 Obama Taps John King Jr. to Replace Arne Duncan as Secretary of Education

By Heather Kays

John King Jr., currently acting deputy secretary of education at the U.S. Department of Education, will become acting U.S. secretary of education in December, replacing his current boss, Secretary Arne Duncan.

Neal McCluskey, director of the Cato Institute’s Center for Educational Freedom, says Duncan had more power than any other secretary of education has to date.

“The first thing that’s important to note is that ultimately [Duncan] does what the president wants,” McCluskey said. “Big expansion of government and particularly Executive [Branch] control over education. Suddenly, he had a whole lot of power through Race to the Top money and through waivers. He’s probably had the most

More Fla. Students Using School Choice

By Travis Pillow

The number of students in Florida’s three K–12 private school choice programs continues to grow.

During the 2014–15 school year, Florida became the first state in the nation to serve more than 100,000 students with special-needs vouchers, tax credit scholarships, or its new education savings account program for special-needs students.

The first reported numbers for the 2015–16 school year, released in October by the Florida Department of Education, show thousands more students are participating.

More than 77,000 low-income students are receiving tax credit scholarships, a roughly 10 percent increase since 2014–15. More than 28,000 special

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John King Jr. listens as outgoing Education Secretary Arne Duncan talks to reporters at a school in Florida in October. King will replace Duncan in December.
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AMERICAN CONSERVATIVE UNION
Okla. Legislature Fails to Pass ESAs

By Vicki Alger

The Oklahoma Education Savings Account Act, coauthored by state Rep. Jason Nelson (R-Oklahoma City) and state Sen. Clark Jolley (R-Edmond), which would have created an education savings account (ESA) program for the state, has again failed to pass through the state’s legislature. Companion bills were introduced in both legislative chambers in January. Nelson introduced similar legislation in 2014, but the bill never made it out of committee.

ESAs are widely hailed by school choice advocates for empowering parents to personalize learning to unprecedented degrees by putting them in charge of their children’s education funding.

More Options for Parents

Oklahoma currently has a voucher and a tax credit scholarship program, which together help roughly 1,100 students.

Under the proposed ESA legislation, public school students from low-income families, students with disabilities, and students from military families would have been eligible for ESAs. Up to 90 percent of per-pupil state funding would be deposited into students’ accounts based on family income under the legislation, and parents could pay for a variety of education expenses, including private or virtual school tuition, tutoring, textbooks, and testing fees. Unused funds would roll over to pay for future education expenses, including college tuition.

“There are parents all over the state who are just as desperate for their child to have a future, but their limit is the school where they live or the opportunities within that school,” Nelson told The Oklahoman.

Public School Officials Opposed

A major focus of the 2015 legislative session was balancing a $611 million budget shortfall. School choice opponents claim ESAs would take money from public schools.

Tulsa Superintendent Keith Ballard insisted ESAs would have “a disastrous effect on public schools,” draining $1 million once the first 500 students left.

“The problem is, if you take money away from the public school, even if you take one child out, you still have to pay the teacher, the electric bills, buses,” Oklahoma Education Association President Linda Hampton told The Oklahoman.

“No,” Oklahoma Council of Public Affairs Senior Vice President Brandon Dutcher told School Reform News. Dutcher cited an analysis by Vance H. Fried of Oklahoma State University showing ESAs would yield a $1,000 to $3,000 per-pupil savings even if 100 percent of the associated state aid were deposited into students’ education accounts, because school districts would retain various non-instructional funding, such as employee health and pension benefits and transportation.

“If policymakers are going to spend $9,547 per student, they should fund the students, not the system,” said Dutcher.

Better Prospects in 2016?

The 2014 general election strengthened the Republican supermajority in the Oklahoma legislature, with the GOP picking up three more seats in the Senate.

The Senate ESA bill passed in two committees, but according to published reports, too many Republicans were worried about moving it to the Senate floor. The House bill fared even worse, being rejected in its first education committee, with Republicans casting five of the nine opposing votes.

A recent Sooner Poll survey commissioned by the Oklahoma Council of Public Affairs found more than two-thirds of Oklahoma voters under the age of 45 favored ESAs, and nearly 56 percent of all likely voters in the state support them. The survey also found 58 percent of voters believe ESAs should be available to all students, not only those with special needs.

“There has been much misinformation about what the bill would or would not do, raising questions and concerns for some legislators and their constituents,” said Jolley in a March press release.

Jolley says he plans to hold the bill until 2016 so he can help educate lawmakers about ESAs.

Vicki Alger, Ph.D. (heartlander@vickialger.com) is a research fellow at the Independent Institute in Oakland, California, with a forthcoming book on the history of the U.S. Department of Education. She is also a senior fellow at the Fraser Institute and the Independent Women’s Forum.
Montana May Exclude Religious Schools from Scholarship Program

By Heather Kays

The Montana State Department of Revenue (MDOR) heard testimony regarding a controversial proposed rule that would prevent state funds from a new tax credit scholarship program from being used to pay for schools affiliated with religious institutions.

Erica Smith, an attorney with the Institute for Justice (IJ), testified in defense of the constitutionality of the tax credit scholarship program and use of the funds from the program for religious schools during a public hearing in November.

The purpose of the public hearing was to discuss implementation of a new law that will allow tax credits for donations of up to $150 per year for scholarships to private schools or to innovative educational programs in public schools. The annual limit for the program is $3 million.

Could Set Precedent

A draft of the rules by MDOR excludes religious schools from receiving funding through the program. If the rule stands, it will set a precedent that calls existing Montana tax credit programs into question, “because these programs also allow donations to go to religious groups,” Smith said at the hearing.

“These tax credit programs include the college contribution credit, the qualified endowment credit, the dependent care system credit, and the elderly care credit,” said Smith. “According to [MDOR’s] position that tax credits constitute public funds, these programs would also be unconstitutional.”

According to officials at MDOR, religious schools were excluded in order to adhere to the state’s constitution, which has provisions prohibiting direct or indirect funding of religious organizations.

Constitutional Conflicts

Smith says the proposed rule violates the U.S. Constitution.

“The proposed rule discriminates against religion, in violation of the U.S. Constitution,” Smith said. “Specifically, it violates the Free Exercise Clause, Establishment Clause, and Equal Protection Clause. The department thinks that this rule is necessary to comply with the Montana Constitution. They are incorrectly interpreting their own constitution. That is very clear from all of the legal precedents.

“Even if the Montana Constitution did require this rule, it still would be trumped by the federal constitution, and the federal constitution clearly prohibits this type of discrimination,” Smith said.

Smith says the rule will most likely be adopted before the end of the year, and IJ is strongly considering filing a lawsuit.

“It should be up to parents, not government bureaucrats, to decide what is the best education for their children,” said Smith. “That’s why we care about this issue so much. It’s easy to lose sight of that when you have all these discussions about constitutions and what you can and can’t do.”

Department officials did not comment on the rule or make a final decision at the hearing.

Heather Kays (hkays@heartland.org) is a research fellow with The Heartland Institute and managing editor of School Reform News.
By Chris Neal

Home-based education is gaining traction in the nation’s capital; the number of families choosing to homeschool their kids in the Washington, DC area has grown by roughly one-third over the past two years.

Ethan Reedy, president of the DC Home Educators Association, says there are several reasons for the growth of homeschooling.

“The first is a demographic change,” Reedy said. “More young families are moving into the city. They are tired of commuting and spending a large part of every day on the road. They want more time with their families.”

Reedy says more young parents are enthusiastic about the idea of trying homeschooling because they aren’t satisfied with the performance of the public schools.

“[Young parents] aren’t impressed with the educational situation or the social situations,” Reedy said. “These are parents coming from all sorts of backgrounds who see homeschooling as an opportunity to provide unique educational and social opportunities for their kids. By now they’ve seen the track record of homeschooling. They probably know some older children or even adults who were homeschooled and realize that homeschooling can lay the foundation for a successful and well-balanced life. That track record they see gives them the confidence to try it for themselves.”

Reedy says he’s confident the trend will continue.

“I don’t think it will cause the closing of public schools because all of the children are home, but I do think that the percentage of kids in the city who are homeschooled will begin to match the numbers you see in suburban or rural areas,” Reedy said.

Chris Neal (cdobro245@gmail.com) writes from New York, New York.

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By Ashley Bateman

Two Washington, DC police officers are facing lawsuits from the city for committing residency fraud while trying to ensure their children received slots in a flourishing school choice environment even though they lived outside the city limits.

Lt. Alan Hill and Sgt. Candace Hill allegedly used the address of a rental property they owned in the city to enroll their children in the city’s public school system.

Residency fraud is a rising problem, according to the D.C. Office of the State Superintendent of Education.

Increasing fraud rates are indicative of the disparity in education landscapes for students depending on where they live, says Lance Izumi, senior director of education studies at the Pacific Research Institute.

“The alleged violation of District of Columbia law on student enrollment by two police officers underscores the need to expand school options for parents seeking a good education for their children,” Izumi said. “Why should there be only a handful of schools that offer a high-quality education for students, which incentivizes parents to resort to deception and possible illegal action?”

Mediocre Schools

The number of parents willing to commit fraud to offer a better education for their children has been growing in places such as Maryland and Virginia. Those areas bordering the nation’s capital receive some of the poorest reform ratings nationwide for their lack of good charter laws and poor choice options.

In 2015, the Center for Education Reform graded Washington, DC as having the top charter school law nationwide. Maryland ranked 41st and Virginia ranked 42nd.

According to the American Legislative Exchange Council’s Report Card on American Education, Virginia received an education policy grade of C, while Maryland received a D+ grade.

“We see the achievement gap growing in these popular suburban areas where people move because of the promise of these fabulous schools,” said Kara Kerwin, president of the Center for Education Reform. “When you really look at the details, these schools have often focused on inputs, such as funding, rather than outcomes.”

Meanwhile, Washington, DC presents a healthy education reform landscape.

“Three out of four Washington, DC students attend a school other than their assigned neighborhood school, including charter schools, which are steadily improving the number of top-quality seats offered,” said Don Soifer, vice president of the Lexington Institute. “The city has one of the nation’s most robust choice environments.”

Legislators are not focusing their agendas on meaningful education reform, Kerwin says.

“This is typical of where the reform agenda has been,” Kerwin said. “Most people believe it’s all about urban minorities and the poor. … Middle-class families [fall] prey to mediocre school systems and falling through the cracks. It’s not just an urban issue. Education demise is all-encompassing of American schooling today.”

‘Teachable Moment’

Many families fled Washington, DC to escape violence and poor school options in the mid-1990s. Kerwin says. Since then, an increase in charter schools and alternative education options has brought many families back.

“If you fix the schools, you can rebuild communities,” Kerwin said.

“School choice programs, such as vouchers, education savings accounts, and [other reforms] promote an increase in the number of schools, whether private traditional schools or online schools, that can meet the demand of parents for better schooling options for their children,” Izumi said. “While breaking the law should not be tolerated, reforming the law, not just punishment of violators, should be the outcome of this teachable moment.”

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

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LEARN MORE


John King Jr. to Replace Arne Duncan at Education

Continued from page 1

influence over education out of [all] the secretaries of education. Duncan is less of an outgoing character, but he had more power [and] influence.”

Accusations of Elitism
McCluskey says Duncan’s low point was when he referred to parents who oppose Common Core as “white suburban moms who [feel]—all of a sudden—their child isn’t as brilliant as they thought they were, and their school isn’t quite as good as they thought they were.

“Duncan] acted as if he deserved the power and he was using it for perfect good,” said McCluskey. McCluskey says the waivers are illegal and the implementation of Common Core standards in many states has been an example of federal overreach.

“I think that kind of blew up in the administration’s face,” said McCluskey. “Duncan] was tone-deaf in the way he tried to engage the public. Instead of listening to them, he basically lectured them.”

Frederick Hess, a resident scholar and director of education policy studies at the American Enterprise Institute, says Duncan overstepped his boundaries as head of the Department of Education.

“Arne Duncan is a good man who has exhibited an impressive and sincere commitment to the nation’s students,” said Hess. “Moreover, many of the ideas he has championed—like better teacher evaluation and evidence-based grant-making—are good ones. Unfortunately, he wound up championing his agenda in troubling, divisive ways and in a manner that has created worrisome precedents. His sincere commitment too often manifested itself as a disregard for limits on the federal role and for possible unintended consequences of a too-heavy federal hand. Duncan’s personal virtues will be missed, but his departure presents a welcome opportunity for the Obama administration to engage in a much-needed course correction.

“Duncan took office with a wealth of stimulus funding at his disposal, and he used it to create a 19-category Race to the Top checklist that pushed states to sign on to the administration’s preferred reform agenda,” Hess said. “He employed waivers from No Child Left Behind in a manner that was certainly lawless to compel states to double down on those same reforms. He dismissed those raising concerns about the Common Core as a ‘fringe,’ [and he] worked to shutter the Washington, DC Opportunity Scholarship program while touting his support for school choice … [showing] little interest in working with Congress to fix an NCLB [program] that he repeatedly deemed ‘broken.’”

Hoping for Change
Hess says he is hopeful there will be a change in the way the Obama administration addresses education policy once King replaces Duncan.

“John King is an impassioned, thoughtful, and eloquent leader with deep experience in schools and state-level leadership,” Hess said. “I’m pleased to see him in this role. I’m hopeful he will build on the more promising elements of Duncan’s tenure, while correcting for some of the missteps of the past seven years.”

Doubts About King
New York state Assemblyman Raymond Walter (R-Amherst) says he doesn’t think King will be any better than Duncan. King previously served as commissioner of education of the State of New York, and in 2013 he launched a listening tour in response to the state adopting Common Core standards.

“You look at what’s happened over the last 10 years with education and the federalization of it, and Arne Duncan is certainly in the middle of that,” said Walter. “John King is more of the same. John King is somebody who doesn’t listen to teachers, doesn’t listen to parents, and pushes his own agenda.

“They just screwed it up so terribly here in New York,” said Walter of King, who supported Common Core as more than 200,000 parents opted their children out of testing aligned to the controversial standards. “It was a disaster.”

King refused to listen to the will of taxpayers, Walter says.

“He’s a firm believer in Common Core, right to the bone,” said Walter. “Every time I’ve heard him speak, it’s always a lecture and not a conversation. He enflamed so many people when he was doing this supposed listening tour. Shutting people down when they were speaking, avoiding questions, sermonizing.

“I wouldn’t expect anything to change with national education policy with John King in charge,” said Walter. “It’s going to be more of the same.”

Heather Kays (hkays@heartland.org) is a research fellow with The Heartland Institute and managing editor of School Reform News.

What is Common Core?
Common Core State Standards are the federal government’s effort to nationalize the curriculum taught in every elementary and secondary school in the United States, even private schools.

Common Core should be stopped because it …

» hurts kids by imposing high-stakes tests at very young ages,
» lowers academic standards in many states, and
» disrespects parents and their key role in educating their children.

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Black Voters Want More School Choice Options

By Heather Kays

The Black Alliance for Educational Options (BAEO) released a new survey revealing black families overwhelmingly support school choice. The survey, which was released in November, polled 2,400 black voters in Alabama, Louisiana, New Jersey, and Tennessee. Exactly 600 voters were surveyed in each state.

According to the survey, more than 90 percent of black voters surveyed say a candidate’s views on education are important to them before they vote. Six in 10 support school vouchers to provide scholarships to send children to eligible private schools; seven of 10 say they support providing parents with more educational choices in their local school districts; and the majority of voters surveyed support charter schools, with more than 65 percent of the voters in Louisiana and Tennessee saying they want access to charters.

Choice Support ‘Just Undeniable’

Mendell Grinter, Tennessee state director for BAEO, told School Reform News the results of the survey indicate an increased concern among black Americans regarding education policy nationally.

“Each year we see more and more [that] our work is so important because black voters are supporting these school choice policies,” Grinter said. “Elected officials and leaders need to take notice that these policies matter and are something black voters want. It’s just undeniable.”

Grinter says it’s clear voters want to hear from candidates who have the most potentially transformative educational reform policies in upcoming election cycles. “As we talk about 2016, I think [education policies and school choice issues are] going to be a huge factor in the election,” Grinter said.

INTERNET INFO


California Public Employees Unions Join Forces to Oppose Charter Growth

By Chris Neal

Teachers unions in Los Angeles and other public employee unions formed a coalition to fight the expansion of charter schools in California.

The expansion effort, led by the Eli and Edythe Broad Foundation, aims to more than double the number of students attending public charter schools in Los Angeles.

“The unions could be successful at convincing the LA [Board of Education] to deny or modify the [Broad Foundation] plan,” said Larry Sand, president of the California Teachers Empowerment Network. “However, the county or state authorizers could then be approached, [and] the school board’s decision could be overridden.”

Sand says the unions’ concern about the charter school expansion has nothing to do with the claim expansion will harm neighborhood public schools.

“The unions are afraid of the [Broad Foundation] plan because most charter schools are not unionized,” Sand said. “If a Walmart opens up near a Target, are we concerned about Target being devastated? No, people then have the choice of where to shop, and that’s a good thing. If a charter opens near a traditional public school and offers a better product to its students, why wouldn’t parents want to send their kids there?”

CHANCE TO LEAVE ‘FAILURE FACTORIES’

Lance Izumi, senior director of education studies for the Pacific Research Institute, said, “The Broad-led effort has a very good chance of succeeding because of the broad-based coalition of philanthropists, educators, local officials, and parents that support the expansion of charter schools in Los Angeles.”

“In contrast, the opposition’s coalition is a narrow special-interest group of public employee unions, which clearly puts the self-interest of its own members above improved learning opportunities for children,” Izumi said. “Union officials essentially admit to placing self-interest above children’s interests when they argue that the new charters will lead to closure of neighborhood public schools. Those schools will only close if they are failing their students and parents decide to choose better alternatives. Union officials are therefore acknowledging that those schools are failing and that they fear that parents and their children will want to leave these failure factories if given the freedom to do so.”

Chris Neal (cdobro245@gmail.com) writes from New York, New York.
By Chris Neal

New Hampshire-based company Measured Progress, which developed online Common Core tests used in Montana, Nevada, and North Dakota, has acknowledged a major glitch in the tests' rollout.

Technical malfunctions, such as servers crashing during testing, resulted in only 37 percent of Nevada students being able to take their exams. Meanwhile, Montana and North Dakota managed to test only 76 percent and 84 percent of students, respectively.

Though Measured Progress admitted the online test completion rate in all three states failed to meet the federal mandate of 95 percent of 3rd through 8th graders, the company denies any breach of contract. Measured Progress was tasked with rolling out the Common Core-aligned Smarter Balanced assessments online for all three states.

Neal McCluskey, director of the Center for Educational Freedom at the Cato Institute, says the testing complications are not surprising.

“The more parts a machine has, the more there is to break,” said McCluskey. “That’s what we’ve seen with Common Core testing, which is ideally supposed to be computer-based and adaptive, which may be nice if it works, but getting it to work well is tough. That’s a major reason to avoid top-down dictation of standards, tests, or anything else.”

NEAL MCCLUSKEY, DIRECTOR CENTER FOR EDUCATIONAL FREEDOM CATO INSTITUTE

Martin Borg, CEO of Measured Progress, apologized for the testing failures in Nevada.

“We regret that schools in the Clark County School District were unable to complete their Smarter Balanced online assessments over the past few days, and we apologize for the frustration and inconvenience that students and educators experienced,” said Borg. “We are actively working with the State of Nevada on a plan to resolve the difficulties and improve the testing experience for all students. We are eager to move forward once we receive the state’s approval of the plan. We continue to work with officials in Nevada to deliver Smarter Balanced online assessments. To date, more than 115,000 students in Nevada have successfully completed Smarter Balanced assessments.”

Brent Mead, executive director of the Montana Policy Institute, says officials in his state who support Common Core and the Smarter Balanced Assessment Consortium (SBAC) are trying to pass the blame onto Measured Progress, since it was the vendor behind the botched exams.

In Montana, there was a testing delay until March.

“Montana’s Office of Public Instruction is the proverbial broken clock,” Mead said. “The OPI was wrong-headed support of Common Core and high-stakes testing. While the testing fiasco was in full swing, OPI was going before the legislature opposing testing reform bills and asking for appropriations to write Measured Progress a $1.35 million check next year. Unfortunately, the leadership at OPI will continue to pursue a policy that does not benefit students [and] will cost taxpayers millions of dollars.”

Chris Neal (cdobro245@gmail.com) writes from New York, New York.
House Votes to Reauthorize Charter Funding in DC

By Tom Gantert

A n important part of the funding for Washington, DC’s charter school system cleared an obstacle when the U.S. House of Representatives reauthorized the Scholarships for Opportunity and Results (SOAR) Act.

The House passed SOAR by a vote of 240–191 on October 21. The bill still needs approval by the U.S. Senate and President Barack Obama.

SOAR is funded through Congress and requires reauthorization every five years. It began in 2012 and provides funding for three of the Washington, DC education sectors: traditional public schools, public charter schools, and private schools (through tuition vouchers). The current bill authorizes $60 million, to be divided equally among the three sectors from 2017–21.

The SOAR programs vary. They include training charter and public school officials, funding of early child learning programs, and scholarships for low-income children to attend private schools.

About 45 percent of Washington, DC schoolchildren attend charter schools, for a total of 39,096 students enrolled in public charter schools.

Model for Other Communities
Stanford University’s Center for Research on Education Outcomes (CREDO) released a report in March 2015 that found the Washington, DC charter school system could serve as model for other communities.

Don Soifer, a member of the Washington, DC Public Charter School Board, told School Reform News the SOAR Act was an important part of the success enjoyed by charter schools in Washington, DC.

“By supporting quality and being tough on accountability, the [Washington, DC] charter school sector is recognized as one of the top-performing charter school sectors in the country, and the SOAR Act goes a long way towards making that possible,” Soifer said.

NEA Opposed Charters Vote
The National Education Association (NEA), the nation’s largest teachers union, wrote a letter urging Congress not to approve SOAR, specifically opposing the voucher provision for allegedly giving money to private schools, although the money actually goes to parents for their children’s education.

David Grosso, an at-large Washington, DC City Council member, also wrote a letter opposing reauthorization, likewise citing the vouchers.

Kara Kerwin, president of the Center for Education Reform, says she supports reauthorization of the SOAR Act.

“Lawmakers should be commended for cutting through the false rhetoric surrounding one of the most important programs for [Washington, DC] students and reauthorizing the Opportunity Scholarship Program via the SOAR Act,” Kerwin said in a press release.

“Parents being able to make a say in their children’s education thanks to choices from vouchers and public charter schools has without a doubt helped improve student outcomes and uplift the quality of education in our nation’s capital.”

KARA KERWIN PRESIDENT CENTER FOR EDUCATION REFORM

“Parents being able to have a say in their children’s education thanks to choices from vouchers and public charter schools has without a doubt helped improve student outcomes and uplift the quality of education in our nation’s capital.”

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How To Fix Our Schools

Lessons of Hope is Joel Klein’s inside account of his eight-year mission to improve New York City’s schools. Klein demanded accountability, eliminated political favoritism, and battled a powerful teachers union that seemed determined to protect a status quo that didn’t work for kids.

Klein’s initiatives resulted in more school choice, higher graduation rates, and improved test scores. The New York City model is now seen as a national standard for meaningful school reform. But the journey was not easy. Klein faced resistance and conflict at every turn.

Purchase Lessons of Hope on Amazon.com for $22.55 hard cover.
Common Core Math Standards Encourage Dubious ‘Inquiry-Based’ Approaches

By Barry Garelick

Purveyors of the inquiry-based and student-centered math agenda, which has persisted for more than 20 years, argue traditionally taught math has never worked for the vast majority of the nation’s student population, and they say mental math, as opposed to what they consider to be rote procedures, is the key to “understanding.”

The mantras of “students shall understand” and “students shall explain” appear in the Common Core standards and are, according to Tom Loveless of the Brookings Institution, “dog whistles” that alert proponents of the inquiry-based and student-centered math agenda to see Common Core’s math standards as aligning with their math agenda.

It is ironic how inquiry-based math approaches seem to spend more time showing students strategies they might discover on their own than on teaching the standard algorithms they almost certainly won’t learn on their own.

The analytic, problem-solving, and critical-thinking capabilities inquiry-based math proponents tout as the stated goal of Common Core develop only after students master facts and procedures. Understanding works in tandem with procedural fluency, but the current emphasis on conceptual understanding places the cart before the horse. Proponents of inquiry-based math point to students’ procedural fluency as evidence “they can do it but they don’t know what they’re doing,” but the reality is the students cannot do the math if they do not master the procedures.

Once Is Never Enough

The inquiry-based thinking that dominates the interpretation of the Common Core standards holds one indication of “understanding” is if a student can solve a problem in multiple ways. Thus, the proponents of inquiry-based math insist on having students come up with more than one way to solve a problem. Forcing students to think of multiple ways to get the same answer, however, does not in and of itself cause understanding. It is as if the reformers are saying, “If we can just get them to do things that look like what we imagine a mathematician does, they will be real mathematicians.”

In my experience, and that of many math teachers I know, delays in understanding are normal and do not signal a failure of the teaching method. Students learn to do something; they learn to apply what they’ve mastered; they learn to do more; they begin to see why; and eventually the light comes on. The inquiry-based math community fails to understand that what they deride as “procedures devoid of meaning” is hard to accomplish with elementary math because the very act of learning procedures is itself informative, and the repetitious use of them conveys understanding to the user. Placing the cart before the horse by insisting on “deeper conceptual understanding” prior to teaching standard algorithms and procedures is simply not effective.

Standard Procedures Delayed

Unfortunately, the Common Core math standards delay the teaching of standard algorithms for addition and subtraction, as well as other key operations. The standard algorithm for multi-digit addition and subtraction does not appear until the 4th grade.

It’s important to note Common Core does not prohibit the teaching of the standard algorithms prior to the grade level in which they appear in the standards. This has been confirmed by the lead writers of the Common Core math standards, Jason Zimba and Bill McCallum. Zimba recommends the standard algorithm for addition and subtraction be taught sooner. Zimba would introduce the standard algorithm for addition late in 1st grade, with two-digit addends. He would then increase the complexity of its use in subsequent grades, continually providing practice toward fluency. The goal would be complete fluency by 4th grade. Zimba also would introduce the subtraction algorithm in 2nd grade and increase its complexity until 4th grade.

Despite admonitions from those in the know, such as Zimba, the word does not seem to have reached school districts, administrators, policymakers, publishers, or test makers. Nor do such recommendations appear in the Common Core background discussion on its website.

Morgan Polikoff, assistant professor at the University of Southern California’s Rossier School of Education, was quoted in a recent article in The Florida Times-Union, and his comments show the widespread disdain for teaching the standard algorithms.

“Common Core … put[s] the algorithm last and the conceptual understanding first,” Polikoff said. “They want you to understand how the tool works before they give you the tool. If you understand the concepts, then when you get to higher levels of math problems, you’ll be thinking like a mathematician and you can do it.”

Such thinking manifests itself in many schools and school districts where teachers have gone so far as to issue warnings to parents not to teach their children the standard method at home because it would interfere with the student’s learning. Many parents are choosing to ignore such warnings. More power to them.

Barry Garelick (barryg99@yahoo.com) has written extensively about math education in various publications, including The Atlantic, Education Next, Educational Leadership, and Education News. He recently retired from the U.S. Environmental Protection Agency and is teaching middle and high school math in California. Garelick is the author of Teaching Math in the 21st Century, which recounts his experiences as a long-term substitute in a high school and middle school in California.

LEARN MORE

Common Core Math Strategies Supplanting Standard Processes

By Barry Garelick

The following are three examples of calculation strategies students might discover on their own if they were taught standard algorithms first and allowed to master them before moving on.

Common Core reverses the process by spending more time on these strategies than on standard math processes (see article on page 10).

Subtraction by ‘Counting Up’
The subtraction method known as “counting up” is suggested in the 2nd grade Common Core math standards: “Fluently add and subtract within 100 using strategies based on place value, properties of operations, and/or the relationship between addition and subtraction.”

The counting up method used to be how cashiers made change before cash registers calculated the change due. It was also taught in schools, as evidenced by textbooks from previous eras (see Fig. 1).

Here’s how it works: If an item costs 34 cents and the customer hands the cashier a $5 bill, making change by counting up consists of first adding 1 cent and calling out “35,” then adding a nickel, then a dime (total at 50 cents), then a half-dollar (total now $1), then counting four $1 bills to bring the total to $5. The cashier has dispensed 34 cents and the customer hands over the $4.66 change handed to the customer.

I have found myself using the counting up technique in various situations. When reading about Albert Einstein recently, I noted he was born in 1879 and died in 1955. I calculated his age in my head by seeing that it takes 21 years to bring 1879 up to 1900 and 55 more to 1955, for a total of 21+55 = 76 years old.

Although I did not actively practice the counting up method for making change, I eventually learned to use the method as my own personal shortcut for subtracting numbers. I’ve come to find I’m not the only one. Over the years, working with addition and subtraction has resulted in my being able to count up quickly.

Part of this is simply due to memory and part is an automated “carry the one” process that enables me to see 100–71 will yield a 9 in the ones place and a 2 in the tens place.

Addition by ‘Making Tens’
The addition method of “making ten” is another strategy people will stumble onto if left to their own devices. It is embedded and explained by way of example in the 1st grade Common Core standards.

“What strategies such as... making ten (e.g., 8 + 6 = 8 + 2 + 4 = 10 + 4 = 14); decomposing a number leading to a ten (e.g., 13 − 4 = 13 − 3 − 1 = 10 − 1 = 9).”

This is supposedly eliminated when adding two-digit numbers. For example, to add 47 and 38, one first adds 40 and 30 to get 70 and then 7 and 8 to get 75. The student must be taught to compose the 70 to get a total of 85.

Last but not least is Common Core’s 1st grade standard: “Add within 100, including adding a two-digit number and a one-digit number, and adding a two-digit number and a multiple of 10, using concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; relate the strategy to a written method and explain the reasoning used. Understand that in adding two-digit numbers, one adds tens and tens, ones and ones; and sometimes it is necessary to compose a ten.”

This standard embodies many different ways to add two-digit numbers, including a method in which carrying is supposedly eliminated when adding two numbers. For example, to add 47 and 38, one first adds 40 and 30 to get 70 and then 7 and 8 to get 75. The student must be taught to compose the 70 to get a total of 85.

Barry Garelick (barryg99@yahoo.com) has written extensively about math education in various publications, including The Atlantic, Education Next, Educational Leadership, and Education News. He recently retired from the U.S. Environmental Protection Agency and is teaching middle and high school math in California. Garelick is the author of Teaching Math in the 21st Century, which recounts his experiences as a long-term substitute in a high school and middle school in California.
Online Education to Disrupt College Tuition Costs

By Ashley Bateman

Despite rapidly increasing college tuition costs in recent years, less-expensive online options have been slow to achieve mainstream acceptance. Richard Vedder, director of the Center for College Affordability and Productivity, says that is going to change as more online courses become accredited.

Massive open online courses (MOOCs), online courses defined by a lack of participation caps and tuition charges, have been developing since the late 1990s. Vedder says they have yet to achieve the grand promises their advocates made when they were first introduced.

“MOOCs have not achieved all the hype they were supposed to,” Vedder said. “The main problem has been accreditation. Accreditors do not accredit courses … universities [do]. Universities are packagers of what equates to a degree. So far, there has been an inability to get individual [MOOC] courses accredited by the education establishment.”

Vedder says even with that setback, MOOC-created disruptive innovation is imminent.

“I think up to 60 online courses will soon be accepted by major universities. It isn’t here yet, but I think it’s coming.”

RICHARD VEDDER, DIRECTOR CENTER FOR COLLEGE AFFORDABILITY AND PRODUCTIVITY

“Unbundling” Education

Andrew Kelly, director of the American Enterprise Institute’s Center on Higher Education Reform, says breaking higher education into smaller pieces, which has been referred to as “unbundling” it, will benefit students. Kelly says unbundling would give students more choices and lower costs if students were able to take MOOCs rather than be forced to obtain an expensive degree by spending four years on campus.

Kelly says the college experience should also incorporate more skills-gap training, boot camps, and specialized skills learning in short-term, immersive classes.

“There are a lot of reasons for experimenting with maybe limited federal voucher money for some of these unbundled offerings, encouraging people to take lower-cost options,” Kelly said. “I think you’ll see an increasing amount of movement toward what an unbundled world would look like.”

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

Record Number of Students in Florida Are Using Private School Choice

Continued from page 1

Several Programs Available

The McKay Scholarship for Students with Disabilities allows parents of eligible special-needs children to transfer to another public school. The Opportunity Scholarship Program, created in 1999, allows students assigned to failing traditional public schools to choose a higher performing public school. The Personal Learning Scholarships Accounts (PLSA) program provides eligible students with a scholarship to use for educational services and products. Parents must apply to one of the nonprofit SFOs administering the program in order to receive a PSLA for the student.

Florida releases quarterly reports on the state’s two largest private school choice programs, and the numbers tend to fluctuate throughout the year.

The October numbers suggest personal learning accounts may not be cannibalizing the McKay scholarship program, as some feared they might. The state reports more than 28,000 students are using the special-needs vouchers this fall. That’s less than the number served at the end of the 2014–15 school year, which was roughly 30,000, but more than the program had at this time in 2014—just shy of 26,500.

The total number of participating students tends to increase as the year goes on. Parents can sign up for PLSAs, for example, throughout the school year.

Florida has a fourth private-school choice program, voluntary pre-kindergarten scholarships, which are designed to improve early learning.

Travis Pillow (tpillow@sufs.org) is editor of redefinED. An earlier version of this article appeared in redefinED. Reprinted with permission.

LEARN MORE


Travis Pillow, “Florida private school choice tops 100,000,” redefinED, July 1, 2015: https://www.redefinedonline.org/2015/07/florida-private-school-choice-tops-100000-students/
As students returned to college this semester, they found their tuition is higher than ever.

Between the 2013–14 and 2014–15 school years, average tuition and fees for local, full-time students attending public four-year colleges and universities increased nearly 3 percent, according to the College Board’s “Trends in Higher Education” webpage.

Nationally, the average going rate for a year of college was more than $9,000 in 2014–15. If costs related to room and board and mandatory fees are factored in, the cost is closer to $20,000, says Richard Vedder, an Ohio University professor and director of the Center for College Affordability and Productivity.

Over the past decade, the College Board found average net tuition and fees at public, four-year institutions increased by 32 percent, taking into account federal and state grant aid.

The Aid Issue

According to “Trends in Higher Education,” in 2014–15 full-time students received an average grant aid and education tax benefit of $6,110 at public four-year institutions, $5,090 at public two-year colleges, and $18,870 at most private four-year institutions.

“The federal student financial assistance program has worked to push the cost of college up, and I also think it has allowed universities to raise tuition and fees to do things like buy expensive travel for their presidents, pay million-dollar salaries, and spend on student affairs,” Vedder said. “I think that is contributing importantly to the rise of college cost.”

“The causal effect on tuition prices is less important than the broader loss of incentive,” said Andrew Kelly, director of the American Enterprise Institute’s Center on Higher Education Reform. “Loans are open to anybody, especially parent loans. It sends a signal to colleges. … What incentive does that bring to colleges to contain costs? When faced with budget constraints, students still have access to loans.”

Administrative Bloat

Kelly says administrative bloat is a big problem.

“There is a big growth in expenditures on non-professional employees who do not teach: an administrative layer,” Kelly said. “While there are slightly more faculty [per student] than there used to be 20 years ago … there are [significantly] more non-teaching professionals.”

State Del. David Ramadan (R-Prince William County) wants to eliminate wasteful spending on higher education in Virginia. He has criticized the University of Virginia, a top-ranked public college, for excessive expenditures at the administrative level.

“If the [tuition] increase was solely used and spent on additional direct educational resources, one might argue that it contributes to a better education for students. … What that does is there is not very systematic or good oversight of what universities are doing,” Vedder said. “If legislators start to interfere in the day-to-day [operations] of universities, I think that would be a very bad thing. On the other hand, if you don’t have some oversight on the people spending money, you run the risk of wasteful spending at a high level.”

“Every public university in Virginia is governed by a board which solely decides tuition rates,” Ramadan said. “It seems that most of these boards have bought into the arguments by bureaucracies of these institutions to increase tuition for various reasons; some for the desire by universities and a few board members to reach ‘academic elite’ status, while forgetting the role of state universities is to educate their citizens, not become Ivy League members and cater to out-of-state students.”

“Tuition has been on this upward trajectory because institutions are failing to control their costs,” Kelly said.

“Colleges could certainly do more to contain costs,” Kelly said. “The hard course is to contain costs, battle people, and cut jobs. Some schools have tried to step up and make cuts and … reorganize and streamline education.”

Lawmakers ‘Clueless’

“On average, legislators are clueless about what goes on in colleges and universities. … What that does is there is not very systematic or good oversight of what universities are doing,” Vedder said. “If legislators start to interfere in the day-to-day [operations] of universities, I think that would be a very bad thing. On the other hand, if you don’t have some oversight on the people spending money, you run the risk of wasteful spending at a high level.”

“Colleges seek to maximize things like prestige and influence and spend any money they have on that goal,” Kelly said. “So colleges raise all the money they can and spend all the money they raise. If the incentives are not there for colleges to contain their costs and spend wisely, you’re going to end up with a scenario … with no end. Couple this with competing peer institutions, and you end up really quickly with incentives for colleges to increase in size and spending.”

“College Tuition Costs Continue to Rise”

By Ashley Bateman

If the [tuition] increase was solely used and spent on additional direct educational resources, one might argue that it contributes to a better education for students. However, it is almost never spent on direct educational cost, but instead on administrative costs.”

DAVID RAMADAN, STATE DELEGATE PRINCE WILLIAM COUNTY, VIRGINIA
**ANALYSIS**

**Risky Mo. Teachers Pension Plan Proves Investment Return Assumptions Matter**

**By James V. Shuls**

In Missouri, as in most states, teachers and other public employees belong to state-supported defined-benefit pension systems, which means when they retire these workers are guaranteed a specific amount of money annually for the rest of their lives.

Actuaries charged with overseeing these plans have to make assumptions, such as how long people will live and collect benefits and how successful pension investments will be. In practice, these assumptions tell plan managers how much money needs to be contributed today to meet the obligations of tomorrow. If the assumptions are wrong, benefits could be cut for pensioners or taxpayers could be held liable for the shortfall, which can be substantial.

**Missouri’s Investment Assumptions**

In Missouri, the state’s largest public employee pension system is the Public School Retirement System (PSRS), which manages roughly $38 billion in assets. One major assumption plan managers make is the fund will achieve an 8 percent annual rate of return on investments. If this is correct, the system is roughly 86 percent funded and has nearly $5 billion in unfunded liabilities, which is money Missouri taxpayers will owe beneficiaries if the shortfall isn’t covered in the future.

There are reasons to believe the fund won’t achieve an 8 percent rate of return: Markets rise and fall. A 2013 paper by Andrew Biggs, a former director of research on Social Security in the George W. Bush administration, found if the plan achieves a more realistic 4 percent rate of return, it will have less than half of the needed funds to cover liabilities. Unfunded liabilities would soar to more than $31 billion. In short, pension plan assumptions matter.

As a result, there is growing support for plan actuaries to produce financial reports forecasting fund balances with multiple assumed rates of return. Have we contributed enough if we achieve a 4 percent rate of return? How about 6 percent? Eight percent? This is exactly the point Michael Rathbone and I made in our recent paper, “Betting on the Big Returns: How Missouri Teacher Pension Plans Have Shifted to Riskier Assets.”

**Investing in Riskier Assets**

Our paper also highlights the fact Missouri’s teacher pension plans, similar to other defined-benefit programs, are increasingly investing in riskier assets in the pursuit of the 8 percent return they’ve promised.

For example, in 1992, PSRS held more than 80 percent of its investments in fixed income and cash, relatively low-risk investments. As of 2014, the plan held less than 25 percent in those safer options.

What does this mean for plan assumptions? PSRS and other pension plans are attempting to meet their high assumed rates of return by pursuing a higher-risk, higher-return investment strategy. It might work, but it might not. At minimum, Missouri taxpayers and public employees should know about the assumptions plan managers are making and what the health of the fund looks like under different assumptions.

**Critics Dismissed**

Fund managers scoff at this idea. In an August 7 three-page response to our paper, Steve Yoakum, executive director of PSRS, attempted to discredit our work. What he really did was confirm everything we wrote. Yoakum acknowledges the plan has shifted to riskier assets and attempts to explain why. He also defends the 8 percent expected rate of return by reasoning the plan has historically surpassed the 8 percent benchmark. In doing so, however, he ignores what every financial planner has ever known: Past performance is not necessarily indicative of future results.

For whatever reason, public employee fund managers are hesitant to increase transparency and check their assumptions.

This is where state governments can and should step in. They can require fund managers and plan actuaries to report fund balances under various expected rates of return. This would give pension boards greater information to determine the appropriate contribution levels. It would also help ensure pensioners received their promised benefits.

Indeed, it is the pensioners themselves who may suffer the most if states do not accurately plan for the future.

James V. Shuls, Ph.D., is an assistant professor of educational leadership and policy studies at the University of Missouri–St. Louis and a distinguished fellow of education policy at the Show-Me Institute.

“[Pension] plans are attempting to meet their high assumed rates of return by pursuing a higher-risk, higher-return investment strategy. ... At minimum, Missouri taxpayers and public employees should know about the assumptions plan managers are making and what the health of the fund looks like under different assumptions.”

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**LEARN MORE**


There’s no shortage of plans on how to fix Detroit Public Schools (DPS), which Michigan Gov. Rick Snyder (R) recently called “the nation’s lowest performing urban school area.”

The following groups and people have offered plans on how to turn around DPS: the Coalition for the Future of Detroit Schoolchildren, a group consisting of members from the NAACP, unions, business leaders, and educational advocates; Gov. Snyder; a Republican state representative; and the Great Lakes Education Project.

School choice advocates say although all of the plans are well-intentioned attempts to fix a troubled school system, about half will harm significantly parents’ school choice options.

**Threat to Charter Schools**

The Coalition for the Future of Detroit Schoolchildren has a plan that would create a commission that would have the authority to open, close, and determine where new schools could be located.

Snyder’s plan would appoint a five-member board to hire an “education manager” who would have the authority to close schools.

Both plans could lead to the closing of charter schools if traditional public school advocates gain power on the proposed boards and commissions.

One national study has determined charter schools are educating Detroit’s students more effectively than traditional public schools. Stanford University’s Center for Research on Education Outcomes released a report in March 2015 that determined Detroit charter schools should serve as a model for other communities. The report found students in Detroit charter schools received as much as the equivalent of several months of additional learning in reading and math compared to their peers at traditional public schools.

“When it comes to education in Detroit, we should look at what’s working and what isn’t working. Charter schools are working,” said Dan Quisenberry, president of the Michigan Association of Public School Academies. “Charter schools provide an environment of accountability and autonomy and have a proven record of improving academics for kids. This was confirmed by recent research from Stanford University, and it’s confirmed by the fact that 50,000 Detroit families have used their voice to choose a charter school.”

**‘Exodus Will Continue’**

Gary Naeyaert, executive director of the Great Lakes Education Project, says there is no question thousands of students and families have been fleeing the academically and financially bankrupt Detroit Public Schools during the past decade.

“This exodus will continue and charter public schools are here to provide a stronger academic alternative in a learning environment that is more safe and parent-friendly,” Naeyaert said. “The future for students in Detroit is bright, as long as we’re able to provide quality education choices in additional charter public schools.”

GARY NAEYAERT
EXECUTIVE DIRECTOR
GREAT LAKES EDUCATION PROJECT

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By Tom Gantert

The National Education Association’s (NEA) top union executives have claimed to take a stand against “income inequality” over the past few years.

At its 2015 national convention, NEA passed a resolution it says shows the union’s commitment to closing the gap between the haves and the have-nots.

The resolution stated, in part, “NEA will advocate to address income inequality and tax fairness in this country at both national and local levels. They will communicate the effects of these areas on our students in our public schools to the Senate and the House at the federal level.”

Despite those stated goals, NEA’s top executive made 7.5 times more money than the average teacher he represented.

“In short, union leaders are exempting themselves from their own rhetoric. Either they need to take a steep cut in pay or stop complaining about corporate CEO income. Their blatant hypocrisy seems to be a bottomless pit.”

LARRY SAND, PRESIDENT
CALIFORNIA TEACHERS EMPOWERMENT NETWORK IN LOS ANGELES

NEA Calls for Fight Against Income Inequality

NEA’s top executive made 7.5 times more money than the average teacher he represented.

“In short, union leaders are exempting themselves from their own rhetoric. Either they need to take a steep cut in pay or stop complaining about corporate CEO income. Their blatant hypocrisy seems to be a bottomless pit.”

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CNN estimated in 2011 it took a household income of $389,000 to crack the top 1 percent of income in the United States. Adjusted for inflation, this figure was $409,401 in 2014. Former NEA President Dennis Van Roekel made $429,509 in salary and had a total compensation of $541,632 in 2014 in his final year as NEA president, according to a financial report the union filed with the U.S. Department of Labor.

Lily Eskelsen Garcia succeeded Van Roekel as president of NEA in September 2014. She is one of the high-profile signers of the Progressive Agenda to Combat Income Inequality, a movement to collect signatures from celebrities and high-powered professionals in support of national laws addressing issues such as paid sick leave, expanding the Earned Income Tax Credit subsidy, and raising the federal minimum wage.

In 2014, as vice president of NEA, Garcia had a $262,521 salary and a total compensation of $345,728.

NEA had 12 other employers paid salaries of $200,000-plus in 2014. That includes NEA Executive Director John Stocks.

On July 4, 2015, Stocks gave a speech at an NEA event in which he said, “America is not working for most Americans” and laid part of the blame on income inequality. Stocks had a salary of $298,416 in 2014 and a total compensation of $412,398. Total compensation reported includes bonuses and deferred compensation as well as some business expense reimbursements.

The average U.S. public school teacher salary for 2013–14 was $56,610, according to NEA. This means a public school teacher earning a mean salary would be in the top 48 percent of U.S. income earners.

While teachers in some states faced salary freezes, Van Roekel’s salary increased. He received a salary of $306,286 in 2013 and got a $123,000 raise in 2014, a pay hike of more than twice the average salary of a U.S. school teacher.

Eskelsen Garcia’s salary as the newly elected president of NEA is not expected to be filed with the U.S. Department of Labor until late November 2015.

Tom Gantert (gantert@mackinac.org) is senior capital correspondent for Michigan Capitol Confidential, a daily news site of the Mackinac Center for Public Policy.
Study Hits Common Core, Aligned Testing Consortia

By Ashley Bateman

A study recently published by the Pioneer Institute says Common Core standards and associated tests are directing the country toward a nationally driven curriculum, in violation of federal law, and it says the Obama administration used stimulus money to coerce states into adopting the program.

Federal Overreach and Common Core, written by Bill Evers, a research fellow at the Hoover Institution, provides a social, historical, and legal look at the effect of the new standards on the nation’s educational landscape. Evers proposes a return to state-based testing and standards to create a legal and more academically promising educational environment.

“I thought a thorough paper would be helpful going forward and with this current debate,” Evers said. “States are still changing their testing, and state legislatures are still considering the Common Core itself.”

‘Money Was a Key Component’

Federal stimulus money allocated to states’ education departments in response to the recession in 2008 was the “pot of gold” used to convince states to adhere to Common Core, says Evers. He says the Obama administration deliberately chose a time when the states were very vulnerable.

“These budgets at the state level were under a lot of pressure, and this money was very, very attractive,” Evers said. “These states could have adhered to Common Core without applying to get the money or adhered to the testing without accepting the money, but they did not. They wanted the money. It certainly looks like the money was a key component here.

“Some of the proponents of Common Core have been rather fast and loose in saying content standards and testing have nothing to do with curriculum. That it’s a totally separate thing,” Evers said. “It seems to me they are really misleading the public. Not only the standards, ... the message of teaching, the lesson plans, the instructional materials, they are all aligned these days. The federal government even requires this to be the case. It’s not really healthy for the country.

“For defenders of Common Core and the federally funded testing to say, ‘We have nothing to do with what goes on in the classroom,’ it’s ridiculous,” Evers said. “They’re either kidding themselves and deluded or they’re being deceptive.”

Toward a National Curriculum

Historically, American lawmakers have taken steps to prohibit federal control of national standards and curriculum. Among the most prominent instances are the Elementary and Secondary Education Act of 1965, the General Education Provisions Act of 1970, and the Department of Education Organization Act in 1979, which established the U.S. Department of Education. Evers says in his study all these laws prohibit the federal government from interfering in curriculum decisions.

“The history is really important because it tells us what people have been worried about for decades: federal intrusion, and a federal takeover and absorption of a lot of the details about what our teachers and students are doing,” Evers said. “I think it’s instructive to people to see what the concerns have been, going back to the time of President Eisenhower and forward to the present, and that this is not a new impulse.”

Kent Talbert, a former U.S. Department of Education (DOE) lawyer under President George W. Bush, says the combination of standards and assessments makes Common Core a move toward a de facto national curriculum.

“With Common Core standards and the two consortia that were set up to put together the assessments, if you follow that logical path, the net of that result is a national curriculum, which is prohibited,” said Talbert. “If this is the path that is followed, it will result effectively in a national curriculum.”

Helping Legislators Oppose Overreach

The paper is particularly informative for legislative bodies and attorneys, says Montana state Rep. Debra Lamm (R-Livingston).

Lamm sponsored a bill to repeal Common Core in Montana, but she says it was not given a fair opportunity to succeed by the state’s legislature.

“I thought the report was brilliant,” Lamm said. “It laid out all the essential elements that states need to review and be aware of.

“It is a pivotal work for us as legislative bodies,” Lamm said. “We will continue to move forward with our effort in the state to oppose this type of overreach.”

Lamm says Montana would benefit from a return to state-developed standards and assessments.

“At some national conferences[ regarding Common Core], the discussion has been mostly around the testing and the need for testing and whether it’s even valid,” Lamm said. “That’s probably where we’d have the most common agreement between parties. It might be the easiest way to start whittling away at this.”

The study expands on earlier work, says Jamie Gass, director of the Pioneer Institute’s Center for School Reform.

“In 2012, the Pioneer Institute came up with the idea of looking at the legal issues around Common Core, [the Partnership for Assessment of Readiness for College and Careers], Race to the Top, and No Child Left Behind waivers,” Gass told School Reform News. “For the 2012 study, the Pioneer Institute enlisted Talbert, Evers, and Bob Eitel, also a DOE lawyer under Bush. Gass says that paper laid the groundwork for Evers’ recent report, a longer, 60-page history of the federal role in K–12 education.

Ashley Bateman (bateman.aa@googlemail.com) writes from Alexandria, Virginia.
By Bruce Parker

A group of lawmakers in Vermont is urging the state’s Board of Education (BOE) to correct a ruling that threatens school choice in the state’s 90-plus tuitioning towns.

In November, state lawmakers sent a letter to Education Secretary Rebecca Holcombe and State Board of Education Chair Stephen Morse urging BOE to reverse a ruling that prevents many districts from keeping school choice as they merge with other districts.

“We are writing regarding Act 46, and the confusion that has been created surrounding its implementation,” the letter states.

The letter’s 14 signatories—11 representatives and three senators—say BOE’s decision, which was issued on September 15, violates the language and intent of Act 46. Act 46 would create a multi-year process of three phases of incentives for communities to encourage districts to merge into the “most common governance models.” Through Act 46, in 2018 state officials would draft a final statewide design to realign unmerged districts into “more sustainable models of governance that meet State goals.”

The purpose of Act 46 is to encourage first and then eventually require districts to merge into larger entities over the next four years in the hopes of better serving students and saving money.

**Law Protects Choice**

In the letter, the authors cite a section of Act 46 that says all merger transitions involving tuitioning districts must preserve the tuitioning option if a district so chooses: “Sec 4 (a) Tuition payment; protection. All governance transitions contemplated pursuant to this act shall preserve the ability of a district that, as of the effective date of this section, provides for the education of all resident students in one or more grades by paying tuition on the students’ behalf, to continue to provide education by paying tuition on behalf of all students in the grade or grades if it chooses to do so and shall not require the district to limit the options available to students if it ceases to exist as a discrete entity and realigns into a supervisory district or union school district.”

The signatories hope pointing to language in Act 46 will pressure BOE to change its decision.

BOE made its determination in September in response to pressure from supervisory unions, whose member districts wanted school choice within a newly formed union. In the case of Franklin Northeast Supervisory Union—one of the cases that prompted the ruling—three of five member towns allow school choice for grades 9–12, but two of the five towns operate public schools at the same grade levels.

**Argument Over Interpretation**

BOE says choice districts must surrender choice in such situations, arguing since Vermont law prior to Act 46 didn’t allow choice and public schools to coexist at the same grade levels, the rule continues.

Critics of the ruling say Act 46 changed the former rule and allows choice and public schools to coexist at the same grade levels. The ruling has consequences for choice towns across Vermont that must merge with other districts under statewide consolidation.

Two attorneys, the House minority leader, the lieutenant governor, and others have denounced BOE’s decision. Two Democratic representatives from choice districts told Vermont Watchdog they want to clarify Act 46 to ensure the choice option stays for merging districts.

The dispute is of immediate interest to towns such as Elmore and Morris-town. If both towns vote to form a new, unified school district and the BOE ruling stands, Elmore will lose school choice for grades 7–12.

**‘We’re Not Happy with It’**

The letter closes by asking Holcombe and Morse “to clarify that all communities that currently enjoy school choice may maintain that school choice regardless of their merger decisions.”

“I felt the need to say we’re not happy with it. A lot of the people who voted for Act 46 feel their intent is not being honored.”

JOB TATE, STATE REPRESENTATIVE

MENDON, VERMONT

Bruce Parker (bparker@watchdog.org) is a reporter for Watchdog.org, where an earlier version of this article appeared. Reprinted with permission.
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