

Education Matters

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Is collective bargaining for the 21st Century?

By Polly Broussard

Collective bargaining and the teacher labor unions represent outdated thinking for the profession. The unions' vision for teachers' compensation is as innovative as black-and-white televisions for the 21st century. Schools of today have moved beyond the industrial needs of the '50s and '60s, and into the age of rapid innovation and technology. The labor unions' ways of operating schools no longer work to meet the needs of educators or students. To advance the teaching profession, educational leaders must stop thinking of teachers as factory workers and embrace more innovative and professional ways of employing and paying educators.

In my state of Louisiana, teacher pay ranks high on the agenda this time of year as lawmakers begin to introduce legislation for the upcoming legislative session. This year, the teacher labor unions, along with the AFL-CIO, want legislators to decree

mandatory collective bargaining for all school employees. Teacher labor unions claim collective bargaining ensures teachers pay raises "without the begging." However, data from the eight union-controlled collective bargaining systems in the state contradict their assertion.

A review of the 2003-2004 teachers' salaries in the eight bargaining districts reveals a dismal track record for the unions. Three out of the eight districts ranked in the lower third of teacher pay that year; while six of the ten best districts for teacher pay were non-bargaining districts. Union-controlled Orleans Parish School System is ranked sixth for teacher pay, but it is con-

sumed with litigation as a result of pay fraud and job extortion charges – hardly a model for unions to hail.

"The unions' vision for teachers' compensation is as innovative as black-and-white televisions for the 21st century."

The data shows that bargaining is not the solution to elevating the teaching profession to a level enjoyed by other professionals. Statistics aside, experience has proven that the methods used in the past have not delivered a cadre of well-paid teaching professionals. To raise the pay and status of educators the profession needs to be

taken off the factory floor and into the marketplace so teachers will experience the freedom of being paid what they are worth.

To this end, the Louisiana governor and the state legislature must consider a large-

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scale voluntary pilot program that objectively pays teachers according to their performance and student achievement. Eight states, including Louisiana, are already participating in private pilot programs.

These innovative programs are already confirming the value of creating new kinds of classrooms where professional educators are in charge and have the freedom to use their skills while receiving increased annual salaries for their achievements.

The Teacher Advancement Program, supported by The Milken Family Foundation, is one example of 21st century-thinking regarding a new approach to professional advancement. In the Teacher Advancement Program, teachers can pursue a variety of positions – career, mentor, and master – depending on their interests, abilities and accomplishments.

It is time for states like Louisiana to initiate pilot programs to attract and retain talented people to the teaching profession. The labor unions have proven to be unsuccessful in making significant gains for teachers. We need a new approach that meets the 21st century needs of our teachers and our children. ■



Polly Broussard is the Executive Director of the Associated Professional Educators of Louisiana. For more information on how APEL is creating a 21st century profession for teachers, call (800) 364-2735 or email: educator@apeleducators.org



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By Emily Stroud

Emily Stroud is the 2004 Louisiana Essay Contest winner for new teachers.

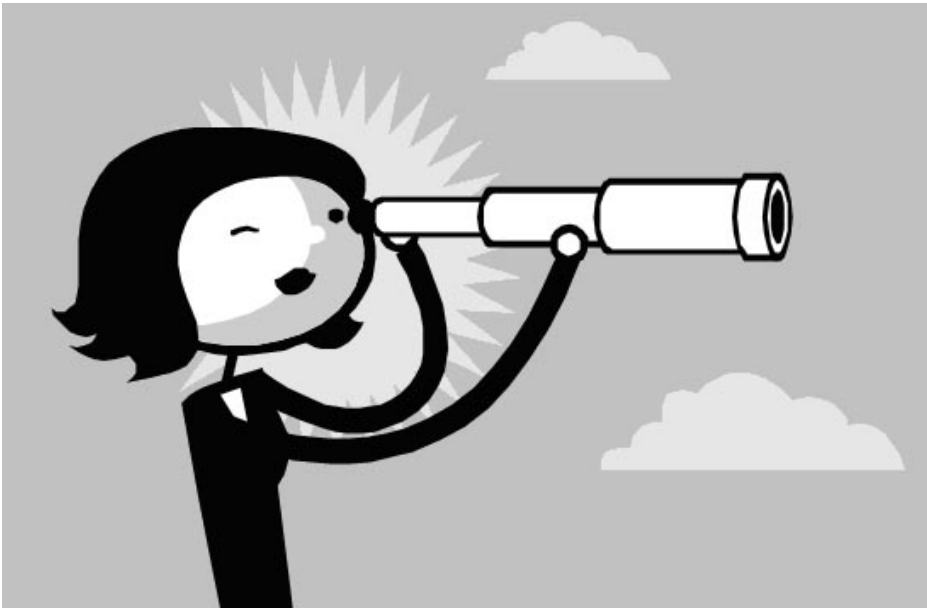
If I was asked, “Why do you want to be a teacher?” a year ago, I probably would have given the response, “So I can make a difference in the lives of tomorrow’s adults.” This answer is still an accurate reflection of how I feel, but now after beginning to student teach, I have a much deeper desire and passion for teaching. After two weeks of student teaching, I woke up one morning asking myself, “What on earth have I gotten myself into?” The adjustment from taking education classes and observing, to actually being in the classroom the entire school day is something that was quite a shock. What I learned in college about being a teacher has benefited me, but the experience that I have had since I began student teaching has helped me redefine my reasons for being a teacher. In this short time, my students began learning new things and making enormous amounts of progress intellectually and socially. Until that point, I had never really seen a student go through the process of having no concept of a skill to mastering that skill successfully. To actually see the light bulb turn on in their little heads was amazing! Knowing that I am teaching students skills that they will use for the rest of their lives makes me feel so incredibly important.

When we as humans find our gift and acknowledge the Creator as the giver of our gifts, what we can actually accomplish is unbelievable. I know that I have been given the gift of teaching. Along with the gift there is an investment of my time and energy that is also required. Regardless of what the

public may think, teachers spend their time, money, and energy on their profession. When I graduate from college, I will become a fourth-generation school teacher and the first of my generation to earn a college degree. Even though students enter the classroom with many different experiences, abilities, and talents, I can provide a nurturing environment for each one. As I guide each student to higher levels of achievement I can also provide love and direction.

My desire to teach has been influenced by the good example of many other teachers. I am fortunate to have gone to school in a parish where there were many excellent teachers. When I attended McNeese State University, I had many good teachers. College teachers taught me techniques and skills I need in the classroom. That was when I discovered the importance of membership in a professional organization. I chose Associated Professional Educators of Louisiana (A+PEL) because of its high standards and excellent reputation. I believe that the teaching and learning process never ends. Because of this, I have already started taking postgraduate classes. I believe that is important for teachers to continue to improve themselves.

Being a teacher allows me the great privilege of sharing my love of learning with the next generation. I have made a promise to myself to always do my very best as I am entrusted with the task of influencing America’s future leaders. ■



Should You Fear School Choice?

The 21st century will focus on educational freedom

By Andrew Coulson

You probably oppose school vouchers. On the other hand, you probably support school vouchers. These are the conflicting results of two different public opinion poll questions published in recent months.

When the education magazine *Phi Delta Kappan* asked, “Do you favor or oppose allowing students and parents to choose a private school to attend at public expense?” just over half the public said it was opposed. A poll conducted by the Milton and Rose Friedman Foundation asked the same question and got the same answer.

But the Friedman Foundation also asked, “Do you favor or oppose allowing students and parents to choose any school, public or private, to attend using public funds?” Nearly two-thirds of the public favored the idea.

Critics typically portray comprehensive school-choice programs as new and untested. They predict that such programs will fail to improve overall academic achievement, hurt poor families, tear apart the fabric of society, and drive up the cost of education. They forecast doom, and the public retreats in fear.

The critics may believe these things to be true. They are not.

I have spent the past decade studying modern and historical education systems

from all over the globe, and there are many examples of competitive education marketplaces that are driven successfully by the choices of parents.

The first education system in the world that expanded schooling beyond a tiny ruling elite was the free education market of ancient Athens. For the past 87 years, the Netherlands has enjoyed a universal, nationwide school-voucher program. In the 25 centuries that elapsed between these two civilizations, competition and parental choice have been tried repeatedly on scales both large and small. School choice has proven its worth many times over.

Today, about three-quarters of all Dutch children attend private schools with financial assistance from the government. Has this hurt the nation’s academic performance? Dutch high school seniors and recent graduates score first in the world in mathematics, second in science and fourth in literacy.

Have market forces hurt those Dutch students who have chosen to remain in public schools? No, they also do very well, performing just slightly below the level of students in Catholic schools and about even with students in Protestant schools. This should come as no surprise, since Dutch public school students can easily transfer

to a private school if they become dissatisfied with the education they are receiving.

What about lower-income families? As it turns out, the average income of students in the country’s high-performing Catholic schools is *below* that of those in the public schools. As noted above, the Catholic schools perform better academically nonetheless.

Has financial assistance for private-school tuition driven up the cost of education? The Dutch spend only \$6,000 per pupil annually, compared to the nearly \$10,000 spent in U.S. public schools. If every child in America were given a similar \$6,000 school voucher, including the 10 percent of children currently enrolled in private schools, U.S. taxpayers would save \$170 billion dollars a year. Even with a larger voucher, the savings would be substantial.

Has Dutch society been Balkanized into warring factions by unfettered parental choice? On the contrary, the Dutch voucher system was adopted specifically because it could *defuse* the terrible social conflict that had arisen over that country’s earlier public school monopoly. Educational choice successfully allowed Dutch families to obtain the sort of schooling they valued for their children without foisting their preferences on their neighbors. As a result, the earlier social tensions dissipated.

All this might sound like a sales pitch for introducing a Dutch-style voucher program. It isn’t. As it happens, research suggests that there are even better ways to reintroduce the benefits of parental choice and competition in education, such as the Mackinac Center’s “universal education tax credit,” whereby parents, relatives, friends and even companies could secure a dollar-for-dollar tax credit for contributions to scholarship funds.

As Americans learn more about school-choice programs and their record of success, and as they learn that the dire predictions of the critics are mistaken, they will not fear freedom in education. What they will fear is the status quo. ■



Andrew J. Coulson is Senior Fellow in Education Policy at the Mackinac Center for Public Policy, a research and educational institute headquartered in Midland, Michigan.



OOPS! Union Poll: Professionals Say “No Thanks”

The *Philadelphia Inquirer* reported the AFL-CIO is trying to organize more white-collar workers. However, the labor bosses got some bad news from polling firm Peter D. Hart Research Associates regarding how professionals felt about having an employee association. While respondents overwhelmingly agreed that having such an association would be “helpful,” they were opposed to joining a union.

The *Inquirer* noted, “support waned when the word *union*

was used.” AFT President Edward McElroy later commented, “They don’t want to join an organization, they don’t want to pay dues, and they don’t want to be bound to an organization.”

Though the story doesn’t address it, the worst news is that a significant number of existing union members don’t want to be bound to an organization or pay dues, but are forced to by exclusive representation laws and contract provisions.

Source: www.eiaonline.com

Summer Workshops

U.S. Dept. of Education Offers Teacher-to-Teacher Summer Program

Building on the success of last year’s teacher workshops, the U.S. Department of Education will again host a series of workshops for teachers and principals in the summer of 2005. Some of the nation’s best teachers and researchers will share their strategies for raising student achievement and informing teachers of the latest, successful research-based practices. The upcoming Teacher-to-Teacher Summer Workshops will be geared toward K-12 teachers and principals, and the subjects covered will be evenly distributed among elementary and secondary school instruction. Breakout sessions will cover the content areas of literacy, reading, mathematics, science, history and the arts. Additional sessions will be held on special education, English language learners, school leadership, the *No Child Left Behind Act*, using data effectively, federal grant writing, and teaching strategies to enable all levels of students to improve.



The 2005 summer workshops are scheduled in these six cities on the following dates: Cincinnati, Ohio (June 20-22); Phoenix, Arizona (June 27-29); Minneapolis, Minnesota (July 11-13); Tampa, Florida (July 18-20); Bethesda, Maryland (July 25-27); and San Jose, California (August 1-3).

The registration and professional development sessions are free-of-charge. Meals and refreshments will be provided during scheduled workshop activities, but participants will be responsible for their own transportation and lodging expenses.

For more information or to register for the workshops, visit: <http://www.ed.gov/teachers/how/tools/initiative/index.html>. ■

Education, Bias, Corruption...and Stupidity

America’s education system continues to be plagued by incidences of bias and political correctness. Young America’s Foundation compiled a list of some of the most shameful incidents in America’s education system in 2004. Here are some of the best...or worst!

A Yale professor told her class after the presidential election, “That’s it. This is the death of America.” The professor asked the students if they voted for Bush, and when she saw that no one had raised

a hand, she said, “See? No one in here would be stupid enough to vote for Bush.”

A foreign language instructor kicked a Fort Lewis College (Durango, Colorado) student in the leg for wearing his conservative club’s logo sweatshirt. The instructor’s only regret was that the kick wasn’t “higher and harder.”

A University of Louisville, Kentucky, professor commented on the presidential election to his class saying, “It was the religious zealots who

say they are voting on morals. I think we should all buy AK47’s and shoot them all! That’s what I would suggest, if it were allowed.” The university has since withdrawn his contract.

New Jersey’s South Orange/Maplewood school district banned all Christmas carols from its holiday concert. The district school superintendent said that “rather than try to respond to all the various religions and try to balance them, it’s best to stay away from that and simply have a

nonreligious tone.” Only two songs were deemed acceptable to the superintendent: “Winter Wonderland” and “Frosty the Snowman.”

Ithica College professor Charles Venator Santiago, when asked by *Time* magazine if he teaches about conservatism, responded, “I am teaching Hitler.”

Source—*Libertas*, a publication of Young America’s Foundation.

Florida's Class Size Reduction

by Mike Antonucci
www.eiaonline.com

Regardless of what Governor Jeb Bush intends to do about the class size amendment he's been straddled with, many Florida school districts are way ahead of

him in weakening the intent of the amendment.

The Miami Herald

reported that many schools are taking advantage of the law's definitions by adding an extra teacher to the

classroom, not by reducing actual class sizes. As it is now, many of Florida's classes remain packed: a third of Broward County's elementary schools still have at least one classroom with more than 35 students. Some Miami-Dade high schools have as many as 60 students in a classroom.

Schools are dreaming up all sorts of creative ways to meet the law's requirements, particularly overcrowded schools that don't happen to

have an empty classroom or two. One popular and relatively legitimate strategy is mainstreaming special education students, counting the special education teacher as a second teacher to cut the class size in half. Less legitimate may be counting class size during the period that the reading teacher visits the classroom or after some students have been temporarily pulled out for tutoring.

While certainly the current law is not devoid of instructional benefits, legislators need to recognize the invariable problems that come with top-down, relatively inflexible mandates like this one. Instead of focusing on what really matters—student achievement—school leaders are spending a lot of time gaming this law. One can only imagine how schools might better spend their time if given more freedom.

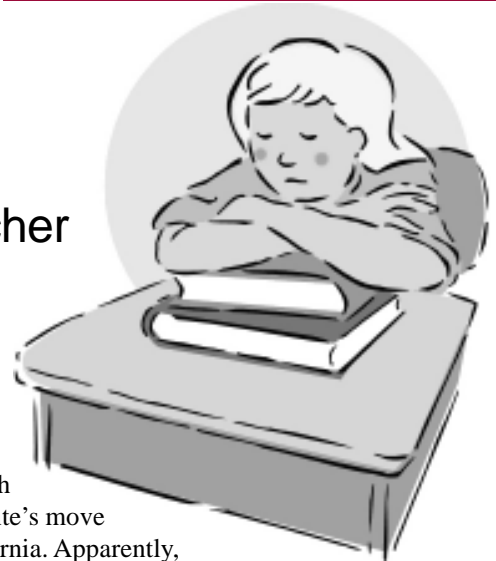
Reference: "Small classes often exist only on paper," Steve Harrison, *The Miami Herald*, February 25, 2005

Lousy Teacher Succeeds

Will Fitzhugh, founder of *The Concord Review*, tells the story of nationally known math teacher Jaime Escalante's move to Sacramento, California. Apparently, when Mr. Escalante moved to Sacramento, the local media were anxious to find out how good this famous teacher was. They found a 9th-grade student who said he was a lousy teacher.

Fascinated, they asked her why. She said she had had a problem with her algebra and went to Mr. Escalante for help. He kept her after school for several days and also on Saturday.

The media asked her what happened. "Well," she said, "I finally got it, but he didn't teach me anything. All he did was make me work!"



The Challenge of Language



About one in every six 5- to 17-year-olds (17 percent) speak a language other than

English at home, the National Center for Education Statistics reports. Immigration rates are growing, but

they are not the sole factor in the surge of English-language learners. Nearly two-thirds of all 5- to 24-year-olds who speak a language other than English at home were born in the United States.

American School Board Journal (5/2005)

Study Confirms Lack of Academic Benefits in After-School Program

A three-year study of the federally supported 21st Century Community Learning Centers after-school program affirms the researchers' earlier findings that the program offers students little or no academic benefit.

Most of the elementary and middle school pupils who attended the after-school program showed no academic improvement, although the lowest-performing K-5 students did show slight gains on English achievement, says the report by the Mathematica Policy Research.

Compared with children not in the program, participants showed no difference in how often they completed their homework or got help working on it. Additionally, the program's academic activities coordinated only poorly with classwork before the 3PM bell, the report says.

The elementary school participants were more likely than those not in the program to say they felt safe after school. But they were also more likely to engage in behavior that war-

ranted discipline during the regular school day.

The program did not affect the likelihood that children would be caring for themselves after school. The control group's activities showed that children would most likely be at home with a parent if they weren't at the centers, the study found.

"The programs are successful in the sense of caring for students after school," said Mark Dynarski, the researcher who directed the study. "They have

academic content, but they don't actually have academic effects."

The program has generated national attention in part because of the amount of federal money channeled to it: nearly \$1 billion this fiscal year. Observers have followed the evaluations closely to see if the program can benefit the largely low-income, minority population it serves in 7,000 schools nationwide.

Catherine Gewertz for *Education Week* (4/27/05) www.edweek.org.



Creating a Classroom Climate of Character

A missing piece of the character education puzzle

By William Damon

When I was a guest on a National Public Radio show, a parent of a 5th-grade student called in to discuss an incident that was highly upsetting to her but all too familiar to me. That week her son had been sent home with a note informing her that he had been caught taking money out of fellow students' backpacks. The mother quickly got on the phone to the boy's teacher to tell her she was appalled, that she couldn't bear the thought of her son stealing from his friends. "What can we do about this?" asked the mother. To her astonishment, the teacher responded by asking her to say and do nothing. "We were obliged to inform you of what happened," the teacher said, "but now we wish to handle this in our own professional way. And to start with, we are not calling this incident 'stealing.' That would just give your child a bad self-image. We've decided to call what your son did 'uncooperative behavior'—and we'll point out to him in no uncertain terms that he won't be very popular with his friends if he keeps acting this way!" The parent reported that the boy now ignored her efforts to counsel him about the matter. She worried that he had "blown the whole thing off" without learning anything from it at all.

In its "professional" judgments, the school had translated a wrongful act (stealing) into a strictly instrumental concern (losing popularity). The school did so in order to save the child from feelings (shame, guilt) that it assumed could cause the child discomfort and thereby damage the child's self-image.

The child probably would have felt embarrassed if forcefully told that he had committed a moral offense—and such an experience in firsthand shame and guilt is precisely what researchers have found to be a primary means of moral learning. There is no credible scientific evidence that supports the idea that a child's self-image can be harmed by reprimands for wrongdoing, as long as the feedback pertains to the behavior rather than to the child's own intrinsic self-worth.

The contemporary character-education movement has been misled by the trendy notion that children's positive feelings are the key to moral learning. Many educators now engage in silly activities and exercises focused on an obsessive attention to children's self-esteem, a focus that has foisted warehouses' worth of nonsense on students.

Confusing Ourselves and Our Students

Over the years I have often been asked to help resolve trouble in schools torn apart by cheating scandals. In each case, the resistance of teachers to discussing the moral meaning of the incident with students was palpable. I explain to them that the moral issues are many, but by no means hard to understand. Cheating is wrong for at least four reasons: it gives students who cheat an unfair advantage over those who do not cheat; it is dishonest; it is a violation of

trust; and it undermines the academic integrity, the code of conduct, and the social order of the school.

I am still shocked at the number of teachers who say, in front of their students, that it is hard to hold students to a no-cheating standard in a society where people cheat on taxes, on their spouses, and so on. Some teachers sympathize with student cheaters because they think that the tests students take are flawed or unfair. Some pardon students because they believe that sharing schoolwork is motivated by loyalty to friends. In my experience, it can take days of intense



discussion, and some arm twisting, to get a school community to develop a no-cheating standard that is solidly supported by expressions of moral concern.

In our time, a hesitancy to use a moral language remains the most stubborn and distracting problem for character education. Teachers worry that words that shame children may wound their self-esteem; that there are no words of moral truth anyway; that it is hypocritical to preach moral codes to the young when so many adults ignore them; or that in a diverse society one person's moral truth is another's moral falsehood. Yet, adult expressions of clear moral standards are precisely what guide character formation in the young.

The conviction that moral standards are

not arbitrary, that they reflect basic human truths and therefore that they must be passed from generation to generation is a necessary prerequisite of all moral education.

Schools must present students with objective standards expressed in a moral language that sharply distinguishes right from wrong and directs students to behave accordingly. Sentiments such as “feeling better” cannot stand as sufficient reason for moral choice. A school must help students understand that they are expected to be honest, fair, compassionate, and respectful whether it makes them feel good or not. The character mandate that adults must pass on to children transcends time, place, or personal feelings.

Suppose that the teacher took the response, “How would it make you feel if someone did that to you?” an extra step—backward through the ages of moral tradition—the Golden Rule. The version most familiar in Western society—“Do unto others as you would have them do unto you”—is in fact a general precept shared by most of the world’s religions. While asking the child to take the perspective of another who would be

hurt by a harmful act, a teacher could draw the student’s attention to the great moral traditions that have proclaimed the importance of doing so, connecting the student’s personal sentiments with the earlier wisdom of civilizations. The teacher could introduce students to the glorious panoply of worldwide philosophical thought that has celebrated this principle. A lively classroom discussion could ensue from exploring why so much profound thinking across so many diverse times and places has focused on this classic maxim.

Pointing out the rich religious and historical traditions behind a maxim underlines its deep importance in human life. It informs students of the universal and timeless truths underlying moral strictures. It does not imply proselytizing for a particular religious doctrine, because the universality of core moral principles can be easily demonstrated. This kind of instruction is needed pedagogically not only because it elicits historical interest, but also because it adds a dimension of moral gravity and objectivity to what otherwise would stand only as a simple statement of a child’s personal feelings.

If a child’s moral education is limited to

stimulating self-reflection about his personal feelings, not much has been accomplished. But if the child’s moral education begins with a consideration of moral feelings such as empathy and then links these feelings with the enduring elements of morality, the child’s character growth will be enhanced by transforming the child’s emotions—which do play a key role in behavior—into a lasting set of virtues.

We do not invent our ethical codes from scratch, nor should we expect that our children could. Our inherited moral traditions are the essential elements of civilized society. For too long, our public schools have hidden away the historical dimension, keeping the traditional foundations of moral instruction out of sight. It is time to remove this unnecessary handicap and build the moral futures of our children on the best wisdom that the past and present can offer. ■



William Damon is Professor of Education, Director of the Center on Adolescence at Stanford University, and senior fellow at the Hoover Institution.

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Creative

One educator's constructivist approach to helping students find appropriate language.

Dr. Tom Forbes was a classroom teacher and an administrator before becoming associate dean at Simpson University in Redding, California, where he is now involved with teacher education. While in the classroom, Dr. Forbes developed an innovative method for helping students find more acceptable ways to express themselves than merely repeating a few choice expletives.

Question: What did you see as the problem with students' inappropriate use of language?

Forbes: I saw students from fourth to eighth grade trying to express their frustration or anger. I also saw that quite often the "put downs" and words students used in the classroom during normal conversations might not always include profanity, but were certainly inappropriate.

They were using harsh words to get an emotional response or to create a feeling of superiority. As a teacher, what I wanted to do was establish and maintain a good classroom climate that was secure for students to learn and safe for them to express themselves. Usually, I found that students were modeling what they heard at home either from their parents or from the media. Too often, the students weren't constructing healthy patterns of expression.

Q: The home environment is a big factor, isn't it?

Forbes: Kids are definitely affected by the sights and sounds of video games and television programs. What we're seeing is kids coming into public schools undernourished culturally and without good character traits. They're lacking politeness and an ability to show appreciation. It's basically a lost art from several decades ago when children were taught at home how and why to properly defer to authority figures in their lives. What educators are noticing is a dramatic decrease in decorum.

Q: What about parent involvement? Have you incorporated any strategies that really work?

Forbes: It's an ongoing challenge. But, there is one particularly creative idea that I've found works. Ask parents and their kids to select a popular television sitcom and evaluate the use of language. Ask them to evaluate not only curse words, but also situations where the characters use hollow, hurtful expressions to convey their feelings. When I've done this with parents, they report how surprised they were at the shallow use of language on television. It was a good wake-up call for most of them to take back the remote control.

Q: You've developed an innovative method for greatly diminishing the use of inappropriate language in the classroom. Tell us what you've done.

Forbes: If a student wanted to use a

vulgar word or even say that someone was "stupid," I helped them find more expressive words and phrases to use. We would do this as both an oral and written exercise. For example, I had a student who frequently called his peers "stupid" if they didn't agree with him. I worked diligently to help him reword his responses into statements such as, "I disagree with what you said," or "I would like to express my opinion about what you said." In another example, if someone accidentally fell down and blurted out an expletive, I taught him to verbalize his feelings. Through classroom work, I taught students to replace the expletive with an explanation such as: "Oh, I fell down and hurt my knee and I'm going to rub it and rub it until the hurt goes away."

Well, when students started responding differently, it was actually funny. They wouldn't laugh at one another, but at the new—and very often funny—way of expressing themselves. Besides injecting humor into the seriousness of language use, students also knew there would be disciplinary consequences if they continued to use the improper language. Over a period of time, they were using rich, meaningful words to say exactly what they felt.

Q: Sounds like a lot of work. Can't teachers get the same results by simply asserting their authority and telling students to watch their mouths?

Forbes: Students actually need to

Speaking

develop critical thinking skills. To just say to them, “Don’t say that,” doesn’t provide them with the framework to creatively develop language alternatives. It’s necessary for teachers and parents to give kids an affirmation for their efforts toward doing this. They can give them a nod of the head, a smile, or verbal approval. Often, I would tell a student who used a creatively expressive phrase instead of an expletive, “That was wonderful! Write that down so we can have that as part of our lexicon of acceptable phrases.” It’s a matter of looking at the developmental process students go through and having adults facilitate, acknowledge, and nurture children.

Q: What do you say to the teacher who complains there isn’t enough time for this type of character education curriculum?

Forbes: That’s the beauty of these simple techniques. Even though teachers and administrators are being given more academic mandates from the state, success in the classroom will definitely increase if the behavioral problems associated with unacceptable language are dealt with on an individual level. Through this constructivist approach, teachers are giving kids tools within specific boundaries. It’s just good



pedagogy. In addition to teaching sentence diagramming or writing a technical document, it is important for students to learn language that creates caring communities within classrooms.

Q: How did students respond to your “language workshops?”

Forbes: As they practiced the techniques, students began to realize the power of language. Some of the students who were considered “outsiders” began building good relationships at school by conforming to a structure where they stopped insulting their peers. In one fourth grade class, the boy who had been using the word “stupid” finally admitted that what he actually meant was he found it unbearable that his classmates came to class unprepared.

Once I got him talking, it cast an entirely different light on this young man and his approach to frustrating situations. If we talk about the “connections” in everyday life both at home and at school, then it sticks.

Again, verbal reinforcement is crucial and much more effective in producing long-term results than just using banners, buttons, and trinkets. Students have to be able to transfer the information to other lifelong situations. ■

This article first appeared in the *TrendWatch* report from Gateways to Better Education (www.gtbe.org).



New Flexibility in NCLB

AAE applauds policy changes for
Special Education Testing and
State Accountability Plans

By Tracey Bailey
AAE Director of National Projects

Your voice continues to be heard at the U.S. Department of Education. The administration deserves credit for being responsive to the concerns of teachers and to requests for reasonable changes in *No Child Left Behind* (NCLB). According to AAE teachers, special education testing was one of the single greatest areas in NCLB needing additional flexibility and common-sense judgment. So, for over a year, AAE and other groups have been encouraging education officials to make such reasonable changes.

We are gratified to see some welcome relief for teachers and students in several new policies issued recently by U.S. Secretary of Education Margaret Spellings. These changes come in two key areas of interest for AAE teachers: special education testing and new flexibility for state accountability plans.

Special Education Testing

The improvements in special education focus primarily on testing and reporting of Adequate Yearly Progress (AYP) for spe-

cial education students. Specifically, these changes provide the opportunity for teachers and districts to have *three times as many* special education students take alternate assessments (instead of the normal state-determined test for annual accountability), and yet still have their passing scores on such alternate assessments count toward making AYP for the school and district.

Previously, only students described as having the “most significant cognitive disabilities” were allowed that option in AYP reporting, up to a limit equal to 1 percent of all students tested in the school district. Now, an additional 2 percent has been added to this limit for students who have “persistent academic disabilities.”

The reason for the change, according to Department officials, is that increasing evidence and recent research have shown that a larger group of special education students may not reasonably be expected to attain

These changes provide the opportunity for teachers and districts to have *three times as many* special education students take alternate assessments.

grade level proficiency – even with the “best instruction possible.”

This new limit may not sound like much of an increase. But remember that it equals *3 percent of all students tested in the school district*. Since special education students make up only about 10

percent of the student population in most school districts, this means that under the new rule approximately 30 percent of special education students may have their passing scores on alternate assessments counted towards AYP under this new flexibility. Of course, any passing score by a student on the normal state assessment will still count towards AYP, with no limit.

The end result – and the good news for teachers – is that more schools will be successful in reaching AYP. More importantly, a greater number of students will be given credit for reaching academic goals that are challenging but still reasonable for their personal situations and levels of disability.

State Accountability Plans

Secretary Spellings announced another new policy that allows states to request additional flexibility in meeting NCLB requirements, including amendments to their state accountability plans. These requests are based in part on the degree of each state's "good faith effort" of complying with the law, and with demonstrated progress towards achieving goals listed in their original state plans. In essence, this new ruling allows states some degree of latitude for showing the same basic accountability required in NCLB but in different ways or with extensions for unusual circumstances.

Since taking office earlier this year, Secretary Spellings has made it clear that she is open to "common-sense, workable solutions" proposed by state policy-makers and teachers. In several instances she has demonstrated a willingness to provide specific flexibility that states have requested. However, she has made it clear that such flexibility must not comprise the core of NCLB – what she calls "bright line" issues: increased student achievement, accountability through annual testing, access to information/options for parents, and highly-qualified teachers.

AAE believes that this new policy is a victory for teachers, school districts, and local control. We have been encouraging such an approach for almost two years as a way to defuse unnecessary political tension and to relieve unfair pressure on teachers in certain areas of NCLB. These new policies are a move in the right direction and do not detract from the main goal of increased student academic achievement.

We are pleased that the administration has been responsive to teachers' concerns about the need for common sense changes and flexibility in NCLB. This has been done without eliminating the basis of assessment and reasonable accountability. We will continue to encourage the Department to grant additional flexibility wherever possible. ■



Tracey Bailey is Director of National Projects for the Association of American Educators and was the 1993 National Teacher of the Year.

Secretary Spellings announces policies taking a "common sense" approach to implementing the *No Child Left Behind Act* during a meeting with the nation's state education chiefs and other education leaders.



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Over Ruled

Rules and Regulations Are Paralyzing U.S. Schools

By George Clowes

A new study from the bipartisan legal reform coalition Common Good found U.S. schools are greatly overregulated, in many cases to the point of paralysis. The study details thousands upon thousands of laws and regulations that apply to public schools in New York City.

Similar webs of laws typically govern the operations of other large centralized school districts across the United States, the study noted.

The study, titled “Over Ruled: The Burden of Law on America’s Public Schools,” found more than 60 separate sources of laws and regulations governing the operation of a typical public high school in New York City, imposing thousands of specific obligations on school officials.

The sources of regulation include 846 pages of New York State education law; 720 pages of regulations from the New York State Commissioner of Education; 690 pages of the *No Child Left Behind Act*; 309 pages of the New York City teachers’ contract and memorandum of understanding; 200+ pages of regulations controlling student discipline; and 43 volumes of appeals decisions—totaling 15,062 decisions—made by the New York State Commissioner of Education.

With so many rules and regulations to observe, many simple and straightfor-

ward tasks become long, drawn-out processes for administrators, taking days, weeks, and even months of their time to complete.

For example, replacing the heating system in a school can involve up to 99 steps and take months to carry out.

Regulation Overload

To suspend a disruptive student can involve as many as 66 steps and legal considerations that can take 105 days to complete.

If the disruptive student is a special education student, suspension for up to 45 days can involve up to 35 additional steps and legal considerations that can take months to complete.

To fire an inept teacher can involve up to 83 steps and legal considerations that can take a year to complete.

Just to put a note in an inept teacher’s file can involve up to 32 steps and considerations.

To fill a teacher vacancy can involve up to 38 steps and legal considerations that can take months to execute.

To conduct an athletic event can take up to 99 steps and legal considerations that detail the particulars of everything from who can coach the team to the size of ear flaps on helmets.

“The burden of law on schools has become staggering,” said Common Good Chairman Philip K. Howard.

“The demands of excessive paperwork are taking precious time, money, and attention away from education nationwide,” said Paul Houston, executive director of the American Association of School Administrators, in a statement accompanying the report. “Ultimately, it’s the achievement potential of our students that suffers.” The American Association of School Administrators and the National School Boards Association have applauded Common Good’s “Over Ruled” project for raising an important national issue.

Howard points out that when reformers identify a worthy goal in education, such as fairness or safety, the most common means of trying to achieve that goal is to establish procedures for teachers and administrators to follow so they are attentive to the reformers’ aim. Each required procedure may appear reasonable and unobjectionable, but when thousands of these hurdles are piled atop each other, “they present an insurmountable legal barrier, blocking even the simplest choices,” notes Howard. ■

George Clowes (clowesga@aol.com) is associate editor of *School Reform News*.

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