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MONTHLY LETTER TO FRIENDS OF  
THE CENTER FOR EDUCATION REFORM  
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Dear Friends:

The scene at the U.S. Supreme Court on February 20 was exhilarating. In front of the Court, several hundred parents and reformers talked, sang and shouted in favor of school choice, the educational reform that brought them to the Court that day. Across the street, the People-Who-Misunderstand-the-American-Way stood shoulder to shoulder with a mainly non-parent, elite group of lawyers and students. But inside, the most important developments occurred. As we brace for a late June ruling, we are confident that the Court viewed the Cleveland school choice case in the best possible way — as an education — not a religious — program. Read on for more about the case, what's been rumbling in the U.S. since we last corresponded and challenges we face in getting across the message that reform helps *all* schools improve.

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### School Choice and the Supremes

By now you've no doubt read and heard all the commentary you could possibly use. However, if you're a glutton for punishment, indulge us for a few more minutes.

First, it is particularly useful to know the dialogue of and questions posed by the Justices. You'll find some of the most compelling vignettes outlined on our website at [www.edreform.com/press/2002/choicequestions.htm](http://www.edreform.com/press/2002/choicequestions.htm). More than a dozen times, the Justices asked the lawyers arguing the case to address the nature and scope of options available to Cleveland's children. Charter schools — known as community schools in Ohio — came up numerous times. CER argued in an amicus brief filed on behalf of more than 25 state and local business and civic groups that in order to rule fairly in this case the Court needed to look at all of the educational programs that had been tried — and failed — in Cleveland. Those facts were left unacknowledged by the Sixth Circuit Court, and many of the groups petitioning the Supreme Court argued that the program only can be understood with full knowledge of the context in which it came about.

An attorney for one of the school employees' unions — General Counsel Robert Chanin of the NEA — was chastised more than once during his argument. Once he interrupted the Chief Justice, and another time he raised an issue that was not on the table, only to be silenced. A certain arrogance that we see at play in battles across the country was clearly evident from this union attorney, who also called the parents' role in choice "meaningless," "inconsequential" and "ritualistic."

After the arguments, the unions did appear resigned to a loss for their side. Just a short time after the case was heard by the court, the NEA called upon the public to



speak out against vouchers. "However the Court rules, we do not anticipate an expansion of voucher plans, given strong public opposition," said union prez Bob Chase.

Clearly the game plan is to fight the political battles against choice in the states even harder, knowing there is a strong chance that the Court will find in favor of — on some level — the kind of arrangement that is in place in Cleveland. Regardless of the outcome in the Court, the battle for real reform is far from over. As you'll see later in this issue, that's just as true for charter schools in most of these United States as it is in the voucher case.

## **From the Trenches**

### *Why Have Parents?*

The Golden State's school employee union wants even more power over schools, and has asked for control not only over wages and working conditions, but over standards, curriculum, textbooks and more. As Daniel Weintraub of *The Sacramento Bee* reports, the union believes that since they are going to be held accountable for school results, that it should be able to dictate school policy. The problem with that, Weintraub argues, is that what's good for the union isn't always what's good for kids. California union president Wayne Johnson says that he would exclude parents from any contract negotiations, unless they had "expertise." That's big of him. Maybe someone can help him start his own charter school so that he'll have the control he wants, and then parents can decide whether or not they like his program.

### *A Superintendent With Nerve*

In little Twinsburg, Ohio near the Cleveland side of the state, a superintendent made headlines when he barred union members from coming into the school while teachers were working to talk to them about health and benefits issues that would likely (but didn't) result in a strike. Superintendent James G. Jones forbid their entry, citing their possible disruption and asking them to wait until the kids were gone. The fact that the union would even try is telling.

### *Where Connoisseurs Send Their Children*

This title of a report issued several years ago by CER about how many urban teachers send their own children to private schools while their unions scorn such programs for the less advantaged seems to fit this Vermont story. Apparently, the head of the Vermont affiliate of the National Education Association sends his child to a private school and so, the state's leading reformer took him to task in the newspaper. The union prez' wife fired back a letter to the editor, asking how the paper could tolerate such intrusions in people's lives. Ever hear of what's good for the goose?



### *Class Size Myth Exposed*

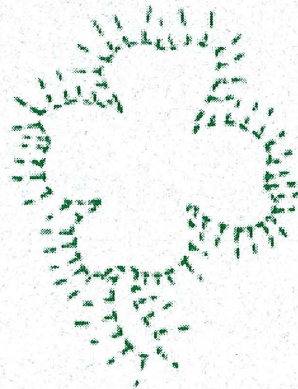
Back to California where much of what ails schools seems to start and grow, and captures the rest of the nation, only to find years later that it was all a big mistake. It was the abandonment of real reading instruction in the 80s, whole math in the 90s, followed by class size reduction, which many at the time said would do little more than grow the ranks of the school employees union. Sure enough, findings from a coalition of major research groups (not known for their proclivity toward reform) reveal that the effort to make all K-3 classes smaller did not result in achievement gains, an improved teacher corps or better identification and service of special education children. Go to [www.classize.org](http://www.classize.org).

### *Public School Choice – No Choice At All?*

A 1995 program enacted in Texas to allow children in bad schools to go to better performing schools in other districts has proven that school districts often won't play by the rules if given the option. Unlike the nation's first statewide program in Minnesota where tens of thousands of children each year transfer to another public school of choice, Texas gave districts the option of opening their doors or not, and consequently, few did. In fact, according to a *Dallas News* report, only 200 of more than 141,000 eligible children participated in the transfer program. Texas isn't alone. Ohio school districts since the 80s had similar options to open their doors for school choice and rarely did. Ever heard the retort against school choice programs that it's only the private schools that have the choice? The evidence shows otherwise.

### *If Only It Weren't So Obvious*

A headline in *The Baltimore Sun* about a turn-around school read: "*Teachers at City Springs Elementary attribute pupils' success to hard work, smaller classes and a new instruction method.*" Class size aside, giant leaps on the state test are mainly attributed to the use of Direct Instruction and a more aggressive push with children. What's curious, then, is why Baltimore administrators are suddenly considering reducing some schools' reliance on the Open Court textbook series which gave them these gains in the first place. By the looks of the comments of the city's reading director, it comes down to philosophy about reading rather than concrete science as should be the case. Perhaps the reading director's longevity should be tied to results, just as a child's success in school largely serves to determine his or her future.





## On Charter Schools

- A big plus was netted for charter schools when the **High Court** considered Cleveland's school choice program. When the opponents' attorney attempted to make the case that children's choices are limited to religious schools, making the program impermissible under the first amendment, several Supreme Court Justices inquired about charter schools in Ohio and the choices they afford parents. We were both surprised and delighted that charter schools received such a high profile, and it appears that the Court just may think that by providing additional public school choices from which parents can choose, charter schools play a necessary role in any school choice program.
- When an issue makes it onto **Jeopardy!**, it has clearly arrived! Such was the case earlier in the month when Alex Trebec asked under the heading DEPARTMENT OF EDUCATION: "This new program received a major increase in the education budget." Local Maryland teen contestant, Bernard Holloway from Roosevelt High School in Prince George's County, answered correctly: "What are Charter Schools?" We learned a few days later that Bernard won. And well he should have for having heard of and guessing so quickly on charter schools.
- **Miami-Dade County** Mayor Alex Penelas is beginning a foray into the charter arena, seeing this school reform as a way to both serve children and relieve a pressing overcrowding problem. Currently 370,000 children are in the county public schools and 5,500 are in charters. Penelas doesn't run the schools, but he's often held responsible for their quality. So Penelas is joining other cities that are looking for innovative solutions. Cities such as Coral Springs and Pembroke Pines applied and won charters, but Miami-Dade would be the first county in Florida to do so. Florida continues to be home to many "firsts": first statewide accountability plan with choice for parents whose kids are in failing schools; first business to run a charter school (Ryder Corporation); first city to have a charter; and first to have vouchers for special education kids.
- The headline from the CNS News service covering **Minnesota** developments was all that need be said about the situation there: "Teachers Union Steps Up Attack on Charter Schools." The combined forces of the NEA and AFT are working to cap the number of charter schools and restrict their sponsorship to school boards. Morgan Brown, who runs the Minnesota Education League, looks at it this way: "We have almost 70 charter schools educating close to 10,000 kids, and a lot of them are concentrated in the metro area.... The union is starting to feel the competition." Governor Jesse Ventura recognizes the union's problems, and it's unclear how much he is willing to fight for charters. That means this legislative session will be critical to the first charter school state in the land. Alarming, Ventura has already proposed reducing the maximum amount of per-student lease aid charters can receive.
- It seems that only a few failures are needed to drive **antsy policymakers** to such proposals. As Joe Nathan of the Center for School Change points out, "despite some high profile failures, many charters are producing clear progress with an array of students. Minnesota charters are, on average, more racially diverse and serve a higher percentage of students with disabilities and from low-income families than other



Minnesota public schools.” Five charters in Minnesota were shut down over the past year; an unfortunate but necessary consequence of being public schools that must perform to remain in business.

- The current legislative session is also critical in **Massachusetts**, where the unions are mounting a similar attack, and the Department of Education’s leadership on charter schools is sorely lacking. (Are you beginning to see a pattern here?) The state just approved five schools out of a possible 17 slots left to fill. And while they appear to be high quality schools, by the looks of the numbers on waiting lists there is little doubt that Bay State residents’ demand for charters is being left unfulfilled. The charter school association there is on the job.

Another major failure giving charters a black eye comes from **California**, where the Gateway Charter Academy — authorized by the Fresno Unified School District Board — took in several schools from outside the district without permission and is being investigated for teaching Muslim tenets and potential financial illegalities. In asking around the state about who was in charge of this charter school — i.e., who was accountable for its existence — the answer turned out to be “the school board.” Indeed the very entity that the Minnesota unions think should be the sole director of charters is actually responsible for the majority of charter failures in the nation to date. For more information on closures visit [www.edreform.com/pubs/cs\\_closures.htm](http://www.edreform.com/pubs/cs_closures.htm).

- **Philadelphia’s** new School Reform Commission may have to change its name if it continues to scorn reforms that it was set up to help bring about. Twenty-five charter school applications were put on hold pending further review, with the Commission citing financial considerations. But charter schools do not cost new money; they require a shift in money already available. If the Commission would see charters as a way to help them do their job, and would look for unsuccessful schools from which to channel the funds that are needed to cover each student who chooses to attend one, then they might be on their way to solving the education crisis they were hired to handle.

The other major disappointment from the School Reform Commission has been the slow, plodding pace at which it has contemplated changes to the infrastructure of the school system. This was their main task, and yet the pace has invited the protests and negative commentary which stand in the way of ensuring that the next school year is productive for more than the handful of the children who are currently educated to proficient levels.

- **Pennsylvania** is also the scene of a cyber-charter schools battle. More than a hundred school districts have spent over a million dollars to argue that TEACH – The Einstein Academy Charter School is a drain on their education dollars. In the legislature, a moratorium on charter schools is pending, as is a bill that would require cybers to be funded by an emergency tax on liquor. (Now there’s great education policy.) Meanwhile, the districts that have students attending the cyber-charter school have either delayed or outright failed to pay for those students, causing financial hardship. The issue attracted the attention of *The Washington Post* on 2/26 in a balanced article that raised the opponents tactics as cause for the school’s woes.



## On Charters, *continued*

- Even though **Illinois** has a limited charter law with 15 schools permitted in Chicago, and 30 more permitted around the state that school boards have proven unwilling to charter — there is still apparently not enough limitations for some. Driven by union opposition, a bill is pending that would require certified teachers in charter schools (even though the Prairie State has frequently been in the news for a lack of skills among certified teachers) and would restrict for-profit involvement in charters. Hmm...wonder if those pesky profit-making book merchants are next?
- Single-sex education is growing in demand and popularity thanks to charter schools. **The Brighter Choice Charter School for Girls** and the Brighter Choice Charter School for Boys are companion single-sex elementary schools that will share a building and administrators but serve the sexes separately. Research by Providence University Professor Cornelius Riordan and University of Michigan researchers finds that single sex education can benefit both boys and girls for different reasons. For girls, there are fewer distractions and an emphasis on academics rather than on appearance and socializing. Boys also benefit from the removal of distractions, as well as custom tailored learning and instruction. But public law requires equal accommodations for both sexes, so the novel approach taken by the Albany charter school slated to open this fall is worth watching.
- **Hawaii** education reformers continue to struggle with a law that restricts the power to authorize and control charters to the state board of education, which also serves as the local school board in the most centralized school district in the country. A move is afoot to abolish the current state board, as well as to allow the University of Hawaii and the Mayor of Honolulu to authorize charter schools. It's not a minute too soon; Hawaii has incomparably large schools, and 78% of all learning disabled and special needs children are Native Hawaiians whose unique culture poses a challenge for traditional public schools. It is this population for whom many of the state's charter schools were set up to save.
- "**Maryland, My Maryland**" goes the state song, but this month we're proposing that the song be changed to "Satisfaction" (as in kids and parents "can't get no..."). Lawmakers are again attempting to bring charter schools to the Old Line State, but that southern efficiency and northern charm that John F. Kennedy once used to characterize the area seems to be getting in the way again. Meanwhile, the Jaime Escalante Charter school, proposed by public school teachers, and that has unsuccessfully tried for two years to become a charter in Montgomery County, is losing steam, despite the fact that the county's test scores went down in some significant areas this year.
- Some **Indiana** school districts have joined reformers in embracing charter schools, such as in Carmel Clay, where a program called Options in Education was approved for conversion from an alternative school to a charter. In the Evansville-Vanderburgh school district, a high school was approved for conversion to charter status. Those two join four approved by Indianapolis Mayor Bart Peterson, and several more potential firsts are awaiting review at Ball State University.



- The task of monitoring Ohio's charter schools has proven too much for a small number of state officials, so the State Board of Education is proposing to increase the number of sponsors in the state to help alleviate their oversight and extend the job to others willing to take it. After reviewing the embattled law, which is currently the subject of a law suit by the school employee unions, the state auditor recommended that the education department remain involved in the approval process but leave the formal oversight to sponsors, to which he would add municipalities and non-profit organizations.

The challenges faced by some of Ohio's charter schools seem to trace back to a lack of clarity and guidance from the state on issues ranging from financial processes to goals and standards. The State Board is taking an active role in helping to fix the problems and should be commended for not trying to throw the baby out with the bathwater. Unlike colleagues in Texas, whose review of poorly performing charters led to a centralized, top-down process of oversight, Ohio officials realize that there may be other entities that could help assure accountability and charter school success.

- The participation of **private management companies** in the charter arena continues to evolve, and earlier this year two of the larger firms that operate charter schools announced a merger, and in so doing, attracted additional capital investment. Chancellor Academies, originally based in Florida, and Beacon Education Management have now formed Chancellor-Beacon Academies. Their 41 combined schools will continue to operate as distinct schools, but in the future all new schools will be under one roof.

- The war on charter schools is not new, but the intent of unions and their allies, and their tactics have been revealed in the Education Intelligence Agency's latest research report entitled *Due & Forfeit: The Absorption of Charter Schools*. As EIA explains: "Drawing on three sets of internal union documents, this 14-page report details the latest strategy formulated by NEA and its allies for dealing with charter schools. Even better, the report provides simple techniques to allow charter school operators and supporters to keep their schools out of the regular public school 'box.'" Go to <http://members.aol.com/educationintel/> to get your copy!

- State charter advocates are girding for challenges better than ever this year. This spring several of the **state conferences** will focus on advocacy and educating the public about the clever tactics of charter opponents. The Education Department's annual charter conference will support enthusiasts and Secretary Paige recognizes the political landmines that still lie on the path of those trying to start these break-through schools. Information on the conferences can be found by going to the CER website at [www.edreform.com/info/events.htm](http://www.edreform.com/info/events.htm).

### More on School Choice

- Arrogance trumped intelligence among choice opponents when on the eve of oral arguments before the High Court, the original plaintiffs in the **Milwaukee choice program** sought to overturn the Wisconsin Supreme Court's decision that the program is constitutional. Their reason? They asserted that one of the justices supposedly received inappropriate contributions to an earlier campaign by pro-school choice forces.



## More on School Choice, *continued*

The state court chastised the plaintiffs, saying the suit "was filed in bad faith...to undermine the public's confidence in the legitimacy of this court's decision," and said the request was "frivolous and filed too late." Meanwhile, the justice in question has been long cleared of all such allegations.

- And speaking of arrogance, we are taking a poll about **former Labor Secretary Robert Reich**, who upon declaring his candidacy for Massachusetts Governor has suddenly done an about-face on his previously publicized views that vouchers in a limited form are OK by him. He announced that he is unequivocally against vouchers at a candidates forum. So here's the poll:

Do you agree or disagree with this statement? "Reich has retreated from his previously principled stand only to ensure union support and (alleged) political victory." Operators are standing by.

- **Florida's recently adopted tax credit** that allows businesses to contribute to privately-run scholarship programs has attracted one of the state's largest utilities. Florida Power has donated \$5 million, which will help 1,500 poor children to attend a school of their choice. The Corporate Income Tax Credit Scholarship Program is being followed closely by other states. Tax credit programs already exist in Minnesota, Iowa, Arizona, Illinois and Pennsylvania, and legislation for such programs is making its way through legislatures in Colorado, Missouri, Maryland, New Mexico, Utah and Virginia.
- The Bush Administration has proposed a **tax credit program** that would allow parents of students who choose not to attend public schools to receive up to \$2,500 in credits for \$5,000 in tuition expenditures each year. Proponents hailed the move and have resolved to support passage of just such a program. While tax credits are as welcome for education as they for other social expenditures, there is some debate that reforming the tax code to foster choice may not be the best approach to ensuring that school choice becomes a reality for those who need it most. Look for more on this interesting debate in the press and from CER.
- Once again an interesting **middle-ground** is proposed by syndicated columnist Matt Miller, a self-described Democrat who argues that choice programs could be done well under certain circumstances. His 2/25/02 column read, in part, "Meanwhile, the political brawl that spawns the legal battle is hopelessly gridlocked. Teachers unions view voucher fans as Marie Antoinette types out to defund public education entirely. Conservatives see unions protecting their jobs from competition at the expense of millions of kids whose lives are being blighted.

"Two leaps of imagination are needed to get the debate where it needs to be for poor kids. First, conservatives must think bigger. We need to test not \$2,250 vouchers for a handful of kids, but \$10,000 vouchers for all poor kids in a district. That's the only way to get a meaningful test of the voucher concept. It's also the only way to attract the support of minority leaders, who are understandably reluctant to abandon the teachers unions for tiny programs that leave the vast majority of their constituents unhelped — especially when the unions are reliable allies on a broader social agenda.



"Second, teachers unions and other voucher foes need to realize that *support for bigger voucher trials is not inconsistent with wanting to improve urban public schools*. My own reporting convinces me we need many of the reforms (and cash) teachers seek, along with a way — like choice — to put pressure on calcified bureaucracies to change. Asking parents to sit tight for 10-year reform plans is immoral.

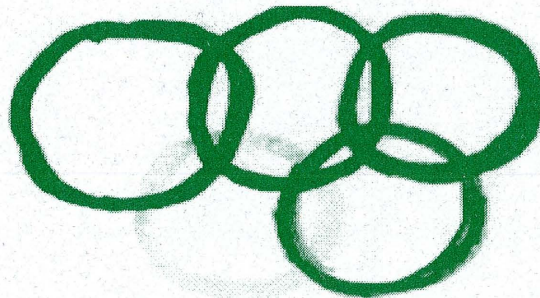
"The court's decision, expected by summer, could lay the groundwork for these new syntheses. The betting is that if it gives Cleveland's program a thumbs-down, it will be because the pilot is too small and cheap to offer a real choice beyond religious schools.

"If it nixes the plan on these grounds, the court may paradoxically do more in the long term to spawn the bolder voucher trials we need than it would by giving a green light to puny programs that won't ever reach more than a handful."

### Just When You Thought it Was Safe...

- One of those high-sounding groups, the American Society for Curriculum Development is hosting its annual conference later this winter, and its program includes such notable sessions as: The John Dewey Society Memorial Lecture: Children, the Public Good and the Myth of Accountability.
- Deer Valley, Arizona superintendent Bill Hill decided that his campaign to run the AASA needed a real boost, so he spent more than \$25,000 on a "Meet Your Superintendent" CD, posters, newsletters, travel and more.
- Remember the St. Louis School Board, which we mentioned earlier won't charter and under whose direction the district has faced loss of accreditation numerous times? Well, we learned that late last year, the board proposed taking prisoners from the state pen and using them as teachers, mentors and school counselors.
- Under a microscope because the state has a test in which scorers need be only 70% accurate, and in which subjective reviews of essays are allowed to by-pass grammar and tests' ratings are based on use of "key words," Maryland's associate education commissioner tells the media that the state knows the test has to change but isn't ready to give counties asking for a reprieve an answer. Districts are expected to use the test as early as this May.

GO U.S.!!!!





**And Now for a Few Important Announcements**

Just a short reminder that during the hiatus you "enjoy" between Monthly Letters, you can be receiving CER's fresh and insightful weekly update through the *CER Newswire*, available every Tuesday.



One of CER's other premiere newsletters is available now exclusively on-line. *Parent Power! Helping You Make Sense of Schooling Today* is going to be able to reach more homes in a more timely fashion, thanks to the technological age. To sign up to receive your newsletter by email, also go to CER's website and click on *Parent Power!*.



Education reformers are gearing up for *National Charter Schools Week*, April 29 – May 3, 2002. We will again connect you to charter schools across the country through our virtual *Visit A Charter School Today!* program, and host tours and briefings for those signed on for the Congressional Salute to Charter Schools: Senators Tom Carper (DE), Judd Gregg (NH), Tim Hutchinson (AR), and Joe Lieberman (CT) and Congressmen John Boehner (OH), Tim Roemer (IN) and Johnny Isakson (GA).



Don't forget to order your copy of *The National Charter School Directory*, a compendium of the nearly 2,400 existing charter schools (available for \$39.95) and *Public-Private Partnerships, A Consumer's Guide* (\$29.95) a listing of the largest firms, their schools and a history of the trend. Call CER at 1-800-521-2118 or email [order@edreform.com](mailto:order@edreform.com).



CER has one of the finest intern programs around. We're accepting applications for both summer and fall and interested students can now apply on-line! Please include your references, writing samples and why you want to work at CER and we'll do our best to accommodate you. Go to [www.edreform.com/info/jobs.htm](http://www.edreform.com/info/jobs.htm).



Reform-minded school board members may have interest in a School Board Network workshop entitled "**The Art & Science of Authorizing and Maintaining High Quality Charter Schools,**" during a California charter conference on March 14, 2002 in San Francisco. Call or email CER. CANEC registration is also open and provides one of the best venues to learn about charter schools. (650) 654-6003 or [conference@canec.org](mailto:conference@canec.org).



With St. Patrick's Day upon us, we thought it fitting to end with an Irish Blessing...

**An Old Irish Blessing**

May love and laughter light your days,  
and warm your heart and home.  
May good and faithful friends be yours,  
wherever you may roam.  
May peace and plenty bless your world  
with joy that long endures.  
May all life's passing seasons  
bring the best to you and yours!

*Jeanne*  
...Cheers! Jeanne Allen