoover Institution.

“Some reforms do need to be made,” Moe commented. “No retired public employee should be allowed to double-dip by collecting more than one public pension.”

Partial Measures Proposed

Some states are considering legislation that limits but does not ban double-dipping. This fall, Maine is implementing a law that, according to Kathy Morin, manager of legislative affairs for the Maine Public Employees Retirement System, “limits, but does not ban, the ability for certain retirees to return to work.”

The new law limits retirees’ second salaries to 75 percent of the new position’s compensation, and it does not permit reemployment to continue more than five years.

Such reforms are part of a national debate on teachers’ pension plans, says Kelly McCutchen, president of the Georgina Policy Foundation.

“Our teachers still have the traditional antiquated defined-benefit plan,” McCutchen said. “That is what is causing the problem.”

Defined Benefit vs. Contribution

Until recently, most public school teachers have retired with a defined-benefit plan, a public pension guaranteeing a lifetime annuity at a specific rate. Pressured by lack of funds, states have investigated private pension-type policies, where workers contribute, and employers often match, a certain amount with each paycheck.

Any state employee hired after 2008 in Georgia is under a defined-contribution plan, McCutchen explained. This leaves a multitude of older teachers, however, who are receiving defined-benefit public pensions and have incentives to retire early and then return to their jobs.

“We have termed it double-dipping, but it is actually [caused by] a failure to reform education pension plans,” McCutchen said.

Destroying Public Faith

Report author Snell says restricting double-dipping probably won’t save money and boost job circulation significantly, because a teacher who returns to teaching while receiving a previous pension does not cost the state additional money.

“The salary would still be paid to someone,” he said.

The central problem, Moe notes, is that double-dipping destroys the public’s opinion of government employees and faith in pension systems meant to provide for workers in old age, not lavish public money upon them for the last 30 years of their lives.

“You have teachers who retire at 55 years old, and so they are getting 80 percent of their salary [as a pension],” Moe explained. “Then they turn right around and go back to work as teachers.”

Most states are currently looking into reforming double-dipping and educator pension laws, McCutchen said. Further reforms will not only save money for taxpayers, he said, but also offer teachers greater job flexibility. “If you’re not going to make a career of teaching, it allows you to move on to other careers after retirement,” he said.

Stephanie McGill (stephymcgill@gmail.com) writes from Washington, DC.

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Chicago Mayor Introduces Merit Pay for Principals

By Ashley Bateman

Performance evaluations and merit pay for teachers have changed school systems across the nation, but Chicago is the first district to initiate them for hiring and firing principals.

Mayor Rahm Emanuel (D) recently secured $5 million in private donations to fund principal bonuses as part of a planned overhaul of Chicago Public Schools. Emanuel has made principal recruitment, training, and evaluation a focal point.

“It’s often hard to isolate the influence of a single teacher,” said Collin Hitt, an education specialist at the Illinois Policy Institute. “It’s easier to look at the performance of an entire school. The performance of a particular school relies heavily on its principal.”

The Illinois House of Representatives recently axed Senate Bill 7 funds for training school administrators in new teacher evaluation standards. The bill, passed by the Senate in May, outlined a uniform system for rating teacher performance across the state.

“If [this program] does not create sufficient results, then it can be folded at no taxpayer expense,” Hitt said. “But if it created successful recurrence, then it gives us a model of how we can spend taxpayer money more responsibly.”

Ashley Bateman (bateman.ae@googlemail.com) writes from Williamsburg, Virginia.
Fewer Teachers Tenured Under New York City Reform

By Cheryl K. Chumley

In 2007, 97 percent of teachers in New York City schools received tenure. This year, just 58 percent received tenure under a tighter teacher evaluation system, prompting a legal challenge from the state’s largest teacher union.

Of the city’s 5,209 teachers under evaluation this year, 3 percent were denied tenure, and 39 percent saw their tenure decisions put on hold pending further review, according to figures from the New York City Department of Education. Only 1 percent of teachers were denied tenure in 2007.

New York City Mayor Michael Bloomberg (D) promised in September to end automatic tenure, and the city enacted a new system shortly thereafter.

“Every child deserves a great teacher, and in New York City, we are lucky to have many of them,” said Bloomberg in a written statement announcing the results of the new tenure policy in July. “But just as we are committed to raising standards for our students, we are also raising standards for our teachers. Making tenure an earned distinction rather than an automatic right will help our teachers get better and ensure that more of them can develop into not just good, but great, teachers.”

MAYOR
NEW YORK CITY

“Making tenure an earned distinction rather than an automatic right will help our teachers get better and ensure that more of them can develop into not just good, but great, teachers.”

MAYOR
NEW YORK CITY

Calls for Further Reforms

More change is needed, said Jeanne Allen, president of the Center for Education Reform.

“A teacher’s demonstrated impact on student achievement growth—moving students from one level to higher achievement levels over time—should be the primary factor in granting a teacher any reward,” Allen said. “Removing ironclad tenure rules, while progress, is no substitute for enacting meaningful performance pay measures that ensure contracts are based on qualitative measures.”

Only 40 percent of New York state schools connect teacher evaluations to pay measures.

Legal Challenge Pending

New York City’s tighter tenure standards are now under a legal challenge from the New York State United Teachers, an AFL-CIO affiliate representing more than 600,000 education officials. The union filed suit against the Board of Regents and the state’s education commissioner, alleging the city’s tenure policy violates the state’s education law by rating teachers based on flawed student performance data.

The lawsuit also claims, according to a union press release, the tenure regulations disregard existing laws that tie teachers’ performance reviews to collective bargaining.

In response, New York State Education Department spokesman Jonathan Burman said the new tenure evaluation system is fair and impartial, and “we have every confidence that it will be upheld by the courts.”

Cheryl K. Chumley (ckchumley@gmail.com) writes from Northern Virginia.

One-Fifth of Penn. Schools Join Teacher Evaluation Pilot

By Joy Pullmann

One-fifth of Pennsylvania’s public schools will participate in a pilot teacher evaluation program, part of an effort to reduce the state’s 99 percent “satisfactory” teacher rating belied by test scores showing 27 percent of its fourth graders can barely read.

The pilot system will base half a teacher’s evaluation on “value-added” measures, said state Department of Education spokesman Tim Eller, which compare student test scores year over year to ascertain how much a teacher has improved or diminished them.

The other half of a teacher’s score will be based on classroom observations and the school’s overall student achievement. The revised program will go into place statewide in fall 2012.

Current state law forbids schools from using test performance to evaluate teachers, but state lawmakers will consider a bill to end that prohibition in this fall’s legislative session, Eller said.

“Switching to a system that accounts for each teacher’s classroom performance, expertise, and ability to connect with students helps protect the state’s very best teachers, whether old or new,” said Priya Abraham, a senior policy analyst for the Commonwealth Foundation for Public Policy Alternatives in Harrisburg, Pennsylvania.

Joy Pullmann (jpullmann@heartland.org) is managing editor of School Reform News.
The vouchers are worth up to $4,500 for private school tuition for children from families whose annual income is no more than 150 percent of the federal poverty line—$61,000 for a family of four. To be eligible, a student must have attended a public school for the past year or be entering kindergarten or first grade.

Gov. Mitch Daniels (R) signed House Bill 1003, which created the voucher program, in May. It caps program participation at 7,500 and 15,000 for the next two school years, consecutively, and removes the caps after that.

Implementation Hurdles
Delays and numerous changes made to the bill during the stormy legislative session impeded the state Department of Education’s planned implementation of the law over the summer. The department released voucher application guidelines in July, not long before schools were set to reopen for fall.

“We’re focused on implementing these new initiatives so that parents and students may take advantage of the opportunities they provide,” Damron said.

Although progress in reaching parents with information about the program has been “limited,” said Tony Bennett, the state superintendent of public instruction, he said he is “encouraged by the amount of outreach the individual schools have done.”

Advocates who helped pass the most expansive voucher legislation in the nation expect fast and furious growth in numbers, interest, and knowledge as parents hear about the opportunities.

“As the word gets out about what a voucher can do for a child, that kind of talk usually catches on like wildfire,” said Leslie Hiner, vice president of programs and state relations at the Indianapolis-based Friedman Foundation for Educational Choice.

Hiner projects the program’s unusually wide eligibility range “would cover about 55 percent of Indiana’s total public school population in grades 1–12, which is about 525,000 students.”

“Demand Will Be ‘Tremendous’
Unlike most voucher programs, which are limited to low-income households, learning-disabled children, or those in schools designated as failing, the Indiana School Scholarship Act opens the frontier of school choice to middle-income families. While lower-income families will be eligible for larger vouchers, families earning as much as $62,000 can receive 50 percent of the state aid amount.

“I’m quite certain that in a few years, when [it] is a wide-open program, there will be a tremendous demand for it,” Hiner said.

Schools and education providers already have responded to the expected increase in demand.

“There have been inquiries from school providers looking at Indiana and interested in coming to the state; we’ll see who actually comes here,” Hiner said. “Indiana, as we predicted, also is becoming the place that people want to go, as this message gets out in the business community that this state is making those bold initiatives to raise the quality of education and the achievement of their children.”

Jim Waters (jwaters@freedomkentucky.com) is vice president of policy and communications at the Bluegrass Institute for Public Policy Solutions in Bowling Green, Kentucky.
Though 21 states have made their standardized tests more rigorous since 2007, most still label “proficient” what independent, national tests call a “basic” level of learning, says a recent report from the National Center for Education Statistics (NCES).

The data explain why so many students can score well on state tests yet perform poorly on the National Assessment of Educational Progress (NAEP), a well-regarded national test, the report observes.

Since No Child Left Behind was enacted in 2001, standardized testing has become a focal point of education reform. The federal law requires nearly all children test “proficient” by 2014, but it allows states to set their own definitions of proficiency. Federal law prohibits the Department of Education from setting curricula and assessments.

“NAEP is especially useful for comparing students in the various states on various academic subjects, as NAEP is the only common assessment given across the country,” said Arnold Goldstein, an NCES program director.

The August report found 35 states had proficiency standards in fourth-grade reading that fall below a “basic” score on the NAEP, and 15 other states’ standards were in the NAEP’s “basic” range.

“In grade eight reading,” the report stated, “16 of 50 states set standards that were lower than the cut-point for Basic performance on NAEP and another 34 were in the NAEP Basic range.”

Seven states set proficiency standards below “basic” for fourth-grade math, and 42 set fourth-grade math proficiency within NAEP’s “basic” range.

States Making Adjustments

Low NAEP marks have led several states to increase proficiency standards.

“The country still has a long way to go on this,” said William Evers, a research fellow at the Hoover Institution. “[States] have incentives to lower their standards to put a better name on poor results. But they also have scrutiny from parents and journalists and political figures.”

Twenty-one of the 34 states changing their assessments had slightly increased the difficulty of their standardized tests, the NCES report says. Between 2007 and 2009, five states eased testing benchmarks.

Common Core ‘Race to the Middle’

To pursue federal funds, all but six states have adopted Common Core State Standards pushed by the Obama administration. The most recent state to adopt them was Washington, in July.

Massachusetts previously offered the best standards in the country, but lowered them to adopt Common Core in 2010.

“We regarded Common Core standards as a major academic downgrade,” said Jamie Gass, director of the Pioneer Institute’s Center for School Reform.

The Common Core generally leans toward textbook reading, which tends to have a less-challenging vocabulary than classic literature, Gass noted.

“Common Core standards may have improved the standards in Mississippi or West Virginia or some of the lower or average-performing states, but they are a major downgrade for the high-performing schools,” Gass said. “We’re already calling this the Race to the Middle.”

Ashley Bateman (bateman.ae@googlemail.com) writes from Williamsburg, Virginia.
Union Touts Connecticut Parent Trigger Defeat

Continued from page 1

said Terry Moe, a senior fellow at the Hoover Institution. “Any time they say they support any sort of reform, reformers’ ears should prickle up and [they should] say, ‘What is going on here?’ Either unions are being pressured into something they don’t want to do, or they’ll say they support it and behind the scenes do everything they can to kill and stop it.”

The document, secured by the Web site Dropout Nation, describes AFT’s “dual strategy” of lobbying against the bill to co-chairs and members of the state education committee and meeting with legislative leadership to “create a backstop” while simultaneously meeting with Parent Trigger advocates to discuss shared concerns and “steer them in an ongoing, proactive action.”

Betraying Parent Trust

That approach caused parent groups to trust the AFT as a partner in the process, and they now feel betrayed, said Gwen Samuels, president of the Connecticut Parent Union.

“They ought to be ashamed of themselves, because they’re setting back the parent partnership messaging 100 years,” Samuels said.

Parent Trigger laws typically give a majority of parents of children in a persistently failing school the power to force their school district to enact one of several changes, such as conversion to a charter school, “turnaround” or “transformation” under federal No Child Left Behind provisions, or closure.

In spring 2010, Connecticut parents tried to import the law to help close the state’s massive achievement gap, attending legislative hearings by the thousands. Instead they got “school governance councils,” elected advisory councils formed with a majority of parents, that can recommend changes after three years of a school’s poor performance.

No Substantive Change

The ability to recommend changes is hardly a change from the current system, said Linda Serrato, deputy communications director for Parent Revolution, an organization promoting the Parent Trigger, since that’s largely the function of existing advisory boards and parent-teacher associations.

“[Parents] are the only advocates when it comes to schooling whose only interest is getting the best education for their kids,” Serrato said. “That’s the point of the Parent Trigger and parent unions, that when they have a concern they don’t just get a nice letter but can actually start a discussion about how to solve this problem.”

Pretense of Reform

The union clearly considers the weakening of the legislation a success, as the document comes from a presentation at the AFT’s TEACH 2011 conference in July. Spokesmen for the union did not return repeated inquiries about the documents now missing from the AFT Web site.

The union’s best strategy, the document says, was learning that publicly saying “no is not an option,” so the AFT “dragged [the Connecticut Education Association, a National Education Association union affiliate] along kicking and screaming because teachers had to be united” behind a toothless alternative to the planned law.

That approach is nothing new for politics and interest groups, merely indicating the AFT is politically sophisticated in accomplishing its primary goal of guarding teachers’ jobs, Moe said.

The AFT’s image as a reform union, Moe said, is very important for them to protect because in the current political climate “they don’t want to be regarded as Neanderthals blocking everything.” Maintaining that image pushes the AFT to take its pursuit of job security and increasing membership behind the scenes while publicly proclaiming interest in “fairness,” “teachers’ voices,” and “collaboration,” he observed.

“People can’t see that unions are simply not going to pursue [reform] goals,” Moe said. “It’s not because they’re bad; it’s just because they’re unions. That’s what confuses people, I think.”

Joy Pullmann (jpullmann@heartland.org) is managing editor of School Reform News.

INTERNET INFO

By Emily Johnston

A trio of private, religious schools in Milwaukee, Wisconsin, has been closing the academic achievement gap for inner-city students who attend the school largely using vouchers.

The HOPE Foundation sponsors three private schools—the Prima and Fortis K–8 schools, and a high school. The schools hold tight to their Christian identity. "The real secret to HOPE's success is love," said Jamie Luehring, principal of HOPE Prima. "HOPE teachers are in this trade because they love God, and they love their students. For faculty members, HOPE is a calling, not just a job."

"The real secret to HOPE's success is love. HOPE teachers are in this trade because they love God, and they love their students. For faculty members, HOPE is a calling, not just a job."

JAMIE LUEHRING, PRINCIPAL
HOPE PRIMA
MILWAUKEE, WISCONSIN

Three Core Promises

HOPE stands for the organization’s key message: Hold Onto the Promises Everywhere. The schools teach three core promises: salvation through Jesus Christ, the school will help students reach college, and students will serve others and strive for excellence.

HOPE schools participate in the nation’s largest and oldest voucher program, which the Wisconsin legislature expanded to all of Milwaukee County and parts of Racine County in June. HOPE’s parent company, Educational Enterprises, also operates two charter schools in Phoenix, Arizona.

Author Samuel Casey Carter recently named Prima one of the top 12 schools in the country. His book describes the school’s academic accomplishments and culture.

"Maybe the greatest lesson coming out of HOPE is that the willingness to love is also a habit that a community can learn and cultivate," Carter wrote.

Closing Achievement Gaps

Ninety-six percent of HOPE students are eligible for free or reduced-price school meals, a common measure of poverty. Nearly all are African-American, and nearly all also receive vouchers.

New HOPE students typically perform below average on math and reading exams. At Prima, new students performed seven percentage points below the Milwaukee public school average in math and 16 percentage points below average in reading. Incoming students at Fortis performed even worse. That comparison reverses after students attend HOPE for two to three consecutive years. Fortis was the only HOPE school with scores below the Milwaukee average in the most recent tests, but it significantly shrank the gap from 32 percentage points below average in math to four points below. On every other test, HOPE students performed above their contemporaries. Prima students performed 26 percentage points above the average in math.

Last year, students completing their second year in a HOPE school averaged three-and-a-half years of educational growth since attending.

While local public schools spend $14,865 per student, annual tuition at HOPE averages $7,775. Milwaukee vouchers are worth up to $6,442.

Humble Beginnings

The HOPE Organization was founded in 2000. Two years later, the first HOPE school, Prima, opened its doors to 49 students, grades K–4, in Milwaukee’s Amani neighborhood. In 2004, HOPE opened a high school in the Harambee neighborhood. The first year, 108 freshmen enrolled. In 2005, Fortis opened in the Riverwest neighborhood, with 76 students in grades 5–8 its first year. Prima and Fortis have expanded to K–8 schools that feed into HOPE’s high school.

"Enrollment at HOPE's grade schools has grown by about 30 percent each year for the past four years, from roughly 245 students in 2007–2008 to 700 students in 2011–2012," said Wendy Greenfeld, HOPE’s vice president of development and communications. Currently, 320 students attend the high school.

HOPE expects continued growth in enrollment, projecting 1,100 elementary students, 300 middle school and 200 high school students. Fortis will open in two years. The Prima K–8 school will open in 2014.

"Genuine Midwestern manners are proudly in evidence [at the HOPE schools]: Even the youngest kindergartners eagerly hold the door open for you. In fact, every classroom has posters reminding students to HYSTEP it, that is, say hello, yes, smile, thank you, excuse me, and please," Carter wrote.

Teachers frequently incorporate songs and chants into lesson plans to add energy and help students retain information.

"Learning your math facts is necessary. Rapping your math facts is fun," Luehring said.

Students spend 90 to 120 minutes every day learning math and English. For two-thirds of that time, teachers give lessons to full classes by grade. Students spend the remaining time learning at their individual level.

“The flexibility of this program allows struggling students to work side-by-side with their peers, helping them through challenges and keeping them focused on success,” said Dr. Andrew Neumann, president of HOPE Christian Schools and Educational Enterprises.

‘Everybody Is Striving for Excellence’

HOPE teachers receive regular training on classroom management and instructional strategies. All teachers are available to students 24 hours a day by phone. Neumann said, to promote student-teacher interaction and eliminate student excuses for failing to complete assignments. Teachers and administrators expect students to arrive at school on time, in uniform, with their homework completed, Luehring said.

“A love for teaching is not only encouraged, it’s required at HOPE,” said Prima teacher Liz Hochtritt. “To teach in an environment where everybody is striving for excellence is exciting. Even when we have success in the classroom or in the school, nobody rests. Instead, we all ask, ‘How can we do this better?’”

Emily Johnston (ej.emily.johnston@gmail.com) writes from Washington, DC.
Federal debt-ceiling negotiations that originally targeted Pell Grants ultimately preserved the program while cutting federal loans for graduate students as part of the $1.5 trillion, ten-year deal.

The Department of Education (DOE) requested a 13.3 percent budget increase for 2012, largely to boost Pell Grants. That would have raised department spending 20.7 percent above 2010. The debt-ceiling deal reduces federal spending $7 billion from current levels for the fiscal year beginning October 1.

A bipartisan congressional committee must slice $1.5 trillion from the federal budget over the next 10 years, or automatic cuts will hit all agencies. That would mean a 6.7 percent trim for most, which equals $3 billion from the DOE annually.

Conservatives have consistently targeted Pell Grants for elimination because of their contribution to rising college costs and their mismanagement by the DOE. Ignoring them in the debt deal means once more delaying that reckoning, said Jeff Selingo, editor of the Chronicle of Higher Education.

“[Pell Grants are] essentially an entitlement,” Selingo said. “When money is short, the Education Department borrows against next year’s appropriation to maintain the maximum award. And Congress often allows those debts to accumulate for a few years before paying them down with an emergency appropriation, and that’s essentially what is needed now.”

Congressional Democrats and the Obama administration managed to move Pell Grants off the table during the debt-ceiling negotiations. The loan cuts made instead will total $21.6 billion over the next ten years, according to the Congressional Budget Office, $17 billion of which will fund Pell Grants. Federal graduate student loans will now accrue interest while a student is in school, and a 0.5 percent credit for students who make payments on time has been discontinued.

Expanding Eligibility, Awards

In 2009–2010, 8.1 million students received a Pell Grant, averaging $3,706. In 1999–2000, 3.8 million students received an average Pell grant of $1,915. The program previously was limited to students with good academic records from poor families, but eligibility has grown to fit lower-middle-class students with little concern about their academic ability, says Richard Vedder, an Ohio State University economist and director of the Center for College Affordability and Productivity.

“As maximum Pell amounts grow and eligibility is extended to less-poor persons, the award is taking on the nature of an entitlement—which is precisely what President Obama wants,” Vedder said.

A 2007 study by University of Oregon economists showed colleges and universities tend to absorb federal student aid by increasing tuition. As federal aid increased, college costs increased, the study found.

The DOE refuses to release information about Pell Grant awardees to allow the public and lawmakers to assess the program.

“Where are the numbers? Where are the statistics of how many Pell Grant awardees drop out of college?” Vedder asked. “Nowhere. Why? Because the numbers would be devastating for Pell Grant proponents.”

Natasha Malik (nmmalik12@gmail.com) writes from Washington, DC.

The next Really Big Idea in School Reform is The Parent Trigger

What if parents could “pull the trigger” to transform their child’s education?

What if empowered parents could direct their school districts to convert failing schools to charters or have the funding follow their children to schools that meet their needs?

This is the Parent Trigger, a variation on legislation signed into law in California in 2010. It could vastly expand the number of charter schools in the U.S. It could jump-start the national movement for vouchers. Read about it at schoolreform-news.org.

Support this bold new idea for school reform by calling Bruno Behrend, director of the Center for School Reform at The Heartland Institute, at 312/377-4000.
New School Cafeteria Regulations Cost $7 Billion

By Alicia Constant

Kids might notice some of their favorite menu items are missing when they return to school cafeterias this fall, as a new federal law and changing school regulations increasingly dictate what’s on their plates.

The Healthy, Hunger-Free Kids Act, signed in December 2010 as part of First Lady Michelle Obama’s anti-obesity campaign, requires schools to limit fat, sodium, and cholesterol while offering more fruits, vegetables, and whole grains. One of the most contentious cuts in some districts: flavored milk.

Kids like it. But administrators at the Los Angeles Unified School District—the nation’s second-largest, with approximately 688,000 students—worry the high-fructose corn syrup in chocolate-, vanilla-, and strawberry-flavored milk is making kids fat.

Schools in the District of Columbia, Boulder Valley, Colorado, and Berkeley, California have also banned the flavored beverages, which dairy groups say constitute 70 percent of all the milk kids drink. Federal regulations still allow fat-free chocolate milk and fat-free or 1 percent milk.

Complying with the new law will cost schools an additional 25 cents per breakfast and 7 cents per lunch. To make up the difference for reduced-price and free-lunch meals, districts will have to charge more to parents who pay full price for their children’s meals. That constitutes a “tax hike for parents,” observed Rachel Sheffield, an education research assistant at The Heritage Foundation.

“Good intentions can lead to bad consequences. The recent child nutrition law is one more in a series of burdens placed on states and schools already strained by a tough economy.”

DUNCAN HUNTER
U.S. REPRESENTATIVE - CA

North Carolina Legislature Targets Children’s Waistlines

By Sara Burrows

North Carolina Democratic and Republican lawmakers who agree government should actively control children’s diets have introduced two bills directed at schoolchildren’s waistlines.

One bill would reestablish the Legislative Task Force on Childhood Obesity, which last year recommended banning whole-fat milk and juice in all day care centers. House Bill 503, the Nutrition Standards/All Foods Sold at School Act, would ban from schools any foods that are not part of the federal school breakfast or school lunch program.

Proponents of the two measures say the best place to start fighting obesity is with children, by feeding, educating, weighing, and measuring them in schools. But Michael Ramey, director of communications and research at ParentalRights.org, says no one is better equipped to make decisions about a child’s diet than the child’s parents.

“Parents should be allowed to choose whether they’ll participate in official school and day care nutrition programs,” Ramey said. “That would allow the schools to take an active role in promoting health for families who ask for their assistance, while leaving the ultimate decision over what a child eats with the parents, where it belongs.”

Sara Burrows (sburrows@carolinajournal.com) is associate editor and capital reporter for Carolina Journal.
Charter Schools Achieve Dramatic Turnarounds

By Jim Waters

Public schools converted into charters in Philadelphia and Los Angeles have dramatically boosted students’ standardized test scores and graduation rates, according to a new report from the Center for American Progress.

In the schools studied, “Charter operators were able to secure some of the core principles that have made them successful,” including authority over budgets, staff, and school operations, said report author Melissa Lazarin.

How to reverse the course of a failing school has puzzled researchers and stymied reform efforts. “Charting New Territory: Tapping Charter Schools to Turn Around the Nation’s Dropout Factories” may point the way, describing dramatic turnarounds of formerly failing schools in Philadelphia and Los Angeles after those schools converted to charters under private management.

The U.S. Department of Education has offered approximately $1.4 billion in School Improvement Grants (SIGs) under the federal No Child Left Behind law in the past year to schools among the nation’s 5,000 lowest-performing and identified for corrective action. Schools accepting SIGs must choose one of four improvement models. Five percent of the $846 schools accepting SIGs have chosen conversion to a charter school.

‘Powerful Example’ in Philadelphia

President Barack Obama recently recognized Mastery Charter School–Shoemaker Campus in Philadelphia as “a powerful example of a school turnaround in action.”

Before the Mastery Charter School network took over Shoemaker in 2006, barely 30 percent of the school’s students scored proficient or above in math on state tests. Fewer than 43 percent achieved reading proficiency.

Now, four times as many students are proficient in math, and violence is down 80 percent.

“Metal detectors and security guards have been replaced with bright linoleum hallways and sparkling classrooms,” proclaims a school marketing video. “More importantly, the culture of violence is long gone, and the culture of learning has taken its place.”

L.A. Teachers Request Conversion

In Los Angeles, a majority of teachers at Alan Locke Senior High School, “frustrated with the school’s mediocrity,” Lazarin’s report says, petitioned their school district to allow Green Dot Public Schools to convert the school. Green Dot operates 17 charter high schools in highest-need areas of the city. Eight of them compose Locke’s conversion as several new, smaller schools were opened within it.

In 2008, one-quarter of Locke’s class of 2008 graduated. Nearly 60 percent of that class had dropped out by the end of their sophomore year. Two years later, after Green Dot took over, 73 percent of sophomores remained enrolled at year’s end.

“[W]e have a terribly limited supply of charter operators willing to take on restarts. Existing successful charter school operators have understandably been wary of jumping into this work.”

BRYAN HASSEL CODIRECTOR PUBLIC IMPACT

Key Conversion Elements Identified

The Center for American Progress report identifies several key elements in the successful conversions in Los Angeles and Philadelphia: an experienced, successful charter operator; flexibility and autonomy for the schools; community partnership and trust; and more charter operators willing to take on conversions.

Bryan Hassel, codirector of the education policy consulting firm Public Impact, calls having a proven operator “the critical success factor.”

Lazarin agrees, but she says many school districts and communities lack access to charter management organizations like Green Dot in Los Angeles. Since most successful CMOs concentrate in urban areas, where the opportunity for collaboration with school districts is “ripe,” she said, charter conversion “is understandably not going to be the best option for some schools.”

Fruitful cooperation between school districts and charter organizations requires “a good deal of partnership and trust between the district and the charter community,” Lazarin said. “I think we’re starting to see some of this happen in some cities, and that’s encouraging. But it’s going to take some time, and it’s not going to organically happen everywhere.”

Calls for Administrative Freedom

Control over school budgets, staff, and operations were essential to the charters’ success in the successful Philadelphia and Los Angeles conversions, Lazarin said.

In exchange, operators agreed to run the converted charter as a neighborhood school “and open their doors to everyone,” such as local students who had attended that school the previous year or who are learning English or have disabilities.

Schools like Philadelphia’s Mastery operated well under such arrangements, Hassel said. “The district required Mastery to keep all the students, but beyond that [it] gave them wide freedom to implement their model, with great effect.”

Though trends in those schools “appear to be going in the right direction,” said Lazarin, it’s too soon to tell “what the impact of these conversions will be in the long term.”

Operators Prefer Start-Ups

Most charter school operators prefer to start a new school, not convert an existing and often entrenched institution. Even schools required to change under SIG requirements often prefer closing their doors permanently over becoming a charter.

“Even when district leaders are interested in conversions, we have a terribly limited supply of charter operators willing to take on restarts,” Hassel said. “Existing successful charter school operators have understandably been wary of jumping into this work. They naturally worry about being saddled with constraints or diluting their valued brands.”

Conversions will continue to be rare until the supply of charter operators increases, which will require new funding streams, he said.

“To meet the need to fix failing schools, the nation probably needs a new breed of operators willing to take over and run existing schools,” Hassel said. “We’re beginning to see that, but philanthropists and entrepreneurs need to step up their efforts.”

Jim Waters (jwaters@freedomkentucky.com) is vice president of policy and communications at the Bluegrass Institute for Public Policy Solutions in Bowling Green, Kentucky.
$15M Payout Ends ‘No School’ Threat in Memphis

By Stephanie McGill

School finance disputes have increased in number and frequency nationwide, and one nearly delayed the start of school in Memphis, Tennessee, where the school board declared shuttering its only option if the city council refused to hand over $55 million.

“We don’t have the resources right now to open school,” said Memphis School Board President Martavious Jones, a few weeks before school board and city council leaders agreed on a payment plan for the court-ordered funds, beginning with a $15 million down payment on the $155 million Memphis schools claimed the city owed them. Schools in the state’s largest district started on time August 8, six days after the city council approved the system’s 2011–2012 budget.

City of Memphis funds are slated to contribute about 6.5 percent of the district’s $1.16 billion budget for 2011–2012. Memphis schools budgeted spending of about $10,944 per child for the upcoming school year. The system is demanding $155 million from the city in back payments to restore cuts it sued to stop in 2008. The state supreme court has ordered the city to pay the money because of its obligation to “adequately fund” the district. That amount represents $1,456 in extra funds per child.

In 2008, the Memphis city council decided to cut the schools’ budget by $58 million, Jones said, prompting the school’s lawsuit. In 2008, Memphis public schools spent $9,958 per student, according to the National Center for Education Statistics.

“Money has always been an issue. In times of recession, [the conflict] has increased more.”

RYAN TURBEVILLE
POLICY AND OUTREACH COORDINATOR
TENNESSEE CENTER FOR POLICY RESEARCH

Litigation Increases Nationwide

School boards across the country have set themselves at odds with state and district councils, fighting to preserve their budgets in a time of falling tax revenues.

Lawsuits over budget reductions are pending between state governments and local districts or education agencies in Colorado, New Jersey, Oregon, and Washington. A report released by the Center on Education Policy in June revealed 70

percent of school districts faced budget reductions in 2010 and 2011.

Finance disputes between schools and local or state government have intensified in recent years, spiking since the recession hit in 2007, said Ryan Turbeville, policy and outreach coordinator at the Tennessee Center for Policy Research.

“Money has always been an issue,” Turbeville said. “In times of recession, [the conflict] has increased more.”

Courts Sympathize with Educators

Schools challenge budget cuts on the basis that they deprive students of a decent education. It’s an old argument, says Paul Tractenberg, founder of the Rutgers Education Law Center, and courts usually sympathize with schools. He estimates two-thirds of the verdicts in the past 30 years have gone in the schools’ favor.

“It’s an easier fight for them to win because of politicians,” Tractenberg said. “Nobody wants to say they cut education funding. Districts will cut every aspect of the county budget before they cut school funding.”

Legal standards for “adequate” school funding are usually contradictory and pushed by people with a vested interest in increasing taxpayer contributions, said Joshua Dunn, a professor at the University of Colorado-Colorado Springs who has studied school funding litigation.

“Legislatures and school boards are in a much better position to make these judgments, and we should leave it to them,” Dunn said. “They are much more attuned to their communities and know the local costs and available teachers.”

“How much we want to spend on education is a political judgment. The idea that education has been shorted through this political process is completely without support.”

JOSHUA DUNN, PROFESSOR
UNIVERSITY OF COLORADO
COLORADO SPRINGS

How much we want to spend on education is a political judgment. The idea that education has been shorted through this political process is completely without support.”

Doing More with Less

Schools can and should do more with less funding, said Jeanne Allen, president of the Center for Education Reform.

“This is the mantra charter schools articulate every day,” Allen said. “They were already funded at an average of 30 percent less than traditional public schools before the budget-cutting began.”

With more budget cuts on the horizon, schools are using other means to make up for lost funding, by “passing along the funding deficits to families” through new and higher fees for busing, lunch, athletics, and other extracurriculars, Allen said.

Turbeville says schools should view downsized budgets as an opportunity to streamline spending.

“Schools can spend double, but with no results,” he said. “Money does not necessarily equal a better education.”

Stephanie McGill (stephymcgill@gmail.com) writes from Washington, DC.
Districts Struggle to Develop High-Tech Data Systems

By Joy Pullmann

The past year of education debates in legislatures and widespread annoyance over antiquated technology in public education has prompted myriad expensive, time-consuming digital records projects in states and districts.

As states and the federal government require more data points on everything from basic recordkeeping such as attendance and standardized test scores to complicated pilot programs like data-influenced teacher evaluations, school systems are screening software vendors to help with such projects and other rapidly popularizing digital offerings, such as student-tailored math programs and apps to connect with parents. The federal government has spent at least $250 million to help create longitudinal data systems.

“It’s basically a confusion,” said Michael Horn, executive director of the Innosight Institute, a think tank that studies technology and innovation. “There’s a lot of buzz around [technology in education], and it’s hard to say what is real right now.”

An important goal, said Marcia Bohannon, a senior data systems consultant for the Colorado Department of Education, is getting real-time information about individual students and using it not only to plan their very next lesson but also to link their progress with particular teachers and learn about teacher effectiveness.

The data systems in 17 states cannot match teachers to students, according to a recent analysis from the Data Quality Campaign. In the first six months of 2011, eight states passed laws tying teacher evaluations to student test scores, making such data essential.

Data on Index Cards

School administrators and tech gurus have taken up the challenge of creating useful systems out of the chaos. Many schools use some sort of “school information system” (SIS), software tracking everything from enrollment to demographics to grades.

There are two important difficulties in implementing those systems, however. First, school systems buy different software, which can make data-sharing among schools extremely complicated. Second, many schools, especially rural schools, which teach a quarter of the nation’s students, cannot afford such systems or the tech support staff to keep them running.

Several states, including Colorado, Ohio, and Texas, are exploring the use of state-sponsored data systems to reduce such obstacles. California’s SIS ran for several years before Gov. Jerry Brown (D) axed its funding this spring under pressure from employee unions. In Texas, districts can sign up for the state SIS this fall. Colorado and Ohio are exploring this option for larger data systems in the works.

“The districts in Colorado are all over the map in terms of their technological capability,” Bohannon said. “Some have virtually none, and some are very sophisticated. It’s been very difficult for them to report the data. Some have a system as basic as using index cards.”

Private Contractors Adapting

States are largely contracting with outside providers that tailor existing systems to district and school needs.

Some software providers offer extreme ease of use. The SchoolForce application, for example, is open-source software that runs on any computer with an Internet browser. Schools can develop apps using it and share them with other schools on the same system.

The application offers one main screen where teachers, administrators, and parents can enter, store, share, and find information about a particular child, class, or school—such as attendance data, discipline trends, or a student’s score on this morning’s quiz.

“It’s basically a confusion. There’s a lot of buzz around [technology in education], and it’s hard to say what is real right now.”

MICHAEL HORN
EXECUTIVE DIRECTOR
INNOSIGHT INSTITUTE

One customer built a SchoolForce app for reading tests that allowed a teacher to enter each child’s reading accuracy, vocabulary, strengths, and weaknesses each day and immediately target the next day’s reading to every student’s specific needs.

“Teachers have so much administrative overhead it’s unreasonable to have them flip through binders to compare all these points of information about each student,” said Marty Young, a managing director at Acumen Solutions, the company that developed the app.

Implementation Challenge

In July the Dell Foundation offered a free data standard, Ed-Fi, to help disparate data systems communicate with each other. It’s the first of several data connectors foundations are composing to make the vast data collected actually useful to educators and researchers.

In Texas, 1,250 districts and 4.8 million students will make scale and personalization, typically opposite ventures, both extremely important and daunting for the new state SIS. The system will have to track each student’s attendance, discipline, grades, registration, and enrollment, plus staff and student demographics. It will offer a master schedule, parent-student portals, and historical information about each school.

“Beyond the functional improvements, districts will enjoy, the price points will be very attractive,” said Brian Rawson, director of Texas’s Statewide Data Initiatives. “Districts are very interested in doing that price comparison. We feel like now is the time to get the word out and really get the adoption curve started, because of the economic climate.”

Implementing a single system over hundreds of thousands of schools and districts has been a frustrated reform dream for decades. State departments of education are engaging administrators early in the process to spike support among educators.

“One of the biggest challenges is how we get the culture to move along with it,” Bohannon said. “[There’s] very strong local control here—the schools and districts are very powerful. We need to understand what their needs are, and they need to understand how to communicate those needs to us so we can actually make their lives better instead of worse. And then there’s the whole thing about changing what they’ve done for 20 years.”

Joy Pullmann (jpullmann@heartland.org) is managing editor of School Reform News.
Michigan Lawmakers Limit Teacher Tenure, Bargaining

By Ashley Bateman

Michigan Gov. Rick Snyder (R) has signed four bills outlining new regulations for teacher tenure, suspension, demotion, and collective bargaining rights. Bills 4625, 4626, 4627, and 4628, now Public Acts 100-103, apply standardized evaluation methods to measure instructor effectiveness and add more requirements for achieving and maintaining tenure. Snyder signed the bills July 19.

“I truly felt there needs to be accountability,” said state Rep. Bill Rogers (R-Genoa), one of the sponsors of the package of bills. “What we’re going to ultimately have is something more consistent throughout the entire state and entire system. Some teachers are being evaluated, others aren’t, and it’s all under different factors under the different schools. We’re adding consistency.”

Teachers will now have probationary status during their first five years of employment, up from four. During probation, a local controlling board will evaluate and rate the teacher’s effectiveness. After three consecutive “effective” ratings and completing four years at a school, the teacher will have successfully completed the probationary period and achieve tenure.

“Some teachers are being evaluated, others aren’t, and it’s all under different factors under the different schools. We’re adding consistency.”

BILL ROGERS
STATE REPRESENTATIVE
GENOA, MICHIGAN

Administrators must create an individualized development plan with each teacher and provide teachers a written performance evaluation each school year. Teachers found “ineffective” will receive a written explanation, which schools also must send to parents of students assigned to an ineffective teacher’s classroom.

National Trend

Michigan joins a growing number of states that recently have enacted laws increasing teacher accountability—but its reforms are relatively limited.

“It’s not the same action that Wisconsin or Indiana took, which limits bargaining to wages and benefits,” said Michael Van Beek, director of education studies at the Michigan-based Mackinac Center for Public Policy. “This keeps a lot of the things the union can bargain over. And the tenure reforms are not getting rid of tenure, removing it altogether, which some states are looking at. It’s just changing the dynamic.”

Michigan’s new laws do stop the “last in, first out” seniority policy that gave precedence to longer-lasting teachers during layoffs or regular turnover. The new laws also will tighten poor state tests for better student performance information to tie to teacher evaluations.

“The problem with the testing system that we have in the state is very simple: The standards are far too low,” Van Beek said. “A student who is proficient by Michigan standards is probably not proficient by national standards. The education establishment has created a very low bar, and they’re increasing that and making it more difficult for students to get to proficiency.”

Michigan Educational Assessment Program data released in 2010 found that less than half of Michigan’s fourth and seventh grade students were proficient or above in writing.

Outrage over Bargaining Curbs

Although most Republicans and some Democrats backed the bill package, some lobbyists expressed outrage that collective bargaining over tenure and evaluation decisions is ending.

Allowing unions to reject the new standards would have completely uprooted the package, Van Beek said.

“In the past, when legislators passed reforms, much of what happened in a school district was [still] dictated by union contracts,” Van Beek said. “Even though the legislature might want to improve the way schools operate, many times those intentions and wishes are ignored when a union goes to bargain a new contract. Many [unions] are handcuffing school districts from making some of these good policy decisions when it comes to staff.”

Michigan Parents for Schools, an organization opposing the reforms, wrote to Senate Education Committee Chair Phil Pavlov (R-Saint Clair), expressing concerns teacher ratings rely too heavily on standardized testing and increase the administrative burden on economically strained districts.

“Their biggest concern was putting a quantity, identifying a specific minimum benchmark in student evaluation,” said Andy Solon, Pavlov’s legislative director. “If we didn’t identify a specific benchmark, it was open to interpretation at the local level. The other piece was the change in the teacher tenure standard. We really moved away from the burdens and the barriers to districts in identifying which teachers should be in the classroom.”

Altering Michigan’s testing system is necessary to ensure teachers are accurately evaluated, Solon said, and to help them improve.

“Good teachers, great teachers are not even concerned [about] this,” Rogers said. “It’s not even going to affect them.”

Ashley Bateman (bateman.ae@googlemail.com) writes from Williamsburg, Virginia.
Colleges Forced to Redefine Speech, Assault Codes

By Adam Kissel

A s parents send their children to college this fall, they have reason to worry where their tuition dollars are going.

Increasingly, those dollars pay the large salaries of administrators who develop and enforce unconstitutional speech regulations that destroy the marketplace of ideas and deprive students of legal protections against proven accusations.

The growing campus bureaucracy, together with an ideology that treats adult college students like children, makes administrators morality police. They tell students which ideas they can express and which are forbidden. The Foundation for Individual Rights in Education (FIRE, where I work) has documented that two-thirds of colleges surveyed have blatantly unconstitutional speech codes, policies clearly and substantially violating freedom of speech.

For example, Chicago State University bans “teasing” and “insulting,” as well as being “inconsiderate” or “insensitive.” This bans thoughtful satire and means everyone must conform to the sensibilities of the most oversensitive person on campus or stand in danger of punishment.

More Power to Administrators

Such policies inevitably employ double standards and selective enforcement. If everyone is guilty at one point or another, campus administrators can choose whom to punish. FIRE has found all 10 of Illinois’ leading public universities have unconstitutional speech codes. And they hire expensive campus bureaucrats to enforce them.

The University of Illinois at Chicago counts, as sexual harassment in the classroom, “gender-related ... remarks that are ... just plain distracting.” That disqualifies a lot of sincere talk about sex, such as a student criticizing what he may see as the prevailing licentious sex culture on his campus.

The problem soon will worsen. If certain federal legislators get their way, the Campus SaVE Act, introduced this spring, will force colleges to indoctrinate students about “the elements of healthy relationships,” whatever that means.

Standards of Evidence Debased

If that’s not enough, the Campus SaVE Act and the Department of Education’s Office for Civil Rights (OCR) have pushed colleges to lower due-process protections for students accused of heinous crimes such as sexual assault. Although the SaVE Act is still in committee, in April OCR sent a new mandate to every college and university in America that accepts federal funds—which is almost all of them—requiring them to use our nation’s lowest standard of proof, “preponderance of the evidence.”

This means that if your son is accused of rape (and doesn’t attend Hillsdale College, which refuses government money), his college must use a 50.01 percent standard of proof to decide whether to label him a rapist, expel him, and possibly ruin his life. Before this, most of the nation’s top schools—including Stanford University, Harvard Law School, Princeton University, Columbia University, Yale University, the University of Pennsylvania, Duke University, and Cornell University—used the “clear and convincing evidence” standard.

That made sense because fairness and justice, recognizing the potential for error, require we be very sure before taking away someone’s liberty or property. Due process is becoming harder and harder to get on campus, where students already have few of the protections our nation offers the accused in criminal cases off campus. Few colleges offer a right to remain silent, for instance, and OCR strongly discourages colleges from letting the accused cross-examine their accusers.

OCR claims it can do this because federal law bans sex discrimination at any school that takes federal money. If the school doesn’t comply, it can lose all of its federal funding. Now, by counting sexual assault as one form of sexual harassment and thus an instance of sex discrimination, OCR reaches into almost every college judiciary system in America.

Government Siding with Accusers

Take, for example, Stanford University. Once Stanford got OCR’s letter, it changed the standard of evidence during a student’s case from “beyond a reasonable doubt” (say, 98–99 percent certainty) to the “preponderance” standard.

You might not be surprised to learn the student was found guilty. You might be surprised, though, about the training materials provided to jurors in sexual assault cases at Stanford. These instruct jurors that being “persuasive and logical” is a sign of guilt, that they should be “very, very cautious in accepting a man’s claim that he has been wrongly accused of abuse or violence,” and that maintaining neutrality is equivalent to siding with the accused.

So much for the presumption of innocence. Too many schools, as Peter Berkowitz argued in The Wall Street Journal, presume “male guilt” according to the doctrine that “the American political order is designed to oppress the weak; that racial minorities and women, whether they realize it or not, are victims; and that the truth, except for the first two propositions, is infinitely malleable.”

When you put an army of campus administrators with an agenda in charge of speech codes and infantilizing conduct codes, then take away due-process protections, you’ve created a perfect storm. As Jennifer Braceras recently suggested in the Boston Herald, these days students don’t just need to remember their toothbrushes when arriving on campus—they also should bring a lawyer.

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INTERNET INFO

FIRE research on speech codes:
http://thefire.org/code/speechcoderereport/

Chicago State University speech code:
http://thefire.org/spotlight/codes/431.html

UIC harassment definition:
http://thefire.org/spotlight/codes/467.html

Illinois speech codes:
http://thefire.org/spotlight/states/IL.html

Campus SaVE Act:
http://www.opencongress.org/bill/112-s834/textApril 2011

Office for Civil Rights letter:
http://www.thefire.org/article/13143.html

Stanford University case:
http://thefire.org/code/869.html
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