

THE Center for Education Reform



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

Unions embezzling, foes fighting choice in DC and beyond, near stagnant news of student achievement... it's all too much for a season that normally brings great tidings of joy and rests ye merry gentlemen, sees nine ladies dancing and bodes of Santa Claus coming to town. But whoever said life was fair? In this abbreviated December issue of the MONTHLY LETTER TO FRIENDS, we review the highlights of the last few weeks and hope that once you put it all behind you, you will still find reason for good cheer! Our thanks and warmest wishes for a happy and healthy Holiday Season go out to you, one and all.

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The Elephant in the Room (*or several rooms*)

The same week that Washington, DC union officials were indicted on embezzling \$4.6 million, New York City Councilwoman Eva Moskowitz was convening hearings about the effect of union contracts on schools. A number of news sources reported the ridiculous rules that the union defends in the name of educational excellence. Let's start with the one that says "the incoming teacher need not be interviewed by the principal of his or her new school. Thus," according to a city council review, "a principal may receive several new teachers, sight unseen, on the first day of school." To no one's surprise, seniority, not excellence, rules everything, from assignment to schools to assignment to extracurricular activities. According to the *Wall Street Journal*, "one rule mandates a certain type of vending machine in teachers' lounges. Another limits how many damaged floor tiles can be replaced per month (up to 75 in small schools, 200 in larger ones). Another says custodians can only paint a wall up to 10 feet high..." and the list goes on.

But the really, truly, unbelievable fact is that after these rules were publicized — to the dismay and bewilderment of the public (and against a backdrop of learning as well that hundreds of teachers dismissed for illegal or allegedly illegal activities are still on the payroll) — the union is pushing hard to get a new contract in place while the city is pushing back to make sweeping work rule changes that clearly are in order.

Apparently NYC's central office managers have their own foibles. Seems that curriculum guides issued earlier this season by several "highly paid educrats" were riddled with outrageous errors that the NY *Daily News* blasted, and for good reason. "The popular book 'Amelia Bedelia' morphed into 'Amelia Bedila.' Author and illustrator Ezra Jack Keats became Era Jack Keats..." Advice for teachers included identifying "student strengthens and weakness," and to help students "think about a time when your family work together." While Chancellor Klein — a growing champion of many reforms — was aghast, some of us wonder whether part of this problem might have something to do with the curriculum his people adopted to eradicate basic skills deficiencies among a majority of city students. That program, Month by Month phonics, is highly unsuccessful and despite its title is not phonics-based, which is what children lacking reading skills need first. Had the district chosen a Direct

Instruction program, for example, they would have also received curriculum guides as part of the program and been able to avoid costly mistakes. Maybe it's time for a change.

Meanwhile, the custodians are mad as hell* and apparently don't want to take it anymore! At issue is the cost-saving measure Klein is pushing to bid out custodial issues to a private firm. Rather than embrace the chance to save money, the teacher's union characterized the move to replace overpaid custodial contracts with private contractors as one that would return teachers to cleaning toilets. A little extreme don't you think?

One thing is for sure in the Big Apple: the Blob hasn't seen this kind of scrutiny in years. It's about time.

News You Need to Know

- *Nation's Report Card fails to demonstrate Adequate Yearly Progress in reading...* but at least math scores are up slightly. However, according to several informed researchers, math improvement may have more to do with the nature of the questions than an increase in achievement. NAEP, the test that normally has been above political agendas in recent years, may actually reflect what students are taught in a majority of places, not what they *should* be taught. Says Brookings Institution Education Director Tom Loveless, "Although we should be happy that NAEP scores are rising, the increases need to be put in perspective. Here's what I mean – fourth graders have registered the largest gains since 1990, but less than half of the 4th grade math items assess arithmetic skills. That's because the NAEP is modeled after NCTM's curriculum standards. So we can't say whether kids are learning the mathematics that they need to learn — and at fourth grade that most certainly is arithmetic." To find out how your state fares, CER has useful summary and links to other info on the web.

- *Charters Show Gains:* Here's something to cheer about: In states from Massachusetts to Utah, charters are showing achievement gains. Data from over 20 states show that charter schools are measuring up. In November, we reported that based on recently released state data, charter schools are outpacing non-charter schools in student achievement, despite fewer resources and mounting obstacles. The data also suggest that charter schools do a better job of serving high populations of minority students, students with special needs, and poor students. Charter schools are succeeding; these positive results are the beginnings of successful future trends. Call for your copy of *A Record of Success*, one of a continuing series of Charter Schools Today reports.

- *Money and Charters:* School districts continue to blame charters for their budget woes. In New York state, the superintendents association is soliciting horror stories – literally – about how charters might adversely impact school districts, to use to influence lawmakers there to curb charter growth. For Boston, MA (where charters are succeeding, by the way) state officials are being asked to audit the books in charters by a group that is anti-charter, on the premise that they have money in the bank and shouldn't. As the Reason Foundation's Lisa Snell points out in her Use it or Lose it email posting, "schools that balance their budgets and have reserves should be scrutinized by the state while schools that have budget shortfalls should get more money from the state but no scrutiny...critics would rather punish the prudent charter operator...than find the root cause of budget shortfalls." The solution lies in zero based budgeting according to UCLA's William Ouchi, whose new book Making Schools Work is touted by Snell and others. For more go to www.reason.org.

- **Victory for Cybers:** Pennsylvania's High Court declined to hear an appeal over the constitutionality of charters that operate in the virtual realm, the so-called cyber charters. Setting a precedent that could be used as judicial support for cybers, the ruling upheld a lower court's decision that the virtual schools, which in the Keystone state serve approximately 3,000 children, were constitutional. This latest ruling is just another battle in the war that the state school boards association has fought against choice programs. The state's charter law was challenged legally after it passed in 1997, and was overturned. The state school board then tried to get the legislature to provide additional funding for students in traditional public schools while siphoning the funds meant for charters. Same old story.

- **Parents take note:** The new SAT is going to be bigger, but not necessarily better. The College Board admits that the changes for 2005 are politically motivated, not in a partisan way, but to allegedly help kids become better writers by adding a pretty substantial essay, among other things. Gone will be the analogy section and math comparisons, which some say removes some of the teeth that helps distinguish kids who can think from those who can just regurgitate facts. But the essay seems most problematic, given the enormous subjective judgement that reviewers will have as to what constitutes a good essay. There are other issues as well, which are well outlined in the October 19, 2003 *Time Magazine* article by John Cloud.

- **Parents struggle for NCLB rights:** School districts continue to moan about enforcing parental options under NCLB. But behind the moaning it's clear some districts are simply working hard to ignore the law. Take the case in Hartford recently covered by that town's newspaper, *The Courant*. Seems that when parents opted to transfer to better schools, they were told that their options consisted of three schools that actually hadn't even made adequate yearly progress. It's a good thing for Constitution state residents that Governor John Rowland wants to work to expand choice for children in cities such as Hartford and Bridgeport. As long as districts do as little as they can to offer options to children in failing schools, it's imperative that charters and other choice programs be strengthened and grown.

- **DC Hope III and other choice news:** After months of politicking and promotion, parents in Washington, DC may finally get their long-awaited scholarship program and join the ranks of the other states that are at varying stages of delivering more comprehensive choices to children trapped in bad schools. The Congress tacked the DC appropriations bill into a mega-spending bill that has drawn lots of criticism, but it was the only option for the majority who supported the measure. When the measure as a stand-alone bill was brought up in the U.S. Senate, opponents filibustered the bill and refused to budge. Democratic Senator Mary Landrieu, who once supported a similar measure, turned against school choice, but thanks to her colleagues such as state-mate John Breaux, Cal-i-for-n-ia Senator Diane Feinstein, and Connecticut's Joe Lieberman, the program had a majority of Senators in support who refused to reject the measure. The political process required that scholarships be considered with a whole host of other spending measures (an omnibus, they call it). The House passed it and in January the Senate is scheduled to vote. The city is getting prepared to notify parents. CER aims to help.

- **Anti-Choice groups are beating up on several programs,** such as Milwaukee's. An effort to expand the program, which is nearly at capacity, was vetoed by Wisconsin Governor Jim Doyle, whose election was supported by the teachers union there. In Colorado, the program signed into law earlier this year is now in the courts. A lower court judge declared it unconstitutional for the state to mandate that districts provide choices to children in bad schools, because the state gives districts control. It's an interesting argument, even though it's a stretch to say that Colorado's framers intended school boards to reign supreme regardless of quality. The districts (as in all states) are required constitutionally to provide education to the masses. If we define education in a qualitative way, we can conclude that the districts are most certainly not

succeeding for every child. Constitutions don't say that school boards/districts are *supposed to* try to provide education, or are *supposed to* merely set up structures. Constitutions provide for education, period (with various qualitative words attached to them, depending on the state, like free, or equitable). Proponents are confident they'll win but courts cause delays, even if the right side wins in the end. And that's precisely what the opponents (like the PTA) intend.

- *The choice program in Florida* is getting lots of press about a few scattered problems, while success is rarely noted. The *Palm Beach Post* has an almost daily news brief with an amazingly biased spin against various programs in the Sunshine state. There have been several schools participating at various levels that should not be in the program and the good news is that they are now out of the program. Meanwhile, parents flock to their private choices in droves, a fact that seems to have been lost on some media there. More than 27,000 students are participating in one of the state's three choice programs. Out of 1,200 participating schools, only 46 failed to comply with aspects of program requirements and as a result, their payments were suspended. Meanwhile with the programs growing quickly and lessons learned, the Governor is pushing a new accountability program that would add another check on the program to ensure participating schools are above reproach. For more on this program and others, check out CER's website at www.edreform.com, which, by the way, sports a new design and operations that continue to be shaped for your surfing pleasure.

- *Education Provider goes private*: The successful move by Edison Schools, Inc. to take its company out of the public markets and go private was considered by some nothing more than a smart business move. Others, such as the teachers unions in Florida, saw conspiracy and espionage throughout the development of the deal. It seems that the private equity firm that financed the move used funds that include teacher pensions. While ironic, given the unions' penchant for beating up all things not in their control, the investment was not unusual and is considered highly beneficial for the pension funds. For more on this and the company in general go to www.edisonschools.com.

On Governors and Governors

A look back at the fall's new class of Governors gives hope for education reform, and looking ahead at the '04 elections might offer promise, if people with the right views are elected.

Of the three new Governors in '03, two are known to be very strong reformers. "Governator" Schwarzenegger is a fan of education innovation and choices for parents. His appointment of former LA mayor Richard Riordan as his education secretary is noteworthy, as Riordan himself became an avid reformer during his tenure. Mississippi Governor elect Haley Barbour also brings a commitment to education reform. Less certain are the views of Kathleen Babineaux Blanco from Louisiana, but reformers are working hard to secure a commitment. Whether state level race or presidential, one thing is clear — education reform will be a big issue and reformers need to hold candidates' feet to the proverbial fire. Look for an update of CER's Candidate Meter in early '04 and ways to engage the politicians in more reform efforts!



We'll be back in January with a full report about the incredibly exceptional people that we had the honor of hosting in October, and will bring you previews of the exciting year to come. If you want to catch up on news in the meantime, don't forget to sign up for CER's *Weekly Newswire* or call us for personal assistance. God Bless you, and God Bless America!


Jeanne Allen