



THE Center for Education Reform



# MANDATE FOR CHANGE

*a bold agenda for the incoming government*

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**The Center for Education Reform  
changes laws, minds and cultures to allow  
good schools to flourish.**

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# INTRODUCTION



America, at its core, is a country founded on a revolutionary idea—that the just powers of government are derived from the consent of the governed. It is we, the people, who institute our government; it is we, the people, who enumerate the powers that our government shall possess; and it is we, the people, who can abolish the forms of government to which we have become accustomed—whenever any form of government becomes destructive of these ends.

*Mandate for Change* is an effort led by the Center for Education Reform to set a bold agenda for the incoming government. While others propose that the global economic crisis and a matrix of threats to our national security must lead the Obama Administration's long list of priorities, we argue that fixing public education is hands down the most leveraged domestic policy opportunity of our time. No other investment available can simultaneously enhance the workforce of the future, help rebuild the infrastructure of the present, and seek to wipe out the civil rights injustices of the recent past. If we fail to fix our failing schools, however, if we fail to *replace* our public education system, which as a whole is itself monumentally broken, we, the people, may soon find that we are fundamentally unequipped to govern ourselves let alone to provide governance to others we thought in greater need.

*Mandate for Change* does not spend a lot of time diagnosing the causes of our current afflictions. There are libraries of research to confirm our ailments: after spending more than \$500 billion a year educating children ages 5–18, we have math and science scores among the worst in the developed world; our literacy rates among the poor are worse than those of many undeveloped nations; our competency in basic subjects, among rich and poor alike, lags well behind what a far simpler system achieved 150 years ago. Instead, these essays move immediately to prescribe a five-part cure:

federal accountability, transparency, charter schools, school choice, and improvements in teacher quality. Each of these five themes is taken up in a separate essay that aims to simply and succinctly present what we need to do and what we need to avoid. The challenge at hand—as we have accepted it in these pages—is to focus on what matters most and to provide actionable recommendations that leaders in government can move today to implement.

*The political transition of the moment creates an enormous opportunity to effect positive change that can be established in law.*

*Mandate for Change* does not attempt to marshal reams of data in support of its claims. That has been done elsewhere. For more than 15 years the Center for Education Reform has amassed one of the largest national repositories of secondary literature on school performance and itself has provided access to the most authoritative commentary on the legal and legislative remedies required to advance fundamental reform. Rather than rehearse that research and those remedies here, we have assembled five nationally respected authorities and asked them to draw from their own personal expertise after working for decades in the field of public education reform. The result is this brief monograph—by design accessible to all—that yields five basic conclusions outlining what is required to fundamentally improve the future prospects of the children in our nation’s public schools.

Much more than an invitation to continue the conversation, *Mandate for Change* is primarily a call to action. Seven out of eight legislators taking office in January of 2009 are new to their position or are newly in power. This political transition creates an enormous opportunity to effect positive change that can be established in law.

There are more than 8,000 federal and state legislators in America. All of them will personally receive this monograph. We understand that many of them may be new to the urgency of this message and that almost all of them will be new to the new demands of their office, but above all else we urge them to act on what they read here.

To help us all understand the importance of this opportunity and to help us communicate the urgency of this message more broadly, we also are sending these essays to more than 2,500 members of the print, television, and online news media—especially to those who cover education and to journalists with expertise in educational policy. For them, *Mandate for Change* is an open invitation to apply whatever public pressure is needed to give our country’s schoolchildren the public schools they deserve.

To be clear, Americans are at their best when they act on the fundamental principles upon which this great nation was founded. Self-government requires a well educated public. Now is the time to act in our own defense and provide for our future security. Now is the time to tell our new government exactly what changes in public education are required for this great country and its people to thrive.

### **About the editor**

Samuel Casey Carter is a Senior Fellow at the Center for Education Reform where he helps define and advance the Center’s education reform mission nationwide. Before coming to CER, Carter was the president of National Heritage Academies, a charter school management company that operates 56 schools in six states where he oversaw corporate strategy, communications, and the implementation of the company’s educational program.

Carter is also the author of *No Excuses: Lessons from 21 High-Performing, High-Poverty Schools*, a book on the effective practices of high-performing schools that refuse to make poverty an excuse for academic failure. In addition to *No Excuses*, Carter has edited three other books including *Core Virtues*, a literature-based character education program for parents and teachers of elementary school students. His articles, essays, and columns have appeared in over 180 newspapers and magazines. He and his wife Suzanne live in Washington, D.C. with their three daughters Kirby, Casey, and Lucy.



# FEDERAL ACCOUNTABILITY



**A**t the start of the Obama Administration, the federal government's role in demanding accountability from schools, principals, and teachers is a lot like the theatrical, even comic, blustering old man behind the curtain—the Wizard of Oz.

Just like the Wizard, the U.S. Department of Education's efforts to insist on accountability from state and local school officials generate lots of thunder and fury in the form of headlines and conferences about the poor performance of U.S. students. And just like the Wizard in the story, the big noise is intended to divert us from the truth. The truth is that the tired old man behind the curtain knows that the image of his power is far greater than its reality—and so does the federal government.

## **The federal role in education**

This has been the story since President Carter—fulfilling a campaign promise to one faction of the teachers' unions—created a separate Department of Education in 1979 in the name of sounding an alarm over troubled schools, but also to get an infusion of federal money into teacher paychecks.

President Reagan used the same strategy of fury, angst, and crisis in calling attention to “A Nation at Risk,” the 1983 report on the failings of U.S. schools. The report used charged language to describe America's schools, saying the nation was threatened with a “rising tide of mediocrity” and there had been a steady decline in standardized test scores since 1963. There were proposals for longer school days, and requirements for increased study of English, math, science, and foreign languages. But the report was careful to say it was up to state and local officials to handle the problem and that the federal government's only role in fixing the problem was simply to “identify the national interest in education.”

President George W. Bush added some muscle to the rhetoric when in 2001 he signed “No Child Left Behind” into law. The legislation requires periodic tests of academic performance and that local governments force changes in schools that have a consistent record of producing failing students.

*The Obama Administration has a chance to make history if it focuses the debate on how the national government can be held accountable for making sure that every American child gets a fair shot at a good education.*

The heart of “No Child Left Behind” is an attempt to use the leverage of federal grants to force improvements in basic student performance. Reading and math scores for elementary school students are on the rise since the law took effect. Grades and test scores for minority students, especially in big cities, no longer are being hidden or ignored and that is forcing innovative approaches in how to inspire those young people to stay in school and how to best teach them. Given the otherwise barren landscape, these basic changes stand tall as achievements in the history of national government accountability for education reform.

But even President Bush’s limited success in using federal grant money to set some federal standards for achievement has sparked anger from unions and politicians about an intrusive federal government setting arbitrary standards for student achievement and forcing teachers to simply teach to the test. The result is that fearful national politicians chose not to reauthorize the “No Child Left Behind” law. They left it for the incoming Obama Administration to either embrace or reject.

### **The current state of affairs**

Today, the opposition to federal government spurring reform is strong despite declining rates of graduation from high school—only 71 percent of the nation’s 9th grade students graduate from high school on time and it is worse for minority students: only about half of them graduate from high school in four years. It is incredible but true, according to several studies, that only one in five minority students who receive a high school diploma

today is ready to go to college. There are also flat rates of graduation from college and particularly poor outcomes in engineering and science, fields critical to U.S. success in future global economic competition.

So as President Obama comes to Washington, the federal government's effort at improving public schools remains only slightly better than the meek little man, the Wizard, hiding behind the curtains.

The fact is that as President Obama begins to offer leadership on education early in the 21st century he is still dealing with a 19th century idea, namely, that what happens inside the school house is under the control of the families and public officials closest to that school. There is no U.S. Constitutional mandate for a federal role in education and state and local political leaders jealously guard their prerogative to control their schools.

As a result, the actual power of the federal government to improve schools is slim. It is purposely starved by people opposed to the growth of the federal government and it is also starved by officials who fear dealing with real standards for schools. Polls show parents want national standards but politicians, unions, school officials, and even civil rights groups dilute the call to action with objections. They warn that giving the federal government real power over education will result in cancer-like growth with a Washington bureaucrat's hand reaching into every local school room.

Now the Obama Administration has the chance to make history if it shifts this fruitless, stalled debate from a focus on fear of an intrusive national government to the important discussion about how the national government can be held accountable for making sure that every American child gets a fair shot at a good education.

There is a precedent here. In the 1800s Horace Mann, a lawyer who did not have access to schools as a child, became the first head of education in the state of Massachusetts. With no role for the state over schools run by local governments, Mann created schools to prepare teachers, put in place standards for teacher credentials, set standards for the length of the school year and standards for graduation, all the while creating more public

high schools. He made the case that the state be held accountable for its role in public education, because good schools, he said, are a “ladder of opportunity” for children and improve the economy as well as morals.

“Education is our only political safety,” Mann said in the early 1800s.

“Outside of this ark all is deluge...education is the great equalizer of the conditions of men, the balance-wheel of the social machinery.” Those words hold true today in an age with large-scale immigration, increasing numbers of children born to single women, and tragic levels of poverty among children, especially minority children who generally are caught in big city schools with the very worst records for academic achievement.

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### **The opportunity at hand**

The baseline discussion for holding the federal government accountable for education at the start of the Obama Administration begins with the power of federal dollars to pump up state school budgets and the power of the federal government to insist on local schools being held accountable for giving all children the opportunity to get a good education. The

cutting edge of this question is how far can the national government go in demanding accountability from schools it doesn't technically control? At what point does the federal government's desire to ensure accountability for good schools amount to interference in educational decisions being made by a local school district?

Louis V. Gerstner Jr., the former head of IBM, recently wrote in *The Wall Street Journal* that it is time for the federal government to act on education and the first step is to simply abolish local school districts. Step two for a federal government that is willing to be held accountable on education, Gerstner wrote, is for Washington to establish national standards for curriculum, national tests to measure basic skills, and national standards for teacher certification.

Big city mayors, from Michael Bloomberg in New York to Adrian Fenty in Washington, D.C., have made school reform their hallmark and asked voters to see them as accountable for fixing troubled schools.

“We must make sure that as a country the results we are seeing are meaningful in terms of student results,” New York City school Chancellor Joel Klein told the U.S. House Committee on Education and Labor in the midst of the 2008 presidential campaign, suggesting the need for candidates from both parties to advocate strong federal action on education. “All schools, whether in New York or Kansas,” he added, “have to be held to high standards.”

Meanwhile, there is a movement of national reformers trying to use private dollars to spark change in public education. The Bill and Melinda Gates Foundation has focused on creating national standards for high school achievement as well as spreading information nationally on proven techniques of successful teachers. Gates also has called for higher, national standards on salaries for teachers. “Not to pay teachers on the basis of their performance,” Gates said at a recent conference, is “almost like saying teacher performance doesn’t matter and that’s basically saying students don’t matter.”

The pressure for immediate national accountability on educating students is all around as President Obama takes office. As debate takes place on the future of “No Child Left Behind,” it is likely that federal accountability for ensuring that national standards of achievement are met will be part of the negotiations.

Without the national government holding itself accountable for educating American children, the drive to reform will stall. The central question is whether President Obama is willing to take the risk of being held accountable for such a challenge. Simply making thunderous noise about the problems of education—the Wizard of Oz strategy—simply fails the test this time around.

## About the author

Juan Williams is the senior correspondent for National Public Radio, a political analyst for Fox Television, and a regular panelist for Fox News Sunday. In addition to prize-winning columns and editorial writing for *The Washington Post*, he also has authored six books.

With the release of his sixth book, *Enough—The Phony Leaders, Dead-End Movements and Culture of Failure That Are Undermining Black America—and What We Can Do About It*, Williams combines a bold, perceptive, solution-based look at African American life, culture, and politics with an impassioned call to do the right thing now and not lose sight of the true values of the Civil Rights Movement.

In 2000, NPR selected Williams to host their afternoon talk show, “Talk of The Nation,” and in two years he brought the show’s ratings to record heights. His daring perspectives on American politics, race, and culture are based on his historical understanding, political expertise, and knowledge of diversity.

Previously, Williams was a political columnist and national correspondent for *The Washington Post*. In a 21-year career at *The Post* he served as an editorial writer, op-ed columnist, and White House correspondent. He won several journalism awards for his writing and investigative reporting. He also has won an Emmy Award for TV documentary writing.



To start the day at a typical manufacturing plant, a manager will seek updates on inventory, check whether shipments are on schedule, and inquire about the status of equipment.

Questions about personnel also are a must. In a big, nationwide company, the executive might ask, “How are we staffed in Arizona? Are they back at full strength in New Jersey?” In a small outfit, the manager’s question might be the simple, “Is everyone here?”

Consider the reaction if the response comes back, “Gee, I don’t know.”

Yet that’s essentially the answer parents and the public get if they inquire how many children came to school today. It’s the response an educational official hears if asking for a real-time, district-by-district report on attendance. . . or test scores.

For parents, for educators, and for taxpayers, “Gee, I don’t know,” is not an acceptable answer. And to manufacturers whose competitive survival depends on accurate, up-to-date information, it’s baffling.

## Let the data speak

If we can track inventories of billions of inanimate objects around the world in real-time, surely we can manage the attendance of our children at school. If we can verify the quality of a product every step of the way as it moves along the manufacturing process, the education of our children deserves the same careful attention.

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The same should  
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Yet the lack of good, timely data remains a fundamental weakness of K-12 education in the United States, and it hampers our ability to reform, to improve, and to demand accountability. Manufacturers live and die by the credo, to measure is to improve. The same should be true with education.

I start with attendance not because it's the end-all and be-all of educational data (although virtually all education studies agree that the more time students spend in the classroom—the more they learn!). Rather, the lack of solid attendance data reminds us that the goal of public education is the education of the individual student, the child. Transparency—the dissemination of accurate, timely and understandable data—must serve that goal.

In the broad collection of educational data, as a nation we are doing better, and the No Child Left Behind Act (NCLB) deserves much credit for these improvements. While the law and its implementation have become a political football kicked around to score points during campaign season, NCLB still represents progress made toward the transparency and accountability that can only come from accurate, comparable data.

Among its reforms: Not only is a student's performance now measured over a period of time—annually in the 3rd through 8th grade—that performance is linked to academic content and state achievement standards. We can test and measure.

Some states like Massachusetts have raised standards and accountability, demanding more of their students so graduates are prepared either to go to college without need for remediation upon arrival or to enter and succeed in the workforce. In raising the standards, achievement has also risen.

Some states, however, have been less responsive and have accepted lower standards, apparently satisfied with less-than-stellar results or comfortable in not knowing how they stack up against the competition. Manufacturers and other employers will be quick to say this kind of effort falls short—to

many young job applicants lack the basic skills to perform even the most simple of tasks.

### **Timeliness is key**

One common problem is that the data are too old. Students often take state assessments at the end of the school year and the reporting of this and other critical educational information sometimes drags on for years, rendering this data useless in the effort to improve instruction. On the shelves of educators all across the country are brand-new, just-released reports with gleaming charts and tables but footnotes that read, “Based on 2005 figures.”

So again, to the question, “How are we doing today?” you get a response, “Gee, I don’t know, but I can tell you how we were doing three years ago.” That’s not acceptable in the world of manufacturing and it should not be acceptable in the education of our children. State governments have an obligation to get the data right and that data must also be current.

With good and timely information, accurately reported, we surely will discover ideas, reforms and solutions that already exist—that already have demonstrated their value in improving education. Unfortunately, education does not replicate its successes the way we in manufacturing are compelled to by the marketplace. Good data would make this possible.

Technology also has the power to bring even more individualized data to bear. Where No Child Left Behind has definitely pointed the way—and made a great step for transparency—is in the disaggregating of data. No longer can states or school districts conceal their shortcomings by merging bad results in with the good. This separation of test results makes it clear when, even in high-achieving school districts, certain groups

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of students—lower-income or special needs children, for example—score below average. This level of detail is essential to quality outcomes.

### **Personalize the data to drive achievement**

But let's disaggregate further, down to the individual student level, using the power of new technologies to track the performance of each child as he or she advances through the grades.

As the father of three 8th grade daughters, I can attest to the value of timely, personalized information. Their school system uses a combination of Blackboard's online learning platform and Pearson products, so my wife and I literally know about every test, every quiz, every homework assignment—what's expected and the result.

The information arrives e-mailed to my Blackberry and I can look at it and ask my daughters about their latest science or geometry exam. This kind of capacity should be built into every school district's information system, regardless of whether parents are ready to use it or not.

We live in a world where it seems every teenager is texting and has a Facebook page. What we really need is a My Student page, a confidential and protected page that offers daily, class-by-class reports on a student's performance. This kind of transparency would invite greater accountability, for the children, for the teachers, and for the school districts.

I truly believe that somewhere in America we have solved every single problem we have in public education—except for the organization of the system as a whole. We simply need to recognize these achievements and transfer them to other states, districts, and schools. Let's find these solutions, accurately assess them, and use 21st century technology to communicate and apply them.

Elementary and secondary education is, after all, a \$550 billion annual enterprise in the United States. In business, executives of every major

publicly traded enterprise are held accountable through the Sarbanes-Oxley Act, which requires they certify their detailed corporate financial records as accurate – under penalty of law.

Perhaps we need not go quite that far in the world of education, but we should certainly apply the principles. Transparency fosters accountability and technology can foster both. Let's put them to work, so when parents ask, "How are we doing today in school?" the answer comes back, "Well, let me go online, look at the data, and I'll tell you."

### **About the author**

John M. Engler is president of the National Association of Manufacturers, the largest industry trade group in America, representing small and large manufacturers in every industrial sector and in all 50 states.

The former three-term Michigan Governor boasts a lifelong commitment to reducing the size of government as a means of boosting economic growth and job creation. As Governor, Engler inherited a \$1.8 billion state budget deficit and turned it into a \$1.2 billion surplus. He signed 32 tax cuts into law—saving Michigan taxpayers some \$32 billion—and helped create more than 800,000 new jobs during his tenure, taking Michigan's unemployment rate to its lowest level ever.

The top priority of Engler's administration was improving education, with a focus on high standards, more accountability, and strengthened local control to help student test scores climb to record highs. During his tenure, more than 180 charter schools were set up and every Michigan child received a foundation grant to the school of his or her choice.

Prior to becoming Michigan's 46th Governor in 1991, Engler had served for 20 years in the State legislature, including seven years as State Senate Majority Leader. He was the youngest person ever elected to the Michigan State House of Representatives.

Born in Mt. Pleasant, Michigan, in 1948, Engler graduated from Michigan State University and later earned a law degree from Thomas M. Cooley Law School in Lansing. He serves on the boards of Northwest Airlines, Universal Forest Products, and is a past chairman of the National Governors' Association. He and his wife Michelle are parents of triplet daughters born in 1994—Margaret, Hannah, and Madeleine.



The winds of change are blowing as it relates to education in this country. National opinion polling, focus group studies, and the proverbial word on the street suggest that everyday people are sick and tired of the growing deficits they see in the children who are being educated in our traditional public schools. Folks are no longer accepting of the status quo—nor should they be. The status quo is frightening and the statistics don't lie.

### One size does not fit all

According to the most recent National Assessment of Educational Progress (NAEP), our children just aren't doing as well as they should be doing in our schools. For example, in both math and reading, approximately 30 percent of the nation's school children test at or above the proficient level. What's worse, roughly 12 percent of African-American and 15 percent of Hispanic 8th graders are testing at or above the proficient level.

The achievement gap between white kids and most children of color is downright scary. According to *Given Half a Chance—The Schott Foundation's 50 State Report on Public Education and Black Males*, only 47 percent of African-American males in high school graduate, compared to 75 percent of their white male counterparts. More alarmingly, as the Schott Report reveals, a growing number of the largest school districts are showing African-American male graduation rates of less than 40 percent. Across the country, the numbers are grim:

Minneapolis, MN	38%	New York, NY	32%
Cincinnati, OH	38%	Milwaukee, WI	32%
Orange County, CA	37%	Buffalo, NY	31%
Memphis, TN	35%	Baltimore, MD	31%
St. Louis, MO	35%	Detroit, MI	20%
Dade County, FL	34%	Indianapolis, IN	19%
Cleveland, Ohio	34%		

As shocking as these statistics are, we should find no comfort in the fact that the achievement gap has actually been closed in places like Indianapolis and Detroit. In Indianapolis, the white male graduation rate mirrors the African-American male rate of 19 percent. In Detroit, only 17 percent of white males graduate compared to 20 percent of African-American males.

*Public school administration has morphed into a bureaucratic business of its own primarily focused on self preservation at the expense of improving outcomes for children.*

The response of policymakers to this crisis in our schools has been generally tepid—at best. While advocates rightly ask for adequate resources, increases in teacher development, and better links between social services and school districts, the real problem with America’s public schools is our nostalgic commitment to a one-size-fits-all education service delivery model, which is largely unchanged from its establishment during the Industrial Revolution of the 1800s.

Since its 19th century inception, public school administration has morphed into a bureaucratic business of its own primarily focused on self preservation at the expense of improving outcomes for children. If this were not so, how can it be that so many thousands of administrators stand idly by while our national educational results get worse? The truth is that unwieldy work rules that promote job maintenance and a dumbed-down culture that celebrates incremental progress have left us with a system that talks about reform, but is either unwilling or unable to execute from within the wholesale change required to yield the results we need.

### **The emergence of charter schools**

Against this backdrop, charter schools have emerged as a beacon of hope for parents and students alike. Although in existence for less than 20 years and educating only 1.3 million of America’s 53 million school children, charter schools have provided a much needed shot in the arm for our nation’s public school system.

It is important to emphasize that charter schools are public schools. Although they most often receive only a fraction of the funding that goes to a local school, they are supported by the same federal, state, and local dollars. They are open to all students. Free from many of the bureaucratic shackles that constrict their traditional counterparts, charter schools are instead overseen by public agencies, called authorizers, which hold them responsible for the academic and fiscal goals laid out in their charters. Most importantly, charter schools are ultimately beholden to the public, the individual families, who may freely choose them or not.

The beauty of a charter school is that it grants authority to a handful of community members to give shape to their creative vision. For this reason, charters tend to have widely diverse missions and approaches to education, and to some extent these varying approaches have led to their success. The diverse, yet focused, curriculum designs offered by many charters also explode the one-size-fits-all paradigm by meeting kids where they are academically and according to their individual interests as opposed to force fitting kids into a system that may not meet their needs. Indeed, some of the most stunning examples of charter school success are precisely those that have figured out how to adapt to the individual needs of individual children.

At the same time, many successful charter schools have striking commonalities in the underlying principles that contribute to their overall success. These core principles, grounded in a culture of accountability and high expectations, create an environment conducive to learning and to kids fulfilling their potential. Notable examples include the 66 KIPP charter schools all across the country; the Friendship and SEED charter schools in Washington, D.C. and Baltimore; the Jumoke Academy and Amistad charter schools in Connecticut; the Harlem Village Academy charter school in New York; YES College Prep charter school in Houston, Texas;

*Some of the most stunning examples of charter school success are precisely those that have figured out how to adapt to the individual needs of individual children.*

the Oakland charter school in Oakland, California; MATCH in Boston; Renaissance Elementary in Miami; and Gateway Charter High in Ft. Myers, Florida. The list goes on and on.

Let's be clear: not all charter schools are good schools. Indeed, quality concerns drive reformers to push for more accountability and to take direct action against those charters that don't measure up. Fortunately, it is the very essence of the "charter" relationship that allows charters to be closed if they don't deliver what they promised. Unlike the traditional school system in which a failing school can languish for decades without fear of reprisal, today bad charters are being shut down when they fail to keep their promise to our children.

One of the leading causes of bad charter schools is a bad charter school law. A strong charter school bill leads to the likelihood of better charter schools; a weak charter school law only invites weak charter schools. What are the ingredients of a strong charter school law? First, these schools must have legal, operational, and fiscal autonomy. Charter schools must be able to operate free of bureaucratic interference, a problem that still plagues many charter schools—especially when they are not supported by strong laws. Many school districts try to treat charters as one of their own and impose on them stifling regulations and reporting requirements. Ultimately, however, charters are accountable to the public by way of the authorizers they must satisfy and the families they must serve well. Legislators and school administrators should resist the urge to impose invasive regulations on charter schools. Respect should be accorded to the charter and to the contractual relationship between the school and the authorizer which, by law, is the proper mechanism to ensure that quality outcomes are enforced.

Second, successful charters are more likely to emerge when they receive guaranteed full funding. Nationwide, on average, charter schools are funded at 61 percent of their district counterparts, averaging \$6,585 per pupil compared to \$10,771 per pupil at conventional district public schools. While many charters do more with less, it is important that all public school students be funded at the same level.

Finally, states that have multiple charter authorizers have more robust and diverse charter schools. In many states, the only charter school authorizer is the local school district or the state education board. Many of these entities work hard not to grant charters because they view charters as the competition, or even worse, the enemy. Allowing for universities, mayors, or a separately appointed charter authorizing board to sponsor charter schools and to enforce the law's accountability requirements creates a more level playing field for charter schools to grow and to improve the state's public school offerings as a whole.

### **The future is now**

We are entering a brave new world in how we evaluate and ultimately fix our schools. While there is some disagreement on the type and pace of reforms needed, most reform advocates agree that charter schools are part of the solution. So does the public, as evidenced by the fact that nearly every charter school in America has waiting lists of families seeking to place their children in a better school. Newly elected President Barack Obama has both recognized that demand and the utility of charter schools by committing to doubling the amount of federal dollars available to start more charters.

For many, however, the question becomes: where will this all lead? The reality is that our traditional public education system alone is utterly unfit to address the new realities of our society or to provide the dynamic, diversified, technology-driven approach to learning that children need to thrive in this age. We must leave the Industrial Revolution behind and embrace a new model of public education. One single approach no longer works with all children. Just as diversity of population is one of the greatest strengths of this country, so too diversity of educational options, approaches, and experiences will help catalyze meaningful change in public education.

The partisan debates often hold that the charter school experiment is an either/or proposition: either you favor charters or you prefer traditional public schools. The preferred proposition, however, suggests that we

embrace those learning environments—no matter what they are called—that help a child to learn.

The key is in recognizing that we must change our approach to educating our children in this country. Change is difficult, but in this case, it is essential and the right thing to do. In an ideal world and years from now, perhaps charters, traditional public schools, and other learning environments will converge to form a unitary system where they are largely reform-driven, kid-centered, and indistinguishable in their overall quality. For the moment, however, charter schools are serving an important purpose. The best of them are allowing for the coordination in one central location of desperately needed services for students, parents, and community members. They are gaining access to children at an early age and identifying their unique interests. They are providing a system that is malleable enough to respond to children’s needs. They are, in reality, filling a void left by the traditional public school system.

Until that void is completely filled, local and national policy makers must continue to be open-minded toward charter schools, as well as toward other reform measures that ensure creativity, innovation, and real accountability for results. Our children deserve nothing less.

### **About the author**

Kevin P. Chavous is a partner at the law firm Sonnenschein Nath & Rosenthal LLP and is the author of *Serving Our Children: Charter Schools and the Reform of American Public Education*. He is a Distinguished Fellow with the Center for Education Reform and serves on the board of the Black Alliance for Educational Options. He also is a co-founder and Chair of Democrats for Education Reform and a founding member of the Education Equality Project.

As a former member of the Council of the District of Columbia and Chair of the Council’s Education Committee, Chavous was at the forefront of promoting change within the District public school system.

Under his education committee chairmanship, the District of Columbia became the most prolific charter school jurisdiction in the country, with over 30 percent of D.C.'s public school children now attending charter schools. In addition, Chavous assisted in shaping the District's three sector education partnership with the federal government. That partnership led to 50 million new federal dollars for D.C. public schools and D.C. charter schools. It also funded the first federal scholarship program to allow 2,000 low income children to attend private schools.

More recently, Chavous led the team working with Louisiana Governor Bobby Jindal that advocated for the recently passed scholarship program in New Orleans. As a result of that legislation, nearly 1,000 students are now attending private schools of their choice in the New Orleans parish. An early supporter of Barack Obama, Chavous served as a member on the Education Policy Committee of the Obama Presidential Campaign.

Chavous was born and raised in Indianapolis, Indiana, and graduated from Wabash College, where he was an NCAA All-American in basketball. He also graduated from the Howard University School of Law. He lives in Washington, D.C.



## CHOICE IN EDUCATION



**P**arental choice. Education choice. School choice. Vouchers. Scholarships. These and other terms are the vernacular in what is now a twenty-five year old movement to provide to parents direct purchasing power over the education of their children. No matter what it's called, your vantage point on the issue will have you labeled a believer, a skeptic, a staunch opponent, or worse.

This isn't news to most people who have endured politics long enough to get to Capitol Hill. They most likely think this isn't an issue they'll have to contend with very much. Education and governance is the purview of states, and that's where the lion's share of funds—and responsibility—for education rests. Federal funds and regulation in these areas has to focus on aspects that do not conflict with state authority, in accordance with the constitutional directive that powers not directly given to the federal government are reserved to the states.

So what is it that the federal government can and should do on the subject of choice in education? And how can even those opposed on principle come to embrace this increasingly accepted method of education reform?

There are three things Congress and the President can come together to do that are not only right, but also good for education and its myriad participant groups. These are things that should not beget controversy. Some are old themes, some are variations on old themes, and some are new.

But first we must start with a simple proposition. Can we all agree that every child born in the U.S. is rightfully entitled to an education that guarantees fundamental literacy, numeracy, and a basic understanding of the rights and duties of a U.S. citizen?

And if we can agree on that, where is the right place to make that guarantee?

Of the 50 state constitutions in the United States, only a few mention excellence in education as a guarantee. These guarantee states fall into three groups. First, there are the adequacy states, which promise only to deliver an education that is “adequate.” Second, there are the equality states which guarantee a certain level of “equality,” which, a court might

be able to measure using some definition of quality as a yardstick. Finally, there are those that are far more nebulous, speaking of “resources” and “provisions” for education, but in the end make no firm commitment as to the positive educational outcome that should transpire.

*The federal government could mandate boldly that a state may lose its right to educate any child whom it fails.*

It is important to remember that the formative thinking and writing of these state constitutions was done against a backdrop of many different educational environments. In the early colonies, some excellent education was carried out in schoolhouses, churches,

and homes. The framers of these state constitutions merely sought to extend the state’s sanction of education to those who might not find themselves in one of these already-existing educational institutions. Later states, however, created provisions guaranteeing “free,” “appropriate,” “adequate,” and other adjective-laced provisions against a backdrop of a system of public schools already in place.

In most instances, the schools were operating well, creating environments of order and respect headed by high quality teachers who taught everything from religion, to surveying, to history, reading, writing, mathematics, music, and foreign language.

In no case, however were the guarantees of the states written against a backdrop of the conditions that plague our students today. Whether in crowded suburban schools that offer a smorgasbord of classes of little depth (putting our students at a competitive disadvantage abroad), or in

urban and rural poor schools (where children's conditions at home follow them to school and the schools do not find ways to compensate for those deficiencies), the conditions constricting children today are overwhelming compared to those that existed when the drafters of the state constitutions rather vaguely assigned the power to educate to various political bodies with little promise of a positive outcome.

The fact that, generally speaking, the states have failed to ensure what their constitutions intended doesn't mean the federal government should usurp their power, but it does mean that we must find a way to invalidate the provisions that have failed to deliver on our simple proposition as stated earlier:

*Every child born in the U.S. is rightfully entitled to an education that guarantees fundamental literacy, numeracy, and a basic understanding of the rights and duties of a U.S. citizen.*

Given this situation, it may be necessary to construct laws that push the states to think hard about changing their systems—or their constitutions—so that every child's education meets at least this minimum standard.

The federal government could mandate boldly—as it did, in a more limited way, in No Child Left Behind—that a state may lose its right to educate any child whom it fails. Congress would not have to prescribe an alternative. Rather, Congress simply could require the state to devise an alternative that allowed parents to find a school that meets the needs of their child. The funds for that education would, as in a scholarship or voucher, be designated to the school of the parents' choice. That's one idea, which perhaps sounds a bit radical to some, but it is presented to raise a question: when do we get to say stop to a system that is not working for most kids?

If the education system were like the home of an abused child, we would step in and remove the victim. In schools, however, we either blame the victim, blame the circumstances, or excuse the adults who fail to deal with the problem. This is not acceptable.

How can Congress fix this while avoiding a full-scale war with teachers' unions or with those who (wrongly) believe the separation of church and state means that funding a student to attend a religious school chosen by her parents amounts to a prohibited establishment of a state religion? It's actually quite easy and would cost very little. Three steps:

### **1. Order the U.S. Justice Department to Study the Blaine Amendment**

Blaine Amendments are a part of many state constitutions. These amendments, adopted as a result of anti-Catholic fervor in the late 1800s, prohibit the use of state funds at “sectarian” schools. The wording of many of the Blaine Amendments exceeds the language of the United States Constitution. The lingering impact of these amendments has been credited with stopping school choice from becoming a reality in many states. Incoming Attorney General Eric Holder has an honorable record of principled legal pursuits. He can draw from his own humble beginnings in the Bronx and his experience of public schools in Queens to inspire his staff to ask what public education is and what it should be. He can further instruct his Office for Civil Rights to determine if violations of civil rights laws are occurring as a result of basic human neglect—not to mention negligent educational practices—in our public schools today.

Should Congress not pursue this, President Obama is able to issue an executive order accomplishing the same thing. Congress, however, is a critical ingredient, as such a report will be subject to much higher public scrutiny if demanded by law than if it is requested by the executive branch of government.

### **2. Make Federal Education Funds Portable**

The federal government cannot prescribe, but it can support and enable, innovations. While the charter school grant program funds the start-up of such innovative public schools, the delivery of wider (e.g. private) choice options could be supported by existing funds simply by creating a rule that allows entitlement dollars to be distributed through state education agencies in states where school choice programs currently exist.

The Ohio Department of Education, for example, writes checks on behalf of parent choices to participating private schools. The program, upheld by the U.S. Supreme Court, allows state monies to follow students as required by state law. The U.S. Supreme Court's sanction did not extend to the federal government at the time, as no federal funds were involved. However, federal funds become state funds once they cross the border. As a result, federal money too should be available to fund parental choices in states already implementing such programs. Programs like Title I, Title II, Title IV, and others should be divvied up proportionally across public, private, and even parochial school sectors. In most cases, this funding mechanism already occurs with charter schools. Although its constitutionality has been challenged in various states, it has always been upheld.

*Educational choice requires the national government to acknowledge the 14th Amendment sovereignty that imposes that responsibility on the states.*

### **3. Showcase and Applaud D.C. Innovations**

There is no other city in the nation that is home to the robust innovational environment that characterizes the District of Columbia these days. More than 30 percent of students are enrolled in high quality charters, which by every measure are performing better than most comparable public schools in the area. Two thousand poor students are choosing private and Catholic schools, subsidized by a federal grant that allows these children access to quality schooling beyond their neighborhoods. And the Mayor has adopted a school reform initiative through his Chancellor, Michelle Rhee, that promises to boost the quality of D.C. teachers for the children that have no other option, by providing them pay in return for better and higher performance.

Congress has all but ignored these initiatives in the past, except when it helped pass the D.C. appropriation enabling the opportunity scholarships or when it supported start up funds for the nation's charters. President George W. Bush helped push through these bi-partisan initiatives, but

since then, these programs regularly have been attacked by lawmakers who do not live here and who do not appreciate how essential they are to improving the life chances of the children in our nation's capital.

These programs exist as necessary options in a city long plagued by failure in its public schools. Broad local support for these reforms, combined with strong results, merits the attention of Congress. By continuing these and other programs and by saluting those who try to reform the status quo, Congress and the new President can add momentum and national recognition to these life saving efforts.

### **Conclusion**

Making laws through the democratic process, as the old adage goes, is like making sausage. We expect messy disagreements and deal making on every issue. The subject of school choice, however, easily can be taken off the table for any Congressman looking for a way to escape difficult deliberations. Again, three steps:

1) Send the question off to the Justice Department to study as a civil rights matter; 2) Enable money already flowing to the states more broadly to support school reforms that the states already sanction; and 3) Applaud what local leaders already have embraced in the proverbial U.S. City on a Hill.

You can be agnostic on the issue and still let a thousand flowers bloom. Simply acknowledge that choice is a reflection of modern day conditions. Educational choice does not rely upon federal support, but it does require the national government to acknowledge the 14th Amendment sovereignty that imposes that responsibility on the states.

## About the author

Jeanne Allen is the Founder and President of the Center for Education Reform, a Washington, D.C. based organization driving the creation of better educational opportunities for all children by leading parents, policymakers, and the media in boldly advocating for school choice, advancing the charter school movement, and challenging the education establishment.

Co-author of *The School Reform Handbook: How to Improve Your Schools*, Allen is recognized as one of the country's leading education experts. She appears frequently on national television and radio programs and can often be found in the pages of the nation's most influential newspapers and magazines.

An advisor to a number of education reform groups, grassroots organizations, foundation executives, and legislative leaders, Allen also has served as a participant in several exclusive presidential and administration roundtables.

She is the mother of four school-age children, Johnny, Teddy, Anthony, and Mary Monica and is married to Dr. Kevin L. Strother.



## TEACHER QUALITY



If you want to check on the country's pocketbook anxieties, you consult the consumer confidence index. If you want to monitor the marital yearnings of the privileged, you sift through the Sunday *New York Times* weddings. And if you need to take the temperature of the American dream, you call up Charles B. Reed.

Don't know Charlie? You should. He's the chancellor of California State University, the nation's largest four-year state university system with 450,000 students on 23 campuses. These sons and daughters, many the first in their families to go to college, earned their admissions tickets by graduating in the top third of their high school classes. Among them: the next wave of hungry entrepreneurs we need to energize the economy. As go these students, so goes America.

So it's crucial to know this: Six in every ten of these students have to take remedial courses in math or English. There's no ducking the crisis here. High school teachers may have awarded the students B averages, but they failed to teach them even the basics.

Fixing the problem, as seen in California and other states, is what the education "reform" movement has been about. Reformers pushed states to set ambitious learning standards, and the states agreed. The reformers convinced school districts to crank up the rigor of the curriculum, and they did. Reformers demanded stiff accountability, and many states responded with high school graduation exams.

Progress has been made. In states such as Massachusetts, which took the reform movement seriously, the gains have been significant. Still, a quick glance at any chart showing the declining education accomplishments of young Americans compared to our foreign competitors—students like those showing up at Cal State campuses—reveals that progress to date has fallen short.

Now, finally, we are attempting perhaps the most important reform: teacher quality. It's a shame we waited so long. Many research efforts pinpoint teacher quality as the crucial factor in student success. Children who have

*Children who have highly effective teachers for three years in a row will see their test scores soar in comparison to the unlucky students who draw three bad teachers in a row.*

highly effective teachers for three years in a row will see their test scores soar in comparison to the unlucky students who draw three bad teachers in a row.

Knowing that would lead any parent to the conclusion that teachers should be hired, promoted, or fired based on their effectiveness in educating children. That simple formula, however—judging employees by the outcome of their efforts—although commonplace in the rest of society, remains elusive in the teaching profession. In most school districts, this is a reform barely thought possible. Why? Years of negotiations between teachers' unions and hapless school boards, many of them elected with union support, have left the teachers in charge of defining teacher effectiveness. Here's how that works: those who complete their

teacher training, participate in district professional training, attain advanced degrees, and stick around long enough, get pay raises. Problem is, the teaching profession doesn't draw the cream of the college crop, the quality of district professional training is iffy, many graduate degrees earned by teachers have nothing to do with effective teaching, and time on the job doesn't always create better teachers.

Therefore, it's possible to retire after a 25-year teaching career without once having been judged on whether your teaching stuck to the kids.

One schools chief determined to break that pattern is Michelle Rhee, chancellor of the Washington, D.C. schools, who gathered up enough foundation promises to make this offer to the district teachers: I'll give you beefy merit pay increases if you give up the job protections afforded by tenure. (Teachers who now average \$65,000 could earn as much as \$130,000 for getting their students' test scores up.) The teachers refused.

Rhee has not backed down, thereby drawing a line in the sand that may destroy her career. But she has no choice. Her district schools are surrounded by charter schools already educating a third of D.C. students. Those schools have full authority to hire and fire teachers. And, as *The Washington Post* reported recently, the academic track record of the charters is starting to look distinctly better than the schools Rhee oversees. If Rhee loses any more students to charters, her district will shrink to irrelevancy.

What may keep Rhee up at night is knowing just how powerful her competitors can be. About two years ago Mastery Charter Schools took over the violence-plagued Shoemaker Middle School in Philadelphia. The new charter took in the same students from the same neighborhood. The only change: a hand-picked staff bristling with positive attitudes and a finely honed teaching philosophy. In just two years, the school calmed down and math and reading scores surged.

Given the competition, it's reasonable to ask why the teachers' unions resist a reform that seems so inevitable. Ask that question of the United Auto Workers, who for years tucked away winnings gained from hapless corporate negotiators (think school boards) more keen on avoiding strikes than remaining competitive. Suddenly, an \$800 cost difference emerged between their cars and the cars of foreign competitors also building autos in the U.S. Today, those deft negotiations seem less winning. But who gives up something comfortable unless forced? Not auto workers and not teachers.

Perhaps teachers are pinning their hopes on the general satisfaction parents express with their suburban schools. That's dicey. Based on international comparisons, chances are those suburban schools aren't as effective as parents seem to think they are. Remember, many of those Cal State students now stuck in remedial classes came from suburban districts. Any day now, a win-through-suburbia strategy could start looking like a Chevy Tahoe rusting away on a used car lot.

Everyone knows that even great teachers can't always erase the ill effects of poverty on schoolchildren. I'm just saying this is a reform that can't be ignored. I should know. I taught high school for a year in upstate New York and I was truly a lousy teacher. As a newcomer I was handed every illiterate eleventh grader they could find and also assigned cafeteria duty. I couldn't even break up fights competently, let alone teach teenagers to read. But I glimpsed a handful of teachers elsewhere in that high school who flourished. There is a difference between good and bad teachers, a big difference, and children pay a steep price for unlucky assignments.

*Effective teachers  
make a difference  
and the current  
system does next  
to nothing to  
reward effective  
teaching.*

So let's say President Barack Obama decides to push the envelope a bit on this issue, which seems to be on his mind. Why else would his transition team vet former Denver schools superintendent Michael Bennet as a possible education secretary? Before being appointed to the U.S. Senate, Bennet's performance pay plan was his claim to fame. And Obama ended up tapping Chicago schools chief Arne Duncan, who has taken some baby steps toward boosting teacher quality. At some Chicago schools, entire staffs receive cash bonuses when test scores go up. And the district is drawing on talented mentor teachers to advise other teachers.

Obama is blessed with good timing on this one. The American Federation of Teachers' new president, Randi Weingarten, is a savvy union leader fashioning herself as a reviver of the Al Shanker, streetwise style of kicking aside union orthodoxy for what makes sense. She'll stick to her guns, insisting that pay-for-performance be negotiated every step of the way, akin to the baby steps taken in Chicago. But for now the mechanics of achieving this change (education think tanks bristle with 20-point plans for making the transition happen) are less important than finally embracing a principle that should be uncontroversial and yet still draws fierce resistance: Effective teachers make a difference and the current system does next to nothing to reward effective teaching. When more school superintendents face what Rhee faces, those baby steps will turn into trots.

When considering the need for change, think of those students in California badly delayed on their pathway to the American Dream. They deserve better.

Actually, forget about the altruism. With our nation in dire need of economic innovation, we need better.

### **About the author**

Richard Whitmire graduated from the College of Wooster in Ohio and then taught high school English for one year in Canandaigua, N.Y., before taking a newspaper job in Geneva, N.Y. He worked on several New York papers before moving to Washington to take a job handling special projects with Gannett News Service. After working on the design and launch of *USA Today* he returned to Gannett News Service to cover the Pentagon. In 1986 he received a Knight Journalism Fellowship to study national security topics at Stanford University.

In 1991 Whitmire switched to reporting on education and in 2000 he joined the editorial board of *USA Today*, where he writes editorials about education issues. In 2004 he concluded a Journalism Fellowship in Child and Family Policy at the University of Maryland where he looked at why boys are falling behind in school.

Whitmire currently serves as president of the National Education Writers Association (EWA). During 2007 he launched an EWA campaign to pin down the Presidential candidates on education issues, writing op-eds for the major papers in early primary states. He recruited education reporters from around the country to track each candidate on an EWA blog.

In January, 2009, Whitmire left *USA Today* to pursue other writing projects. His blog, <http://www.whyboysfail.com>, pulls together his research and that of others on this subject.

Whitmire is married to ABC News senior producer Robin Gradison. They have two daughters.



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