

Reinventing Special Education

By Chester E. Finn, Jr.



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After nine months of labor, the President's Commission on Excellence in Special Education has given birth to a stunning report. If it's allowed to grow up into public policy, rather than be strangled in its crib, it would affect a much-needed overhaul of the federal Individuals with Disabilities Education Act (IDEA) and much else.

You should read all 90 pages for yourself and make up your own mind, of course. (The report is available on the Internet at www.ed.gov/inits/commissionsboards/whsp/ecialeducation.) But allow me to recap some of its key points.

The Commission demonstrates that, while IDEA has done much good, the educational attainments of disabled youngsters remain weak. They're more apt to drop out of school, less apt to attend college, etc. Minority kids are over-represented in this educational cul-de-sac from which few ever emerge. Half of all children in special ed are there because of so-called "specific learning disabilities" and yet, in the Commission's estimate, eighty percent of those youngsters (i.e., 2 in 5 of all those in special ed) are there "simply because they haven't learned how to read." Worse, once in special ed, they are unlikely to catch up with their peers in reading or other core skills.

The Commission found "a system in need of fundamental rethinking, a shift in priorities and a new commitment to individual needs." Its key assumption is that in special, as in "regular", ed, "accountability for results matters, parents desire maximum input and educators want to see efficiency melded with compassion and improved outcomes." Perhaps the key sentence in the entire report is this: "The ultimate test of the value of special education is that, once identified, children close the gap with their peers." As soon as you accept this view of the proper criterion by which to gauge IDEA's success, everything else begins to shift.

In examining the current program's operations, the Commission settled on nine "findings", mostly centering on the proposition that a "culture of compliance" dominates the program instead of an obsession with academic outcomes. The Commissioners, therefore, set out to bring IDEA into the era of "No Child Left Behind" and to conform our thinking about special ed to our thinking about education in general,—i.e., to the realization that what ultimately matters is not what's done but what's learned.

This reasoning led the Commission to three broad reform propositions: First, shift the focus from process to results. Second, embrace "a model of prevention, not a model of failure." Third, instead of segregating special-ed kids and isolating their funding, meld special ed with general education into a single delivery system tailored to the learning needs of every youngster.

The Commission set forth 33 detailed recommendations under half a dozen major headings. The only two that seem to be gathering media attention are a limited voucher proposal ("allow state use of federal special education funds to enable students with disabilities to attend schools or to access services of their family's choosing, provided states measure and report outcomes for all children benefiting from IDEA funds") and the Commissioners' refusal to embrace the conventional definition of "full federal funding" for special ed. (On this latter point, the report provides [on pages 28-32] the clearest, sharpest exegesis of special-ed funding that I've ever seen.)

Though you'd never know it from the press coverage, some of the Commission's other proposals are far more revolutionary. These span a wide array of special ed issues, including research, teacher prepara-

tion and such knotty topics as how to handle special ed in charter schools. The Commissioners would replace the compliance mindset with bold deregulation of the means by which special education is provided to children, combined with the specification, measurement and reporting (at the individual child level, state level, etc.) of "annual outcomes and results." They would enforce results-based accountability at all those levels, integrating it with the adequate-yearly-progress approach set forth in "No Child Left Behind." They would jettison the present "deficit model" for identifying disabled youngsters, one that (for many girls and boys) waits until they've begun to lag in school before deciding that they need help, and would replace it with early identification, prevention and intervention. Moreover, they would include in the determination of a child's need a close review of

the instruction previously tried with him/her and how it worked. Tucked away on page 25 is this bombshell:

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 The Commission finds
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 disabilities.

"A key component of the identification process should be a careful evaluation of the child's response to instruction. Children should not be identified for special education without documenting what methods have been used to facilitate the child's learning and adaptation to the general education classroom. The child's response to scientifically based interventions attempted in the context of general education should be evaluated with

performance measures, such as pre- and post-administration of norm referenced tests and progress monitoring. In the absence of this documentation, the Commission finds that many children who are placed into special education are essentially instructional casualties and not students with disabilities."

*Continued on page 4,
 See... "Reinventing Special Education"*



Letters To The Editor

Fireball of an Idea!

Dear AAE,

I agree with you that it is important to focus on the “uplifting” aspects of classroom life (as long as we are doing our job well and are justified in our “positive thinking”). Therefore, I am contributing the following success story about an idea that is working in my classroom. Maybe it is an idea that will help some other teacher out there to focus on the positive with his/her students.

This simple idea has generated more good will in my classroom than anything I’ve done for a long time. I was seeking a way to reward innovative problem solving and creative thinking in my students. The answer came with a BIG bucket of fire balls. (For the uninitiated, this is a brand of candy, round and hard like a jaw breaker, and VERY hot.) In classroom discussion, if a student shows unusual insight, I announce, “She’s a fireball! That was a fireball answer!”, and the student receives a fireball on the spot. No record keeping, no expensive incentives, but the kids love it. Best of all, they get to eat it right in class (with my apologies to their dentist)!

Hope this is helpful to someone!

Calvin Morin,
Warren, ME

Thrilled in Minnesota

Dear AAE,

Enclosed is a donation to the AAE Foundation in the amount of \$429.02. Thanks to the AAE—through the work of your legal advisor, La Rae Munk, the entire “fair share” dues amount was refunded by my local union, Education Minnesota, and the NEA for the second year in a row. Please designate this wherever the AAE Foundation deems appropriate.

Thanks for all you do, each one of you!!! Your support makes one small teacher no longer afraid of the NEA “giant.”

Thrilled in Minnesota,
Bridget Johnson
Chanhassen, MN

Old Geezers

Dear AAE,

Thought your members would like this.

“Geezers” (slang for an old man) are easy to spot:

At sporting events, during the playing of the National Anthem, Old Geezers hold their caps over their hearts and sing without embarrassment. They know the words and believe in them. Old Geezers remember World War I, the Depression, World War II, Pearl Harbor, Guadalcanal, Normandy, and Hitler. They remember the Atomic Age, the Korean War, The Cold War, the Jet Age, and the Moon Landing, not to mention Vietnam.

If you bump into an Old Geezer on the sidewalk, he will apologize. If you pass an Old Geezer on the street, he will nod or tip his cap to a lady. Old Geezers trust strangers and are courtly to women. Old Geezers hold the door for the next person and always, when walking, make certain the lady is on the inside for protection.

Old Geezers get embarrassed if someone curses in front of women and children, and they don’t like any filth on TV or in movies. Old Geezers have moral courage. They seldom brag unless it’s about their grandchildren.

It’s the Old Geezers who know our great country is protected, not by politicians, but by the young men and women in the military serving their country.

This country needs Old Geezers with their decent values. We need them now more than ever.

Thank God for Old Geezers!

Dave Denholm
Public Service Research Foundation

AAE State Director Receives Friend of Freedom Award



Ginger Tinney and Gary Beckner

On June 20th, Concerned Educators Against Forced Unionism (CEAFU) awarded its Friend of Freedom Award to Ginger Tinney, Executive Director of the Association of Professional Oklahoma Educators (APOE), an AAE affiliate.

The award was based upon Ginger’s leadership in the successful effort to achieve a “Right-to-Work” law in Oklahoma. Oklahoma became the 22nd state to enact such a law, which means that employees can no longer be required to join a union or be forced to pay dues to a union in order to be employed.

Ginger was accompanied at the presentation by AAE Executive Director Gary Beckner and a number of other AAE state directors.

CEAFU is a companion organization to the National Right to Work Legal Defense Foundation, located in Washington, D.C. The Foundation provides free legal help to educators across America who want to know what their rights are regarding union participation and/or contract requirements. For more information, call toll-free at 1-800-336-3600.

Open Letter to AAE Members -

To Our Membership From Polly Broussard, AAE Advisory Board Member



Polly Broussard

Often, AAE's detractors accuse our organization of opposing public schools, and even public school teachers, because of the visionary opinions and ideas published in our literature and policy positions. In the past,

AAE leadership has not done a good job of responding to these spurious charges and clearly explaining to our membership why AAE entertains and explores such out-of-the-box and, sometimes, seemingly radical educational concepts.

I want to assure you that AAE is committed to America's public school students and public school teachers. AAE is continually searching for new ways to improve the status of the teaching profession so that, in

Attention Members— Important Announcement!

As of September 1, 2002, your Educator Professional Liability Program will now be underwritten by The Hartford Insurance Company.

Because of inordinate insurance losses attributed to the events of September 11, our previous liability insurance underwriter (Savers Property & Casualty) had been downgraded in security status. To continue to provide the security our members expect, the board of governors of the Trust for Insuring Educators (TIE) voted to contract with The Hartford Insurance Company to underwrite our policies. Hartford is rated A+ by A.M. Best!

Each existing AAE member policy will run to its anniversary and then be automatically transferred to The Hartford Company, so the transition will be seamless. Existing and new members will be protected under the same outstanding policy features, along with the stability of a recognizable and A+ rated insurance provider.

2025, teachers will not be reading the same depressing quotes and educational statistics that we have been reading in journals and newspapers over the past twenty-five years.

Read the following statement, made as far back as 1947:

"When you consider the increase made in teacher salary schedules especially during the past few years you can see there has been much improvement, although desired standards have not as yet been reached." This quote was made in the state journal of the Louisiana School Board Association in April 1947. Have you read similar statements in today's periodicals?

Teachers and teacher organizations, for years, have struggled to make meaningful change in the lot of teachers. Yet there has been little progress. The AAE, after observing the efforts to improve teachers' work environment and status through the usual political and policy routes, realizes that more than laws and policies have to change if teachers are going to enjoy the same level of professional recognition and salary as other vocations. The basic way we run and operate our schools will have to be redesigned.

The inherent problem faced by public school teachers across our country is that teaching has become a government job without the same options enjoyed by other professions outside of government. The teaching profession is at the bottom of a hierarchically designed political/governmental system and void of authority to make essential decisions affecting instruction and school operation. Not only are teachers paid the least in the hierarchy, the individual teacher shoulders no consequences for poor quality of job performance. There are many highly qualified, well-trained and successful professionals in the classroom, but they are viewed as public employees and are paid the same, regardless of the quality of work delivered or the degree of job responsibility. Teachers have little control over what, where, how, with whom, and for whom they teach.

One way to remove the dissatisfaction, poor image and low status of teachers and bring the profession to the same level as

lawyers, architects and others is by giving teachers more choices of where and for whom to teach and by giving teachers authority to operate schools. Teachers free to run and operate their own school and to exercise their own judgment and ingenuity are empowered by a meaningful level of authority and instilled with a higher level of job satisfaction. As an example, the freeing element of the environment created through charter schools (which are public schools free of bureaucratic regulations) and other types of innovative schooling can give teachers a new perspective on their work and their careers.

While the idea of fundamentally changing who runs and operates our schools is frightening to many, AAE leadership believes that we must move more in the direction of teachers and parents operating our schools. We can no longer leave most

of the decision making in the hands of those having the least contact with students: federal, state, and local politicians and central office administrative personnel.

Higher levels of satisfaction, accomplishment and a greater sense of professionalism are achieved when people feel they have control over what they are doing. (See related research findings by Harvard economist Carolyn Hoxby in

article on page 5 by Robert Holland.) Teachers and parents together are investing themselves into building new models for the future in the 3,000 charter schools around the country. The AAE embraces and welcomes reform ideas like charter schools because they put those who care most about children in charge. And I'm proud to be a part of an organization that will continue to promote "new standards of professionalism and educational enrichment." As our motto says so well, we are "educators by calling", but we can only be "professionals by choice." **EM**

Polly Broussard was a public school teacher for over twenty years, serving as an early childhood educator. She is a graduate of Louisiana State University, with a master's degree in education. Polly is one of the founders of the Associated Professional Educators of Louisiana (A+PEL), an AAE affiliate, and serves as A+PEL's Executive Director.

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Panel Supports Special Ed Vouchers

A presidential commission has recommended that federal special education funds be allowed to pay for the cost of private services or even private schools attended by disabled students, so long as those options are available to other students under state and local laws. The proposal by the President's Commission on Excellence in Special Education would significantly expand the range of private special education services now paid for with public funds, by ensuring that special education money flows to charter schools and to private schools in districts that already have those educational options in place.

Under the new proposal, parents of special education students in school districts where disabled students are not making adequate educational progress would also have the option of using federal money to pay for private services—such as speech or occupational therapy—for their children. “The commission was concerned that the evolving forms of choice—charters, intra-district transfers and vouchers—should not be impeded by federal special education law,” said C. Todd Jones, the commission's executive director. **EM**

Source—Washington Post, article by Michael A. Fletcher, June 6, 2002.

NEA to Throw Its Weight Behind Bilingual Education

NEA state affiliates in California and Massachusetts have been prominent in opposition to English immersion initiatives in their states, but at the national level, the NEA has been generally reluctant to endorse bilingual education as the best course of action for English learners. This will soon change. The delegates passed New Business Item (NBI) 67, which directs the NEA to sponsor a national seminar on bilingual education “to develop mutual strategies for dealing with the English-only movement.” But before anyone gets the idea that this will be a balanced examination of various approach-

es to limited-English instruction, its originator, David Hernandez of California, put the notion to rest by telling delegates that the NEA needed a national campaign to counter the initiatives of “the mean-spirited Ron Unz.” Unz is the California businessman who has successfully brought English immersion initiatives to fruition in both California and Arizona. While reasonable people can argue about the level of success those states have had since, it is undeniable that the catastrophe such detractors predicted has not happened. **EM**

Source—Education Intelligence Agency (EIA), PO Box 580007, Elk Grove, California 95758. Phone: 916-422-4373; e-mail: EducationIntel@aol.com

Prayer in Schools Apparently OK in California

The Pacific Justice Institute in Citrus Heights, California, is putting together a committee of legal experts to file a protest of the California state-approved public school textbook, *Across the Centuries*. The Institute will offer a critical review of the book to the State Board of Education. Brad Dacus, President of Pacific Justice Institute, says the text is not balanced and teaches a decidedly pro-Islamic, anti-Christian perspective.

As part of one class lesson, children are instructed to kneel with their face to the ground and pray to Allah. Dacus asks rhetorically, “Can you imagine a textbook being approved that encourages kids to kneel, bow their heads, clasp their hands and offer a prayer to Christ?” **EM**

Block Scheduling Lowers Test Scores

Block scheduling caused the test scores of high school students in Iowa to drop, according to a new study by Iowa State University. The popular reform, which ordinarily divides the school day into four 80-to-90 minute classes instead of the traditional schedule of eight classes of 45-to-50 minutes each, led to “markedly lower” ACT scores. Schools often favor the reform because they believe it allows in-depth exploration of content and more hands-on activities and because it may enhance school climate and reduce discipline problems. “Scores Dip at ‘Blocked’ Schools”, by Clark Kauffman and Staci Hupp, *Des Moines Register*, July 3, 2002. The press release from Iowa State is available at <http://www.iastate.edu/~nscentral/releases/2002/jul/act.shtml>. **EM**

Reinventing Special Education

(Continued from page 1)

Read that last sentence again. It's basic. It suggests that America should come to view the educational inadequacies of millions of its daughters and sons not in terms of organic problems inherent in the children but rather as the fallout from unsound, inept or ill-conceived instruction by adults. This doesn't mean that nobody has a “true” disability. Millions do. And there are many mixed situations, where true disabilities interact in complex ways with how and what a child is taught or with other school-connected experiences. So be it. But that doesn't contradict the Commission's main message: Start to view special ed chiefly in terms of preventing and remedying education gaps, rather than as a system for coping with children who were born with problems that schooling can do little about.

Will the Bush Administration and Congress take this advice to heart in the upcoming IDEA reauthorization? Don't count on it. Myriad adult interests are already rallying to prevent this kind of fundamental rethinking—and on behalf of more money being poured into the current, flawed program. We already knew that reform comes hard to “regular” education. It will be markedly harder in special ed. What the Commission's excellent report now needs, above all, are some champions—influential individuals (the President, the Secretary of Education, key members of Congress) who will show real leadership on behalf of these reforms, despite the slim political reward for doing so. Reconstructing IDEA may not get one thanked at the polls. It will, simply, be the right thing to do on behalf of millions of America's neediest children and on behalf of an educational system that probably cannot be successfully reformed until we are ready to tackle this part, too. **EM**

Chester E. Finn, Jr. is President of the Thomas B. Fordham Foundation in Washington, D.C. and a former U.S. Assistant Secretary of Education.

Source—The Education Gadfly, is edited by Marci Kanstoroom and Kelly Scott and published weekly by the Thomas B. Fordham Foundation. The Thomas B. Fordham Foundation (www.edexcellence.net) supports research, publications, and action projects of national significance in education reform.

How Teachers Can Benefit from School Choice

By Robert Holland



Robert Holland

Let's examine teaching as it is and teaching as it might be, within the context of a freer market education. Teachers in several Los Angeles schools expressed outrage recently when state bonuses intended to reward faculty whose

schools made huge test score gains were handed out strictly on the basis of teacher seniority. Regardless how hard individual teachers worked to pull up achievement at low-performing schools, the biggest bonuses went to teachers with the most years of service. Gov. Gray Davis and the legislature had instituted the rewards for gains on the Stanford 9 at "challenged schools", with the intention of attracting and retaining teachers to work in such schools. But when the Los Angeles teachers' union refused to negotiate the size of the bonuses—citing its opposition to any pay being tied to test results—distribution of the money defaulted to a seniority-based formula. One wonders why teachers don't object more often to the standard method of compensation, which the teacher unions have insisted be scaled to seniority and college degrees rather than success in helping students achieve.

Working in this highly regulated and standardized business, American teachers have had to settle for financial rewards that come nowhere close to matching the overall rates of increase on education spending. According to the U.S. Department of Education's national Center for Education Statistics, the average annual salary for public-school teachers was less than one-third of the total dollars spent on public education.

There has been an explosion of spending for public education in recent decades, but classroom teachers have benefited not nearly to the extent of the bureaucrats who manage the system. After adjusting for inflation, public-education spending has jumped 312 percent since 1959-60. Yet teacher pay has gained only 43 percent after inflation during these four decades. Clearly, the monolithic system rewards bureaucracy more than teaching. During this same period, the number of classroom teachers grew by 1.24 million, while non-teaching personnel rose by over 1.66 million. Administrators, counselors, psychologists, and other support staff now account for almost one-half the salaried persons in U.S. public education.

The pay of public-school teachers does exceed that of private-school teachers on average. That's because of private schools' competitive disadvantage: While they must

run the school efficiently on tuition averaging a little over \$3,000 per child, public schools receive well over double that per student in appropriations from the government and do not charge students tuition. However, what's highly instructive is that numerous studies have shown that the lower-paid teachers in private schools have much higher levels of job satisfaction than do public-school teachers.

For instance, a survey by the research arm of the U.S. Department of Education found 52 percent of private-school teachers saying they certainly would become a teacher again, compared with just 38 percent of public-school teachers. A fifth of the public school teachers expressed "strong dissatisfaction" with their job, while only 8.9 percent of private-school teachers said they probably or certainly would not become a teacher, had they the choice to make again.

Disciplinary headaches, the threat of violence, excessive paperwork, and an over-emphasis on testing are among causes of dissatisfaction that teachers often cite, in addition to relatively low pay. Are there ways to make teaching a more satisfying and rewarding line of work?

Teaching as It Could Be

Parents in Ripton, Vermont were uneasy at the prospect of their children moving from the town's small elementary school to a large, consolidated middle school in Middlebury. So they did something about it: They started their own one-room school. North Branch School now enrolls a dozen students from ages 11 to 14.

The concern about public schools growing too large, to the point that children are anonymous at stages they most need adult guidance, seems to be growing across Vermont, and perhaps the country, as well. The Vermont Independent School Association reports that from 1981 to 1990, only 24 new private schools opened in the state. But from 1991 to 2000, Vermont saw the birth of 65 independent schools.

What's this got to do with teachers? Well, new schools need teachers, and there are teachers attracted to small schools, where everything is on a human scale, and everyone has a name instead of an ID number.

Here is an example of how the exercise of parental choice can create a situation benefiting teachers—and, even more to the point, how enterprising teachers can use opportunities to make best use of their talents. Harvard University economist Caroline M. Hoxby

believes that school choice could make teaching a more attractive career to persons who seek to work in a true profession in which employees are rewarded not just on seniority but according to their talents and their ability to produce results. In the current system, teacher unions standardize wages so that teachers with the same length of service and same degrees usually receive the same salaries no matter whether they are excellent,

mediocre, or poor teachers. This is one reason teaching is not as attractive to persons of high aptitude, strong work habits, and math-science skills, says Hoxby.

To test her theory that choice would make teaching more of a profession attracting the best and brightest, Hoxby looked at hiring practices in public charter schools, as well as in localities where considerable choice existed among public schools via choice of residence. (The latter is called

Tiebout choice, in recognition of economist Charles Tiebout, who called attention to its importance.) Where parents could choose charter schools, Hoxby compared teachers in the charters with those in private and regular public schools in the same regions.

In summary, what she found was that schools that face tougher competition for students face a demand to hire teachers who have graduated from colleges that are selective in admissions. The need of public charter schools and private schools to attract students in order to receive their funding seemingly drives their hiring of higher-aptitude teachers. Only 20 percent of regular public-school teachers attended competitive or selective colleges, contrasted with 36 percent of charter-school teachers and 36 percent of private-school teachers.

Schools that face strong competition for students also were far more likely than regular public schools to hire teachers who had majored in an academic discipline, as opposed to professional education. In charter schools, 56 percent of teachers had majored in a field of the arts and sciences, compared with 37 percent of regular public-school teachers.

"Broadly speaking," Hoxby wrote in a Hoover Institute magazine, "my findings suggest that enhanced competition and choice raise the demand for high aptitude, skills in math and science, subject-area expertise, effort, and perhaps independence among teachers. Choice also seems to lower schools' demand for certification and master's degrees.

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*Continued on page 7, See...
"How Teachers Can Benefit From School Choice"*

Decertification—What Does it Mean?

By La Rae Munk

Decertification? Disaffiliation? These may be new words in most teachers' vocabulary, but they are words that more and more teachers are becoming familiar with across the country, as they realize they have rights that permit them to make decisions about their employee collective bargaining representatives. Teachers—except for those trained by the unions—generally have little understanding of the collective bargaining process and typically rely on union leadership for information regarding bargaining and their union membership.

For the first hundred years of American public education, collective bargaining for teachers was nonexistent. Public schoolteachers, instead, relied on employment protection through individual state civil service laws. During this time, many public schoolteachers and administrators became members of a professional organization called the National Education Association (NEA), to which the words "unionism" and "strike" were abhorrent.

It was not until the early 1960s that the NEA's philosophy shifted away from that of a professional organization toward that of a trade union. Two important events occurred at that time to encourage this. In 1961, the United Federation of Teachers (UFT), an

organization modeled after the labor unions of the industrial sector, gained the power to collectively bargain for New York City teachers. In 1962, President Kennedy issued Executive Order 10988 approving unionization for federal employees, which inspired many state governments to soon do the same for state employees.

This new union philosophy was sealed when, in the late 1960s and early 1970s, school administrators separated from the NEA, which went on to become a full-fledged labor union including not just school teachers but custodial, food service, transportation, and other support staff, as well.

The UFT negotiated for New York City's teachers a contract reflecting the industrial labor union model: uniform pay scales and seniority rights for teachers, limited classroom hours, and required union membership and dues deductions.

Over the course of the past 30 years, many teachers have come to the conclusion that this uniform pay scale and seniority system more often penalizes rather than protects them. As a result, a new generation of teachers is demanding the right to be respected as an individual and to be judged based on one's performance. In addition, many teachers are coming to the conclusion that the unions they thought were there to protect

them are only furthering their own political agenda and preventing real improvement in education.

Therefore, more teachers are utilizing the local process available through their state agencies to sever their relationship with the NEA/AFT and their state organizations. Some teachers, such as those in Warner Springs, California, have chosen to create a "local only" teacher union independent of any state or national affiliation. Other teachers, such as those at Island City Academy in Michigan, have chosen to eliminate union representation and negotiate on their own with the school administration, in order to work out employment terms that best meet their individual needs.

The process of decertification of the union as the bargaining representative requires teachers to petition their state agency for an election to determine whether teachers want to continue to be represented by the union. When a union has been voted out, it is called a decertification.

The bottom line is that teachers are not stuck with their current representation. There are options available under the law. If teachers have a will, there is a way. **EM**

La Rae Munk is Director of Legal Services with the AAE. Teachers interested in more information about the decertification process can contact Ms. Munk at the toll-free number 1-877-704-7799. She can direct you to a number of legal foundations and organizations that can offer assistance.

★ ★ ★ ★ ★
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BOOK REVIEW

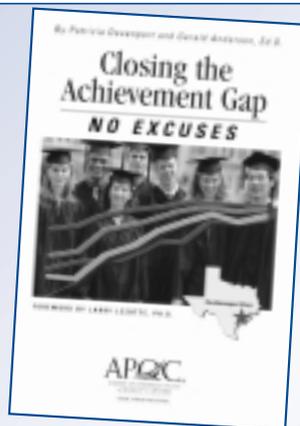
Closing the Achievement Gap: No Excuses

By Patricia Davenport and Gerald Anderson, Ed.D.

Publisher—American Productivity & Quality Center
Houston, Texas

"We know that the number of poor and disadvantaged students continues to increase as a percentage of the total K-12 population. We have been told that these students can't or won't learn. We feel trapped when we are held accountable for their learning. Yet we believe that all children can learn. We need something that gives us hope. The hope that is reflected in the Brazosport Independent School District in Texas during the past decade offers us a vision of what is possible."

—Lawrence W. Lezotte, Ph.D., Educational Consultant



Closing the Achievement Gap: No Excuses tells the story of how a diverse school district in Texas stared down at the gap separating high-performing students from low-performing ones and did something about it. This little book chronicles the steps Brazosport School District took to dramatically increase achievement among students across the district, regardless of their race, gender, or socioeconomic condition. Describing in detail and in an easy-to-understand way how Brazosport established a continuous improvement plan that led to breathtaking results and nationwide recognition, the book's authors provide practical approaches and inspiration for those who believe all students can—and must—learn.

The book's co-author, Gerald Anderson, the former superintendent of Brazosport School District, has recently established the Equity, Excellence and Quality Center, which aims to close the achievement gap among K-12 students. Patricia Davenport serves the American Productivity & Quality Center's Education Initiative as a consultant.

To order this book and find out more about APQC's Education Initiative, call 1-800-776-9676 or visit www.apqc.org/education.

What Wall?

By Dave Kirkpatrick



Dave Kirkpatrick

The Supreme Court decision upholding Ohio's school choice program in Cleveland has caused much gnashing of teeth by opponents of vouchers that the "wall of separation between church and state" has had "a brick removed." News commentators repeating such statements, often without attribution, imply they share this view.

This proves two things: 1) Making a comment doesn't mean you know what you are talking about; 2) Joseph Goebbels was right that if you say something loudly enough and often enough, most people will believe it. Whatever one's view about a "wall", in the 215 years since the Constitution was adopted, no Supreme Court has ever found a general student-aid program to be unconstitutional. Thus the voucher "brick" was not removed because it wasn't there in the first place. It was a figment of the opponents' rhetorical imagination. The case most often cited by them, 1973's *Nyquist*, was a program providing aid exclusively to non-public school students.

The opposition's constitutional concerns were a smoke screen. Barry Lynn, of Americans for the Separation of Church and State, has said they will continue to fight school choice wherever it appears, while National Education Association President Bob Chase said the teachers' union will oppose it using whatever tactics necessary. While they can't prevent those with resources from escaping troubled schools, they will try to keep low-income students tied to the mast even if the ship they're on is sinking.

The "wall" comment originated in a January 1801 letter written by Thomas Jefferson to the Danbury Connecticut Baptist Association after he had been elected president but before he took office. The Baptists objected to the established state church (Congregationalists) in Connecticut, and they wanted Jefferson to intervene. In his letter, Jefferson explained that although the First Amendment forbids the establishment of a national church, it did not forbid a state to do so. Even though Jefferson favored religious disestablishment, he also firmly supported states' rights and declined to become involved in Connecticut on behalf of the Baptists. So Jefferson's "wall of separation" comment was never contextualized related to the Constitution.

Jefferson was not even at the constitutional convention of 1787; he was in France. Neither his phrase nor the individual words "wall", "separation", or "church", appear in the Constitution, and a remark in a personal letter by a president-elect, even Thomas Jefferson, has no legal bearing.

Jefferson's remark was largely overlooked until 1947. Then, 160 years after the adoption of the Constitution, 156 years after adding the first 10 amendments, and 79 years after adding the 14th amendment, the Supreme Court, in its *Everson* decision, "discovered" an unprecedented interpretation of the First and Tenth Amendments, attempting to erect a wall never imagined by Jefferson. Justice Breyer, dissenting from the current school choice ruling, said he wanted to "emphasize the risk" the majority decision would "pose in terms of religiously based social conflict." Ironically, it was *Everson*, and decisions based upon it, that largely initiated the contemporary constitutional conflicts over the public schools. The decision, after citing a supposedly impregnable wall, upheld the constitutionality of public funding to bus students to parochial schools, the basis for the case in the first place. Thus began the Court's confusion and inconsistency over this issue.

It's also worth noting that, in the Declaration of Independence, Jefferson referred to "Nature's God" in the first sentence, to men being "endowed by the Creator" in the second, and in his closing statement appealed "to the Supreme Judge of the World" and asserted "a firm Reliance on the Protection of divine Providence." Some wall!

Perhaps Jefferson's most famous comment about education was, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." This is often cited as support for public schools, but note that there is no reference to "public schools" in the quote. Public schools are something that Jefferson himself, along with most of the Founding Fathers and the general citizenry, did not attend.

As for government controlled schools, Jefferson was not an advocate. As Governor of Virginia in 1779, he did propose that everyone receive a three-year basic education, but he added, "If it is believed that these schools will be better managed by the governor and council...or any other general authority of the government, than by the parents within each ward, it is a belief against all experience."

In addition to his comment above about government-run schools, he said other

notable things you will never hear quoted by school choice opponents, such as: "It is better to tolerate that rare instance of a parent's refusing to let his child be educated, than to shock the common feelings by a forcible transportation and education of the infant against the will of his father." So much for compulsory education by government mandate and centralized schools. **EM**

David Kirkpatrick is a retired public educator. He was an Easton, Pennsylvania School District high school history teacher and district social studies department chairman; and a former president of the Pennsylvania State Education Association (NEA state affiliate). David is a contributing editor of School Reform News published by The Heartland Institute, Chicago. In addition, he was a William Robertson Coe Fellow at Stanford University, Palo Alto, California.

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Thus the voucher "brick" was not removed because it wasn't there in the first place.

How Teachers Can Benefit From School Choice

(Continued from page 5)

These findings further suggest that school choice has the potential to create a professional environment for teachers in which more motivated and skilled teachers earn higher pay for such qualities...."

Research conducted by Lexington Institute scholar Paul Steidler in 1999 established that while private schools have smaller classrooms than public schools, as well as lower-paid teachers, a much higher proportion of their education funds are directed toward teachers than is the case in the government-controlled schools.

The competition that flows from parental choice should serve as a catalyst to reduce bureaucratic costs and put teachers where they belong—at the center of operations. Were public schools as efficient as private schools, teacher pay could rise substantially as a result of a higher percentage of available dollars going to the classroom.

To be sure, the value of parental choice to teachers and to society is still largely in the realm of theory. But the case will become stronger as a competitive education industry continues to expand—i.e., with charter schools heading toward 3,000 nationwide, with new forms of choice like cybercharter schools coming on-line, and with parents like those in Vermont starting their own independent schools. Some good day, teacher choice will be the norm in American education. **EM**

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NAS/Zogby Poll Reveals American Colleges Are Teaching Dubious Ethical Lessons

Three in Four Taught that no Uniform Standard of Right or Wrong Exists

Three quarters of all college seniors report being taught that right and wrong depend “on differences in individual values and cultural diversity.” Only about a quarter reported their professors as adhering to the traditional view that “there are clear and uniform standards of right and wrong by which everyone should be judged.” Three quarters also report being taught that pursuing one or another progressive social policy was a higher corporate priority than “providing clear and accurate business statements to stockholders and creditors”, generally regarded as the bottom line of financial honesty.

The poll was conducted for the National Association of Scholars (NAS) by Zogby International during the period from April 9 to 16, 2002. Pollsters contacted 401 randomly selected college seniors, giving the survey a plus or minus 5 percent sampling error. In the light of the Enron and other recent business scandals, the poll was intended to analyze the kind of ethical education our colleges and universities are providing. The results are dismaying. (The questions asked, and the full results of the poll, can be found posted on the NAS website at www.nas.org.)

Although 97 percent of all seniors believe college has equipped them to perform ethically in their future professional lives, when asked which statement about ethics was most often transmitted by their professors, 73 percent selected the proposition “what is right and wrong depends on differences in individual values and cultural diversity”, as opposed to only 25 percent who picked “there are clear and uniform

standards of right and wrong by which everyone should be judged.”

When the students were asked to prioritize the importance of various business practices based on what they had been taught at college, “recruiting a diverse workforce in which women and minorities are advanced and promoted” outpolled “providing clear and accurate business statements to stockholders and creditors” as most important—the former being supported by 38 percent of the respondents and the latter by 23 percent. Another 18 percent ranked “minimizing environmental pollution by adopting the latest anti-pollution technology and complying with government regulations” as most important, while still another 18 percent gave first place to “avoiding layoffs by not exporting jobs or moving plants from one area to another.”

Among business and accounting majors, a plurality (43 percent) reported being taught that “providing clear and accurate business statements” was the most important business practice. But even within this group, a majority (56 percent) preferred one of the other three alternatives.

Based on what they learned in college, the seniors were more cynical about business ethics than those of seven other professions. Twenty-eight percent chose business as the profession where an “anything goes” attitude most likely leads to success, whereas journalism was the choice of 20 percent, law 16 percent, teaching, science/medicine, and civil service all tied at 5 percent, and religion and the military drawing 3 percent and 2 percent of the choices, respectively.

Moreover, a clear majority of college seniors (56 percent) agreed that the only real difference between executives at Enron and those at most other big companies is that Enron executives “got caught.” And this was about as true for business and accounting majors as it was for all other students.

“These results have disturbing implications both for America’s economy and its institutions of higher education,” said National Association of Scholars President Stephen H. Balch. “They suggest that our colleges and universities, however unwittingly, are contributing to, and perpetuating, the ethical laxness behind the recent scandals at Enron, Worldcom, and other major American firms.

“To be sure, the foundations of ethical education are laid in the home and school. At best, universities can only confirm the lessons taught there. But they can also undermine these lessons by providing sophisticated excuses for succumbing to the temptations of greed and power. The relativization and politicization of ethical standards, plus cynicism about business in general, opens the way for such excuse making.” **EM**

The National Association of Scholars is America’s foremost higher education reform group. Located in Princeton, NJ, it has forty-six state affiliates and more than four thousand professors, graduate students, administrators, and trustees as members. The NAS can be contacted at 609-683-7878.

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“They suggest that our colleges and universities, however unwittingly, are contributing to, and perpetuating, the ethical laxness behind the recent scandals at Enron, Worldcom, and other major American firms.”

-Quote of the month-

How to tell a student what to look for without telling them what to see is the dilemma of teaching.

— L. Abercrombie



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