Arizona Lawmaker Proposes Ending Compulsory School Attendance

By Teresa Mull

An Arizona lawmaker says he plans to introduce legislation to repeal the state's compulsory school attendance laws.

State Rep. Paul Mosley (R-Lake Havasu City) made headlines in May when he told the Arizona Capitol Times, “Education used to be a privilege. People used to believe getting an education was something you had to be privileged to get, that you had to work hard to get. Now we basically force it down everybody's throats. The number one thing I would like to repeal is the law on compulsory education.”

ATTENDANCE, p. 8

U.S. Supreme Court Upholds Religious Liberty in School Playground Case

The U.S. Supreme Court ruled the Missouri government cannot reject a church’s application for a state grant because of the institution’s religious character. Education choice advocates are hailing the ruling as a victory for school choice and a sign states’ Blaine amendments may soon receive greater judicial scrutiny.

By Teresa Mull

In 2012, Trinity Lutheran Church of Columbia, Missouri applied for a state grant to have its playgrounds resurfaced. The Missouri Department of Natural Resources denied the application, saying any allocation of government funds to a religious institution would violate Missouri’s Blaine amendment, which prohibits use...
Freedom is the “big idea” The Heartland Institute was founded to advance and protect. We work to expand freedom because we are not satisfied with preserving the status quo. We are confident that freedom is rising, the future is bright, and America’s best days lie ahead.

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Report: School ‘Staffing Surge’ a ‘Costly Failure’

By Tori Hart

A huge, decades-long increase in the number of teachers, administrators, and other employees in public schools across the country has wasted taxpayer dollars, failed to improve student achievement, and caused teacher pay to stagnate, a study has found.

“Between 1950 and 2015, the number of students in America’s public schools doubled,” writes Benjamin Scafidi, professor and director of the Education Economics Center at Kennesaw State University, in “Back to the Staffing Surge: The Great Teacher Salary Stagnation and the Decades-Long Employment Growth in American Public Schools,” released by EdChoice in May.

“However, the public education system increased its FTE (full-time equivalent) staffing by almost four times the increase in students,” he continued. “The number of FTE teachers increased by almost two and a half times the increase in students, while the increase in ‘all other staff’—personnel who are not classified as teachers—increased by just more than seven times as fast as the increase in students.”

Scafidi concludes “real increases in taxpayer funding for public school students are diverted away from salary increases for teachers and toward the hiring of additional non-teachers.” The 65-year staffing surge “has been a costly failure,” Scafidi writes.

Blame Game

Scafidi says governments are shifting the blame for the staffing surge and its failures.

“Representatives of every level of government blame the other two levels of government for the staffing surge,” Scafidi told School Reform News. “Local public school officials claim the staffing surge has been caused by mandates from federal and state governments. State officials claim federal mandates and local school board inefficiency and bloat are the causes of the staffing surge. The feds think state and local school officials are to blame. Looking at the data, each of these three levels of government has contributed to the six-and-a-half decade-long staffing surge.”

Scafidi says the current situation is untenable.

“We cannot continue to have three levels of government funding and regulating schools and giving parents essentially no say in how school resource decisions are made, as is the case now,” Scafidi said.

‘Just Doesn’t Add Up’

Leslie Hiner, vice president of programs at EdChoice, says the staff increases are not based on students’ needs.

“As an example, since 1992, Ohio had a 3 percent decrease in number of students, yet somehow there was a whopping 56 percent increase in nonteaching positions,” Hiner said. “There were fewer students to bus to and from school, fewer students needing math coaches and counselors. Hiring more adults to provide services for fewer students just doesn’t add up.”

Hiner suggests teachers unions have been behind the staffing surge.

“It is likely that teachers unions play a significant role in the continuing increase in nonteaching staff,” Hiner said. “Teachers unions do not only represent teachers in public employee collective bargaining. They also represent those in nonteaching positions, called ‘paraprofessionals and school-related personnel.’ More public school employees means more union dues.”

Costing Teachers, Taxpayers

Hiner says the staffing surge is causing teachers to suffer a huge loss in potential earnings.

“Public school teachers could have seen an $11,000 increase in their [annual] salaries if the increase in nonteaching personnel would have kept pace with, instead of wildly exceeding, the increase in students,” Hiner said. “This appears to be a conflict of interest for the teachers unions. Do they prioritize more members or a better deal for their existing members? For decades, it has been the former.”

Hiner says taxpayers will have to be vigilant if they hope to turn back the staffing surge.

“Citizens should request a list of school district personnel, with salaries, by teacher positions and by all other staff positions,” Hiner said. “It may take weeks to get the information, it may cause a stir, but taxpayers have the right to examine how their tax dollars are being spent in public schools. And parents have a right to know whether nonteaching staff have greater influence than teachers over their children’s education.”

Tori Heart (tori.heartland@gmail.com) writes from Wilmette, Illinois.
SCOTUS Upholds Religious Liberty in School Playground Case

of public money to fund sectarian organizations.

In Trinity Lutheran Church of Columbia, Inc. v. Comer, the U.S. Supreme Court ruled 7–2 in June Missouri’s “policy expressly discriminates against otherwise eligible recipients by disqualifying them from a public benefit solely because of their religious character.

“The Department’s policy violated the rights of Trinity Lutheran under the Free Exercise Clause of the First Amendment by denying the Church an otherwise available public benefit on account of its religious status,” the majority opinion said.

Blaine Implications
Blaine amendments in 39 state constitutions have impeded implementation of school choice programs, such as vouchers and education savings accounts, which enable parents to use taxpayer dollars for education choices other than their neighborhood government school. The Supreme Court decision in Trinity Lutheran returned three cases in Colorado and one in New Mexico regarding private school choice programs to the states’ supreme courts for reconsideration.

Rob Natelson, a senior fellow in constitutional jurisprudence at the Independence Institute, says the Court’s decision has complex implications for future litigation. “The effect is limited because in footnote 3, the court says, basically, this is a case where you have a religious organization that is not engaged in a religious activity,” Natelson said. “The playground is not a religious activity. There were only two justices who quarreled with that footnote—Clarence Thomas and Neil Gorsuch—so if you’re assessing the likelihood of a challenge for the whole Blaine provision, then you only surely have two justices. If you’re bringing a lawsuit on behalf of a program that includes religious schools, religious schools are engaged in a religious activity. Theology is invariably part of their curriculum.

“The more optimistic part of this case from the standpoint of those of us who don’t like Blaine amendments is the [Colorado case],” Natelson said. “That’s a very hopeful sign that obviously a majority of the Court thought that even though Trinity Lutheran was a limited opinion—it was limited by footnote 3—the court thought that the Douglas County case needed to be reargued.”

Parents ‘Should Find Comfort’
Leslie Hiner, vice president of programs at EdChoice, says the ruling is a win for parents.

“Parents using educational choice options to send their children to faith-based schools should find comfort in the words of Justice Gorsuch, who wrote, ‘the general principles here do not permit discrimination against religious exercise—whether on the playground or anywhere else.’ The Court ruled that to deny a public benefit to a religious entity solely because it is religious is ‘odious to the Constitution.’”

THE BARNEY CHARTER SCHOOL INITIATIVE

Hillsdale College is challenging the public education monopoly with its Barney Charter School Initiative.

The initiative supports the launch of K–12 charter schools that provide a rigorous education in the classical liberal arts and sciences. Hillsdale will assist school-founding groups with the charter application process and work to create a comprehensive academic program.

The Barney Charter School Initiative attempts to achieve a more perfect union by giving young Americans a proper liberal and civic education.

To contact the Barney Charter School call 517/437-7341 or email charterschool@hillsdale.edu

‘We Are Hopeful’
Hiner says though it’s uncertain how this decision will affect school choice, there are reasons for optimism.

“We do not yet know how this standard might be applied to educational choice programs moving forward, but we are hopeful that this ruling might help knock down barriers in states that prohibit K–12 students from accessing faith-based schooling options,” Hiner said.

Teresa Mull (tmull@heartland.org) is a research fellow in education policy at The Heartland Institute.

INTERNET INFO

Thriving Homeschool Model Revives Tradition of One-Room Schoolhouse

By Ashley Bateman

A home-centered education movement that began as one mother’s educational vision for her son has expanded to serve more than 104,000 students nationwide.

‘Classical Tools of Learning’
The stated purpose of the Classical Conversations model is “to lead the home-centered education movement by teaching parents and students the classical tools of learning in order to discover God’s created order and beauty, and as a result, enable others to do the same.”

Classical Conversations is composed of local community groups that meet once a week. The organization lists as one of its core beliefs on its website, “Parents are a child’s first and most influential teacher.” Directors and tutors help guide students in three programs: Foundations, which focuses on younger children memorizing facts, and the Essentials and Challenge programs, which incorporate discussion and rhetoric with continued memorization for older students.

“If America’s one-room schoolhouse teachers could produce some of [the country’s] greatest leaders with very limited resources, then so can today’s homeschool family!” the Classical Conversations website states.

Disatisfaction Breeds Innovation
Leigh Bortins started to develop what is now the Classical Conversations model in 1984, after the birth of her son. Dissatisfied with the homeschooling materials available at the time, Bortins created her own classical curriculum and soon began teaching it to other homeschooling families. Bortins developed a business plan and incorporated Classical Conversations in 2001.

“By 2008, Classical Conversations had 9,500 students and over 400 directors in 30 states,” the company’s website states. “And in 2011, just three years later, Classical Conversations had over 38,000 students with communities in 45 states and a few foreign countries.”

As of March 2017, Classical Conversations had more than 104,000 students from 42,000 families participating in the program, in 2,300 communities in 50 states and 15 foreign countries.

‘Takes the Pressure Off’
Melissa Stout, Foundations and Essentials director for a Classical Conversations community in Indiana, says the program makes homeschooling less stressful.

“Homeschool parents are looking to provide the best education for their children, but with the plethora of options available, it can be overwhelming trying to figure out which program is best,” Stout said. “Classical Conversations takes the pressure off of what to learn, provides families with support through community, and cultivates a love of learning in a classical, Christian environment.”

‘Parents Find Support’
Stout says the Classical Conversations model helps homeschooling families find success together.

“A huge part of what makes Classical Conversations successful is the community aspect,” Stout said. “As a homeschool parent, you can feel isolated and continually wonder if you are doing enough. Since all the families in the community are doing the same program, parents find support through each other that they can homeschool through high school and do it with excellence.”

Stout’s community meets every Friday for 24 weeks of the year for Foundations and Essentials and 30 weeks for the Challenge program. Parents are required to attend and assist for the Foundations and Essentials programs.

“We enjoy lunch as a community, and it is a wonderful time of fellowship and community building,” Stout said. “We try to plan field trips and other events throughout the year to continue that bond passed on the community day.”

Michael Hamilton, a research fellow and managing editor at The Heartland Institute, which publishes School Reform News, is part of a Classical Conversations community in Beavercreek, Ohio. Hamilton says his family was drawn to the program’s strong community element.

“We chose to join a Classical Conversations group because of the curriculum and community,” Hamilton said. “The Classical Conversations curriculum is heavy on the history of Western civilization. This broad framework enables just about every conversation you have with your kid to be a teachable moment. The communal aspect provides accountability and support for parents and students.”

Tutors Guide Parents
Stout says parents and tutors are trained to use the Classical Conversations method effectively.

“Unlike co-ops, Classical Conversations does not require every parent in the community to tutor,” Stout said. “Tutors attend an Academic Program Orientation in the summer at one of the Classical Conversations Parent Practicums. There they learn methods and ideas about how to model the program for parents so they can teach at home.”

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One-Room Schoolhouse
Stout says the one-room schoolhouse approach helps children of all ages learn.

“Between the ages of four and 12, the students are all learning the same thing, although understanding it at different levels that correspond with the three stages of learning: grammar, dialectic, and rhetoric,” Stout said. “This helps families with multiple children, because it creates a one-room schoolhouse environment that allows younger children to learn from their older siblings. The Challenge years build on the knowledge that was learned in the Foundation years and allows students to understand on a deeper level and to apply that knowledge.”

Homeschooling Through High School
Stout says Classical Conversations appealed to her because she wanted to homeschool her children until graduation from high school.

“The biggest draw for me to Classical Conversations was the fact that it is a complete program that would give me the support and the plan to be able to homeschool through high school,” Stout said. “Homeschooling high school seemed like a daunting task that I wasn’t sure I would be able to accomplish.”

“My oldest will be entering the Challenge program in the fall, and he and I couldn’t be more excited,” Stout said. “He will be taking the lead in his education and learning to build ownership and figure out that he can do hard things, and I will get to learn right alongside him.”

Ashley Bateman (bateman.ae@gmail.com) writes from Alexandria, Virginia.
Nevada Legislature Fails to Fund State’s ESA Program

Nevada lawmakers failed to reach a deal to fund the state’s education savings account (ESA) program, and the thousands of families who signed up for ESAs will have to wait until the legislature reconvenes in two years to know their fate.

**Ongoing Challenges, Uncertainty**

ESAs give parents access to state tax money allocated for their children’s public education, to spend on alternatives such as private school tuition, homeschooling textbooks, educational therapies, and tutoring. Nevada enacted its ESA program in 2015 and launched it in January 2016. The program is considered to be universal because students need only have attended a Nevada public school for at least 100 days to qualify.

The American Civil Liberties Union of Nevada filed a lawsuit against the program in August 2015, alleging it violated the state constitution’s Blaine amendment, which prohibits direct state funding of sectarian schools. The Nevada Supreme Court deemed the ESA program constitutional in September 2016, but it ruled the legislature had to develop a different mechanism to fund the ESAs.

In January 2017, Gov. Brian Sandoval (R) proposed allocating $60 million to the ESA program. In June, Nevada’s legislature rejected that proposal, instead adding $20 million over the next two years to Nevada’s Opportunity Scholarship program, which gives tax credits for donations to scholarships for low-income families.

The ESA program will remain unfunded until at least 2019 because the Nevada legislature meets only every two years.

**‘No Such Thing as Compromise’**

Nevada Policy Research Institute Communications Director Michael Schaus says those opposed to education choice are intent on destroying their competition.

“There’s plenty of blame to be placed on the shoulders of Gov. Sandoval, who let down thousands of parents when he decided that avoiding a political battle was more important than funding the educational opportunities of thousands of Nevada children,” Schaus said. “But really, the blame must ultimately fall on the shoulders of those that stubbornly fought to preserve the abysmal status quo.”

Schoaus says public school hardliners are intent on further limiting education choice.

“Behind closed doors, politicians agreed to a one-time increase of $20 million for the current tax-credit scholarship program as a ‘compromise’ for killing the state’s ESA program, and yet, teachers unions and the public school establishment are already vowing to make sure that program disappears by 2019,” Schaus said. “The public school establishment is so adamantly opposed to empowering parents with more choice, it is willing to forcibly withdraw scholarships from low-income children in the next legislative session, after having already killed an ESA program that had been watered down throughout the legislative session.”

**‘Sandoval Did Not Fight’**

Michael Chartier, director of state programs and government relations at EdChoice, says Sandoval did not do enough to get the ESA program funded.

“Many members of the Republican Assembly and Senate caucuses worked long and hard to find a compromise that would get the ESA funded while being cognizant of the new balance of power in the legislature,” Chartier said.

“Ultimately, Gov. Sandoval did not fight for ESA funding on behalf of the over 9,000 children who signed up for the program, and the senate Democrats removed his $60 million appropriation from the budget.”

Chartier says the Opportunity Scholarship program is no replacement for the ESAs.

“That program has income requirements, and not everyone who qualified for an ESA will qualify for the tax-credit scholarship,” Chartier said.

**‘More Motivated Than Ever’**

Schaus says the continual setbacks have only increased parents’ determination to get choice for their children.

“There are roughly 10,000 families out there who are more motivated than ever,” Schaus said. “We’re talking about an army of parents ready to fight. And unlike the defenders of the status quo, these parents aren’t fighting for a special interest or a lobbying firm or a union. They’re fighting for their kids.

“Nevada was on the verge of experiencing a gold rush of educational innovation and opportunity,” Schaus said. “Sadly, because of political games and the public school establishment, parents will have to keep fighting for the ability to gain control over their children’s educational path. I have faith, however, that they will make progress. They won’t give up until choice is an absolute right for every student in the Silver State.”

Teresa Mull (tmull@heartland.org) is a research fellow in education policy at The Heartland Institute.

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By Teresa Mull

**THE TUTTLE TWINS GIVE YOUR CHILDREN A FOUNDATION OF FREEDOM**

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Ohio Considers Expanding State’s Voucher Program

By Kenneth Artz

A bill to expand Ohio’s private school voucher program is under consideration in the state Senate’s Education Committee.

Ohio currently offers five voucher programs, including assistance for special-needs students, children assigned to “low-performing” public schools, students from low-income households, and children in Cleveland. Senate Bill 85, introduced in March of this year, would combine the programs not involving disabled students into an Ohio Opportunity Scholarship program. It would also eliminate the cap on the number of scholarships offered, base voucher eligibility on a family’s income, and loosen income requirements to include more families.

If it passes, SB 85 will take effect in the 2018–19 school year.

Bill ‘Provides Freedom’

Jackie Zufall, president of Holy Cross Academy Catholic Schools in Stark County, Ohio, says there are many ways to maximize a person’s potential but none as profound as a quality education, which is why the new bill is so important.

“SB 85 broadens the choices Ohio’s parents have when making important decisions about their child’s education,” Zufall said. “Parents use their freedom and judgment to choose everything from food to day care facilities to pediatricians. As a child’s first teacher, parents should be able to make decisions about their child’s education, too. SB 85 provides freedom for more parents to choose an educational setting and program which matches their child’s specific needs. This is essential for designing an appropriate educational path, thus maximizing the unique potential their child possesses.”

Catalyst for Success

Zufall says the chance to attend a different school can change a young person’s life.

“I’ve seen middle school students who were negatively influenced by peer pressure make a complete turnaround in a new setting,” Zufall said. “I’ve seen students who struggled with learning develop self-confidence for the first time because of the structured approach found in private schools. Some students are fine in an assigned school setting; others need more attention or a different approach.

“The choice to attend a different school, find another instructional approach, or experience an alternative setting can be the catalyst for a child fulfilling his or her potential for a promising future,” Zufall said.

Money Follows the Student

Greg R. Lawson, a research fellow at The Buckeye Institute, says the bill would introduce further market forces into the state’s education system.

“Ultimately, the policies contained in SB 85 move us somewhat, even if it is a baby step, closer to a model where the money follows the student,” Lawson said.

Kenneth Artz (kartz@heartland.org) writes from Dallas, Texas.
Continued from page 1

‘Baby Steps’
Mosley told School Reform News he plans to chip away at compulsory attendance with incremental legislation.

“I’m probably not going to run legislation that would repeal it outright,” Mosley said. “I’m going to try to take baby steps. One of the first things I am going to try to run is increasing the days you can have as an excused absence. Right now in Arizona, the compulsory attendance law is for six-to-16 year-olds. I’d love to lower the age to 14 or eighth grade or something, so I might run something like that.

“But I’d love to increase the number of days,” Mosley said. “You can miss 18 days that are excused absences, and there’s no effect. If your child misses [with] 19 excused absences, no matter how smart your child is, no matter what a good student your child is, no matter if you’re taking makeup work, no matter what’s going on, [you’re penalized]. I’d like to increase the days from 18 to 24, or 30, so that children could have more excused missed days.”

Mosley says compulsory attendance laws are too entrenched to be repealed anytime soon.

“I’m basically going to try to take baby steps because I know that there’s no way I’ll ever get a complete repeal through,” Mosley said. “Otherwise, I would have run it this year. I’m not oblivious to the opposition I have from people who think that it is the state’s responsibility to force our children to go to school, the school of their [government’s] choice, and a one-size-fits-all school, instead of catering the education to the child, which is the most important thing.”

‘Restore the Authority Order’
Rick Jore served as a Republican member of the Montana House of Representatives for four terms and introduced legislation to repeal compulsory attendance during each term. Jore says his efforts were about putting parents in charge of their own children.

“I first introduced legislation in my very first session, in 1995 in the Montana House, to repeal compulsory attendance,” Jore said. “My intent, of course, overall fundamentally, was to simply restore the authority order between the state and parents regarding the education of children. Compulsory attendance laws turn the authority order upside down. They necessarily presuppose that the authority of the state regarding the education of children supersedes that of parents, and I believe that if we are going to reform or address the monopolistic government schooling system, it is necessary to restore that authority order.”

Devaluing Education
Mosley says too many people in the United States take education for granted.

“It is a wonderful privilege to get an education in America,” Mosley said. “Part of the problem with our education system is that people don’t value it anymore. Parents don’t value it as much as they used to, partly because it’s offered at no expense to the parent or child, and people don’t value something they don’t have to pay for.”

Mosley says parents would take a greater interest in their children’s education if attending school weren’t free or forced.

“We need more parental involvement, and to get more parental involvement, if we were to do away with the compulsory attendance laws, parents would still bring their children to school, but it would be their responsibility to make sure their children are educated instead of the state’s responsibility,” Mosley said.

Mosley says too many people rely on government to do their parenting for them.

“A lot of learning happens at home with the parents, and I don’t think people realize that,” Mosley said. “Parents drop their kids off for six or seven hours or however long school is, and many parents enroll their kids in after-school programs and such, so they don’t have to pick them up ‘til after 5 o’clock. I don’t think parents think it’s their responsibility that their kids get educated. They have given that responsibility to the state because of the compulsory attendance laws.”

‘Significant Disdain’
Jore says public school interests adamantly opposed his initial efforts to repeal compulsory school attendance.

“I introduced that legislation in each of the four sessions that I served,” Jore said. “As you can imagine, my initial effort brought significant disdain from the education establishment because of their misconceptions of our efforts. Those within the education arena saw this effort as a challenge to their notion that they are doing this wonderful thing in educating children, and why would you think that we shouldn’t have the force of law to compel parents to place their children in these wonderful schools?”

Jore says the education establishment is wrong about who should be in charge of children.

“If we’re going to address school reform or continue in efforts to implement school choice, we really need to understand the order of authority,” Jore said. “It’s certainly the prerogative of parents to compel their children to be in school, not the state. It’s just simply an upside-down and backwards authority order.”

Teresa Mull (tmull@heartland.org) is a research fellow in education policy at The Heartland Institute.

Official Connections:
Arizona state Rep. Paul Mosley (R-Lake Havasu City):
http://www.votemosley.com
By Harry Painter

A national law firm sent a Pennsylvania high school a demand letter informing administrators the school’s denial of permission for a proposed pro-life club violates students’ constitutional rights.

Two students at Parkland High School in Allentown submitted a proposal in March to start a chapter of Students for Life of America (SFLA), whose mission is to “abolish abortion in our lifetime,” at their school. The school’s vice principal denied their request. The Thomas More Society, representing the students and SFLA, sent a letter to school administrators in May.

“[The students] have informed us that Assistant Principal Sandt has denied their club the right to become an official student club at Parkland High School because the pro-life message is too ‘political’ and ‘controversial,’” the letter states. “Parkland High School’s refusal to permit [the students] to create a pro-life club constitutes a violation of their rights under both the First Amendment to the United States Constitution and the federal Equal Access Act. Additionally, this denial violates Parkland School District’s own policies regarding student organizations.”

Equal Access Argument

The district responded to the letter by saying it is willing to approve the club, but not unconditionally. Thomas More Society special counsel Jocelyn Floyd told School Reform News, “It has made that willingness contingent on placing certain conditions on the club that are not in accordance with the First Amendment or the Equal Access Act.”

The Equal Access Act is a federal law passed in 1984 requiring federally funded secondary schools to allow equal access to student groups without regard to the content of their speech, whether political, religious, philosophical, or otherwise.

Floyd says the school’s denial of the students’ request also violates the First Amendment. “The school is concerned with the mission statement of the club because it appears the club intends to try to change other people’s opinions, which is, well, the very nature and purpose of free speech,” Floyd said.

Parkland’s website lists a political science club and a Gay Straight Alliance, among many other extracurricular student groups. As of July, attorneys on both sides were still discussing the case. No lawsuit has yet been filed.

‘It’s Astounding’

In addition to the demand letter, SFLA is involved in two lawsuits regarding free speech in California. SFLA Director of Communications Kristina Hernandez says school administrators should be better informed about students’ rights.

“It’s unusual, at this point, that schools don’t use Google more often to find out more about Students for Life and the type of cases we have helped to make public,” Hernandez said. “It’s astounding to us that school administrators are not properly educated on the First Amendment rights of their students.”

Harry Painter (jharrypainter@gmail.com) writes from Brooklyn, New York.

Law Firm Demands Penn. High School Allow Pro-Life Club

Common Problem

Hernandez says what she calls the Parkland administrators’ “excuses” for denying the SFLA club are typical of the organization’s experiences at other high schools.

“We deal with these kinds of situations at high schools maybe a dozen times a year or more,” Hernandez said. “If a school does not relent, then we will often go public in order to make sure our pro-life students aren’t treated like second-class citizens.”

INTERNET INFO


The Creating Compassionate Children™ Toolkit is a character development curriculum designed for preschool and elementary age classrooms. It was created to help teachers and students talk about how each of us has different abilities and how one can be a supportive friend no matter what kind of help another child needs in an effort to develop a cohort of compassionate and supportive peers. The toolkits come in a pre-assembled box where you will find everything you need to create a kinder classroom.

Each toolkit contains:

- Teacher’s Guide to using the Creating Compassionate Children™ Curriculum (1)
- Get Caught Being Kind™ Cards (25)
- Get Caught Being Kind™ Poster (1)
- Brain Break Cards® (1 set)
- Sensory/fidget toys (2 per set)
- Promote ribbon (10 yards)

www.GetCaughtBeingKind.org ■ 561-620-9377
New Hampshire Reestablishes Legality of Town Tuitioning

By Kimberly Morin

New Hampshire towns that don’t offer public education for all grades may once again contract with private nonsectarian schools for educational services.

The state’s House of Representatives passed an amended version of Senate Bill 8, known as “the Croydon Bill,” in June to allow districts to practice “town tuitioning,” as the Croydon School District and many small towns bordering other states do.

“A school board may execute a contract with any approved nonsectarian private school approved by the school board as a school tuition program ... to provide for the education of a child who resides in the school district, and may raise and appropriate money for the purposes of the contract, if the school district does not have a public school at the pupil’s grade level and the school board decides it is in the best interest of the pupil,” the bill reads.

Gov. Chris Sununu (R) signed the bill into law on June 29.

DOE Changed Rule

“[Croydon] has 37 students in grades five to 12,” the New Hampshire Union Leader reported in November 2015. “Most of those students attend the Newport public middle and high school, which costs the school district about $12,000 per student. Five attend Newport Montessori School, which goes up to the eighth grade. Tuition at the private school is $8,200 a year.”

In February 2015, the state department of education (DOE) sent Croydon a letter ordering the district to stop paying private tuition for students for whom the district could not provide public education. In July 2016, the New Hampshire Superior Court ruled in favor of New Hampshire’s DOE. Croydon appealed its case to the New Hampshire Supreme Court. The new law voids the need for an appeal.

Accountability, Local Control

State Rep. Rick Ladd (R-Haverhill), chairman of the House Education Committee, says SB 8 was crafted to hold schools accountable.

“We put accountability measures in there where the receiving school has to provide a nationally standardized assessment,” Ladd said. “That’s at the choosing of the receiving school, and that receiving school is responsible for submitting annual progress reports to the school board, not to [the DOE] or to the state board of education.

“In the end, we have a bill that meets the constitutional constraints,” Ladd said. “It meets the accountability constraints of the state, and it puts the responsibility where it belongs, on the local school board. It’s a local control bill.”

No Religious Schools Allowed

Ladd says the legislature was mindful of the state’s Blaine amendment, which prohibits taxpayer dollars from funding sectarian schools, while crafting the bill.

“We have the Blaine Amendment in the State of New Hampshire, part of our Constitution, which specifies that public dollars will not be used for a religious school,” Ladd said. “We believe this is a good step forward, and what we have identified, we’ve guaranteed that now a public school can send [a student] to ... not a private religious school, but a private nonsectarian school. That’s a tremendous step forward in the state of New Hampshire.”

Program Saved

Michelle Levell, director of School Choice New Hampshire, says SB 8 will help students who are happy in their current private schools.

“This bill was initiated to clarify the Croydon School Board’s authority to offer a school choice program,” Levell said. “The tiny town provides kindergarten through fourth grade in-district and must tuition out older students. It is not a new concept, as New Hampshire local school boards may already enter into agreements with public and private schools. Last summer, the New Hampshire Superior Court ruled against Croydon, and their appeal to the New Hampshire Supreme Court [was] on hold pending the 2017 legislative efforts. There are students enrolled in Croydon’s school choice program this year. Now that the bill passed, these children may stay at the schools where they are thriving.”

Will Affect 50 Towns

Levell says the legislation’s effects will be far-reaching.

“Although SB 8 is commonly called the ‘Croydon bill,’ it is not limited to just one community,” Levell said. “It will impact roughly 50 small towns across New Hampshire that do not have every grade in their district. Croydon paved the way for these small communities. Their program is a model to expand choice to more students who otherwise would not be able to access a better educational fit, and for small towns to better manage financial responsibilities in the face of declining student enrollment and rising educational costs.”

Cites Parents’ Support

State Sen. Ruth Ward (R-Stoddard), SB 8’s prime sponsor, says parents support the new law.

“A lot of people feel as though we are taking it away from the public schools, [that] we’re giving it to the rich people, and the private schools have absolutely no accountability and they have no oversight as to the quality of the education, and it’s unconstitutional, it’s not right, all kinds of things,” Ward said. “I’ve heard from parents.

“There are a lot of other parents who have let me know that this is a good thing, parents who are for school choice, because many of them don’t like their local schools,” Ward said. “They find a lot of problems with them, the curriculum in particular and all the testing that is done. They are just tired of it.”

Kimberly Morin (kimberlyamorin@gmail.com) writes from Brentwood, New Hampshire.

Official Connections:


“We have the Blaine Amendment in the State of New Hampshire, part of our constitution, which specifies that public dollars will not be used for a religious school. We believe this is a good step forward, and what we have identified, we’ve guaranteed that now a public school can send [a student] to ... not a private religious school, but a private nonsectarian school. That’s a tremendous step forward in the state of New Hampshire.”

STATE REP. RICK LADD
NEW HAMPSHIRE (R-HAVERHILL)
Govt. Employees Petition Supreme Court to Hear Case on Forced Union Dues

By Michael McGrady

Government employees challenging the practice of forcing nonmembers to pay union dues asked the U.S. Supreme Court to hear their case.

Mark Janus, an employee of the Illinois Department of Healthcare and Family Services, joined several fellow government employees in filing a lawsuit in 2015 to end the state’s so-called “fair-share” law.

“To keep my job at the state, I have to pay monthly fees to the American Federation of State, County and Municipal Employees (AFSCME), a public employee union that claims to ‘represent’ me,” Janus said in a statement. “I’m filing this case on behalf of all government employees who want to serve their community or their state without having to pay a union first.”

First Amendment Issue

The National Right to Work Legal Defense Foundation is representing the plaintiffs in Janus v. AFSCME. The plaintiffs filed a petition in June asking the U.S. Supreme Court to hear the case.


Janus is similar to Friedrichs v. California Teachers Association, which the Supreme Court heard in March 2016. The Center for Individual Rights filed the latter case on behalf of Rebecca Friedrichs, a California teacher who argued forcing nonunion employees to pay union dues, which funded causes Friedrichs did not support, violated teachers’ rights.

In March 2016, after the death of Justice Antonin Scalia, the U.S. Supreme Court issued a 4-4 ruling leaving in place a lower court’s decision in favor of the unions.

Teachers Unions Safe

Larry Sand, president of the California Teachers Empowerment Network, says a favorable ruling for Janus would not destroy teachers unions.

“Should Janus be successful, teachers unions will not dissolve,” Sand said. “They will have less political money at their fingertips, and thus will not be as powerful as they are now, however. In some states, like California, they won’t have the same hold over the state legislature, which could open the door for student-friendly reforms. For example, tenure and seniority laws could be eradicated or at least modified. And the byzantine dismissal statutes could be simplified, making it easier to get rid of incompetent teachers.”

‘Free Every Public Employee’

Patrick Semmens, vice president of public information for the National Right to Work Legal Defense Foundation, says a win for Janus would be a victory for every public-sector employee.

“Currently, over a million teachers nationwide are required to pay fees to a union just to teach in public schools in their communities,” Semmens said. “A win in the Janus case at the Supreme Court would free every public employee, including public school teachers, to decide for themselves if payment of union dues is a good use of their hard-earned money. Additionally, making membership and dues payment fully voluntary will make union officials more accountable to the rank-and-file members they claim to represent, since they will have to earn dues instead of teachers paying them because they would be fired if they didn’t.”

Michael McGrady (mmcgrady@uccs.edu) writes from Colorado Springs, Colorado.

Delaware Lawmakers Vote to Abolish State Board of Education

By Lindsey Schulenburg

A Delaware legislative committee voted to abolish the State Board of Education.

Members of the Delaware Joint Finance Committee voted in May to eliminate all $213,000 in funding for the board, which is separate from the Delaware Department of Education. The proposed cuts would have eliminated the board, whose duties, according to the board’s website, include “reviewing and approving regulations and applications for charter schools” and “[driving] implementation of rigorous and consistent content standards.”

The committee’s proposal requires approval from the state’s House and Senate before going into effect. The legislature did not vote on it before adjourning for the year in early July.

‘Little to No Oversight’

State Rep. Jeff Spiegelman (R-Clayton) says the board has been operating irresponsibly.

“My opposition to the state board stems from years of them operating with little to no oversight, beyond the boundaries of what powers they have outlined in code, without following Freedom of Information Act guidelines, and without a decision-making process that was open and transparent for the people of Delaware, whom they claim to serve,” Spiegelman said.

Spiegelman says some board duties “will have to be rolled into the local boards and the DOE,” which Spiegelman says shouldn’t be onerous.

“These are resources taken away from schools and instead used on themselves as a staff or financial burden,” Spiegelman said.

For Local Control

Ron Russo, senior education fellow at Delaware’s Caesar Rodney Institute, says the proposal could help the state move toward more local control of schools.

“If you go back to 1995, that’s when the charter school law was passed, moving decision-making to a lower level. This removal of the [state board] is sort of a step in that direction.”

RON RUSSO, RODNEY INSTITUTE

“Considering the current size of the DOE, which many would describe as bloated, this should not be a staff or financial burden,” Spiegelman said.

Lindsey Schulenburg (lindseys.heartland@gmail.com) writes from Chicago, Illinois.
A common explanation for ever-rising tuition at public universities—that it results from declining budget support from state legislatures—is wrong, a new study shows.

**Tuition Always Increasing**
In “The Disinvestment Hypothesis: Don’t Blame State Budget Cuts for Rising Tuition at Public Universities,” American Enterprise Institute Resident Fellow Jason Delisle concludes state government funding reductions have only a small effect on public university tuition increases, and an increase in subsidies would likewise have a tiny impact.

In the study, published by The Brookings Institution, Delisle notes the argument state budget cuts push up tuition is “routinely asserted with a simple graph showing tuition rising and per-student appropriations falling.” Delisle points out state appropriations fluctuate, up and down, whereas tuition has consistently increased.

**State Funding a Small Factor**
In 2001, the federal government’s National Center for Education Statistics studied the relationship between college tuition and revenues from 1988 to 1997. The study concluded only 19 to 28 percent of changes in tuition could be explained by changes in state appropriations.

In 2004, economists Michael Rizzo and Ronald G. Ehrenberg reviewed state funding as part of a larger study. They observed a typical state increasing appropriations by $1,000 per student would lead to a decrease of only $60 in in-state tuition. In 2014, researchers Mikiyong Minsun Kim and Jongwan Ko examined the effects of state funding on public university tuition between 1998 and 2007. They found the correlation was very small, estimating if state funding per student increased by $191 in 2015, the decline in tuition would be approximately 10 percent of that, or $19.71.

Delisle concluded, “More state funding appears to buy pennies on the dollar in lower tuition. That makes increasing appropriations for public colleges and universities an ineffective—even wasteful—policy for keeping tuition low.”

**No ‘Silver Bullet’**
Robert E. Martin, Ewing T. Boles Professor Emeritus of Economics at Centre College, says Delisle’s debunking of the state-disinvestment claim makes sense.

“There is unlikely to be a ‘silver bullet’ that explains all or most of the increases in tuition and fees over the last four decades,” Martin said. “The increases in tuition and fees are due to a complex combination of such factors as bureaucracy, government mandates, and bundling of services not normally sold with higher education.”

Martin says an important factor Delisle did not mention is the competition for status among nonprofit institutions of higher education.

“The higher education nonprofit [or public university] faces an unlimited number of opportunities that could conceivably enhance its reputation or prestige,” Martin said. “This puts the administrators on an eternal quest to raise the cap on expenditures. Expenditures rise, but they rarely decline.”

**‘Broaden Our Search’**
Jenna Robinson, president of the James G. Martin Center for Academic Renewal, says Delisle’s study shows it’s important for researchers to set aside the state-disinvestment hypothesis and look for the most important cost drivers.

“It’s clear from Delisle’s report that state spending is only a small piece of a much larger puzzle,” Robinson said.

**INTERNET INFO**

**By Jane S. Shaw**

How to Save a Life Without Spending a Dime

Thanks to lawmakers across the country patients with terminal illnesses have new hope—and it’s not costing states a dime. State Right to Try Acts are sweeping the country and are passing with overwhelming bipartisan support. And it’s working. In Texas, for example, almost 100 terminal cancer patients have access to a life-saving treatment that they wouldn’t otherwise. Good ideas can’t become good policy without lawmakers who are willing to do the right thing. So thank you. We thank you and the millions of American families with a loved one facing a terminal illness thank you.
Report: Colleges Are Doing Away with Western Canon

By Jesse Saffron

At an estate sale I attended a couple of weeks ago, I spotted the complete 51-volume set of leather-bound Harvard Classics, published in 1909.

The Harvard Classics used to be nicknamed “Dr. Eliot’s Five-Foot Shelf.” That was a reference to Charles Eliot, president of Harvard University from 1869 to 1909 (and cousin of the poet T. S. Eliot). President Eliot had set out to curate a book collection that would be “a good substitute for a liberal education in youth to anyone who would read [it] with devotion, even if he could spare but fifteen minutes a day.” And, he added, such knowledge could fit on a five-foot shelf.

The initiative was successful. More than 350,000 collections were sold in the two decades after first publication. Eliot’s project spans science, philosophy, poetry, and other fields, and it includes works ranging from The Divine Comedy to The Autobiography of Benjamin Franklin. Clearly, Eliot meant it when he said books “are the quietest and most constant of friends; they are the most accessible and wisest of counselors, and the most patient of teachers.”

Wisest of Counselors

Many in academia today probably would agree with that quote. However, there probably wouldn’t be wide agreement with Eliot that not just any books, but rather those in the Western canon, are the wisest of counselors. In fact, even in Eliot’s era, colleges and universities (Harvard included) had begun to move away from their core curricula, which had ensured most students were familiar with many of the classics and at least acquainted with others.

The reasons for that shift have been written about exhaustively. Academic specialization and the desire on the part of faculty to offer related elective courses, increasing anti-Western sentiment in some humanities departments, and social justice campus initiatives deserve much of the blame. And so at many colleges now, it is possible for a student to receive his or her diploma without having read or thought about much, if any, of the greatest literature that has ever been written.

Given this strong institutional momentum away from the canon and a unified general education core, some have looked for next-best alternatives, however imperfect. A popular approach in recent years has been to create common reading programs intended to give incoming freshmen a dose of high-level literature and an introduction to the kind of serious intellectual engagement they should expect in college. But even this approach has fallen short of its limited goal.

Killing the Classics

The National Association of Scholars (NAS) released a report in May analyzing 348 colleges’ common reading programs. The report, the latest in NAS’s Beach Books series, is subtitled “What Do Colleges and Universities Want Students to Read Outside Class?” It appears the answer, for the most part, is nonfiction with a progressive slant published in the past ten years, such as Ta-Nehisi Coates’ Between the World and Me and Bryan Stevenson’s Just Mercy.

The universities’ selections tend to dwell on racism and civil rights, immigration, and family dysfunction. “The themes register most strongly with [the] common reading genre’s continuing obsession with race, as well as its infantilization of its students, its middlebrow taste, and its progressive politics,” the report states. Part of the problem is the nonacademic administrators controlling most reading programs commonly inject social justice goals into the selection process.

Book selection committees usually are stacked with individuals from campus diversity, sustainability, student affairs, and residential life offices. Those individuals tend to lack the background and expertise, and in some cases the incentives, to choose challenging books of ‘enduring power and beauty,’ as the NAS report labels them.”

“Book selection committees usually are stacked with individuals from campus diversity, sustainability, student affairs, and residential life offices. Those individuals tend to lack the background and expertise, and in some cases the incentives, to choose challenging books of ‘enduring power and beauty,’ as the NAS report labels them.”

Defending the Western Canon

NAS’s full 190-page report offers more than criticism of what it calls “ideologically constrained” and “parochial” reading selections. It provides recommendations aimed at encouraging students to read and think more deeply about great literature. First, that means better

books: NAS’s preference is for classics and fiction. The report also lists modern masters, such as Cormac McCarthy, whose works would be worthy selections. In addition, NAS suggests colleges incorporate graded writing assignments into students’ first-year coursework.

Other recommendations call for curbing administrators’ power over students’ reading assignments. NAS says faculty in disciplines such as English and philosophy, not campus bureaucrats, should be in charge of reading programs. Also, NAS recommends abandoning all political and nonacademic goals, and donors should ensure that’s happened before writing checks. Finally, says NAS, higher education institutions should raise their admissions standards so only students “capable of reading a challenging book” are in college.

Circumstances now, especially in academia, often appear unfavorable to great literature, particularly the Western canon. That’s why the work of organizations such as the National Association of Scholars is so important. A rigorous, passionate defense of these books is not based on political winds, which always are ephemeral. That leaves open the possibility that over time, colleges and students will change course and seek a more rewarding intellectual path.

Jesse Saffron (think@heartland.org) is managing editor of The James G. Martin Center for Academic Renewal, which originally published this article. Reprinted with permission.

INTERNET INFO

Purdue Buys For-Profit Kaplan University, Offers Discount to Indiana Residents

By Jane S. Shaw

Purdue University trustees are offering significant discounts to in-state residents who enroll in Kaplan University, an online school Purdue recently acquired.

Purdue, a public land-grant university in Indiana, announced in April it had acquired Kaplan University, a for-profit online college, for $1. Mitch Daniels, president of Purdue and former Indiana governor, said in a statement the acquisition was the best way for the university to serve a broad range of students across the state, especially those “who must largely balance the demands of school with the obligations of careers, family, and other burdens of adult life.”

In-State Tuition Cuts

Purdue is calling its online subsidiary “Purdue New U.” Kaplan’s professional certification programs will remain separate from Purdue.

Kaplan instructors and curricula will initially remain the same, though in June the New U board announced it would “knock 45 percent off the quarterly credit hour price for Indiana residents pursuing an associate’s or bachelor’s degree through the online university,” the Lafayette Journal & Courier reported. “The second act was to offer New U courses at no cost for Purdue’s 12,513 benefits-eligible employees—including 10,591 on the West Lafayette campus. Family members of Purdue employees would get 50 percent discounts on New U courses.”

Enrollment Rise and Fall

Kaplan University started in 1938 as a student-preparation school for standardized tests such as the SAT. The Washington Post purchased the school in 1984 and later expanded it to offer formal college education. Jeff Bezos, founder of Amazon.com, bought The Washington Post, thus making Kaplan essentially independent.

Like other for-profit universities, Kaplan has gone through difficult times recently, in part because of strict regulations imposed on for-profits by the U.S. Department of Education under President Barack Obama. Kaplan’s enrollment declined from more than 112,000 students several years ago to approximately 32,000 today.

Opposition and Praise

Purdue’s acquisition of Kaplan raised the ire of some faculty members, and the Indiana chapter of the American Association of University Professors issued a statement of opposition to the plan, saying, “Non-profit institutions serve the public good; for-profit private institutions serve corporate interests. The two should not mix.”

Rep. Virginia Foxx (R-NC), chair of the U.S. House of Representatives Committee on Education and the Workforce, praised Purdue’s acquisition, saying, “Innovation in higher education is always a good thing. This is an exciting development, one that will empower contemporary students in Indiana and across the country to gain the skills and education they need.”

“Part of the beauty of what Purdue has done is structuring the new school as an autonomous unit. Too often, online education is what we call a ‘hybrid’ innovation: using a new technology but really packaging it in the old business model at the exact same cost, with requirements and structure just the same, not taking advantage of the cost structure or the pedagogical improvements possible.”

ALANA DUNAGAN
RESEARCH FELLOW
CLAYTON CHRISTENSEN INSTITUTE

‘An Autonomous Unit’

Alana Dunagan, a higher education research fellow at the Clayton Christensen Institute, says Purdue’s model in acquiring Kaplan is unique.

“Part of the beauty of what Purdue has done is structuring the new school as an autonomous unit,” Dunagan said. “Too often, online education is what we call a ‘hybrid’ innovation: using a new technology but really packaging it in the old business model at the exact same cost, with requirements and structure just the same, not taking advantage of the cost structure or the pedagogical improvements possible. An autonomous unit could rethink, from the ground up, how the program could be more workforce-aligned and serve the needs of students who have traditionally been left out or shoved to the margin.”

‘A Really Innovative Leader’

Dunagan says it’s unlikely many universities will copy Purdue’s action.

“It requires a really innovative leader at the top, someone who takes personal risks,” Dunagan said. “As a former governor, Mitch Daniels has the business expertise and the political chops to do it, but average college presidents may not be able to, even if they have the vision to see beyond the biases of higher education.”

As Indiana’s governor, Daniels brought a campus of Western Governors University to the state to expand competition in higher education and encourage online education. Daniels became Purdue’s president in 2013. Two years later, Fortune magazine placed him at No. 41 on its list of “World’s Greatest Leaders,” writing, “He’s frozen tuition, cut costs by zeroing out administrative waste, and negotiated a deal with Amazon to save students up to 30 percent on textbooks.”

Jane S. Shaw (janeshaw5966@gmail.com) is School Reform News’ higher education editor.
American Bar Association Stifles Legal Education

By Allen Mendenhall

The journalism programs at Northwestern University and the University of California at Berkeley, two of the most prominent such programs in the country, recently dropped out of the national accreditation process. The reason? Accreditation standards are both costly and obsolete.

In the field of law, the social and financial costs of accreditation are even more pronounced. Small businesses and Americans of modest income face high costs when hiring an attorney or litigating a case. Yet the American Bar Association (ABA), the only accrediting body for law schools in the United States, regulates legal education in a way that drives up those costs.

Forcing Costs Up

ABA fixes the number of credit hours required for law students to graduate, effectively eliminating the possibility of graduating in less than three years. It designates “full-time” faculty in a way that excludes lawyers who are paid by a law firm or business. Its requirements for equipment and technology force many schools to buy expensive computers and furnish computer labs that students may never use.

ABA scrutiny of attrition rates has contributed to a change in law-school culture and practices. In the past, law schools could accept a high percentage of applicants who, as students, had to prove their competence and stand or fall on their academic merit. Those who couldn’t cut it flunked out. They didn’t incur three years of debt only to take and retake a bar exam they couldn’t pass.

But now ABA penalizes law schools for high attrition, creating an incentive to retain students who should drop out. That policy encourages grade inflation and more student loans.

Bias Against Business

Law schools recently came under criticism for hiring their own graduates to boost their post-graduation employment statistics. ABA responded by telling law schools they must promote “J.D.-required” and “bar-passage-required” jobs to their graduates, at the expense of corporate or financial positions that pay higher salaries but don’t require a law license. If you graduate from law school today and become the CEO of a large, multinational company tomorrow, you will unfavorably skew your school’s data.

To serve their students, law schools should feel free to guide them toward alternative careers that would apply the knowledge and leadership they gained from legal education.

Underdogs Underrepresented

Unintended harm, however, is nothing new for ABA.

Founded in 1878 by an elite group of lawyers, ABA soon became a fraternal guild that sought to enforce rigid barriers to entry into the legal profession. It officially excluded African-Americans for 66 years. In response to protests when ABA ousted three African-Americans in 1912 on the basis of their skin color, ABA said, “it has never been contemplated that members of the colored race should become members of this Association.”

ABA has tried to make up for its past racism by increasing the ethnic diversity of its membership, creating a commission on sexual orientation and gender identity, and strengthening its rules against racial harassment or discrimination. But even today, ABA’s function is to exclude certain groups from membership in order to give its members a monopoly on legal services. The result is a decrease in the number of low-income, immigrant, and minority lawyers.

That effect will continue if ABA revises Standard 316, as it is proposing. The revised standard would require that in three of the past five years, 75 percent of the graduates of a currently approved law school have to have passed the bar.

Because there is a large gap in African-American bar passage rates, the effects of the revised standard would fall disproportionately on those schools with higher numbers of African-American students. A few months ago, Lawrence P. Nolan, president of the State Bar of Michigan, told ABA delegates minority organizations—including ABA’s own Council for Racial and Ethnic Diversity in the Educational Pipeline—opposed the revision.

Declining Enrollments

Defenders of the proposed revision argue law schools are exploiting racial minorities by admitting underqualified applicants to make up for an overall decrease in admission applications. There’s truth to this characterization. Law-school admissions standards have dropped precipitously as enrollment has declined.

But why trust the organization that caused or at least exacerbated many of these problems to fix them? Law schools need to address declining enrollments with imagination and rational risk-taking. Proposals as wide-ranging as abolishing the bar exam and broadening the curriculum beyond J.D.-focused courses should be considered. In addition, the U.S. Department of Education might consider stripping ABA of its accrediting powers altogether.

Need for Reform

ABA is systematically harming ethnic minorities and low-income individuals. It may well be time for top-ranked law schools to follow in the footsteps of the journalism schools at Northwestern and Berkeley. Law schools with lower rankings may lack the credibility to resist, given their stake in the accreditation process.

The legal profession is, in the words of Benjamin Barton, “facing a major retrenchment” because it is mired in outmoded tasks that artificial intelligence may replace. It’s time for an energetic rethinking of the goals of legal education and the legal profession. Ending ABA’s accreditation authority would be an exciting first step. It would lower costs and enable administrators to focus on their true mission: educating prospective lawyers and bringing justice and order to rich and poor alike.

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Florida Judge Orders Equal Funding for Charter Schools

By Michael McGrady

A Florida judge ruled a group of charter schools must receive a fair share of funding from property taxes.

Charter schools are publicly funded, privately run schools that comply with stricter accountability rules in exchange for freedom from some government restrictions. Indian River County voters approved a special property tax in 2010 to fund public schools' operational costs, including teachers' salaries and books. At the time, a group of five charter schools in Indian River County received 5 percent of the funding, because they enrolled 5 percent of the county's students.

By 2012, the charter schools were enrolling about 13 percent of the county's students but were still receiving 5 percent of the funding generated by the voter-approved property taxes. Between 2015 and 2016, the state Department of Education and Department of Administrative Hearings failed to reconcile the funding dispute.

In June 2017, Circuit Judge Paul Kanarek sided with the charter schools, ruling they are entitled to the percentage of the property tax levy that corresponds to their enrollment. At press time, the School District of Indian River County was considering whether to appeal the judge's ruling.

Broadening the Market
Corey DeAngelis, a policy analyst at the Cato Institute's Center for Educational Freedom and a distinguished doctoral fellow at the University of Arkansas, says the judge made the right call.

"Children ought to have access to all of their public educational funding, no matter which public school works best for them," DeAngelis said. "The low funding amount also disincentives high-quality, innovative public charter schools from opening at all. If charters provide more services that cost the same amount as a neighboring traditional public school, they will not even be able to exist with the current funding structure. In fact, it would be economically irrational to try to provide educational services above the state funding level.

"In addition, from an economic standpoint, improving charter funding equity would entice new high-quality charter schools to enter the market for education, providing children in need with even more opportunities for lifelong success," DeAngelis said.

‘Another Positive Step’
William Mattox, director of the J. Stanley Marshall Center for Educational Options at the James Madison Institute in Florida, says equitable funding puts students first.

"The court decision is yet again another positive step in the direction of recognizing that education is first and foremost about students and not about schools," Mattox said. "What the court said is we believe that the funding ought to follow the student to the school or educational program that his or her parents choose. If that happens to be a district school, fine, funding will then go to the district school. If that happens to be a charter school, fine, funding will go there.

"Our hope, of course, is that in time that principle will be extended to all students making a wide array of choices, whether that choice is to go to a district school, a charter school, a private school, parochial school, home school, whatever it might be," Mattox said.

Michael McGrady (mmcgrady@uccs.edu) writes from Colorado Springs, Colorado.
Competency-Based Learning Gains Ground Nationwide

By Ashley Bateman

Students in the ninth grade class at Windsor Locks High School in Windsor Locks, Connecticut have never received traditional letter grades.

Windsor Locks Public Schools began by giving competency-based grades in kindergarten through fifth grade. "When this class hit sixth grade, it continued," said Windsor Locks Principal Steve Swensen.

"The school's current ninth grade class will be the first to complete an entire K–12 education based on competency and mastery of subjects instead of A's and B's.

"The class of 2020 is the first class that will go through our whole system, and every subsequent grade will be graded that way," Swensen said.

National Trend, Homegrown Initiative

The U.S. Department of Education website states competency-based education transitions schools "away from seat time, in favor of a structure that creates flexibility, allowing students to progress as they demonstrate mastery of academic content, regardless of time, place, or pace of learning.

"Competency-based strategies provide flexibility in the way that credit can be earned or awarded, and provide students with personalized learning opportunities," the website states. "These strategies include online and blended learning, dual enrollment and early college high schools, project-based and community-based learning, and credit recovery, among others." 

'Significantly Increased Interest'

Schools across the country are implementing competency-based pilot programs, says Karla Phillips, policy director for competency-based education at the Foundation for Excellence in Education, which released “Policy, Pilots and the Path to Competency-Based Education: A National Landscape” in spring 2017.

"We’ve seen significantly increased interest in competency-based and personalized learning as a whole," Phillips said. "We see this as the next logical step for college and career readiness. We see state test scores that are low proficiency and don’t align with increased graduation rates. The pilot programs give the state the opportunity to ask these questions in their own state and develop their own solutions."

Revamped Grading System

Windsor Locks removed homework, behavior, and participation from students’ grades years ago, Swensen says.

"Under a traditional system, [grades include] a percentage of tests, quizzes, a homework component, participation, and classwork," Swensen said. "Homework and participation are opportunities for students to make mistakes or communicate misunderstandings. Content knowledge on assessments should be truly reflective of knowledge. Taking those things out of the grades, we realized that a standards-based grading system made more sense in that type of classroom environment."

'Local Communities Decide'

Phillips says the way schools incorporate competency-based learning varies.

"It’s more about flexible pacing than at their own pace," Phillips said. "Local communities decide what it looks like and how to fit the needs of their community and to make sure students have mastered subjects. Every school is approaching it differently."

Cari Strand, curriculum leader at New Haven, Connecticut’s High School in the Community Academy for Law and Social Justice, which uses competency-based learning, says schools should learn from one another.

"Other states have made this change, so my hope would be that we’d make this move while in communication with them and could learn from their successes and challenges," Strand said.

Colleges Accommodating

Swensen says parents need not worry about how colleges and universities view students from competency-based schools.

"[Colleges] get transcripts from all over the country and world, and they have to look at the transcript and school and make sense of many learning environments," Swensen said. "As long as the school profile describes that school’s grading system, they’re not going to be viewed differently."

'It’s Very Local'

Changing grading is not all there is to competency-based learning, Phillips says.

"I think it’s a long-term initiative," Phillips said. "One of the things that makes it long-term and palatable for politicians is it’s very local. It really allows for preservation of local control. There’s no requirements. All the state is saying is, ‘Let’s make sure students are really masters in the field and ready to move on.’ That’s also why implementation will take a while and look different school-to-school and district-to-district. Communities can really decide.

“As a country, we understand that students learn differently,” Phillips said. “Not only the style, but by pace. Students and families want more options and to tailor things more for their children.”

Ashley Bateman (bateman.ae@googlemail.com) writes from Alexandria, Virginia.

INTERNET INFO


Did you know

7 million men ages 24 to 55 are neither working nor looking for work?

To request a complimentary copy of Men Without Work by AEI's Nicholas Eberstadt, please visit www.aei.org/heartland-offer/

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Book Review

A Novel Celebration of Freedom and Individuality

By Jay Lehr

Lauren Hudson was 13 years old when she wrote Our Best Tomorrow, a novel about three young people chasing the American Dream. The story follows friends Adelaide, Isabella, and Jake on their journey to amazing success made possible by our nation's system of free enterprise, which Lauren's father and coauthor Robert Hudson explains through lessons about market capitalism, inserted in italics throughout the story.

Celebrating Freedom

Although I don’t read many novels, I could not put this one down. I thoroughly enjoyed watching three young people experience the normal trials of life through elementary and high school and on to college and beyond. Though written in 2013, this book can be read today as a celebration of recent political changes that have given free enterprise a new lease on life in America. With a different result in the past election, this book would now have to be read as a requiem for a once-great nation.

Former president Ronald Reagan once said a nation is successful “only when the human spirit is allowed to invent and create, only when individuals are given a personal stake in benefiting from their success—only then can societies remain economically alive, dynamic, progressive, and free.” The experiences of the characters in this book exemplify the great opportunities only a free enterprise system can offer.

Don’t get the idea Our Best Tomorrow reads like a textbook. It’s anything but dry. I laughed and cried as I read it, and when I finished it, the first thing I did was go back and read its 203 pages again. The character studies are amazing: Jake, the jock with unexpected humanity; Adelaide, a beguiling beauty made uneasy by her heavy French accent; and Isabella, a friendless nerd. The characters rely on each other to exhibit their independence as they approach college, where ultimately they must part.

For All Ninth Graders

It took me a while to determine the grade level at which students should read this wonderful book about the trials and tribulations of growing up in the United States and the beauty of American exceptionalism. I finally decided it belongs on every ninth grade reading list.

As we follow the three young adults, it becomes clear the nation’s free enter-
prise system encourages each of them to strive to improve in their individual pursuits. They all seek more education, formal or otherwise, and learn to work smarter to earn more to invest in their futures. Happiness is always a result of their taking advantage of the freedom to pursue their dreams.

Lauren, at 13 years of age, already knew there can be something big at the end of the rainbow for each of us who gives full rein to his or her unique American spirit. Adelaide, Jake, and Isabella share an innate sense that the harder they work in the field they choose, the more likely their success will match their dreams.

For Jake, that field is computer programming; for Adelaide, clothing design; and for Isabella, engineering. The reader learns a little about each of the young people’s chosen professions and the hurdles they face along the way.

Who Pays the Taxes?

The authors identify and illustrate some of the difficulties businesses face from our national and state governments. Eventually, all three characters reunite in Kentucky because business rules are less onerous there. We learn a great deal about government, including the fact governments tend to be anti-business in practice, as they seem not to understand the taxes from successful businesses are what support governments and their employees.

Some people who work for government do important jobs, but where do they think the money comes from to pay their salaries? This disconnect is difficult to understand. We should expect everyone employed in productive work to love a free enterprise system. Obviously, that is not so, and this book can help correct such misconceptions.

‘Rooting for Everybody’

Robert Hudson uses his daughter’s story to teach readers about the value of free enterprise better than almost any college economics 101 course could. In a free market, he tells us, poverty isn’t caused by other people’s wealth. When people do well in business, they can hire more people. He writes, “The next time you hear someone criticize people because they have money, consider telling them, ‘We should be rooting for everybody. That’s when America is at its best.’”

One of the main characters in the story enters politics with a platform almost identical to what President Donald Trump offered as a candidate. One might be tempted to accuse the authors of plagiarism were it not that they got there first. The plan the character offers is actually an echo of our Founding Father James Madison, who said, in effect, if people are free, they will find their way to the right choices and become far more productive than if even the best government were to tell them what to do.

We may not get this book into our schools any time soon—they’re largely run by governments, after all—but you can make a difference by buying it for all your high-school children, grandchildren, and friends’ children.

Jay Lehr, Ph.D. (jlehr@heartland.org) is science director at The Heartland Institute.
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“Heartland’s research and advocacy for science-based policies that improve people’s lives have been very helpful to me and my colleagues.”

REPRESENTATIVE ISAAC LATTERELL
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