

K-12

EDUCATION

Reform:

A Roadmap



AMERICA  NEXT





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# EXECUTIVE SUMMARY

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Just half of Americans would give their nearby public schools a grade of A or B, while only 17 percent would give U.S. public schools an A or B.<sup>1</sup> Fifty-eight percent of Americans think the curriculum used in their community's schools needs to change.<sup>2</sup>

Americans are even more broadly dissatisfied with U.S. schools than that. A plurality of American parents—40 percent—would prefer to put their child in a private school. Thirty-seven percent would prefer a regular public school. Yet approximately 87 percent of children attend regular public schools.<sup>3</sup> This means millions of American families aren't getting what they want from the U.S. education system, at even the most basic level of what school to attend.

For at least the past 50 years, the United States has tried spending more and more money in an attempt to improve public education. In inflation-adjusted dollars, U.S. taxpayers have tripled their annual K-12 spending since 1970.<sup>4</sup> The United States now spends more on education than every

In other words, Americans now spend three times as much for the same mediocre level of education American children received in the 1970s.

other developed nation in the world.<sup>5</sup> While students in fourth and eighth grades have made slight increases in academic achievement in that time, by graduation U.S. students' test scores have not improved.<sup>6</sup> U.S. students rate mediocre, at best, compared to students in other developed nations, and have for years. In fact, the highest-performing American school districts reach about the same level of academic achievement as average schools in many other developed nations.<sup>7</sup>

Or, in other words, Americans now spend three times as much for the same mediocre level of education American children received in the 1970s. It's fashionable to discuss how much this shortchanges business and international competitiveness—true, and unacceptable—but at an individual level, it's wrong for America to cheat our future. It means that we've allowed America's economic freedom to do most of the work of lifting society, without accompanying education freedom to lift it unimaginably further.

Our mediocre education system has other consequences. One estimate found that just closing half the distance between the United States' international test scores and high-scoring Finland's could add more than \$50 trillion to our gross domestic product (GDP) between 2010 and 2090.<sup>8</sup>

## LOSING MYRIAD OPPORTUNITIES FOR HAPPINESS AND FREEDOM

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This is not just about money. It's about providing more opportunities for American citizens to maximize their happiness and pursue their dreams. Set aside the lost trillions and consider the lost opportunities. Who can quantify what millions of children and our entire society have lost? Who can restore the incalculable loss of freedom and dignity when parents have been forbidden to chart the course for the child they alone know best?

One way to understand this loss is to consider how well Americans can participate in civic life. In our country, public education exists because a self-governing republic needs responsible, knowledgeable citizens. When people manage their own affairs, they must be intellectually and morally capable of doing so. The very first American document to set aside a structure

for public education, the Northwest Ordinance, famously explained why a country like ours needs a strong education system: “Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”<sup>9</sup>

Good government requires civic knowledge. Yet, today, a third of Americans cannot name a single one of the three branches of government. Another third cannot name all three branches.<sup>10</sup> These are questions a grade-schooler might find on an easy quiz. Given that a republic must have an educated citizenry to survive, our failure to cultivate civic literacy is akin to a human neglecting to feed himself.

## **U.S. SCHOOLS DON'T HELP COMPENSATE FOR POOR FAMILY LIFE**

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We're not only failing at our society's central task of cultivating young citizens, we're failing at far more menial instruction such as reading and math. Our education system pushes neither high performers nor disadvantaged children to be the best they can. Usually, it doesn't push poor children to even basic competency. Essentially, children's test scores parallel family income, and income has become even more important to achievement in the past 40 years,<sup>11</sup> meaning that American schools barely mitigate a child's disadvantages, and they've been getting worse at doing so.<sup>12</sup>

Neither ZIP code nor family income should determine a child's chances in life. America must be an aspirational society. Circumstances of birth should not determine adult outcomes; if you work hard and get a good education, you should have the chance to do better than your parents. Research and history show that education—and some specific ways of arranging an education system—can help lift children above their circumstances. It's time to put that knowledge to work for some of the most vulnerable members of our society, to improve American life for all.

America is stuck in a rut on education, and has been for half a century. We don't know everything

about what policies and arrangements are effective. But lawmakers and citizens haven't even put into place yet the small number of things we know can improve schools—so those are the places to start.

The three most significant influences on a child's academic achievement are: Parents, teachers, and curriculum.<sup>13</sup> Consider the impact of changing just one of these things: placing a child in the classroom of best teachers can increase his or her lifetime earnings by \$20,000 over his or her peers in the classroom of an average teacher. Consider a class of 20 students, who will all see their lifetime earnings increase, and the impact grows to over \$400,000.<sup>14</sup> This might seem minimal, but multiply times twelve or thirteen years in school, and by the number of students in each teacher's classroom, and the impact heads into the millions. But current laws and regulations ignore these kinds of data. They restrict parents, constrict educators, and strangle the conditions under which schools demand the highest-quality curriculum.

## **WHAT'S OUR PROBLEM?**

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Why doesn't the United States have more superstar teachers, engaged parents, and superior curriculum offerings? For starters:

- The horrifically bureaucratic education system repels smart people looking at career options;
- Union-dominated compensation and pension systems for teachers work against the individual choices teachers want;
- Piles of regulations regarding everything from testing to curriculum and discipline to record-keeping limit freedom in the classroom and waste teachers' time; and
- Parents often find it impossible to vote with their feet and increase the attendance of a school that's really good at hiring effective teachers while decreasing attendance at schools they find unsatisfactory.

In short, America's education system is set up as a collective, a series of interlocking, coercive monopolies, instead of an individual-driven ecosystem of freedom and choice where people willingly work together to accomplish their mutual goals. How should lawmakers and citizens cultivate a thriving education ecosystem and improve the lives of their fellow Americans? By holding education policies against three criteria:

1. Parent choice;
2. Limited government;
3. And educator freedom.

Parent choice is the most foundational of these, as it supports the rest by establishing a consumer-driven market ecosystem. As parent choice grows, the need for central mandates decreases. States need to enact temporary measures to restrict the effects of monopoly education while it persists. These effects include policies that, among other things, assign students to schools based on their ZIP codes, direct dollars at the local level based on school buildings rather than students, determine curricula at the state or federal level, prescribe teacher evaluation systems that penalize teachers at higher performing schools, and prioritize schools as a jobs program for adults rather than a place to teach kids.



# INTRODUCTION

There was a time when America's education system was the envy of the world. There was also a time when assembly line manufacturing of Model T's in Detroit was the envy of the world.

American auto manufacturing has evolved and adapted to changing technologies and dynamics. America's education system has not, and is in fact mired in 50 year old thinking. It's time to change from our old, industrial age, pre-Internet education model, and to once again become the envy of the world.

This is not nearly as complicated as some would make it seem, but it is hard, and it takes courage and a willingness to rock the boat and spend political capital. The simple fact is that the entrenched status quo in education, kept alive by the leaders of our teacher unions, is holding us back by insisting on antiquated, one-size-fits-all delivery systems. Our children are the casualties.

To be certain, many kids in America today are receiving a first rate education. Also certain, many are not. It was long ago decided that every kid in America deserves an equal opportunity for a good education. We don't guarantee equality of results, but we do guarantee equal opportunity.

Here is the sad reality: In America today, we do not provide equal opportunity in education. This is an indisputable point, even an inconvenient truth.

If families have the means to live in areas with high performing public schools, or to send their children to high performing private schools, or the ability to home school their children, they can and will provide their kids with a first-rate education.

And if not, there is an alarmingly high chance that their kids will never have the opportunity for a first rate education, and therefore those kids will have a much harder time in the rest of their lives. This is not only bad for those kids, it is bad for our entire country.

Whether you seek reform because of your concern for the lives of the individual children, or whether you seek reform because you realize the

lost opportunity and damage to our society and economy, either way we must reform.

The defenders of the status quo always insist that they are making changes; they urge us to wait and to be patient. The problem with that is that kids only grow up once, a third grader does not have time to wait, and our patience has worn out over the past half century. It doesn't have to be this way.

The simple fact is that the entrenched status quo in education, kept alive by the leaders of our teacher unions, is holding us back by insisting on antiquated, one-size-fits-all delivery systems. Our children are the casualties.

This education reform policy paper contains many details and solutions. I would call your attention to three principles of vital importance.

First, we need to allow the dollars to follow the child. This is the modern way of thinking—giving families, parents, and students more choices leads to better results.

For some this means staying in the public school that their ZIP code directs them to. For others it means attending a different public school than the one the government assigns them to. For others it means opting for a non-government school that better suits their needs. For others it means charter schools. For others it means a combination of approaches, from online learning to home schooling, to tutoring, to private schools.

We have aggressively enacted school choice in Louisiana and are seeing the results. Over 90% of kids in the public school system in New Orleans now attend charter schools. 7,000 kids use our scholarship program to attend the schools of their choice, and the parent satisfaction rate among those in the program is over 90%.

Second, we must reform teacher tenure laws. All of us can remember great teachers who helped us learn, thrive, and achieve. Those who devote their professional lives to teaching our kids should be held in the highest regard.

It's also true that all of us can remember teachers who were not very good. In that regard, teaching is like every other single profession in America. We must get out of the mode of paying teachers for how long they have been breathing. We owe it to our kids to give them the best possible teachers.

Reform along the principles outlined in this paper will restore the balance in education toward parents and teachers, and away from the bureaucracies that stand as obstacles to change.

No thriving business or organization can thrive without the ability to constantly seek excellence and an excellent work force. Louisiana enacted teacher tenure reforms, as have other states, and the results will pay off. Good teachers need to be rewarded, and underperforming teachers need to be put on notice, and ultimately dismissed if they do not improve.

Third, education is best directed at the local level, not by the federal government. In today's debate this brings us to the issue of Common Core, which this plan discusses. When Common Core first came on the scene it was described as an effort led by states to seek high standards for our students. It sounded pretty good.

But Common Core has become a way for the federal government to dictate a national curriculum. Some inaccurately believe that those who oppose Common Core are opposed to high standards. This is simply false.

High standards are crucial for our success, and some level of testing of students is necessary. But in today's schools, we are quite simply testing our students to the point of absurdity. In many cases

our teachers are forced to 'teach to the test' year round. And while teaching to the test, they are therefore teaching the federal curriculum that is required to excel on the tests.

A few years back, some in the media had the perception that those opposing Common Core were just a bunch of right-wingers. But then, many in the teaching profession began to sound the alarm as well. Finally, there is now a new group that is insisting on eliminating Common Core. They are called parents.

It's bad enough that the federal government has begun tying compliance with Common Core to federal funds, but once you see the methods and the homework that accompanies Common Core, the verdict is in, Common Core must go.

Finally, a strong educational system shouldn't be a partisan issue—and in millions of homes across our country, it isn't. Parents of all political stripes want the best quality education they can find for their children. Sadly though, in some cases parents can't find it—because their children remain stuck in failing schools, and lack the personalized education options that would allow their sons and daughters to achieve their full potential.

Reform along the principles outlined in this paper will restore the balance in education toward parents and teachers, and away from the bureaucracies that stand as obstacles to change. Most importantly, it will give parents the power to choose from among many quality educational options, instead of taking away their power by keeping children in poor-performing schools.

These are the stakes—restoring freedom for parents to choose, and the freedom for children to develop the tools with which they can flourish in life. It's time for us to embrace this opportunity—because the opportunity of the next generation is too critical to waste.



Governor Bobby Jindal  
Honorary Chairman



# PRINCIPLE #1: PARENT CHOICE

All parents deserve to choose the education that fits their children best. Any change to education policy should be measured, first, by whether it will empower them to choose or take that choice away.

Members of the educational-industrial complex don't want parents to make education decisions for their children usually because they genuinely believe parents are incapable of making the "right" decisions—or giving parents the freedom to choose would expose the problems in the system and jeopardize the complex's status. Of course, parents are not perfect. But neither are government

Without parents, there would be no education system. Yet our current education system treats parents as an impediment, at worst, and one of many "stakeholders," at best.

bureaucrats. Every day, parents must face the children about whom they are making important decisions. Parents are accountable to their children and their communities. Bureaucrats often keep their jobs and pensions even when they make the most egregious errors in judgment. Someone—parent or bureaucrat—has to be the prime decision-maker for children. History, research, and common sense show that parents do a far, far better job. This is the best and truest form of accountability.

Without parents, there would be no education system. Yet our current education system treats parents as an impediment, at worst, and one of many "stakeholders," at best. This high-handed attitude inverts the just and common-sense arrangement of giving parents genuine authority over their children's education, just as we presume parents should direct their children's health care, nutrition, safety, religious observance, behavior, and so forth. Recognizing that parents have primary responsibility over their children's lives requires granting them the power to help their children receive the best education possible (within broad social norms, of course). While all children

should learn to read, write, do math, and explain the American system of government, this general statement also doesn't discuss times when society must step in and abrogate parent rights—in cases of abuse or neglect, for example.

Despite the myriad studies showing the economic benefits of a quality education and that parents are the largest factor in helping children achieve it, our power players prefer to deny children what they need most. Liberal federal, state, and local bureaucrats, the teachers' union leaders they obey, and officials in left-wing groups assume an insidious paternalism towards the students and parents they pretend to represent. Consider these examples:

- In Louisiana, a former leader of that state's teachers' union publicly stated that low-income parents have "no clue" how to choose schools for their children.<sup>15</sup>
- In New Hampshire, the state's American Civil Liberties Union chapter filed a lawsuit against tax-deductible donations to K-12 scholarships because parents might use those scholarships to enroll their children in religiously-affiliated institutions. It argued that "tax funds are perpetually the property of government," and that parents should not be allowed to choose education options for their children.<sup>16</sup>
- The U.S. Department of Justice invoked the Civil Rights Act in attempting to block a Louisiana scholarship program where nearly 90 percent of participants come from racial minority groups. It also cited the Americans with Disabilities Act to object to Wisconsin's school-choice program, even though not a single student or parent has complained about access for children with disabilities.<sup>17</sup>

## END THE EDUCATION-INDUSTRIAL COMPLEX

The American school system today resembles the industrial policy and rampant shortages of the old Soviet Union. Customers—parents and students—

face long lines, bare shelves, and poor quality of limited “goods.” As with any monopoly,<sup>18</sup> public or private, government bureaucrats in education feel little need or desire to respond to parents’ concerns, or improve their offerings. After all, what other options do low-income and middle-class parents have?

Successful education reform empowers families over government bureaucrats by providing more and better education options for parents to choose. At its core, successful reform will weaken the current stranglehold of the educational-industrial complex by making the entire education system more and directly responsive to the people who rely on it most. Breaking up the ineffective ways of the past requires aggressive change. Effective school reform doesn’t just require changing one policy, or offering one new option; it requires leveling the entire playing field, and offering myriad new choices for America’s students. It bears recognizing that there are hard working teachers who defy the norm—they should be the standard, not the rare exception. Our education system should empower, not frustrate, talented teachers.

Change is hard, and many people resist it, even when it is obviously necessary and in their own best interest. Making changes to American education causes a furious reaction from those invested in the status quo. Politicians who enact change in education can expect to pay a price for it. So be it. As the old saying goes, “If it ain’t broke, don’t fix it.” For American education today, we need a new saying: “It is broke, so let’s fix it.”

### **END ZIP CODE ASSIGNMENTS**

The most obvious example of Soviet style rationing is the system that assigns children to a single school based on where they live. If that school is low performing, unsafe, and/or lacking the elective courses or programs that a child wants or needs, the child typically must attend anyway, unless their family has the money to pay private-school tuition atop taxes or the job flexibility to move to an area with better-performing public schools. One very basic policy change parent choice requires, then, is to stop assigning children to schools by ZIP code or artificial “attendance zones.” No mother or father should feel compelled to act like a criminal, falsifying addresses like desperate parents in

Ohio,<sup>19</sup> Pennsylvania,<sup>20</sup> and California,<sup>21</sup> who have attempted to make it look like their family lives in a better but unaffordable neighborhood so their children can attend better schools.

Americans decided long ago that every child deserves a quality education, and equal opportunity in education. The present system amounts to a reverse means-test for education. If you have the means, you can send your child to a private school or move to an area with better performing public

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schools. If you don’t have the means, you get what you get from a system that often refuses reform and attacks all those who dare to try.

### **DOLLARS SHOULD FOLLOW EACH CHILD**

But there are also many subtler ways that choice is denied to parents, often involving how money flows to schools. Choice requires states to begin shifting their typically byzantine education funding systems<sup>22</sup>—where the existing confusion about how money is allocated benefits only lawyers and other compliance enforcers—to clear and simple systems where, as in the private market, a child’s public education money follows him or her to any willing school his or her parents choose.

In the current system, taxpayers also get shortchanged. The most fundamental and obviously common-sense reform would be to enable families to send their children to the schools that best meet their needs. In the present system, many students are forced to attend poor-performing schools, and are thereby denied an equal opportunity for a quality education. This is because dollars flow to schools based on teacher salaries not actual students.

Schools with higher-salaried teachers typically receive more dollars than schools with lower-

salaried teachers. Districts typically set teacher salaries according to union-demanded salary scales, which compensate purely based on seniority and credentials, and schools with more expensive teachers receive more money than schools with less expensive teachers.

This funding disparity is particularly bad news for poor and minority students. Rules let more senior teachers “bump” junior teachers from certain positions and cluster junior teachers in low-income schools. Seniority is not necessarily related to teacher quality, but it means extra dollars that lawmakers set aside for low-income students often wind up going to more affluent schools, because that’s where the higher-salaried teachers are.

In states that use weighted student funding models, this disparity is stark. A child whose family income is under the poverty line might be funded at 1.2 times the average funding amount in the funding formula. A child with certain special needs might

It’s long past time to fund students, not institutions. They’re the reason for education, after all.

merit 1.5 times the average amount. But even though some dollars flow to districts based on the number of children enrolled, school districts typically reallocate them based on adults—a practice that sidelines parents and creates arbitrary funding disparities between schools. Education dollars should benefit the individuals they’re meant for, not collectives in the shape of districts, regional cooperatives, or even schools.<sup>23</sup> This includes all a child’s education dollars, including those for transportation and wraparound services. Simply throwing money at the problem won’t solve it, but at least dollars should be allocated and spent on children, not adults.

### **STOP DOUBLE-TAXING PARENTS WHO EXERCISE CHOICE**

These funding rules also deny parents the ability to make choices outside the public school system. Dollars also do not follow each child to private schools, charter schools, virtual schools, single-

course providers, or any other kind of alternative education option. Parents who choose to homeschool or send their child to a private school pay twice for that education—once in tuition or supplies and again in taxes. Parents who send their children to public options that are funded directly outside or on top of state education funding formulae, such as charter schools, virtual schools, or course providers, also pay local taxes that do not fund their children’s education. This is wasteful, needlessly complicated, and unfair.

Instead, children’s public education money should follow them to the school they attend or providers they use, including private schools that accept publicly funded scholarships, charter schools, virtual schools, and course providers. Transitioning to a system where dollars follow the child would have to be phased in over time to moderate the significant shifts in dollars that would occur, but it ultimately benefits children by making sure their money actually goes towards educating them, and empowering principals to direct their own budgets and staff. Principals at schools serving more low-income students will have the funds to pay for more effective teachers and pay them well to stay. All students should have this power, regardless of family income and regardless of the performance of the school they desire to leave. It’s long past time to fund students, not institutions. They’re the reason for education, after all.

### **UNBUNDLE EDUCATION FUNDING**

Ensuring dollars follow each child does not guarantee that a given school can serve their needs. Schools located in rural areas, for example, may not be able to recruit specialized teachers to add electives such as foreign languages or honors classes, and students in most states must pick from courses only offered at their school.<sup>24</sup> Schools also may not have expertise in technical classes such as welding or pipefitting. If parents opt to pay for extra courses outside of the traditional school day, not only does their child not get credit towards his or her high school diploma for those courses, but parents must again pay double for education. The current system also incentivizes students to spend all four years in high school, denying them opportunities to take flexible classes or graduate early. Because schools usually receive full per-pupil funding for each student regardless of the number of classes

that student takes, schools have no incentive to let students progress more rapidly—in fact, quite the contrary. It’s time for American education to get out of the Stone Age.

Each child’s education money should be divisible, so it can fund individual classes, tutoring, or other items, which increases the choices families can make beyond a specific school building or education package. Consider the myriad life opportunities this flexibility would open up for families. Families should have the power to tailor course offerings from multiple sources to their children’s individual needs. Students could choose advanced courses, vocational courses, or additional tutoring for special education needs or college-entrance exams. Likewise, students could receive instruction from an online course provider, a four-year or two-year college nearby, or even local businesses that may hire the students after graduation. They could even

State leaders quickly realized they could not do the job alone, and turned to the private sector for help.

participate in online programs through their local school districts or independent cooperatives, where multiple schools work together to have enough students to fill a class. Students should also receive credit towards their high school diploma for such classes and have these courses integrated into their school day, to stop duplicating efforts and bills to taxpayers. Finally, students should have the flexibility to progress through course offerings at a more rapid pace if they are ready, and add on college level or vocational dual enrollment courses that could lead to a concurrent high school diploma and Industry Based Certificate. The versions of this flexibility are infinite, but the point is that when dollars flow more flexibly, parents, students, taxpayers, teachers, and school leaders all benefit.

### **PARTNER WITH LOCAL BUSINESSES AND VOCATIONAL ASSOCIATIONS**

Students who want to achieve more or get into their post-school lives faster often take courses at the local community college at their own expense, or

work in the afternoons. However, students enrolled in vocational training often receive neither the caliber nor the curriculum that employers want or expect. As a result, organizations such as Associated Builders and Contractors (ABC) teach their own accredited welding courses after school for a fee—often in the same welding shop a student may have taken an “official” welding course earlier that day.<sup>25</sup>

National organizations like the American Welding Society and American Society of Mechanical Engineers set industry standards and develop curricula aligned with those standards.<sup>26</sup> Curricula found in high school welding courses frequently do not meet such industry standards, so students may have to pay for more training at night, or accept a position where their employer will likely have to retrain them. Allowing families to split their education funds and send some to professional training programs can also enhance the local job market, letting individuals match themselves with careers and training.

Louisiana has developed a graduation pathway that partly addresses these problems. School boards, higher education institutions, business and industry, and regional economic development agency leaders submit proposals for Jump Start pathways that directly credential students with a nationally recognized certificate as ready for a job in that region.<sup>27</sup> While it still involves bureaucrats telling local districts what to do, this type of partnership is a step forward. It helps meet the needs of businesses, and provides students with valuable credentials for employment or a foundation for continued higher education.

### **HARNESS THE NEW ORLEANS AND LOUISIANA EXPERIENCE**

Of course, New Orleans’ educational transformation has its roots in a great human tragedy, but the result has been a system of choice that emphasizes the quality of the education a child receives rather than the type of school the child attends. Hurricane Katrina decimated the Crescent City in 2005, effectively shutting down the existing school system. The state intervened that fall, assuming responsibility for more than 100 schools through a special session of the Louisiana Legislature.<sup>28</sup> But state leaders quickly realized they could not do the

job alone, and turned to the private sector for help. By turning most traditional public schools in New Orleans into charter schools, then adding a private scholarship program in 2008 and greater access to specialized course providers and streamlining the charter application process in 2012, the state granted more flexibility to school leaders so they could figure out how to meet the needs of the New Orleans community.<sup>29</sup> In addition, the legislation created a tax rebate for taxpayers' donations to nonprofits that fund scholarships for low-income students to attend private schools.<sup>30</sup> The results speak for themselves:

- A 2013 Stanford University report found that in New Orleans, where more than 90 percent of students attend charter schools, 50 percent of charter schools and 62 percent of schools perform significantly better than traditional public schools in reading and math, respectively. Forty-six percent of Louisiana charters outperform their traditional public school peers in math and 41 percent outperform their peers in reading, according to the same report. This improved performance equates to two months of extra learning in reading and three months of extra learning in math.<sup>31</sup>
- In 2014-15, more than 7,000 Louisiana students are attending nonpublic schools through Louisiana's Scholarship for Educational Excellence Program.<sup>32</sup> With more than 8,000 projected scholarship awards for 2015-16, the program has grown by approximately 1,233 percent since lawmakers passed it six years ago.<sup>33</sup>
- In 2014, 91.9 percent of parents whose children received a scholarship said they are satisfied with the scholarship program; 91.6 percent said they are happy with their child's academic progress; 98.7 percent reported that their child feels safe in school; and 97.6 percent said they and their children feel welcome.<sup>34</sup> Contrast those numbers with national Gallup poll results, which show that only 75 percent of parents are satisfied with their child's school, and 53 percent of Americans are dissatisfied with the quality of U.S. public schools.<sup>35</sup>

- Between 2008 and 2013, the percentage of scholarship students who are proficient in third-grade English language arts has grown by 20 percentage points, and in math by 28 percentage points. In 2013-14, nearly 90 percent of scholarship recipients were minority students.<sup>36</sup>
- In 2005, 65 percent of New Orleans students attended a failing school. Now only 4 percent of New Orleans students attend a failing school.<sup>37</sup>

### CREATE NEW SCHOLARSHIP PROGRAMS

New Orleans is not an isolated school-choice success. Every school-choice program spends less per pupil than public schools—in fact, ten scholarship programs saved taxpayers at least \$1.7 billion from 1990 to 2010<sup>38</sup>—and research shows not one has any discernible aggregate negative effects on children.<sup>39</sup> In fact, every single high-quality study on private school choice programs has found they

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increase academic performance—both for students who participate in school choice and for students who remain in public schools.<sup>40</sup> Catholic schools like the Cristo Rey network (private schools that serve primarily low-income, minority students) have seen great success helping the lowest-achieving students not only get to graduation, but also enter college and the job market successfully afterwards.<sup>41</sup> The benefits of private-school choice extend even further than money and academics. Research also finds that scholarship programs reduce racial segregation, increase civic knowledge and engagement, and increase respect for others' rights.<sup>42</sup>

Milwaukee is the grandfather of choice programs. Created in 1990, the Milwaukee Parental Choice Program (MPCP) now serves nearly 26,000 students at more than 100 schools.<sup>43</sup> The program has undergone several expansions, most notably

to religious schools in 1998, after a ruling of the Wisconsin Supreme Court, and statewide in 2013. Not only are parents satisfied with the program's results, but Wisconsin has saved \$238 million since the program's inception.<sup>44</sup> Further, when students participating in the MPCP were matched to similar students attending traditional public schools, they were more likely to graduate from high school, enroll in a four-year college, and persist in college, all by 4-7 percentage points.<sup>45</sup>

States should establish these programs or expand existing ones. Scholarship programs can take the form of a direct state or local subsidy to schools parents choose, as in Louisiana and Indiana, or tax-credit or rebate programs to donors who fund scholarships through nonprofit organizations, as in Louisiana, Arizona, Florida, and South Carolina. School choice's proven results have generated significant demand. In Florida, for example, nearly 400,000 students have attended private schools with a publicly funded scholarship since its first year in 2002.<sup>46</sup> That demand is simply unmet in most places.

### **EXPAND EXISTING SCHOLARSHIP PROGRAMS**

In other places, current direct and tax-credit scholarship programs are nowhere near big enough to meet parent demand. Current enrollment in private-school choice programs is approximately 314,000.<sup>47</sup> If we know, according to a recent survey, that 40 percent of parents would like their children to attend private schools,<sup>48</sup> a back-of-the-envelope estimate that multiplies that number by the total U.S. K-12 enrollment of 50 million children shows potential demand for private school enrollment at approximately 20 million children nationwide.<sup>49</sup>

It is obvious that the gap between desire and opportunity is vast. Part of the problem is policy: most parent-choice programs severely limit participation. The most frequent limit is family income, which is unfair given that all families have a right to public education and all families pay for education. Another frequent limitation is an enrollment cap.

There's no defensible reason a child whose family fills out a choice application a few days earlier than another should get preference, especially when

both would otherwise be eligible. Parent choice in education should be universal, just as public education is universal. No child is worth more or less than another, and education policy should not treat children that way. Restricting choice to the lucky few mistakenly prioritizes special interests over children's needs.

### **ESTABLISH EDUCATION SAVINGS ACCOUNTS (ESAS)**

Publicly subsidized scholarships for private schools are just one of many ways public dollars can empower parents to make choices. Created in 2011, Arizona Empowerment Scholarship Accounts allow parents to withdraw their child from public school and receive 90 percent of the student's taxpayer funding as an allotment.<sup>50</sup> Once the parent signs a contract with the Arizona Department of Education,

In Louisiana, Arizona, Florida, and South Carolina, school choice's proven results have generated significant demand.

the state uploads the child's dollars to a debit card the parent can use on eligible expenditures such as private online courses, Advanced Placement exams, tutoring, and private-school tuition. Parents can roll over unused funds from one year to the next, allowing them to shop based on quality and price.<sup>51</sup> In 2014, Florida created a similar program for students with special needs.<sup>52</sup>

The experiences of special-needs families after school choice is available to them are dramatic and heartening. Parents of special-needs children often have to fight their school districts to get them to provide every last bit of proper attention and care, because their desires are diametrically opposed: Parents want the best for their children, and districts want everything to be easier and cheaper. This is one reason why Congress mandated "maintenance of effort," a provision requiring states to continually spend more money on special education, even if enrollment dips or providers learn how to do more, better, with less money. Giving parents of special-needs children freedom to spend the public provision for their children as they see fit

immediately alters the relationship between them and those who educate their children from one of antagonism to mutual cooperation—parents offer money, which providers happily accept in exchange for their services. Choice restores the balance of power to where it belongs, nowhere more notably than in special education.

States should establish education savings accounts to give parents of all children the ultimate flexibility to spend their tax dollars on the education that is right for their child. These options can include homeschooling, online classes, college classes, or vocational-technical training. They should also follow Arizona's lead in including routine fraud-prevention mechanisms.<sup>53</sup> This model also allows parents to mix and match from a variety of choices rather than tying them exclusively to one option. Parents know what is best for their children, and ESAs give them the greatest flexibility with their dollars and the most tailored educational experience for their child.

### **PROVIDE QUALITY CONTROL BUT CUT REGULATION**

School scholarship programs will defeat their purpose if they function as a Trojan horse that increases government control of private institutions. They should expand education diversity and access, not convert every education institution into a trivially different provider for centrally determined curriculum and teaching. So lawmakers must refuse to substitute their preferences for parents' preferences, and recognize that market accountability, where parents determine the outcomes they desire and whether schools are reaching them, is far better than government-style accountability, which is a poor substitute at best.<sup>54</sup> When parents can vote with their feet and their dollars, schools will become more responsive to the needs and desires of their customers.

School choice cannot be a mechanism to move the education monopoly into the private sector. It must be a mechanism to move free enterprise into the government monopoly. States must regulate scholarship schools as lightly as possible, or else risk co-opting their uniqueness. The regulations should also vary by funding mechanism—tax-credit scholarships, for example, function on private

dollars, so should be subject only to existing tax and regulatory oversight of scholarship nonprofits. Two sound regulations for scholarship programs include independent audits of only the school's public funds every two or three years, and an annual exam of the school's choice from a list of nationally-normed assessments, as Florida does with its largest school-choice program. The results of both should be publicly posted in a prominent and accessible location on the schools' websites.

Giving schools the freedom to choose their own exams reduces government control over curriculum and allows for variations in what and how different institutions measure learning. To allow for easier comparison between schools, states can require tests that schools use to be benchmarked to the National Assessment of Educational Progress

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or norm-referenced; or states can perform periodic psychometric comparisons between the most popular tests and the state test, or require schools to report how they compare to others that administered the test. Given that most private schools already administer standardized tests, and many choose others than state tests, allowing them to continue using the ones they find the best fit for their students preserves their freedom and distinctness.

Most Americans are familiar and comfortable with the concept of a public safety net, a minimum standard of sustenance beneath which citizens guarantee no neighbor will fall. School choice programs should also provide a "safety net," or a bare minimum of academic performance and financial transparency that a school or education provider must exhibit to continue receiving taxpayer funds. Such measures should take into account whether students are learning a year's worth of material each year, and whether they started behind

their peers, to avoid penalizing schools for serving disadvantaged students. One emerging model is how the tax-credit scholarship program in Florida, noted above, allows private schools to pick from a variety of state-approved tests and requires them to publicly report the results in a way that is comparable and easy to understand for parents. As states experiment, we will learn more and better ways to let individual accountability replace central mandates.

### **CUT PRIVATE-SCHOOL REGULATIONS**

States should also cut back on the many regulations for private schools that aren't part of these publicly funded choice programs.<sup>55</sup> Some, such as building codes or basic health and safety standards, are perfectly reasonable. The worst push private schools to look and perform like public schools even without added regulations under scholarship programs, such as forty states' requirements for

Congress should move towards block-granting the funds it intends for special-needs children directly to states based on the number of specific children so identified.

private teachers to be trained and certified like their public-school counterparts, either directly or through state accreditation mandates.<sup>56</sup>

States should immediately release private schools from burdensome requirements related to teacher training or experience, given that research shows these do little to increase teacher quality in public or private schools. They should also allow private schools to be accredited through one of the many well-regarded private accreditation agencies, rather than only through government. States should also lift instruction-time mandates, such as those that require 180 days of instruction. We no longer live in an agrarian society that requires students be home for harvest time, and many schools are moving to mastery-based instruction that prioritizes results over seat time. Lawmakers should periodically review school regulations with an eye towards

eliminating all that are not absolutely necessary and have been proven beneficial to students.

### **PUT PARENTS IN CHARGE OF SPECIAL-NEEDS CHILDREN**

America's current special-education system distills the problems with federal micromanagement in education. Despite major federal laws intending to assist special-needs children—notably, the 1975 Individuals with Disabilities in Education Act (IDEA) and 2001's No Child Left Behind (NCLB)—and billions of dollars spent both as a result of and in addition to these laws, the achievement and potential of special-needs children are routinely ignored or under-addressed. Federal data show that states held 34.5 percent of schools to account for the academic performance of special-needs children in the 2009-10 school year,<sup>57</sup> eight years after federal law ostensibly required states to hold all schools accountable for the performance of all students under their care. When parents fight with their school district over the care their special-needs child should receive, school districts win 62 percent of the time.<sup>58</sup>

Part of federal ineffectiveness in this area is the same as it is in others: a preference for remote, bureaucratic decision-making over local, flexible decision-making. IDEA funds, like NCLB's, are not tied directly to individual children, but rather to a Rubik's-cube-esque formula based on the money states received 15 years ago, combined with a state's proportion of both children within a certain age range and poor children within a certain age range.<sup>59</sup> "Over time, the share of the annual appropriation each state receives relates less and less to the actual number of students with disabilities,"<sup>60</sup> notes the New America Foundation.

Congress should move towards block-granting the funds it intends for special-needs children directly to states based on the number of specific children so identified. States should, in turn, move that money directly into parents' hands by establishing special-needs education savings accounts. This gives parents the ability to access a wider variety of services, such as therapies that occur outside the school setting, and combine public and private funds to most effectively serve their child. Combining parent choice with transparent funding systems will benefit



special-needs children and the public in many ways, including the tendency of school districts to over-label children as special-needs<sup>61</sup> in funding systems that include extra money for children so designated.<sup>62</sup> For a special-needs child, therapy or medical treatment and education are inextricably intertwined, so parents should be given the freedom to choose between an array of both types of providers with the public money elected lawmakers intend for their child's care.

### **CELEBRATE PUBLIC SCHOOLS PARENTS' CHOICES**

School choice should not and will not eliminate traditional public schools. Where traditional schools meet the needs of their communities, lawmakers should not disrupt them. As noted earlier, a sizeable number of parents prefer their traditional schools, and they should be free to enjoy them. Parents demand other options when they are dissatisfied with the ones they have, and it's unfair to expect every single public school to cater to the widely varying needs and wishes of every family nearby. Even rural families believe they can benefit from school choice, and have nearby or online private options they currently cannot access.<sup>63</sup> Private school scholarships unequivocally benefit society, schools, families, and children. It's time for lawmakers to respond to the large numbers of Americans who support this common-sense idea.<sup>64</sup>

### **ENCOURAGE CHARTER SCHOOLS**

Charter schools are public schools run by private organizations through a contract with a public entity. They receive public dollars just like traditional schools. Charters also must accept any student who applies, and conduct a random lottery to award seats if more apply than their facilities can accommodate. But charters do not have enrollment zones, meaning that all students in the county, city, or even state where they are located may apply for admission.

Perhaps the greatest benefit of charter schools—besides that they must earn their students rather than receive enrollment automatically—is that scores of studies have found charters educate children better, on average, than traditional public schools:

Sixteen academic studies have been published

on charter school performance since 2010... Fifteen of the 16 found that students in charter schools do better in school than their traditional school peers. One study found mixed results. The most recent of those studies, by the Center for Research on Educational Outcomes at Stanford University, found that charter schools do a better job teaching low income students, minority students, and students who are still learning English than traditional schools.<sup>65</sup>

Charter schools' authorizing contract gives them greater flexibility than traditional public schools in other ways. They can, for example, alter the length of their school day, redesign teacher pay, and make their own personnel decisions. In other words, charters receive exemptions from many restrictive state laws, but if they fail to perform well for a few years, they can be shut down or given to another

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operator. Most importantly, parents can vote with their feet and choose another school. Charters are accountable directly to individual parents, not to freedom-resistant local or state school boards.

Charter schools work. Charter school networks such as the Knowledge Is Power Program (KIPP), Achievement First, and FirstLine have managed to do what the system as a whole has failed to do for decades: narrow the achievement gap and graduate poor, minority students with a high-school diploma and an admissions letter to college. One of the few high-quality, randomized studies of charter schools available, on students in New York, found that "for every year they spend in a charter school, students make up 12 percent of the distance from failing to proficient in math," compared to their public-school peers. Charter-school applicants were also more likely to be black and low-income, compared to

regular public-school students<sup>66</sup>—something also true of charter students nationwide.<sup>67</sup>

### LIFT CHARTER SCHOOL CAPS

When it comes to charter school policy, the establishment again actively works to thwart what parents want, even though freeing parents would save taxpayer money and increase academic achievement. In 2014, the number of children on charter school waitlists nationwide topped 1 million<sup>68</sup>—meaning one in every 50 K-12 students in America wanted to get into a charter school, but couldn't. Charter schools average 36 percent less funding than regular public schools and their students are poorer on average, yet their students achieve at least at the same level as their traditional-school peers.<sup>69</sup>

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Yet seven states lack charter school laws, and 21 states still arbitrarily cap the number of charter schools that can operate in their respective states.<sup>70</sup> These caps exist because the reigning education establishment hates and fears competition. While charter schools vary in quality, just like traditional schools, the difference is that oversight agencies close charters when they perform poorly—a fate that practically never happens to traditional public schools. Saint Louis schools, for example, finally lost their state accreditation after decades of horrifically low performance.<sup>71</sup> Yet state lawmakers keep dithering about whether they will let thousands of children leave a school district that cannot give them a valid high-school diploma. Saint Louis schools are not only still open for business, children are required to attend them—an unconscionable betrayal of parents and students alike.

### DIVERSIFY CHARTER AUTHORIZERS AND REDUCE CHARTER REGULATIONS

Preserving the autonomy and flexibility on which charter schools are built is a constant battle. It is easy to let charter school regulations encrust over time. Conversely, making tough decisions about shuttering low-performing schools can be politically risky and unpopular, although it is key to ensuring that charter schools maintain quality and expand. States should remove caps on charter-school enrollment and numbers, and enshrine strict measures for shutting down poor-performing ones, along with other ways to make their laws as friendly as possible to high-quality charters, such as:

- States should streamline application processes and let charters apply for more than one school in the same application cycle, to allow operators to achieve economies of scale. Louisiana, for example, allows a performance-based contract where charters can receive authorization to open several schools, with each subsequent school's authorization triggered by meeting academic goals at existing schools.<sup>72</sup>
- State laws and rules should consider previous performance in other states for operators with schools across state lines.
- Charter laws should allow for multiple entities to authorize charter schools, not just local school districts—especially because districts often see charters as competition to eliminate. States should also have fair appeals processes that give operators more than one pathway to authorization, while maintaining a high standard for authorizing new schools and renewing existing contracts.
- When a charter comes up for reauthorization, high performance should trigger longer contracts to reward performance, while untested schools should receive shorter contracts until they demonstrate their strength.

These changes would help good operators flourish and states to move low-performing operators out of the market.

### **BLEND LEARNING WITH TECHNOLOGY**

If school choice personalizes school choices, digital learning personalizes student choices. Online learning can redefine not only where and when learning takes place, but also the pace, content, and method of instruction.<sup>73</sup> For example, Rocketship Education, a charter organization, uses apps and software to figure out which content each student has mastered. If it discovers Peter hasn't mastered triangles but John is struggling with fractions, the teacher can focus specifically where each child needs help, rather than spending time with the whole class going over the same content, or re-teaching the course.<sup>74</sup>

Technology also gives teachers more flexibility to use different teaching methods with different children in the same classroom. One group of students could play an individualized math game on a computer while the teacher gives intensive instruction to a small group. It also allows schools to hasten or slow teaching to match the pace of a child's learning. Instead of keeping the entire class on the same content when some students have already mastered it, teachers can advance students to new content or slow them down to go over a tricky topic again. Students remain more engaged when they are not relearning content they already know or feeling overwhelmed by content they do not. In 2013, 132 digital learning bills were signed into law, of nearly 400 debated by state legislatures.<sup>75</sup>

States should authorize online charter schools and course providers, while removing legal impediments that block traditional schools from using technology. For example, online schools do not have school buildings; school-specific fire codes and square-footage requirements should not apply. In addition, an online course can serve more students at the same time, suggesting that states should waive or modify the mandatory student-teacher ratios for these types of courses and reexamine them in general.

### **TAKE AN 'ALL OF THE ABOVE' APPROACH**

An "all of the above" approach allows many choices without preferring one type over another: public-

school choice, private-school choice, virtual education, mix-and-match classes, and business and industry-led instruction. This diversity is especially important because research and experience show that just allowing charter schools without also facilitating private-school access reduces the variety of education options available to parents by eroding private-school enrollment.<sup>76</sup> In other words, expanding the government sector crowds out the private sector. Anyone who genuinely wants a vibrant education ecosystem should support equal access for all children to all forms of schools—not just charter schools, although they play an important role. A system of full and genuine parent choice empowers parents to make high-quality choices for their children, regardless of their ZIP code, and brings natural, market-style accountability to education instead of outside, government-led "accountability" that is highly susceptible to manipulation and cronyism.

Many politicians say they support school choice—but only the "right" kind. For instance,

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President Obama's budget proposed defunding the Washington DC Opportunity Scholarship Program, even though that program improved student graduation rates by 12 percentage points and more than 90 percent of its participants come from black, low-income, single-parent households.<sup>77</sup> (Congress, in a moment of clarity, restored the funding.)

Obama's Department of Justice (DOJ) attempted to block Louisiana's Scholarship for Educational Excellence, which offers private school scholarships to low-income students at failing schools.<sup>78</sup> DOJ asserted the program violates federal desegregation

orders—although data show nearly 90 percent of scholarship recipients are minorities.<sup>79</sup> President Obama’s endorsement of public-school choices, such as charter schools and magnet schools, over other types, such as private schools, homeschooling, and privately operated course providers, reflects the educational-industrial complex’s paternalistic view of taxpayer dollars as “government” money.

President Obama’s paternalism denies choices to millions of children of all races and family incomes by setting the “right” and limited choices their parents can make. Lifting the mediocre level of education too many of America’s students attain, and the shockingly substandard level of education America’s poor students receive, demands a more humble and holistic approach. Every child deserves a better option, and every option should be considered—not just some options DC bureaucrats might deem worthy.

We don’t have time for turf wars. To prevent the current generation of children graduating without the knowledge and skills they need and society

Better information leads to better decisions; so the people closest to a child will make the best decisions for him or her.

should justly pass on, we must open the doors to all kinds of choice. New Orleans serves as an instructive example, because it is the only city in the country where every parent chooses where to send his or her child for school. More than 90 percent of New Orleans public-school students are enrolled in charter schools, with other students enrolled in private schools through publicly funded scholarships.

### **REQUIRE VENDORS TO SERVE STUDENTS, NOT BUTTER UP OFFICIALS**

Public funds for education do not exist to maintain the educational-industrial complex or keep adults comfortable. They should be used to educate children. Funding students, not institutions, will also mitigate businesses’ power to negotiate with institutions that control hundreds of thousands of children. Breaking education funding into smaller

units expands this effect. Both require big businesses to negotiate with and convince much smaller units, such as schools or parents, which shifts the balance of power away from the powerful few and towards the many individuals who deserve to wield it in the first place. This is a far wiser approach than what NCLB called special education services (SES), which was essentially a mandate for poor-performing schools to contract with private providers for tutoring. SES was rarely used and often ineffective, and for many reasons, including that it forced one education provider to choose another to do what the first could not, with little parent direction or input.<sup>80</sup>

### **RELINQUISH POWER TO THE LOWEST LEVEL POSSIBLE**

Breaking up the monopoly in education does not just affect vendors. When applied to government bureaucracy, Neerav Kingsland, former CEO of New Schools for New Orleans, a charter incubator organization, calls the process “relinquishment,” or “devolving power away from government operation.”<sup>81</sup> Kingsland points to the prosperity and happiness deregulation has fostered in sectors such as U.S. railroads and entrepreneurial ventures in India. “If you think that somehow education is different—and that your educational ideas will continually outperform a marketplace of ideas—well,” he concludes, “this is a sign of incredible hubris.”

To extend the principle of parent choice throughout American education, lawmakers should judge every education proposal against whether it empowers parents or forces families to live by someone else’s decisions. The people closest to a situation are always the best suited to address it, both inside and outside the school building. This is because of what economists call the “information problem,” which explains why central planning never works: nobody can possibly ever know more about a situation than the people directly inside it. Better information leads to better decisions; so the people closest to a child will make the best decisions for him or her. It’s also clear that self-government requires letting people plan their own lives rather than letting bureaucrats plan everyone’s lives. Parent choice in education is therefore not only sensible and justified by centuries of human experience, it harmonizes beautifully with American principles and culture.

## PRINCIPLE #2: LIMITED GOVERNMENT

The purpose of public education is to help parents cultivate citizens able and willing to govern themselves and join the rest of us in national, state, and local civic life. Take the Constitution of Virginia, for example, which explained the establishment of a public education system like this:

No free government, nor the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles; and by the recognition by all citizens that they have duties as well as rights... [and] free government rests, as does all progress, upon the broadest possible diffusion of knowledge...<sup>82</sup>

Many people in the education-industrial complex speak of education in a much more flattened way, as a merely self-serving means to a high-paying job—as if that’s all there is in life. But even employers want to hire a person who has more in mind than a paycheck. They want a person who finds intrinsic motivation in work, eagerly seeks answers to

Common Core may be “standards” in name, but the reality is that what’s tested is what’s taught. Federally funded Common Core tests drive classroom practice.

difficult questions, cheerfully shows up on time, communicates well with coworkers and customers, and works hard. These are all intangible items that indicate character and acculturation, not years spent drilling menial workforce tasks such as compiling PowerPoint presentations or filling out forms—and, by the way, mimic exactly what parents want for their children. Ask mothers and fathers what they want for their children, and their answer will be some variation on the one found in our Declaration of Independence: the freedom to pursue happiness. Participating in our system of government too requires an educated electorate.

Our state and national constitutions limited government so it could not impede individuals’ freedom to pursue their own happiness in their own ways. In the decades since, however, government has earnestly sought to remove these limits on its ability to impede and redirect individual choices. Public schooling is no exception. It is increasingly unresponsive to parent and family needs and desires, and responsive instead to the dictates of unelected bureaucrats.

### REPEAL COMMON CORE AND RESTORE STATE AND LOCAL STANDARDS

Perhaps no better example of this kind of unrepresentative government exists in education than Common Core national curriculum mandates. This national initiative has faced a rising tide of parent condemnation, yet, similar to parents’ inability to access private-school choice, so far remains largely operative—because parent choice does not have much influence on education policy. While states can and should raise academic expectations for students, the rollout and unraveling of this national initiative has made it abundantly clear that the U.S. education establishment too often does not respond to parents and local voters. Instead, federal mandates, money, and threats bend officials’ necks stiffly towards Washington.

Indeed, flawed federal mandates set the stage for Common Core in the first place: NCLB required states to have all students score proficient on state tests, then allowed states to determine the meaning of “proficient.” Not surprisingly, states decided to murder proficiency quietly. Their varying levels of honesty, combined with the poor results of previous central planning, led to the much-ballyhooed stagnation in and variation between state tests that propelled central planners to resurface one of their old ideas: National tests and a de facto national curriculum. Common Core may be “standards” in name, but the reality is that what’s tested is what’s taught. Federally funded Common Core tests drive classroom practice.

Efforts at establishing a national curriculum under presidents Bill Clinton and George H.W. Bush met fierce resistance. So the central planners decided to

accomplish their goal through deception,<sup>83</sup> tasking two federally-funded nonprofits to create a set of common curriculum mandates and, later, two federally funded national tests. Before Common Core was even published, the National Governors Association asked the federal government to be involved by funding national tests and giving states “incentives” to use Common Core.<sup>84</sup>

When the Obama administration came to power, it happily obliged—not once, but twice. First, it required states to commit to curriculum mandates common to a majority of states (a criteria that then and today only fits Common Core) for a shot at a piece of \$4.35 billion during the Great Recession as part of the Race to the Top program (RTTT). And states had to sign on that dotted line before the Common Core standards were finalized. Like Obamacare, states had to adopt Common Core to find out what was in it. Second, the Obama administration required states that wanted to escape NCLB’s consequences to meet the same criteria—again placing Washington diktats over local control. Even Virginia, which does not use Common Core, alluded heavily to how closely its standards aligned to Common Core in its ESEA Waiver application.<sup>85</sup>

Common Core advocates have relentlessly peddled the false and simplistic notion that anyone who opposes Common Core is therefore against high standards in education. Nothing could be further from the truth. Even before Common Core, states like Massachusetts, California, and Indiana had adopted some of the nation’s highest standards.

Common Core disenfranchises parents in two main ways. First, because private organizations created the document, citizens had no real voice in the process, either themselves or through their elected representatives. They cannot file open-records requests on this transformational education policy shift. Neither can citizens convene any representative organization to alter one word of Common Core, since no public body has full control over it and the document is copyrighted. Second, Common Core inserts itself between parents and children by promoting bad instructional practices—particularly convoluted math. Experimental math that frustrates children

while even parents with math PhDs stand by helplessly uplifts neither intellects nor families.

If parents had genuine school choice, they could vote for or against Common Core by putting their children in a school whose curriculum matches their family goals, and the vote they lacked in statehouses would be restored to them in their neighborhoods. Yet, central curriculum mandates are even more consequential in a monopolistic education system—if children must be forced to attend traditional schools, their parents and the public at large should know what they are learning and have an opportunity to shape it. Because

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centralized power attracts special-interest pressure, curricular and testing monopolies offer few options for school leaders and state bureaucrats to purchase and are inevitably much lower quality than the offerings available within a free market. This is undoubtedly true of Common Core, as all the independent analyses available conclude it does not live up to its promise of internationally competitive academics<sup>86</sup> and school leaders are boxed into purchasing off-the-shelf curricula of dubious quality.

Creating high-quality standards is critical to the education of our children. Repealing and replacing Common Core is, however, only a temporary patch for the deeper problem of monopoly education. Unless lawmakers also address the monopolistic system that generated and rammed it through, in a few more years families will face a resurrected version. This is why parent choice is a precursor to and partner with repealing Common Core.

## DON'T LOSE SIGHT OF THE FOREST FOR THE TREES

Common Core defines the end goal of public education as “college- and career-readiness”—a narrow and self-serving goal for public education. Improving education is not just about minimum workplace competencies, but about preserving our republic by ensuring that every child’s education helps form him or her into a contributing member of society. In a seminal article, Nobel Prize-winning economist Milton Friedman discussed the role and funding of education in our democratic republic. “A stable and democratic society is impossible without widespread acceptance of some common set of values and without a minimum degree of literacy and knowledge on the part of most citizens,” he

A young person prepared to think and lead in social affairs is also well-equipped to think and lead in his or her business and personal lives.

wrote in his introduction. “Education contributes to both. In consequence, the gain from the education of a child accrues not only to the child or to his parents but to other members of the society...”<sup>87</sup>

Because of America’s unique form of government—self-government under the law—every citizen benefits from having educated peers, and educating everyone helps cultivate leaders. This is why education justifies government subsidies at all, Friedman wrote. The societal benefits of universal education “do not justify subsidizing purely vocational education which increases the economic productivity of the student but does not train him for either citizenship or leadership. [However,] it is clearly extremely difficult to draw a sharp line between these two types of education.”<sup>88</sup> Obviously, teaching a child to read will benefit him his entire life, both in the marketplace and at home. Its immense personal benefits incorporate societal benefits, just as a public education that appropriately prioritizes citizenship will also have great personal and economic benefits. A young person prepared to think and lead in social affairs is also well-equipped to think and lead in his or her business and personal lives.

Nowadays, however, the education-industrial complex typically strips the civic purpose of public education and speaks of it in entirely self-centered terms. We must shuffle children through factory-style education so they can be shuffled off through a factory-style economy. But neither our economy nor our society is or should be regimented, one-size-fits-all, or centrally managed. Our young people deserve an education that befits citizens who live in a self-governing, civic-minded nation: Dynamic, sensitive to individual liberties, tailored to individual needs, and driven by the spontaneous and even joyful cooperation that arises within a free-enterprise system. Today, young Americans typically do not receive this kind of education.

## THE AMERICAN EXPERIMENT WILL PERISH WITHOUT CIVIC-MINDED EDUCATION

A series of prominent and research-heavy books have discussed the decline of civic participation in American life. Their findings would be merely academic if the increasing isolation among Americans didn’t have real and negative consequences for us all. Social capital, for example, often fills in where money isn’t available or can’t substitute for a loved one sitting at your side while you’re sick or giving birth to a baby.

Emerging demographic data is depicting a “nation where millions of people are losing touch with the founding virtues that have long lent American lives purpose, direction, and happiness.”<sup>89</sup> These core civic virtues are hard work, honesty, marital commitment, and religious commitments. W. Bradford Wilcox continues:

The economic and political success of the American experiment has depended in large part on the health of these founding virtues. Businesses cannot flourish if ordinary workers are not industrious. The scope and cost of government grows, and liberty withers, when the family breaks down. As James Madison wrote: “To suppose that any form of government will secure liberty or happiness without any virtue in the people is a chimerical idea.”

Since schools are deeply involved with raising U.S. citizens, they have a civic responsibility to pass on to children the knowledge and behavior that serve to guard our liberties.

## AN EDUCATION FIT FOR FREE MEN AND WOMEN

Every human deserves to choose his or her own destiny, and to choose it freely. To make a truly free choice, children need to be able to consider the consequences of their actions, and join the great human conversation about actions and consequences, right and wrong, practical and impractical. Their minds must be well informed so they can make wise decisions as adults (both for themselves and their fellow citizens when they vote), search for and engage in meaningful work, and begin a family. The classic disciplines of mathematics, literature, history, science, and the arts have for centuries proven their ability to help cultivate citizens like this. Monopoly education diverts itself on other pursuits because it's highly susceptible to capture by special interests, which prefer to impose their narrow-minded visions upon the rest of us.

As Friedman wrote, restricting government to financing K-12 education and ensuring basic quality control “would be a sizable reduction in the direct activities of government, yet a great widening in the educational opportunities open to our children. They would bring a healthy increase in the variety of educational institutions available and in competition among them. Private initiative and enterprise would quicken the pace of progress in this area as it has in so many others. Government would serve its proper function of improving the operation of the invisible hand without substituting the dead hand of bureaucracy.”

A nation where one in five young people drops out of high school,<sup>90</sup> 62 percent of the twelfth graders that remain are not proficient in reading,<sup>91</sup> and more than 80 percent of fourth, eighth, and twelfth graders cannot reach proficient on national tests of American history<sup>92</sup> is in danger of not being able to govern itself well. Our society depends on cultivating the intellect and character required for self-government. As it happens, this is also a chief concern of parents for their children. In being free to make choices on behalf of their children, parents benefit us all, for the guardians of our children are also the guardians of our society.

This is why parents are not one of many “stakeholders” in education. Without them, there

would be no education system. And they alone have no incentive other than bettering their children. In being free to make this choice and then executing it, parents have the power to improve the world for us all. What wise social policy does, then, is recognize this proper and natural arrangement and set it free for the sake of ourselves and our children—but also for the America we know well and love.

## PROTECT SCHOOLS FROM FEDERAL MEDDLING

In consequence, lawmakers at all levels of government should strip education policy from central planning and set parents free to work their magic on society's behalf. At the federal level, Washington should let the “dollars follow the child” without the historically myriad intrusive regulations that often cost more than the money provided, both in compliance costs and in school freedoms.<sup>93</sup> For

Instead of extending the federal reach into every school, Congress should instead return to states their citizens' education money as block grants.

example, the largest federal program for low-income students, Title I of the Elementary and Secondary Education Act (ESEA), uses several complicated formulae to allocate funds to districts for a prescriptive set of eligible expenditures, which may or may not wind up at schools that actually educate low-income students. In addition, these dollars are allocated based on blocks of students and average enrollments. While these accounting measures attempt to provide stability to districts, they result in a pool of money only loosely tied to the students Congress intended, combined with hefty eligibility and reporting requirements. The combination empowers the educational-industrial complex and disenfranchises parents and taxpayers.

Instead of extending the federal reach into every school, Congress should instead return to states their citizens' education money as block grants. Congress should do the same with related programs such as the National School Lunch Program, which



local communities and school administrators are better-situated to run on their own terms. State oversight is no silver bullet, but the closer the dollars are to students, the better.

### **SEVERELY LIMIT FEDERAL CONTROL OVER LOCAL SCHOOLS**

Public school enrollment has increased about 10 percent since 1970, while public school employment has doubled. The greatest growth has been in non-teaching school staff, who now equal the number of teachers in public schools.<sup>94</sup> A significant reason for this bureaucratic bulge is the explosion in ineffective,

Federal policy has also failed to contribute to its major goals of improving math and science knowledge and education outcomes for poor and minority children.

coercive central mandates from Washington DC. In 2005, for example, the Connecticut State Department of Education found that the state received \$70.6 million for low-income children through NCLB, but the law's implementation and administrative costs totaled \$112.2 million.<sup>95</sup>

Federal spending on K-12 education has increased by nearly 400 percent since 1970,<sup>96</sup> yet federal reviews of essentially every major federal education initiative—including School Improvement Grants, school turnarounds, and the Highly Qualified Teacher provision of NCLB—conclude they have no lasting positive effect on student achievement. Federal policy has also failed to contribute to its major goals of improving math and science knowledge and education outcomes for poor and minority children.<sup>97</sup> Despite such evidence, the Obama administration recently emphasized its unshakeable belief in the superiority of federal control over education: “We do not believe that states generally possess the capacity or expertise needed to meet this responsibility [of improving low-performing schools] with the amount of rigor expected by Congress.”<sup>98</sup> This federal arrogance would all matter little if it had not cost citizens so

much, both in wasted tax dollars and in the time and efforts of teachers and school leaders attempting to fulfill useless federal mandates.

As have all federal agencies, the U.S. Department of Education (USDOE) has experienced significant mission creep. The federal government should have nothing to do, for example, with setting student behavior or expulsion policies. It should have nothing to do with teacher training or curriculum, as its authorizing law states. It should certainly not break three federal laws to fund Common Core tests and corresponding curriculum materials.<sup>99</sup> Because it has broken and bent laws to do all of these things, USDOE must be restrained by specific legislation to carefully defined responsibilities—largely civil rights enforcement, enforcing transparency, facilitating clear information, and deregulation<sup>100</sup>—and its budget slashed so it does not have the capacity to overreach even when it wants. Its myriad funding streams and programs should be consolidated and streamlined, and ineffective programs eliminated.<sup>101</sup>

### **NO CHILD LEFT BEHIND'S LEGACY**

2001's No Child Left Behind iteration of the Elementary and Secondary Education Act was an unprecedented expansion of the federal role in education. It fundamentally misunderstands the capacity of the federal government and the American commitment to local governance. It has led to a dramatic growth of non-teaching staff in school districts—from 3.4 million to 6.2 million, an

A study of Virginia school districts found that NCLB implementation cost nearly \$40 million per year, money that could and should have been redirected into the classroom.

84 percent increase, while the number of students grew just 8.6 percent. In other words, the adult-to-child ratio shrank from 14:1 to 8:1.<sup>102</sup> A study of Virginia school districts found that NCLB implementation cost nearly \$40 million per year, money that could and should have been redirected into the classroom.<sup>103</sup> It is no small wonder that this legislative quagmire led to a system of waivers in an

attempt to provide relief from its strangulation of the American education system.

States like Louisiana received flexibility from USDOE to mesh their own more rigorous accountability systems with the federal definitions and requirements under the George W. Bush administration. In fact, almost recognizing the monster they had created, Congress ensured that ESEA always allowed USDOE to give districts and states more flexibility to pool federal funds, spend SES dollars on other reforms, eliminate the Highly Qualified Teacher mandates, allow “school-wide” Title I programming, and offer financial rewards for high performers—all of which were included in President Obama’s waivers. Unfortunately, the president managed to make the situation even

Yet these myriad federal programs have failed to achieve results; since the early 1970s, the NAEP Long Term Trends shows that overall student achievement for seventeen-year-olds has remained flat.

worse by turning it into a coercive stick that waived the law’s teeth and mandated the president’s vision of education reform in exchange for a pass on accountability—as outlined in USDOE’s policy document of waiver qualifications.<sup>104</sup>

Sanity demands that Congress roll back this expensive failure, now nearly 7 years past due to be reauthorized.

### **ELIMINATE DUPLICATIVE AND COERCIVE FEDERAL PROGRAMS**

Between fiscal years 1980 and 2014, funding for NCLB’s signature program for low-income students, Title I, jumped from \$2.7 billion to \$14.4 billion.<sup>105</sup> Funding for the law as a whole jumped from \$6.9 billion to \$23.3 billion.<sup>106</sup>

NCLB authorizes the bloated bureaucracy that is

the federal Department of Education (USDOE), which runs more than 200 different elementary, secondary, and post-secondary education programs.<sup>107</sup> USDOE’s programs even overlap with other agencies. According to a 2012 Government Accountability Office report, 13 agencies fund 209 different science, technology, engineering, and math education programs, 173 of which overlap with at least one other program.<sup>108</sup> Yet these myriad federal programs have failed to achieve results; since the early 1970s, the NAEP Long Term Trends shows that overall student achievement for seventeen-year-olds has remained flat.<sup>109</sup> President Obama has simply expanded this failed strategy with unprecedented executive action to exert even more control over American schools via pet programs such as Race to the Top. This bureaucracy run amok needs a massive consolidation if not much more.

### **REDUCE GOVERNMENT DATA COLLECTION**

Parents and lawmakers need good information to make good choices. A genuine and difficult tension exists, however, between data quality and individual rights. Current federal, state, and local policies do little to protect students, and the absence of lawmaker action is leading to a world that few people want, where governments and businesses prey on this captive audience in the hope that collecting mounds of data will enable central planners to finally succeed at managing everyone else’s lives. It’s high time for lawmakers to get ahead of the curve and reject this false mentality.

The general principles of data collection should be, first, less data collection as the people with access to it get farther and farther away from students and, second, informed consent, meaning that schools, software developers, and others may not mine a child’s information without his or her parents’ knowledge and consent. Data privacy in education requires more inspection beyond the scope of this paper,<sup>110</sup> but here we sketch some basic and necessary policies.

### **GIVE PARENTS CLEAR INFORMATION**

Vast majorities of parents and the public want clear, basic information about school performance. Each year for the last three of an annual national poll, for

example, two-thirds of respondents supported the federal mandate that schools test students annually in math and reading.<sup>111</sup> Majorities of parents and the general public support using tests to determine graduation and moving up into the next grade—although they also clearly feel some ambiguity about testing, because 68 percent said tests don't help teachers know what to teach.<sup>112</sup> Though these tests are imperfect measures at best, they should at least be presented to parents and the public promptly, accessibly, and clearly. Strong, easy to understand accountability systems have been shown to improve student achievement.<sup>113</sup>

Citizens deserve to know how their state-run schools perform, and what state test results mean, but in the long run, the best measure of quality is market accountability through school choice.

States should express their testing and grading systems in a language everyone can understand: letter grades. Everyone understands the difference between an A and an F. Fourteen states use letter grades, according to the Education Commission of the States, including Louisiana, Arizona, and Indiana.<sup>114</sup> Data from NAEP can bolster this transparency, to help parents, voters, and policymakers make sense of different state measuring sticks. The National Center for Education Statistics benchmarks each state's tests against the NAEP and shows how each state's tests compare to the national test. It could also serve curriculum diversity and across-school comparability by benchmarking to NAEP various tests private schools use for accountability under school choice programs.

There are caveats to this approach, however, as states with A-F grading systems have learned. Letting central planners determine what constitutes success also allows for political manipulation of grades—schools with friends

in high places can get a thumb placed on the scale for them.<sup>115</sup> And say a school has mediocre performance but is safer than all the other schools around. Who determines which of these characteristics deserves more weight in a grading system? It should be parents, not bureaucrats. Citizens deserve to know how their state-run schools perform, and what state test results mean, but in the long run, the best measure of quality is market accountability through school choice.

### SECURE CHILDREN'S INFORMATION PROPERTY RIGHTS

Because children in public schools are a captive audience, they are often subject to the whims of central planners. See, for example, the states and national organizations that forced millions of children to serve as test subjects for trial runs of federally funded Common Core tests. Their innocence and vulnerability should not mean schoolchildren are open to anyone who wants to experiment upon them, even if they come in official-looking caravans bearing government seals, or with businesses offering supposedly “free”



software—in exchange for the ability to mine information about every student, and store or sell that information indefinitely.

Likewise, the current need for basic tests should not give government or business license to vacuum up children's and families' personal information. Each level of government should collect as little personal data as possible, because studies have shown that just knowing seven datapoints about

a supposedly anonymized student is enough to identify him or her by name from testing data.<sup>116</sup> The number of students required (“n-sizes”) for current subgroup reporting, and using anonymous student ID numbers, are not enough to preserve student privacy. Congress should examine these realities and scale back federal data collection.



Test and education software or cloudware vendors should be required to erase all internal data they have collected about children and families after their contract terms run out and these data have been turned over to the appropriate educational agencies with whom they have contracted.

### **RESTORE AND ENHANCE FERPA**

In 2011, the Obama administration undertook a regulatory end-run around yet another law—this time the Family Educational Rights and Privacy Act (FERPA), the largest national student privacy law. Through regulation, it added massive loopholes, so that any education agency (federal, state, or local) can share a child’s information with any outside entity these agencies designate as an “authorized representative”—without parental knowledge or consent.<sup>117</sup>

National lawmakers should, first, reaffirm the original privacy protections of FERPA and, second, seek to strengthen that law with one fit for the digital age, which affirms individuals’ ownership over their own information. State

lawmakers should follow suit and enact similar privacy legislation, only requiring public school districts to send them the handful of categories required about each student to fit transparency requirements. Private schools that participate in school-choice programs should only be required to identify each participating child’s grade, test score, and randomized ID number. If states choose to receive federal funds as a block grant, they may and should be able to further limit what student demographics they collect and share.

The FERPA update should also prohibit federal agencies from demanding or accepting any personally identifiable student-level data from, or disclosing such data to, any health, labor, workforce, social services, education, or other agency without a parent’s explicit knowledge and consent.



## PRINCIPLE #3: EDUCATOR FREEDOM

The top 5 percent of teachers impart a year and a half's worth of learning to their students in one year.<sup>118</sup> Teachers who raise their students' test scores also reduce their teen pregnancy rates, increase their college attendance rates, and raise their lifetime earnings, according to a recent study of 2.5 million children over 20 years.<sup>119</sup> One study from two large Tennessee school districts found that students taught by effective teachers for three consecutive years outperformed students taught by ineffective teachers over the same period by as much as 50 percentile points. In other words, effective teachers can make the difference between a student rising to the top 25 percent of students and being consigned to the bottom 25 percent.<sup>120</sup>

Research has established that a highly effective teacher is the most important in-school determinant of a child's academic achievement—an impact that compounds over time.

Studies by Stanford University economist Eric Hanushek have quantified the impact a highly effective teacher can have on a student's future. Compared to a teacher at the median, or 50th percentile, of student achievement:

- A moderately better teacher, one ranked at the 60th percentile, will raise a student's lifetime earnings by \$5,300;
- A significantly better teacher, one ranked at the 69th percentile, will raise a student's lifetime earnings by \$10,600;
- And a highly effective teacher, one ranked at the 84th percentile, will raise a student's lifetime earnings by \$20,000;
- But an ineffective teacher, one ranked at the 16th percentile, will lower a student's lifetime earnings by \$20,000.<sup>121</sup>

This difference might seem small in the grand scheme of how much one person earns over their lifetimes, but multiplied over two-dozen students in a class, year after year, and compounding for each effective, highly effective, or ineffective teacher a student may have during their years in school, a highly effective, or ineffective, teacher can gain or lose students hundreds of thousands of dollars. As this paper noted earlier, teacher quality doesn't just affect individual students; it affects the entire U.S. economy, to the tune of trillions of lost dollars and untold lost opportunities for bountiful lives.

### EFFECTIVE TEACHERS ARE PARAMOUNT

Research has established that a highly effective teacher is the most important in-school determinant of a child's academic achievement—an impact that compounds over time.<sup>122</sup> Several years in an ineffective teacher's classroom can place a child several years behind grade level. For example, a 2006 study of the Los Angeles Unified School District (LAUSD) found that students assigned to a top-quartile teacher performed an average of 10 percentile points better than students assigned to a bottom-quartile teacher. At the time, the black-white achievement gap was roughly 34 percentile points—which means having a top-quartile teacher for three years in a row instead of a bottom quartile teacher would have closed the performance gap.<sup>123</sup> In the recent *Vergara v. California* case, Judge Rolf Treu cited a study concluding that Los Angeles students “who are taught by a teacher in the bottom 5 percent of competence lose 9.5 months of learning in a single year compared to students with average teachers.”<sup>124</sup>

As usual, what hurts all children hurts poor and minority children the most. Despite the many laudable and high-quality teachers who take the toughest jobs to serve the neediest children, poor, minority students tend to have less effective teachers than white students.<sup>125</sup> Economist Thomas Kane testified during the *Vergara* trial that black students in LAUSD are 43 percent more likely and Hispanic students are 68 percent more likely than white students to be taught by a teacher in the bottom 5 percent.<sup>126</sup> In other words, our education

system often harms kids' economic prospects, and especially harms the economic prospects of the poor and minority children who desperately need the opposite.

Parents aren't the only individuals in education who deserve choices. Teachers and school leaders also deserve to control their own destinies. Despite the critical role teachers play in driving student achievement and lifelong success, current teacher policies prioritize everything except effectiveness, and greatly restrict personal and professional autonomy. If the U.S. education system treats parents as expendable, it treats teachers and school leaders as interchangeable cogs in a machine. That's demeaning and counterproductive.

### **RAISE ACADEMIC REQUIREMENTS FOR PROSPECTIVE TEACHERS**

In the United States, contrary to the practices of high-achieving countries, prospective teachers too often hold below-average academic records. The U.S. has historically recruited its teachers from the bottom one-third of college entrants, although this trend has slightly improved in the past few years.<sup>127</sup>

Several studies have cast doubt on the direct connection between teacher credentials or certification and student achievement<sup>128</sup>—an unsurprising development, as teacher preparation programs and state teacher certification standards vary in quality, and therefore so do the credentials and certificates they award.<sup>129</sup> We do know that higher-achieving teachers produce higher-achieving students.<sup>130</sup> To ask teachers to raise children beyond their own achievement ceiling is unfair to children and teachers. At the very least, state universities should require prospective teachers to have higher-than-average grade point averages and entrance exam scores.

The simplest way to cause this shift would see states ending mandates for teachers to earn education degrees, which would lift the teacher-prep monopoly. Likewise, states can repeal laws that tie pay raises to meaningless credentials, and schools can shift pay incentives and other benefits to reward a teacher's job performance. Reforming these incentives will save teachers—and taxpayers, as school districts often pay extra for more credentials—from paying

for expensive programs that do not improve student achievement, while improving the professional capacity of aspiring teachers.

### **OVERHAUL TEACHER PREPARATION**

Another way to improve the academic caliber of teachers is to require them to major in a content area, rather than in education. Research has found that while advanced education degrees generally have no bearing on teacher effectiveness, advanced degrees in specific academic disciplines do enhance teacher performance.<sup>131</sup> In other words, a master's in teaching may or may not improve teacher quality, but a master's degree in mathematics correlates with

Many teacher-training programs provide little practical or useful knowledge, thereby cheating the young people who enter them of time, money, and necessary job skills.

more effective outcomes for a math teacher than a teacher without a master's in that subject.<sup>132</sup> Studies show it is almost impossible to tell if a teacher will be effective before he or she enters the classroom, yet teacher preparation programs continue to focus on academic preparation that is only loosely tied to classroom practice.<sup>133</sup>

Education-specific coursework requires both time and money: bachelor's of education programs take at least four years to complete (and often five, for student teaching) and a hefty price tag that can top \$200,000. Education schools are cheap to operate, yet squeeze so much tuition out of their captive buyers that they are often referred to as universities' "cash cows," which subsidize other departments.<sup>134</sup>

Many teacher-training programs provide little practical or useful knowledge, thereby cheating the young people who enter them of time, money, and necessary job skills. Seventy-one percent of preparation programs do not provide elementary teacher candidates with practical, research-based training about how to teach reading; 93 percent do not ensure a high-quality student teaching experience.<sup>135</sup> Surveys show that most

education professors don't think their job entails helping teachers be effective in the classroom, or giving them specific instructional strategies and knowledge. Instead, seven in ten think their job means preparing students "to be change agents who will reshape education by bringing new ideas and approaches to public schools."<sup>136</sup> It is a great waste of time and money, not to mention unjust and insulting, to force prospective teachers into costly, ideological training that doesn't benefit them or their students just to provide well-paid university officials a steady money flow.

Better to allow students to enroll in more challenging majors and hands-on, year-long teaching internships in which high-quality teachers provide mentoring.

### **EVALUATE PUBLIC TEACHER PREPARATION PROGRAMS**

Any teacher preparation program should prepare teachers to enter the classroom as effective professionals from day one. However, most states undergo no systematic review of teacher preparation programs other than those by outside research groups such as the National Council on Teacher Quality. This lack of transparency hurts districts during hiring decisions, since they have no

Any teacher preparation program should prepare teachers to enter the classroom as effective professionals from day one.

metrics other than past experience with graduates of a particular program by which to judge the quality of a school's graduates.

In Louisiana, the Teacher Preparation Program Assessment Model (TPPAM) introduced the use of student value-added data as a metric to evaluate the teachers that graduated from Louisiana programs.<sup>137</sup> Although TPPAM institutes consequences after several years of sub-performing teacher graduates, those penalties have been largely unnecessary; university alumni have pressured schools to fix or eliminate programs that are not up to par. It is no secret to superintendents which schools do not

produce high quality teachers, but this information helps them during the hiring process with another metric. Plus, TPPAM uses the same value-added formula that is used in Louisiana's teacher evaluations, so the results sync across systems.

A survey of school leadership also would shed some light on teacher preparation programs, encouraging lower-performing programs to improve or close. Instead of measuring these programs by metrics that don't matter—or, worse yet, not at all—states should find out if these programs have actually produced effective teachers.

### **REPEAL TEACHER CERTIFICATION MANDATES**

State and federal teacher certification mandates essentially establish a monopoly over entry into the teaching profession and teaching styles. Several studies over the last decade confirm the difficulty of identifying highly effective teachers before they have entered the classroom.<sup>138</sup> They also show that certified teachers are no better than uncertified teachers—little surprise, given the state of current teacher preparation programs—and that teacher certification tests are often set at a level appropriate for middle-school students.<sup>139</sup> With only a loose link between traditional certification programs and teacher quality, school districts have little information with which to pick their teachers, and career switchers have great disincentives to enter the industry.<sup>140</sup>

Rather than high barriers to entry and low barriers to retention, states should reform their systems to create low barriers to entry—such as criminal background checks and a college degree—but higher barriers to permanent retention. This strategy would evaluate teachers in the classroom based on their demonstrated ability to educate children, rather than largely meaningless pre-classroom academic qualifications. This doesn't mean people would enter classrooms with no qualifications, but that the market could learn and indicate what qualifications actually contribute to high performance, which would naturally attract prospective teachers to such programs. This revamped system would create a teacher training system that depends on individual choice and proven results—the opposite of what we have today.

## SET DISTRICTS FREE TO EXPERIMENT WITH TEACHER EVALUATIONS

Teacher tenure makes the entire process of teacher evaluation largely futile, even when evaluations include student data, as has become more common in recent years. Under the old type of purely qualitative evaluations, the National Council for Teacher Quality found that less than 1 percent of teachers were dismissed for poor performance.<sup>141</sup> But “value added” evaluations based on student data, which measure how much a student’s achievement grows, are hardly much better when they are centrally planned, cookie-cutter metrics which allow principals to abdicate responsibility for the results. After Florida engineered a new teacher evaluation system, 97 percent of teachers were rated “effective” or better. Under Tennessee and Michigan’s new teacher evaluation systems, 98 percent of teachers were rated satisfactory or better. This means, as American Enterprise Institute Scholar Rick Hess put it, “the enormous effort and expense invested in these teacher-evaluation reforms have thus far achieved next to nothing.”<sup>142</sup>

Centrally planned evaluation systems were an attempt to correct the consequences of monopoly education systems, where tenure eliminates consequences for low-performing teachers and parents are stuck in schools they did not choose. But like all the other regulations states impose on schools, value-added teacher evaluations are as effective as their design, quality of their student data, and the individuals who implement them. Indeed, state-mandated teacher evaluations are an intermediate Band-Aid to a system that needs surgery; if parents could truly vote with their feet, and school leaders had full control over selecting their staff, there would be no need for top-down, government-regulated job performance systems. Knowing that teacher effectiveness is the number one determinant of student achievement, schools would only keep teachers who got the job done.

It is also far harder for teachers to improve the scores of students who are already at the top. As a result, value-added evaluation systems tend to preference teachers who teach the lowest-performing students, while forgetting that we want all students to perform at high levels. Evaluation systems should take into account both growth and

actual performance of students, so they do not unfairly penalize honors and Advanced Placement teachers, or teachers in high-performing schools.

Like value-added data systems themselves, principals are good at identifying the top and bottom 10-20 percent of teachers in their school buildings, but less accurate in the middle of the range.<sup>143</sup> States should take a hard look at the effectiveness of top-down evaluation systems. School leaders need tools to support and improve their teachers, but, like essentially everything else in school buildings, it’s nearly impossible to micromanage these kinds of on-the-ground decisions from state capitols. On the other hand, meaningless evaluations that are hamstrung by lifetime job guarantees for teachers do a disservice to teachers and students.

## END LIFETIME JOB GUARANTEES

For most of us, the idea that we could never be fired regardless of whether we did our jobs well, or even did our jobs at all, would strike us as absurd. Easy-to-obtain tenure frustrates effective teachers too,

For most of us, the idea that we could never be fired regardless of whether we did our jobs well, or even did our jobs at all, would strike us as absurd.

discounting their hard work when a low-performing colleague next door faces no consequences. In 80 percent of states, teachers can earn permanent job status after only three years.<sup>144</sup> This kind of job security makes it almost impossible for school leaders to make appropriate staffing decisions—seniority rules everything, from school assignment to last in, first out policies that fire junior teachers first regardless of effectiveness.<sup>145</sup> Since students learn content year after year that builds on itself, teachers gain or suffer from the colleagues who taught their students in prior years. Plus, evaluations become even less useful after the teacher acquires tenure; principals have no incentive to rate teachers low if they cannot remove them, and when doing so can only spark conflict within their schools.



The low bar to acquire tenure juxtaposes against the unpredictability of early measures of teacher effectiveness.<sup>146</sup> When districts do try to remove ineffective teachers, the dysfunctional legal environment means that school leaders often don't consider it worth the effort necessary to fire one employee. Instead, districts often move problem teachers to the central office, where they bloat administrative staff and direct more dollars away from the classroom for their salaries.<sup>147</sup>

States should end tenure, and let schools establish employee contracts with teachers tied to performance metrics and school needs. Teachers should receive a fair hearing in the case of pending termination, but not a permanent guarantee of employment.

A school choice ecosystem sets teachers free from having few employment opportunities besides the local school district; if teachers don't like one employer, they can choose another without having to uproot themselves.

#### **END FORCED UNION MEMBERSHIP**

Half the states have already made the right choice and become right-to-work.<sup>148</sup> In education, teachers unions came to the fore in the early twentieth century, when the mostly female teaching workforce lacked employment rights and sufficient pay. But this is 2015. Federal employment laws have come a long way since the 1940s, and have filled the void teachers unions filled early on. A school choice ecosystem sets teachers free from having few employment opportunities besides the local school district; if teachers don't like one employer, they can choose another without having to uproot themselves. This situation empowers all school employees by giving them options, just like families. Under a system of free enterprise, teachers and families can cooperate and trade willingly for mutual benefit instead of being forced to work together because each has no other choice.

Even in right-to-work states, teachers who teach under collective bargaining agreements are often practically represented by unions to which they do not belong. Forced representation humiliates teachers, treating them like widgets rather than competent professionals fully capable of arranging their employment to their liking, as lawyers, doctors, and other professionals do.

Unions now use automatic paycheck deduction arrangements to keep their bank accounts full at the expense of their hostage membership. States that do not require union membership should eliminate automatic payroll deduction for union dues, and ban unions from spending dues on political activities. States should not carry water for unions, and should not bind teachers who are not union members to collective bargaining agreements. Unionized states should eliminate forced union membership of teachers altogether. Teachers unions have outlived their useful lives, and it's time to set teachers free.

#### **RESTRICT COLLECTIVE BARGAINING TO SALARIES**

One way to relieve the pressure against school boards to negotiate on behalf of taxpayers against the union that often elected them is for other states to follow Wisconsin's lead and restrict collective bargaining.<sup>149</sup> One estimate found that Wisconsin's Act 10, which limited collective bargaining to salaries only for non-emergency public employees, will save Milwaukee Public Schools alone \$1,588 per student by fiscal year 2020.<sup>150</sup> Another found that the savings from allowing school districts to shop around for health insurance plans rather than being forced into buying one from the union would be between \$68 million and \$143 million per year.<sup>151</sup> Even in right-to-work states, teachers are often left subject to collective bargaining terms even if they are not union members.

Such a law not only relieves districts suffering from overextended budgets, it removes from union reach myriad nitpicky rules such as classroom temperature, gag orders on school visitors,<sup>152</sup> limits on how often school faculty can meet, how large certain bulletin boards must be, etc.<sup>153</sup> Studies of union contracts in Boston, Milwaukee, Michigan, and New York City, among others, have found that

union contracts render school leaders powerless to make crucial decisions that would clearly benefit students.<sup>154</sup>

### **GIVE SCHOOL LEADERS CONTROL OVER THEIR STAFF AND BUDGETS**

Superintendents need the power to run their districts, and principals need the power to run their schools. If teacher quality directly impacts student success, and we hold principals accountable for school performance, it's hardly fair to give principals little to no control over who teaches in their building.

Principals need the authority to manage their staffs to create a school culture focused on improving student achievement. To do otherwise would hold them accountable without giving them control over the very thing that determines student success.

If teacher quality directly impacts student success, and we hold principals accountable for school performance, it's hardly fair to give principals little to no control over who teaches in their building.

Allocating dollars based on salaries rather than students means that principals can have discretion over as little as 5 percent of their budgets. Districts often budget using a “staffing by services” model, which is based on the number of children in each building multiplied by the number of adults. For example, a high school with approximately 400 students may get one assistant principal, two guidance counselors, five English teachers, six science teachers, and so forth. In this system, principals cannot swap out an English teacher for a science teacher to promote a science program, or do the opposite. They also cannot opt to hire one \$60,000 teacher to replace two \$30,000 teachers, or do the opposite. From a parent's perspective, this also reduces choices about what the child

might need because the principal doesn't have the control over his or her budget to respond to parent concerns.

Private-sector leaders make similar staffing decisions every day, but in our public school system these represent the exception rather than the norm. To allow school leaders to lead their buildings, they need the freedom to manage their budgets. Since principals are typically academic, not financial, leaders, districts should provide additional training, or even access to a chief financial officer. Smart financial decisions undergird good academics, and to pretend principals can improve student achievement with zero control over their budgets is unfair to school leaders, teachers, parents, and children.

### **AXE MEDDLESOME LAWS AND REGULATIONS**

States and union contracts micromanage personnel and operational decisions, such as the amount of lesson planning time, the number of school days in a year, and the number of hours in the school year. They also severely restrict hiring, firing, and other personnel decisions. “Lock-step” salary schedules, which pay for longevity and graduate degrees, prevent districts from making salary decisions based on any other criteria. They also tend to flatten out salary schedules so teachers get minimal increases every year—a few hundred dollars—but never really see their pay increase in line with inflation, let alone as a special reward for hard work.<sup>155</sup> The payout comes at retirement with a golden parachute, which only accrues to teachers who stick it out for at least seven years, and mostly benefits teachers who stay in the same school system for at least 30 years. This flat salary schedule and rich retirement plan encourages teachers to stay in the system, regardless of their motivation level and at great cost to districts in pensions.<sup>156</sup> It also discourages career switchers, or teachers who might want to teach for just five to ten years—both of which are common in the private sector, as people switch careers frequently.

State laws and regulations have become increasingly detailed about the general mechanics of running schools. For example, every state plus the District of Columbia has some requirement for the number

of school days, school hours, or both. These range from 170 days to 195 days, with varying numbers of hours based on grade level, days for professional development, and other nuances.<sup>157</sup> States should instead tie the number of school days to student achievement. If schools were held accountable for ensuring each student learns how to write a five-paragraph essay before progressing to sixth grade, for example, a school district could determine how many days it needed to ensure each student masters the task. Heavy regulation shuts parents out of school decisions as well. By taking away much of the district's ability to make choices, parents cannot help influence local school board decisions on such matters.

States should streamline their laws to address only the requirements that keep children safe and provide for the basic structure of a public education system. They should focus on holding schools accountable by a minimum standard after which the school will be closed, restructured, and/or its students given the option to attend another private or public school. Details like how, when, and where to teach students and pay teachers should remain the province of the adults we have tasked with the job—namely, superintendents, principals, and teachers. Instead of regulating how many minutes a day Johnny spends learning math, we should evaluate whether Johnny can do math—and give schools the flexibility to get there.

### **ALLOW INNOVATION WAIVERS FOR STATES, DISTRICTS, AND SCHOOLS**

Federal and state law should allow for districts and individual schools to apply for relief from major mandates, such as annual tests of all students in certain grades and teacher evaluation requirements. Such applications should include a concrete plan for maintaining and accelerating student performance. This relief would free states and schools to, among other things, shift the overemphasis on reading and math scores once they have established that students are learning at high levels, and employ other valid metrics of student performance—such as passing the U.S. Citizenship Test, Advanced Placement, or International Baccalaureate exam results, post-graduation job placement, character qualities like persistence in the face of difficulties, impulse control, or honesty (all three of which

myriad businesses already screen for in potential employees), parent satisfaction, or other metrics yet to be discovered.

Some schools have already petitioned for such freedoms, and been denied. In Colorado, for example, one of the best-performing districts in the state requested permission to use reading tests that match their teachers' style of instruction. In the Douglas County School District, teachers disliked the state-mandated early reading tests, and preferred others. So the district uses both, which means they must administer one useless test and one useful test. They'd like to do away with the useless one. The state denied its request, despite the district's superior academic track record.<sup>158</sup>

Federal mandates for states to employ such tests have resulted in states reducing test quality to make student performance look better.

No one is happy with the current obsession with math and reading tests. Federal mandates for states to employ such tests have resulted in states reducing test quality to make student performance look better. They have caused schools to sideline instruction in other core subjects, including science and history, and have even prompted schools to reduce recess times and jettison art and music instruction. The annual testing cycle drives the school calendar to its detriment. In some schools, students take multiple tests per year—the state mandated spring assessment, the pre-test, the pre-pre-test, the pre-pre-pre-test, and so forth, until the school year cannot help but revolve around tests.

Yet, if we have swung too far in one direction, the pendulum started at the other extreme. The testing movement arose from a persistent failure to educate great swaths of America's children, most prominently in low-income, urban areas, and from perverse top-down accountability systems from Washington. But raising the bar for those left behind does not mean lowering it for everyone else. Benchmarking, which is how two different tests can be compared to each other, has advanced to let

states compare their assessments to each other and to common private-school tests without sacrificing accountability and transparency for parents. NAEP, a thirteen-hour test, is administered in one-hour sections to a sample population that produces an aggregate snapshot of state performance. In Florida, the annual evaluation of the Tax Credit Scholarship Program uses a list of nationally normed assessments, all of which can be compared to each other. Given the flexibility to innovate, states, districts, and schools will figure out a better way; lawmakers should provide an out so they can.

The federal government is not good at managing teachers—federal bureaucrats never enter classrooms, except for photo ops, nor should they. The people managing and training teachers should be those who actually oversee teachers directly.

### **ELIMINATE FEDERAL TEACHER REQUIREMENTS AND SPENDING ON INEFFECTIVE TRAINING**

ESEA provides roughly \$3 billion through Title II for teacher training and development—dollars tied to regulatory, inputs-based metrics that have little connection to actual teacher quality, and bind the hands of school districts to support highly effective educators.<sup>159</sup> Likewise, the federal definition of “Highly Qualified” teachers bears no correlation to actual effectiveness, but sets up a series of time-wasting hurdles for teachers and districts to jump. The federal government is not good at managing teachers—federal bureaucrats never enter classrooms, except for photo ops, nor should they. The people managing and training teachers should be those who actually oversee teachers directly. These funds should either be eliminated entirely or folded into non-restrictive block grants back to the states.

### **ELIMINATE MOST CURRICULUM MANDATES**

It is completely reasonable for states to require that all children within their borders learn to read, write, do basic math, and study American history and government for at least one year in both K-8 and high school. Many state constitutions require schools to diffuse learning for the sake of helping parents and communities cultivate self-governing citizens, but they do not define every class every child should take towards that end, and neither should Washington—in fact, the federal government shouldn’t touch curricula with a ten-thousand-foot pole. That means it should not only restrain from specifying or overseeing testing content, it should not fund curriculum development, and it should not give states money in exchange for them matching their education standards or tests to federally preferred templates—which the national government has done, inappropriately, and which paved the way for federal “endorsement” of national Common Core standards.

States should also reform their education policies and agencies to reverse the existing structures that “greased the skids” for quickly nationalizing Common Core curriculum mandates and tests with nearly no voter or parent input. For example, states should ensure a transparent and public process that allows proper vetting of standards before state decision makers enact policies that may negatively reverberate through the system. Eliminating federal oversight, funding, and influence over curriculum, standards, and tests through federal grant programs will go a long way towards restoring a proper balance, but states should also consider releasing private schools from centralized curriculum and testing mandates, with or without participation in private-school choice programs; reducing state education department authority and personnel; and more closely scrutinizing federal funds, to free themselves of the accompanying chains.

## CONCLUSION: THE TIME IS NOW

This paper provides a framework to bring about a revolution of change and innovation in our schools and classrooms nationwide. It comes at a critical moment—when demographic changes will place that much more pressure on our education system to perform to its full potential.

The ongoing retirement of the Baby Boom generation presents challenges to policy-makers on many levels. With an average of 10,000 Americans turning 65 every day from now through 2030, federal, state, and local governments will face new fiscal challenges associated with providing health and retirement benefits.<sup>160</sup> Our country also faces a workforce that will not grow as quickly as it did in decades past, and in some states may actually shrink—putting more pressure on the next generation of workers to become as productive as possible.

Our nation faces numerous imperatives to at long last bring its educational system into the 21st century. A stronger economy from a more educated and productive workforce will not solve all our fiscal problems, but will help reduce them. Achieving that growth—keeping pace with, and

exceeding, our competitors—means equipping our next generation with the tools and skills they need to succeed in a new global economy. But with state budgets facing a squeeze, as Medicaid and health programs put pressure on education spending, governments cannot afford to spend dollars wastefully on failed schools and programs.<sup>161</sup>

Over and above the economic and fiscal imperatives, however, our nation faces a moral imperative to provide a quality education to each child—regardless of neighborhood, race, gender, income, or creed. The urgency of that imperative should remain on the shoulders of every parent and policy-maker—from the local school board to the White House—compelling reform forward. Our nation's children are too special to let the status quo stand by any longer.

This report provides a call to embrace an opportunity to change. We hope those of all political stripes embrace that opportunity—and in so doing, provide better educational opportunities to future generations of Americans.



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