



1001 Connecticut Avenue, NW  
Suite 204 • Washington, DC 20036

Tel 202-822-9000  
Fax 202-822-5077

MONTHLY LETTER TO FRIENDS OF  
THE CENTER FOR EDUCATION REFORM  
No. 35

APRIL, 1997

Dear Friends:

We've kept on top of an awful lot of action this last month, and bring you hopeful news about so many reformers working to bring greater educational opportunities to children. At the same time, we bring you sobering realities that challenge us all to work harder. Thanks so much for all you do!

.....  
**Guilty!**

*Dateline:* Cleveland. The parent of a kindergarten boy, concerned that an impending teacher strike last August would mar her son's first days in school, enrolled him in a neighboring district's school. Her motive was clear — to ensure the best education possible for her child. So, how is her move rewarded? The thirty-six year old was given a **ninety-day** jail sentence. Said Ohio State Representative Mike Fox, a stalwart supporter of providing greater freedom to parents and schools, "At a time when policy makers at all levels are pleading for parental **involvement** in their children's education, [this parent's] behavior is laudatory, not criminal."

**From the Trenches**

- **Lincoln Park, NJ braces for tough times:** Reform-watching in this northern-Garden State suburb hasn't been easy. Last fall, the reform-minded board voted overwhelmingly to allow parents of high school students to choose a private school as an alternative to the high school that residents share with the neighboring town of Boonton. Seems that Boonton High has not been delivering on the high quality promised, spending \$9,200 per pupil; and the Lincoln Park board had exhausted all other possibilities for a relationship with other districts. The various so-called religious liberties groups — the ACLU, People for the American Way, etc. — started signaling their intention to sue. Then, earlier this month, NJ Commissioner Leo Klagholz told the Lincoln Park Board that their plan was not legal given their existing relationship with Boonton. Both the school

board's attorney and former NJ Governor Tom Kean argued that the administration could authorize it using a clause on "thorough and efficient education" that allows pilot programs without legislation. Remember: all these people want is an option for their high school students because their town has no high school.

*There's more:* the Board then decided to solicit private capital to fund the 24 parents who applied for vouchers. In the meantime, on April 15, the school board's two pro-school choice board members and one other candidate lost their election, by 40 votes. According to one incumbent board member, "they brought in everybody" to oppose us, and "we didn't really expect it." There were questions about campaign practices used by opponents, but no one is pursuing it. As expected, the 600 parents who voted for the slate are very upset, and plan to work on pressuring the new board to provide them with alternatives to the status quo. The end....for now.

- **Texas Heats-Up:** It may not be summer yet, but Texas is heating up in a legislative battle to give children in low-performing schools the chance to be educated at a private school if the public choice they make is denied. The Texas legislature in 1995 authorized the Public Education Grant program (PEG) which permits school districts to enroll children who are in failing schools in other school districts. The problem is that most districts failed to promote the new choices parents had, and, according to the Texas Public Policy Foundation, the overwhelming majority of the 1,054 school districts have refused to participate in helping children from low-performing schools. So much for the argument made by choice opponents that public schools take all comers! As a result, lawmakers there want to open it up. Let them go to a private school if they're denied, they say. Sounds good to us. An enormous coalition has formed to support the legislative efforts: call Putting Children First at (512) 476-6195.

- **Also Feeling the Heat:** A few groups are trying to create a national strategy to fight those "un-American" choice efforts at play in Texas and elsewhere. The NAACP and People for the American Way have formalized their long-standing alliance against choice to launch an effort which they are calling Partners for Public Education. They've asked several foundations in their target cities of Baltimore, Chicago, Los Angeles, Cleveland, Milwaukee, Miami, New York and Philadelphia to provide \$86,000 each to carry it out, and plan to link all of the people they attract via newsletter, e-mail and through other like-minded organizations. Vouchers, they say in their literature, "have been a key agenda item of the Religious Right...Early on, their motives were blatantly clear: they wanted their followers, a share of whom send their children to private, religious schools, to get a financial hand from the government." (Their Baltimore rally was apparently a bust).

Given that statement, maybe it's a good idea that PFAW and NAACP take their show on the road: they may just become a bit more tuned into the stark reality that it is primarily the poor that are clamoring for choice, and whose own

efforts led to enactment of vouchers in both Cleveland and Milwaukee. (Incidentally, the "Right" is nowhere to be found among the additional 7,000 applications submitted for Cleveland's second year of its school choice program). Or could it be that this coven of anti-reformers are simply trying to take down foundations for as much money as they can muster, and this just happens to be a hot, sexy issue right now? Anyway, they are coming to a theater near you!

- **What People Think:** On top of the in-depth surveys done on attitudes about education that we've reported before, by such groups as the Public Agenda Foundation, polls continue to show an overwhelming support for choice proposals and greater accountability in the schools. The CELM Foundation of Minnesota released results showing that 65 percent of voters support the Governor's proposed tax credit expansion for education expenses, while 73 percent of voters with children under the age of 18 are in favor. 78 percent of voters support statewide testing. While 49 percent gave public schools a D or F, 81 percent of voters believe public schools deserve no better than a C. On top of that, late last month, 41 percent of Minnesota eighth-graders flunked a basic skills test in reading, and almost a third failed a basic skills test in math.

Similar polls in Michigan, Massachusetts and Texas post nearly identical results. And as we've mentioned before, CER's own *Survey of American's Attitudes Toward Education and School Reform* found 70 percent of the public supports policies to help children in failing schools attend a public or private school of their parents' choice, and 80 percent of the public doesn't believe America's children are getting the education they need.

- **Food for Thought:** Why is it so difficult for some seemingly reform-minded education groups to accept that the issues of charter schools and choice are both part of mainstream reform? We were recently struck by the way these issues are going to be presented at the Education Commission of the States July conference, in contrast to other, more controversial issues. For example, there are sessions on "*New Strategies in Collective Bargaining*," and "*Investing in School Transformation*." The sessions on choice and charter schools, however, are posed as "*Two Debates on Results, What Do We Know About Charter Schools*," and "*What Do We Know About Vouchers*." Why not... "*New Strategies for Vouchers*," and "*Investing in Charter Schools*," and "*A Debate on Collective Bargaining: What Do We Know?*"

- Yet another study has been issued about the Chapter 1 program. It reinforces many a reformer's long standing view that despite good intentions and lots of money, the federal program failed to fulfill its mission of narrowing the achievement gap that existed before they received Chapter 1 services. Proponents of the restructured Title 1 claim that the newer program *will* yield results. That's a stretch given that the program's only change is from one focused on remediation to one on high standards. For those who don't know, Title 1 funds are awarded to districts based on a percentage of children who are categorized as at-risk or

disadvantaged. Thus the moneys flow directly to the school systems, rather to the kids. Given the track record of school systems serving large numbers of at-risk children, how could the same structure improve their chances? The solution for Title 1 is to allow individual schools the flexibility to use it the way they see fit — **the money should follow the child**. Doing so may also cut out the countless administrative jobs that don't interface with children.

### There They Go Again!

- In Kentucky, the state's union is claiming that sanctions proposed toward low-performing schools are "harmful to morale," and giving rewards "as a motivator for improved instruction is an inappropriate use of money."

We'd like your opinion. Teachers: if someone offered you a reward, based on improved test scores, would you feel demoralized? Let us know and we'll share your answers next month with our readers.

- A local teachers' union is picking on a rather small competitor for allegedly not being an advocate for teachers. The Association of American Educators, a national non-union professional educator's group, provides insurance and an all-important network for teachers who, for whatever reason, do not want to give their hard-earned money to unions. Along with the AAE, there are state-based professional educator groups with rather long tenures in at least 22 states. Combined, the membership is estimated at over 200,000, and in both Texas and Georgia, the state group membership surpasses both NEA affiliates.

The trend obviously has the unions worried. So it was no surprise when the Denver affiliate of the NEA lost one of its own board members to AAE. In an op-ed in the *Denver Post*, Leonard Fox, president of the Denver Classroom Teacher's Association, argued that while AAE provides liability insurance, *his* group "provides professional development opportunities, legal assistance, staff support and advice, *lobbying* of elected officials...access to an extensive...library, contract negotiations, grievance representation, and insurance and annuity programs, to name a few." Fox should have added, "...and opposition to reform efforts that undercut union authority." Which is one of the main reasons many teachers seem to be running to the alternative groups. Indeed, those associations provide guidance and support to teachers, but the fundamental difference is that they believe teachers are intelligent enough in and of themselves to secure employment opportunities without needing "group think" to get them there.

- A group of teachers in **Pennsylvania** have challenged the state's NEA affiliate, claiming that compulsory union dues are being illegally funneled into political and other non-bargaining activities. On their behalf, the National Right to Work Foundation has filed a class action suit with the United States District court. NRWF reports that "literally hundreds of Pennsylvania teachers who have

exercised their right not to join the union may proceed in their case to recoup all illegally seized union dues since the 1994-1995 school year. Judge Caldwell agreed that such illicit actions by union chiefs 'causes injury to all [teachers] who pay [the illegally-high dues].'" Union lawyers tried to block the recovery of dues and force the teachers into "arbitration," a process that would make any claims part of internal union negotiations. The court will now be able to examine the books of the unions and force them to justify their spending. For more information, contact the National Right to Work Foundation at 800-336-3600.

- In Washington state, the WEA has failed in its effort to keep scrutiny of its "Community Outreach Program" (COP) out of court. It was that program that led the Attorney General to write: "there is no doubt that one of the primary purposes of COP is to influence governmental decision making by supporting or opposing candidates or ballot measures." The Evergreen Freedom Foundation, the group leading the charge, says the COP yields about \$60,000 from teachers each month.

### **On Charters**

- A group of business leaders in the **Nation's Capital** has launched the Campaign to Rebuild Education in Washington (CREW). CREW has engaged the AppleSeed Institute for Education Innovation, a newly formed non-profit, to spark action on charter schools in DC. AppleSeed plans to help identify and secure facilities, organize a consortium of lending sources to seed new charter schools, and raise public awareness of the need for alternatives. CREW's chairman is Chris White, a local business leader who has done much to foster better educational opportunities in DC. Contact Jack McCarthy at (202) 775-5826 for more info.

- **Michigan** charter efforts are expanding, despite attempts to put the Cabot on the process. Detroit fans report that superintendent David Snead is seeking the approval of the school board for 10 charter schools, and Mount Clemens, home to elementary and middle schools run by the Edison Project, plans to be the home of the first Edison Project high school.

- **Take Cover -- Charter Numbers Rising this fall!** The Center has done an informal survey of new charter states and is pleased to report that more than 190 charter schools are approved to open this fall.

- **South Carolina's** first charter school was born, thanks to the state board; a move some other states should note. The South Carolina State Board of Education took the bold step earlier this month of approving the Lighthouse Charter School's appeal to open, overturning the Beaufort County Board which rejected the application weeks earlier, publicly citing both racial balance concerns and questions about enrollment. The state board did stress that they expect Lighthouse to work hard to achieve racial balance, which organizers have already committed to do.

Meanwhile, up north, where the Yankees are supposedly always forward thinking, the **New Jersey** State Board of Education sunk two of the eighteen charters originally approved by the Commissioner. The State Board sided with school boards in two districts and granted their appeal that the charters not be allowed to open in their districts. The poor dears! They were upset that (sniff) they may lose money (sniff, tear) and just couldn't make it without those students who may be seeking a better education elsewhere (pout). The board never expressed concern about why their students might want to leave, nor the possibility that one school district can't succeed with every child. The State Board claimed that both charters were missing certain information required by the application. That was the public cover, of course.

The NJ Charter School Resource Center, headed by Sara Tantillo, is helping the two spurned charters, Greater Brunswick and Red Bank Charter Schools, to appeal for reconsideration by the board, and if necessary, to a state appeals agency.

- **Wisconsin** charterites (no, it's not in Webster's yet!) working closely with a large grass roots coalition of parent activists in Milwaukee are building support for amendments to the charter law in the cheesehead state. The Governor's budget bill includes provisions to allow Milwaukee charters to be sponsored by the University of Wisconsin/Milwaukee, the city, and the Milwaukee area technical college. The Metropolitan Milwaukee Association of Commerce has made this issue a top priority this year, and they are being cheered on by many Milwaukee parents whose attempts to open charter schools have fallen on deaf school board ears. They anticipate an all out fight with the union, but if history prevails, their efforts will be successful.

- Ted Kolderie, aptly known as the father of the modern charter movement, has spawned a new and exciting group called the **Charter School Friends Network**. Run by fellow Minnesotan Jon Schroeder, the intent is to create a more cohesive support network among individuals in states that have "friends" groups, people who are resources and advocates for charter operators or allies. Jon can be reached at (612) 645-0200. He will be at the upcoming **Michigan Charter Expo!** in Lansing on May 13 if you want to "network." For information about the fabulous expo, call the Central Michigan University Charter Schools office at (517) 774-2100.

- Charters in **Oklahoma** are gone for this year: The bill failed to make it pass the House last month after clearing a hurdle in the Senate and both education committees.....the **Washington** State House passed a charter bill that puts most of the power for authorizing charters in the hands of the school boards. The legislation started out as a very strong bill with multiple chartering authorities, very much in line with the Educational Excellence Initiative last year, but was heavily watered-down in negotiations. It's now up to the Senate to possibly strengthen and pass the bill..... **Mississippi** is charter state number 27, but unfortunately, it shows up at the bottom of the chart. The bill, backed by Governor Kirk Fordice, allows only existing schools to convert with approval of their

board.....**Pennsylvania** is still working on its attempt to create a bill that would provide for a strong appeals process and relieve charters from all school-related mandates. The house passed a weak bill, but the Governor isn't giving in.....**Ohio's** attempts to pass charters may be soon coming to a close; the Governor's budget includes a modest pilot project that would allow Lucas County (home to Toledo) to have charters sponsored by a variety of institutions, but leaves the rest of Ohio to fend for itself.

- *The Chicago Tribune* stands out this month for challenging the **Illinois** General Assembly to strengthen its law, which has so far caused strife in the suburbs as "turfy" school boards reject applications. The *Trib* said on April 5 that, "In a perfect world, school administrators would welcome charters as opportunities to offer students a wider range of educational options. Instead...school boards tend to view charters as competitors for scarce education dollars. That attitude stymies innovative and imaginative ways to improve schooling and does a disservice to students and parents alike -- particularly those in districts where options might be most helpful. In Downstate East St. Louis, the board cited the funding issue when it rejected proposals and vowed not to 'let the state shove charter schools down our throats...' How sad for the children of East St. Louis, where math and reading scores on standardized tests are appalling and schools were managed so poorly that in 1994 the state stepped in to run the district's finances. Could a charter possibly do worse? School Boards should not simply rubber-stamp every proposal that comes along...But they should welcome charters as potential education partners. If they do not, the legislature must consider revising the law in order to allow a state-appointed agency to approve charters, as other states have done." Or, as Rodgers and Hammerstein once said, *the farmer and the cowboy should be friends.*

### **Step Three in the War on Charters: Permit No Contracting.**

- Finding they can no longer just stop charter school legislation dead in its tracks, the unions and some allies are mustering their forces to make significant changes to proposed or existing legislation that remove much of the freedom charters have to operate. In **Minnesota**, the House has passed a bill pushed by the Minnesota Education Association that forbids charters to contract for instructional services with private, for-profit firms. Existing charter arrangements would be grandfathered in.

The Senate's education package includes no such provision, so there is likely to be a showdown later this year when the two bodies conference. Lawmakers who voted for this dribble need to get in touch with the practices currently going on in their own state. School districts have wide latitude to contract for services, and, as with other states, they use a variety of services — instructional and non — to help them meet the demands. Sylvan Learning Centers, for example, is on contract with five schools in St. Paul, and provides services to 750 students there. Public

Strategies Inc. is a private company running the Minneapolis Schools. And when you really delve into the subject, does any lawmaker there want to suggest that perhaps they shouldn't buy textbooks anymore because the publishing houses are well-healed? Textbooks are certainly instructional, as are computers, science lab equipment, etc. etc. Perhaps we should forbid teachers to make a profit. Effective in FY 97-98, every teacher must show a loss on their taxes or lose their job. Extreme? You said it.

- The **Alabama** Education Association doesn't have charters to pick on, yet, but they're going ahead with trying to restrict all contracting. The Education Services Council (ESC), a newly-formed association of firms that do business with the schools, reports that the AEA has filed a suit to preclude Alabama schools from contracting with for-profit firms. Three cities that utilize custodial, transportation and food services are targeted. The union is alleging that Alabama law forbids state funds to be paid to anyone not under direct control of local boards and that boards are abdicating their responsibilities by outsourcing services. The suit does not mention that the cities targeted save money and time by using experienced vendors. Nor does it justify the kinds of "outsourcing" unions seemingly don't mind, such as other services bought by schools, in the form of product or contractual arrangements. Bert Foer, executive director of the ESC says the case "represents a strategic assault on outsourcing which could be replicated, if successful, by unions in other areas." Given that private contracting has long been a staple of many a school district, it must be the sheer fear of unions facing unprecedented freedom of schools from their control that is driving this effort.

We're in an active mode this month. If you are in a state where similar incidents are occurring, give us the scoop and we'll make sure you know about each other.



As a closing note, yours truly testified in front of a Senate subcommittee on April 17 about the many opportunities available to start charter schools in Washington, DC which thus far have been squandered by inaction. Former New York Mayor Ed Koch was also there, and was a breath of fresh air. He agreed that both charters and school choice for poor children are necessary, and that we should no longer allow ourselves to be weighed down by inertia and politics.

Happy Spring!

  
Jeanne Allen