

ence and the DLC's Third Way event showcased a new generation of center-left leaders who have abandoned the left's traditional reluctance to use force and are determined to meet the challenges of economic globalization and regional turmoil. Now, more than ever, the Atlantic Alliance is America's most important asset in shaping the world of our future.

Counterpunching on School Vouchers

Access and Accountability Are the Keys

The last week of April was pretty gloomy for defenders of the public education status quo. Business executives Ted Forstmann and John Walton formally unveiled their Children's Scholarship Fund, a philanthropy that will pay for the private education of some 40,000 low-income children. More than 1.2 million poor families have applied to participate in a lottery for these privately funded vouchers. Meanwhile, the GOP-controlled Florida legislature enacted Republican Gov. Jeb Bush's proposal to create state-funded private school vouchers for poor families whose local public schools earn failing grades on state assessments. The other Bush brother, GOP Gov. George W. Bush of Texas, and GOP Gov. Gary Johnson of New Mexico are pressing hard to win passage of similar legislation in their states. New York City Mayor Rudy Giuliani formally sought public funds for private school vouchers in his budget proposal. Finally, in Michigan a citizens' initiative to authorize vouchers secured enough signatures to earn a place on the ballot in 2000.

The guardians of the educational status quo have won a few battles but are in danger of losing the war. America's great tradition of universal public education is hanging in the balance.

The public response to the Forstmann/Walton initiative was a thundering vote of no-confidence in the nation's public schools, especially in the inner cities. It and the growing momentum for vouchers in various states show that many Americans have abandoned hope that public education can be reformed.

The developments of late April should be a wake-up call to liberal Democrats who have blocked, watered down, or gummed up reforms such as charter schools and other types of public school choice, higher stan-

dards and an end to social promotion for students, and accountability for teachers and administrators. The guardians of the educational status quo have won a few battles but are in danger of losing the war. America's great tradition of universal public education is hanging in the balance.

New Democrats should continue fighting to make all public schools high-performance institutions, especially the citadels of failure and despair masquerading as schools in many inner cities. Here's a specific suggestion: When someone introduces voucher legislation in your state legislature or city council, urge your representatives to offer an amendment that would require participating private schools to (1) open their doors to all children in the community and (2) meet or exceed specified performance benchmarks to continue receiving taxpayer funds. (Indeed, that latter provision should apply to all state-supported schools, public and private.) Such an amendment would effectively turn voucher-supported private schools into public charter schools.

A public school is not defined by who "owns" it, but rather by two features: universal access and accountability to the public for results. We don't care whether public schools are run by a local school board, a group of parents, a teachers union, a Fortune 500 company, or the Little Sisters of the Poor. Indeed, many existing charter schools are run by parents' groups and other private entities that must abide by performance contracts and non-discrimination laws in exchange for public money.

"Access and accountability" amendments to voucher bills would make the following points crystal clear to school operators: If you want taxpayers' money, then you can't pick and choose from among taxpayers' children *and* you have to guarantee taxpayers a solid return on their investment. This will make perfect sense to most voters and even to some voucher proponents. After all, parents and taxpayers would be livid if they discovered that their local government bought a computer system or hired someone to fix leaky roofs without a contract that spelled out what the recipient of the public money was supposed to do. But that's exactly what most voucher plans are — no-strings-attached contracts with government vendors for the provision of a vital public service. The simplest way to construct an access-and-accountability amendment would be to use language from a strong charter school law. Minnesota's is a good example.

Many voucher proponents (and private schools) will scream bloody murder over access-and-accountability amendments to their bills. Fine. Let's separate the sheep from the goats on education; let's find out who's really interested in improving student achievement and who's interested in simply gutting public education.

Democrats and others who attack vouchers and defend dysfunctional public schools are getting clobbered. It's time for supporters of high-performance public schools to get into the ring and start counterpunching. ♦

10/15/99

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Making Choices that Matter

I have watched with interest the debate on vouchers and have raised my own voice on the subject. However, of late I think that most of the discussion misses the bigger picture.

Those who are against vouchers cite the potential damage to public education and the whole fabric of a common society they might cause, the constitutional questions they raise, and the questions of fairness that they create. Those who favor vouchers speak of their belief in the power of the market to reform education, the right of parents to choose where their children go to school and the necessity for creating an avenue of escape from failing inner city schools for children. Both sides of the argument have merit, but all seem to be missing the fact that we do not have a dual system of education in America with the private schools on one side of the divide and public schools on the other.

American education is essentially divided into at least four different systems, and it is only by understanding this that one can begin to view the voucher issue realistically. There are four quadrants of schools. On the right side of the divide you have privates and on the left publics, but within each system there are two very different kinds of schools.

Private schools are really the high-end day school and boarding schools where the economic elite who choose private education send their children. They are the schools such as St. Albans or Sidwell Friends School where the Gores and Clintons educated their children at price tags of ten, or fifteen thousand dollars a year. Or they are the schools like Choate or Phillips Exeter where other elites such as the Bushes boarded their children. Since they are boarding schools, the cost is even higher.

At the other end of the spectrum one finds Parochial Schools. I would include in this group the non-Catholic religious schools run by Protestant groups or even some of the storefront schools run by ethnic groups who have a political theme that they wish to promote. These schools also charge tuition but the rates are much lower—two or three thousand dollars a year. Often the parents have to invest “sweat equity” through volunteering and fundraising, to keep these schools going. You might say that these schools are really poor private schools.

What both types of schools have in common is that in most cases they are selective in whom they accept and whom they keep as students. Students with serious learning or behavioral problems are rarely accepted or retained for any significant period of time.

On the other side of the line are the public schools. They are technically open to everyone and have a broader, more inclusive philosophy. They, too, are divided into two groups. One group consists of those schools that serve poorer neighborhoods be they urban or rural. They are typically funded at lower levels and serve student bodies who, because of their impoverished social circumstances, tend to present greater learning challenges.

The other group of public schools can best be described as “privileged.” They are public, but they exist either in communities where one must buy into expensive homes to access the schools, or they are magnet or special schools that have been created to cater to a more selective group of students by virtue of interest or talent. They tend to be funded at much greater levels, have the best of teachers and leaders and produce excellent graduates who fare well in college and later in life. In fact, their graduates are competitive with, or superior to those coming from the private schools previously mentioned.

And there is the point. The reality is that the schools in the top two quadrants (private and privileged) are much more similar to each other than they are to the schools in the bottom

quadrants (parochial and poor publics.) Likewise, the two on the bottom are really more alike than they are to their better off sister schools. What we have created in America is a two-tiered system of schools that are based on income and family circumstances—the level of funding they have-- and not on the source of the money receive.

That takes us to the current voucher discussion. While vouchers (or the more currently politically attractive term, “scholarships”) are promoted as parental choice, they are still dependent on the schools accepting the voucher. Further, most of the vouchers are so modest in value as to limit which schools can be accessed. The reality is that unless schools are obligated to accept any child who has a voucher, it is not really a parent choice plan—it is a school choice plan. And unless the voucher will cover the costs of educating the child, it will not be attractive to the school. The truth is that wealthy private and privileged public schools will not accept students who are difficult to educate. Parochial schools might. So all the current voucher plans under discussion are really plans to move poor children from poor public schools to poor private schools.

If we are really serious about creating a market-driven system of parent choice, we will have to develop a voucher plan that carries significant tuition credit—ten to fifteen thousand dollars at least so wealthy private and privileged public schools have an incentive to accept poor students with greater learning needs. And we will have to regulate private and privileged schools so that they have to take voucher-bearing students regardless of their abilities, if we are really to give parents options. To date, no voucher program has addressed the reality of multiple systems of education based upon income. We are faced with politico’s promoting a voucher system that moves poor children from one kind of poor school to another but not to schools that their own children attend. That is, at best, a very poor choice for all of us.

Paul D. Houston

Executive Director

American Association of School Administrators



Andrew Rotherham <arotherham@netzero.net>

10/06/99 10:58:47 PM

Record Type: Record

To: Andy Rotherham/OPD/EOP

cc:

Subject: Fw: [eddra] SOCIAL, ECONOMIC MAKE-UP OF COMMUNITY, NOT CHARTER, IS KEY DIFFERENCE BETWEEN PRIVATE, PUBLIC ELEMENTARY SCHOOLS

-----Original Message-----

From: Jimmy Kilpatrick <eddra@egroups.com>

To: Jimmy Kilpatrick@EducationNews.org <JimmyKilpatrick@EducationNews.org>

Date: Tuesday, October 05, 1999 10:06 PM

Subject: [eddra] SOCIAL, ECONOMIC MAKE-UP OF COMMUNITY, NOT CHARTER, IS KEY DIFFERENCE BETWEEN PRIVATE, PUBLIC ELEMENTARY SCHOOLS

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SOCIAL, ECONOMIC MAKE-UP OF COMMUNITY, NOT CHARTER, IS KEY DIFFERENCE BETWEEN

PRIVATE, PUBLIC ELEMENTARY SCHOOLS

Case study findings challenge conventional wisdom that private school practices

are superior to public school practices

Washington, D.C. - Current policy debates about education are missing the most

important reform issues by focusing on school quality based on its public or private charter, according to a report released today by the Economic Policy Institute (EPI). The most significant variations in schools are the social, cultural, and economic differences between communities, not between public and

private schools in the same community, the report finds.

In Can Public Schools Learn From Private Schools? (co-published with The Aspen

Institute's Nonprofit Sector Research Fund), EPI Research Associate Richard Rothstein, Stanford University Professor Martin Carnoy, and Luis Benveniste of

the World Bank, report on case studies of eight public and eight private elementary schools in California to determine whether there are any identifiable and transferable private school practices that public schools can

adopt to improve student outcomes.

The private school practices examined in the report include accountability to

parents, outcome expectations, clarity of emphasis on both academic and moral

objectives, and teacher selection and retention policies. The report finds that the inner-city private schools shared more in common with public schools in low-income communities than with affluent suburban private schools. Suburban public schools shared more characteristics with suburban private schools than with urban public schools.

Despite commonly held generalizations about the superiority of nonprofit, private school practices, the authors made the following discoveries among public and private schools surveyed within the same community:

- Private elementary school personnel are not necessarily more accountable to parents than are public elementary school personnel.
- Private school outcome expectations for students are not more clearly defined than are public school outcome expectations.
- Private elementary schools do not necessarily aim to produce higher nonachievement outputs - behavior and values, for example - than do public elementary schools. Moreover, private schools do not always allocate a higher proportion of resources to these nonacademic objectives than do public schools.
- The report found no school, public or private, where formal evaluation, supervision, or mentoring of teachers was a meaningful indicator of variation.
- Private school innovations do not in every case stimulate improved practices at the public schools with which they compete.

These observations could have important implications for those who champion "choice" in public education as the basis for improving academic achievement.

The authors find that a much greater complexity of factors must be considered when developing "fixes" for our nation's schools.

"We found both public and private schools that had greater or lesser parent accountability, more or less well-defined expectations and student outcome goals, more or less emphasis on nonacademic goals, traditional or less traditional curricular materials, more or less rigorous teacher selection and retention policies," according to the report. "Schools learn from each other, whether they are public or private."

The Economic Policy Institute is a nonprofit, non-partisan think tank founded in 1986.

Richard Rothstein is a research associate of the Economic Policy Institute, a contributing editor of The American Prospect, and an adjunct professor of public policy at Occidental College. Recent publications include The Way We Were? The Myths and Realities of America's Student Achievement, and Where's the Money Going? Changes in the Level and Composition of Education Spending 1991-96.

Martin Carnoy is professor of education and economics at Stanford University. In the area of education, he is author of *Schooling and Work in the Democratic State*.

Luis Benveniste is an education specialist at the World Bank. He has conducted research on formal and informal school accountability mechanisms in public and private schools.

Can Public Schools Learn From Private Schools? is co-published by EPI and The

Aspen Institute's Nonprofit Sector Research Fund. The full-text of the report

is available online at The Aspen Institute's Nonprofit Sector Research Fund. Call 1-800-EPI-4844 to order copies at \$13.95 each (plus shipping).

Forwarded by

Jimmy Kilpatrick

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Paul T. Hill
Daniel J. Evans School of
Public Affairs
The University of Washington
May, 1999

SCHOOLS, GOVERNMENT, AND THE FEDERAL ROLE IN EDUCATION

The action in Kurt Vonnegut's novel *Cat's Cradle* is driven by an effort to protect the world from *ice nine*, a form of water that is solid at high temperatures. Normal water is transformed into *ice nine* upon contact, so that a drop of it can freeze an ocean and an animal that drinks or breathes it is instantly frozen solid.

Has the federal government been the *ice nine* of K-12 education, inexorably transforming public schools from intimate community assets into complex, impersonal, rule-driven institutions? This paper will argue in the affirmative. Contact with the federal government has not transformed schools as absolutely, or to as disastrous an extent as Vonnegut's book portrays contact with *ice nine*. But many of the weaknesses of today's public schools are caused by their forced adoption of attributes common to bureaucracies and regulated industries, and not previously common to schools.

This paper argues that the federal government can eliminate the aspects of its program that weaken schools without abandoning its commitment to equal educational opportunity for poor, minority, and handicapped children. Federal policy can be rebuilt on the premise that no program or rule must burden schools if there is any other way to reach a public objective.

Since enactment of the Elementary and Secondary Education Act in 1965, federal programs and related state and court actions have made schools more like standard government institutions in three ways, by forcing schools to:

Become operators of programs and appliers of rules, rather than intimate communities;

Cope with a complex political environment engineered by courts, bureaucracies, and legislatures;

Operate under constraints imposed by flawed proxy measures of equity that facilitate government oversight but interfere with effective instruction.

These government-imposed preoccupations differ from schools' specific mission, which is to instruct, inspire and nurture children. Are government and good schools completely incompatible? This paper will answer no, schools can certainly be both public and good. However, we Americans have now gone too far in patterning schools on other government institutions, and are paying the price, as public schools become more formal, politicized, and regulated, and less effective.

The federal government had good reason to become engaged with the public schools when it did, in the aftermath of the *Brown* decision in 1954, and not all the consequences of government involvement can or should be reversed. Before the federal government accepted a role in K-12 education, schools in white areas had no obligation to admit African-American students or anyone else who was "different." Schools could readily give up on children who were slow to learn, and severely handicapped students could be excluded altogether. Federal intervention in K-12 education has made it illegal (if still not rare) for schools to discriminate on the basis of color, and to exclude handicapped students. These gains are real and no one suggests that America reverse them now.

But has federal policy made the *schools* better, i.e. has it improved the average quality of schools available to the children that attend them? The answer is surely not a clear "yes." Government has succeeded in what it can do best, which is to create broad movements, make investments, and redistribute opportunities. But it has not succeeded in doing what it is seldom good at, which is to create intimate, imaginative, and highly productive institutions.

Good Schools and Government

Good schools are intimate places, where teachers and other adults stand in for parents, but with a special responsibility to make sure children learn things they will need to function as adults. Schools have definite ideas about what students should learn at a particular time, and most assume that groups of children can learn together.

However, recognizing that every child develops at her own rate – and that a child who has mastered one set of skills can struggle with another – good schools leave room for individualization. Because it is impossible to anticipate everything necessary to help a child or a group of children learn, good schools are flexible. Neither students nor teachers

can be programmed in advance. Schedules and job descriptions cannot prevent a school, or an individual teacher, from doing whatever is necessary at the time. Though no school can do everything, a good school is flexible and it deploys its staff members to the best advantage of students. To the degree possible, every child gets access to the teacher or instructional experience that she needs at a particular time.

No good school ignores a child because of her race gender, or physical abilities. However, no school is good just because it does not discriminate or promote invidious relationships among people. A school is good because it nurtures and guides all children and teaches effectively.

People who, like the present author, attended both public and Catholic parochial schools, are often struck by two competing perceptions. First, on average, Catholic schools now have higher academic standards and are more communal, focused on instruction, and coherent than public schools. Second, Catholic schools are not much different now than they were 30 or 40 years ago when most people considered them mediocre. How to reconcile these perceptions? The answer is that the Catholic schools have stayed roughly the same, or improved slightly, while public schools have declined.

Some contrasts between today's Catholic parochial schools and their neighboring public schools illustrate the ways in public and Catholic schools now differ.¹

Catholic schools have missions stated in terms of the kinds of the knowledge, skills, and values of the graduates they intend to produce. Public schools are organizations that run externally-mandated programs.

Catholic schools recognize the differences among children but regard these differences as at most temporary impediments to the student's learning the knowledge, skills, and habits that the school intends to impart to all students. In contrast, public schools classify students as handicapped, language minority,

¹ See, for example, Coleman, James S. and Thomas Hoffer, *Public And Private High Schools : The Impact Of Communities*, New York : Basic Books, 1987., and Bryk, Anthony S., Valerie E. Lee, et. al, *Catholic Schools and the Common Good*. Cambridge MA, Harvard University Press, 1993; Hill, Paul T., Gail E. Foster, and Tamar Gendler, *High Schools with Character*, Santa Monica CA, RAND, 1990; Crain, Robert L., *The Effectiveness of New York City's Career Magnet Schools*. Columbia Univ., New York, NY. Institute on Education and the Economy, 1992; Gamoran, Adam, "Do Magnet Schools Boost Achievement?" *Educational Leadership*, v54 n2 p42-46 1996); and Hill, Paul T., Lawrence Pierce, Paul Schneider, and Sara Taggart, *Schools' Integrative Capital*, Seattle, University of Washington Center on Re-Inventing Public Education, 1998.

gifted, etc. and offer distinct programs of study for different categories of student.²

Teachers and administrators in Catholic schools are jointly responsible for the school's results, while public school teachers and administrators are responsible for their specific personal tasks.

Staff members in Catholic schools are employees while staff members in public schools are civil servants who work under formally written job description and collective bargaining agreements that spell out everything from hours of work to what students they can serve.

The point of these contrasts is not to praise Catholic schools but to trace the effects of government on public schools. Before federal elementary and secondary education programs were enacted, public schools had far fewer separate programs. Children were not classified according to guidelines set by regulators outside the school, and schools did not have to compete for teachers' allegiance with external funding sources, administrative units, or unions.

Not all of the policies, programs, rules, and contractual provisions that have weakened schools were initiated by the federal government. Some are the results of litigation, some come from collective bargaining, and some come from state laws established in imitation of federal statutes. However, it was federal government programs and initiatives that introduced the idea that government could act on some parts of schools and not others, introducing programs for some children and not others, different rules to control the work of different teachers, and central office coordinators who would choose and supervise some teachers.

All major federal initiatives in K-12 education stemmed from the *Brown* decision, which first construed school enrollments as state action and established that discrimination denies children their rights under the 14th Amendment. Though many federal policymakers have understood that non-discrimination does not in itself make a good school, most major federal programs started as anti-discrimination measures. The largest federal education program, Title I of the Elementary and Secondary Education

² Even today private schools use the concept of "disabilities" very sparingly because there is no government fiscal or regulatory structure to push them into classifying students. Nobody denies that there are children with special needs, and that they appear in all schools including private schools. But the label "special education" has now become so elastic that it now includes children who would, in the absence of a federal program, be assisted by their regular classroom teachers and never considered "different."

Act, was meant to overcome school districts' perceived habit of neglecting the needs of low-income and minority students. Federal programs for the handicapped and limited English speaking students were patterned after court orders resulting from lawsuits that alleged denial of equal protection of the laws. Aside from the large funding programs, the most conspicuous federal activity on K-12 education has been the enforcement of anti-discrimination statutes by the Office for Civil Rights. Though it has also mounted small programs intended to train teachers, conduct research, or develop new instructional methods, compared to the big group-oriented programs, these have received miniscule amounts of funding and have had short, uncertain lives.

Can we sustain our national commitment to equal educational opportunity for all without weakening schools? The final sections of this paper will say yes and suggest principles for a new federal role. The three sections immediately below will show how government policies have made schools more formal and complex; engineered political pressures that distorted schools' operations and priorities; and imposed requirements that facilitate oversight by legislatures, bureaucracies, and courts yet impede effective instruction.

FEDERAL PROGRAMS MAKE SCHOOLS FORMAL AND COMPLEX

The *ice-nine* of government policy has made it difficult for many schools to retain the characteristics of good schools discussed above. Public schools that receive federal funds are organized around programs, each designed for a given category of students; students are instructed accordingly. Teachers specialize, taking responsibility for particular instructional routines and for the students classified as needing or entitled to them. How did this happen?

Forcing Students and Teachers Into Categories

Until the 1960s, elementary and secondary education policy was considered “off limits” for the federal government. President John F. Kennedy strove to establish a program of general federal aid to education, but his effort foundered politically on the issue of whether Catholic schools would also benefit from federal funds. President Lyndon Johnson found a way to get around the church-state barriers, via a new theory of federal aid, the “child benefit theory.” Under this theory, the federal government could pay for services to children without increasing funding for schools. Thus, federal funds could benefit children in Catholic schools without supporting religious education. Under the same theory, federal funding for public schools could be shaped in ways that encouraged educators to place greater priority on the education of children who, because of their poverty, racial minority status, or other characteristics, had not been the primary concern of local schools.³

Under the child benefit theory, Title I was not designed to improve schools as wholes. It supported only extra services, or the purchase of equipment, for special programs for specified populations.⁴ Special staff members provided these services and used equipment paid for from federal program funds. Children for whom federal programs were not specifically intended were not supposed to benefit in any way from the goods and services thereby provided.

In the first decade of its existence, Title I was a clear political success, providing funds to every Congressional district and the vast majority of school districts, dominating

³ See, for example, Hughes, John F., and Anne O. Hughes, *Equal Education, A National Strategy*, Bloomington, Indiana University Press, 1972, ch. 2.

⁴ There were small federal programs intended to help schools and districts improve classrooms and teaching methods and, for a time, the federal government subsidized the training of teachers no matter where they chose to teach. But such initiatives lacked the political appeal of intervention on behalf of children who had suffered neglect or discrimination, and they were not nearly as stable or as well funded as the Title I-style programs.

the time and attention of local administrators,⁵ and generating research and publicity. Though the program's effectiveness in raising student achievement was not clear, its effects on changing patterns of service delivery were evident everywhere. Title I could not fund services for every disadvantaged child, and its services were normally focused on reading and arithmetic instruction in the lowest-income schools.

Title I also demonstrated the federal government's power, via threats to cancel grants that local schools had come to depend on, to force reallocation of state and local funds. School administrators who had resisted Title I as an unwarranted exercise of federal power were succeeded by people who bought into -- and became expert at administering -- federal programs.

Other federal programs have built on this politically successful model. ESEA now contains more than 60 programs in addition to Title I, funding services for students with limited English proficiency, Native Americans, migrants, and supporting school safety, magnet schools, diverse teacher training initiatives, and many other purposes. In the mid-1970s a major new program for the handicapped built on the Title I example, and the pre-existing Vocational Education program came to imitate it. To varying degrees, these programs all required separate and distinct services for their beneficiaries and forced equal use of state and local funds.

Federal programs were not the only acts of government that transformed schools. States enacted additional programs modeled on Title I, each targeted to a category of student, teacher, or service. State-funded programs often supported similar services for disadvantaged children in elementary and high schools not covered by Title I. Litigation in federal courts led to decrees affecting how schools are organized, staffed, and operated.

Contracts between school boards and teacher unions also contributed to the formalization of schools. At about the same time Title I and its imitators were changing the nature of schools, many local school boards found that they could no longer meet teacher unions' salary demands. They started to offer unions concessions over teacher

⁵See, for example, Hannaway, Jane, "Administrative Costs and Administrative Behavior Associated with Categorical Programs", *Educational Evaluation and Policy Analysis*; v7 n1 p57-64 Spring 1985; Hannaway, Jane, and Lee S. Sproull, "Who's Running the Show? Coordination and Control in Educational Organizations", *Administrator's Notebook*, 1978, v27 n9 p1-4 1978-79.

work rules, policies on teacher assignment, limitations on teacher responsibility outside their classrooms, and constraints on school principals' management discretion.⁶

Limiting Teacher Responsibility

Title I and subsequent federal programs introduced something that schools had never before encountered: programs and funds controlled outside the school, providing staff and equipment that are sent into the school to perform particular purposes.

This arrangement ensured that federal program funds could be tracked to identifiable adults, whose activities could be readily described to federal program auditors and evaluators. The down-side of this arrangement was that programs developed on a district-wide basis often did not consider the specific needs of individual schools. Specialized teachers might not use the same teaching methods and present material on the same schedule as regular classroom teachers. Principals and classroom teachers had no formal authority to demand that the specialists collaborate with them, though many did so successfully on their own.⁷

As the number of federal programs increased (and as state legislatures enacted additional programs patterned after Title I), schools (especially those in poverty areas eligible for several separate programs) were served by increasing numbers of specialist teachers who did not work for the principal and did not need to coordinate with regular classroom teachers.

Classroom teachers' responsibility for individual children's learning was diluted, as more and more of their students' instruction was provided outside the classroom and by others. A teacher who could not expect a child to attend her reading class every day -- and whose students might be confused by things they are taught elsewhere -- was not clearly accountable for what that student learned. Similarly, a principal who could not coordinate teachers' schedules and methods -- and had little to say about who was assigned to teach in the school or whether teachers who had become school mainstays would be abruptly transferred out -- could not be expected to run a coherent instructional program.

⁶ See McDonnell, Lorraine, and Anthony Pascal, *Teacher Unions and Educational Reform*. Santa Monica CA, RAND, 1988. See also McDonnell, Lorraine, and Anthony Pascal, *Organized Teachers in American Schools*, Santa Monica, CA, RAND 1979.

⁷For a detailed account of these problems and schools' responses see Kimbrough, Jackie, and Paul T. Hill, *Problems of Implementing Multiple Categorical Education Programs*. Santa Monica, CA, RAND, 1983.

In light of consistent research findings that disadvantaged students learn more in schools that are unified around a clear instructional mission,⁸ pressure to reverse the fragmenting effects of federal programs has been strong. Congress and Federal Title I administrators recognized this as a problem as early as the late 1970s, and progressively softened the requirement that program services be distinct and easily identifiable.⁹

However, the basic pattern was set. Simplification of Title I and other program regulations (starting with the Educational Consolidation and Improvement Act in 1980) has continued to the present time. Efforts to strengthen schools, however, constantly struggle against the centrifugal tendencies created by federal and state program requirements and work rules established in union contracts. Despite the many efforts to strengthen and unify schools, it is now virtually impossible to place all of a public school's administrators and teachers into the same boat. Different adults owe loyalty to different program administrators in the central office; many have work rules that limit their obligation to invest time in overall school improvement; and (despite the heroic voluntary efforts of many individuals) many have job security that allows them to resist school-wide improvement efforts that might require changes in their teaching practices.¹⁰

As schools are increasingly patterned by the *ice-nine* of government, they progressively lose their integrity as organizations.¹¹ Assets (staff members, equipment) are added to or subtracted from schools. Constraints in the form of new goals, performance quotas, testing programs, and regulations governing treatment of students and teachers, are imposed on schools by school boards, central office administrators, and

⁸ See for example, Newmann, Fred M., et. al., *Authentic Achievement: Restructuring Schools For Intellectual Quality*, San Francisco, Jossey-Bass, 1996; Coleman, James S. and Thomas Hoffer, *Public And Private High Schools : The Impact Of Communities*, New York : Basic Books, 1987., and Bryk, Anthony S., Valerie E. Lee, et. al, *Catholic Schools and the Common Good*. Cambridge MA, Harvard University Press, 1993; Hill, Paul T., Gail E. Foster, and Tamar Gendler, *High Schools with Character*, Santa Monica CA, RAND, 1990; Crain, Robert L., *The Effectiveness of New York City's Career Magnet Schools*. Columbia Univ., New York, NY. Institute on Education and the Economy, 1992; Gamoran, Adam, "Do Magnet Schools Boost Achievement?" *Educational Leadership*, v54 n2 p42-46 1996); and Hill, Paul T., Lawrence Pierce, Paul Schneider, and Sara Taggart, *Schools' Integrative Capital*, Seattle, University of Washington Center on Re-Inventing Public Education, 1998.

⁹ Le Tendre, Mary Jean, "Title I Schoolwide Programs: Improving Schools for All Children". *Journal of Education for Students Placed at Risk* v1n2 p109-11 1996.

¹⁰ See, for example, Muncey, Donna, and Patrick McQuillan, *Reform and Resistance in Schools and Classrooms: An Ethnographic View of the Coalition of Essential Schools*. New Haven: Yale University Press, 1996. See also Bimber, Bruce A., *The Decentralization Mirage: Comparing Decision-Making Arrangements In Four High Schools*. Santa Monica, CA RAND, 1994.

¹¹ For an account of the effects of these programs see Jackie Kimbrough and Hill, Paul T., *The Aggregate Effects of Federal Education Programs*, Santa Monica CA, RAND, 1980.

state and federal funding agencies. Staff members and students are brought into the school or taken out of it in pursuit of district-wide priorities, such as fulfillment of union contracts and maintenance of racial balance. New curricula and staff training programs are selected for whole districts and then infused into schools. Budget shortfalls are met by mandated district-wide reductions in school staffing or services, and the use of budget increases is also determined at the district level, in negotiations between the school board and teachers' unions.

People in schools still strive to make them caring and adaptive places that meet students' needs. However, teachers and principals must now negotiate their ways around rules, structures, and working conditions imposed by government. Whether or not government's initiatives were necessary at the time, they have certainly burdened schools.

FEDERAL PROGRAMS SUBJECT SCHOOLS TO POLITICAL ENGINEERING

Federal programs have deliberately put schools under new political pressures. On the assumption that past neglect of disadvantaged students was caused by local politics, in which their parents had few allies and little influence, federal programs tried to change the balance of local political forces. All large federal programs were expressly organized around constituency groups, helped parent groups organize, and gave parents official roles in school decision-making. Some gave parents new access to judicial remedies, on the assumption that the ability to threaten litigation would increase their influence on schools. Most tried to colonize state and local education agencies with individuals paid to advocate for compliance with federal program rules. As a result teachers are sometimes forced to treat students differently, depending on their links to organized external groups that have been set up and empowered by government actions. Many school principals' jobs have been changed, from the managers of small productive organizations to brokers among well-established interest groups and coordinators of compliance processes.

Schools were never without their politics. Even in private schools where government has little influence, different parents sometimes make competing demands, and the way these are resolved can affect teacher actions and student opportunities. Donors have influence. Staff members can disagree, and even form competing factions, about the relative importance of arts and sciences, or athletics versus academics. Individual staff members can also compete for approval, status, or good job opportunities.

However, in those situations, people's interests and their influence are defined within the school community. Federal programs, court orders, and regulations have deliberately sought to re-engineer the politics of individual schools, increasing the leverage exercised by certain groups within the school and creating leverage for outside groups that previously had no standing in school decision-making. The consequence is that individual schools operate in a far more complex political environment now than before ESEA was first enacted.

Federal Programs' Focus on Constituencies

Like other Great Society programs, Title I was founded on a political argument that state and local education politics favored the white middle class and excluded the poor and minorities. In order to help low-income and minority students, the federal government would have to over-ride, and ultimately alter, the innate bias of state and local politics. Title I therefore required that federal funds be tied to easily identified objects or services, and that those assets be used only for the benefit of individual children deemed eligible under federal rules.¹² In the face of evidence that some localities, especially in the South, resisted using federal funds in these ways, the Office of Education created increasingly stringent program rules. These required localities not only to use federal funds as intended, but also to show that as much state and local money was spent on disadvantaged students as on other pupils.¹³

This evolution of the federal role was strongly promoted by a coalition of U.S. Office of Education officials and newly burgeoning Washington based educational interest groups. As Halperin wrote approvingly in 1975: "ESEA has become a rallying point for those concerned about achieving full educational opportunity for specific segments of the population [leading to]...special programs for out of school youth...migrant workers...neglected youngsters and juvenile delinquents... handicapped children ... children forced to speak one language at home and another in the schools...preschool children...Now the social movements which spawned ESEA are merging with those demanding greater child development and day-care services...and have pushed through school lunch, breakfast, special milk, and related programs."¹⁴

¹²Federal policy in this regard was influenced strongly by University of Chicago professor Benjamin Bloom's research showing that disadvantaged children could benefit by "compensatory" (e.g. additional) instruction. On the influence of Bloom's work see Hughes and Hughes, *op. cit.* p. 43.

¹³ Washington Research Project, *Title I of ESEA: Is It Helping Poor Children?* New York, NAACP Legal Defense and Education Fund, 1969. See also Hughes, *op cit.* Ch. 2.

¹⁴ Halperin, *op. cit.*, p. 149.

Title I tried to create local bases of political and administrative support by building cadres of federally-paid compliance officers in state education departments and local school districts, and by creating low-income parent advisory councils that could veto school districts' plans for the use of federal funds. It also put pressure on state and local superintendents by requiring frequent public evaluations of program effectiveness. Pressure to demonstrate student learning gains led most states to focus their Title I money on children in early grades, where reading gains are easier to measure. Performance pressure also led the U.S. Department of Education to require "concentration" of Title I funds in local schools with the highest proportions of low-income children.

Politicization of Parent Involvement

Since the earliest days of Title I, federal officials have tried to stimulate creation of grassroots support groups for it and other programs like education of the handicapped and bilingual education. Influenced by War on Poverty empowerment strategies, federal regulation writers' preferred approach was to organize the parents of program recipients and give them veto power over local uses of program funds. This, it was believed, would insure that funds were spent on the right children. Federal administrators also encouraged formation of local interest groups of citizens and educators dedicated to the schooling of specified groups of children. The Title I program pioneered these approaches, but federal administrators of programs for handicapped children raised the creation of local support groups to a high art.¹⁵ Federal programs for the handicapped did more than organize parents; they also gave parents of handicapped children unique legal rights to oversee services proposed for their children and to bring lawsuits against school districts that did not offer what the parents thought their children needed.

Administrators of state programs followed suit. By the mid-1970s, the soft collaborative ideal of parental involvement in education had taken on a hard political edge. Localities where students were compelled to attend certain schools because of desegregation court orders tried to compensate by giving parents a chance to influence school programs. The idea of authoritative parent advisory councils influenced the "site based management" movement that started in Miami and was quickly adopted throughout the country. Teacher groups also demanded decision-making power. The idea of shared parent-teacher governance of schools reached its apogee in the 1988 Illinois State law on Chicago reform, which mandated elected local site councils to govern all Chicago schools.

¹⁵ See Hill, Paul T. and Ellen L. Marks, *Federal Influence over State and Local Government: The Case of Nondiscrimination in Education*. Santa Monica CA, RAND, 1982.

Some schools improved under this new politicization of parent and teacher involvement, but many did not. Many Title I parent advisory councils were inactive, and others were controlled by activist factions that less combative parents could not challenge. Other groups (e.g. parents of the gifted and talented) organized politically to protect their children's education in the face of the extraordinary legal leverage enjoyed by parents of the handicapped. As Bryk and others reported about the Chicago school reform, some schools changed dramatically for the better but the majority did not improve and many got dramatically worse as latent rivalries among parent and teacher factions came to the surface and dominated school life.¹⁶

Engineering New Leverage for Favored Groups

Until the mid- 1970s, federal programs had generally paid for all the activities -- services, purchasing, and administrative record keeping -- that they required states and localities to undertake. In the late 1970s, however, Congress and federal officials started exploiting all the leverage available to the donor of funds that the recipient has come to rely on. States and school districts that had become accustomed to receiving and using Title I funds found that new strings were attached. If they were to continue receiving Title I and other grant funds, they had to create new sports programs for women, make their buildings accessible to handicapped children, follow federal standards for equal employment opportunity, etc.

The most important unfunded mandate, the federal program for handicapped children (now called IDEA, The Individuals With Disabilities Education Act)¹⁷, created an *entitlement*, requiring that some students receive all the services they need regardless of the effects on other school or district activities or the needs of other students.

Unfunded entitlements strictly limit school leaders' ability to make judgments about services to children. The severity of the tradeoff between fulfilling entitlements and serving other students depends on the numbers of entitlees and the cost of their services. The numbers of disabled children range from less than 10% to nearly 20% of the students in some districts. Though services for children with the most common forms of handicapping conditions typically cost only 20 to 50% more than local average per-pupil

¹⁶ Bryk, Anthony S., *Democratic Localism: a Lever for Institutional Renewal*, Los Angeles, Westview Press, 1997.

¹⁷ Morrissey, Patricia, "The Individuals with Disabilities Education Act of 1997: Selected Observations", *National Association of Secondary School Principals' Bulletin*; v82 n594 p5-11 Jan 1998.

expenditures, services to more profoundly disabled or disturbed students can cost five to ten times the district average.

In the early days of the federal program for handicapped children, it was difficult to see the ways in which funding of special education services affected the regular school program. Extremely expensive were rare. In a school district serving 5,000 students, a \$50,000 placement for one student would require a transfer of at most \$10 (and probably far less than that) from the average amount available for the education of any other child. This deduction was difficult to observe, since cross-subsidies among groups of students were (and still are) created in the school district central bureaucracy, where parents cannot easily see them. However, as special education has grown and the numbers of students and handicapping conditions has increased, regular classrooms increasingly bear – and show - the cost of accommodations made.¹⁸

Unfunded mandates are a form of political engineering. They use the federal government's leverage as a donor – based on the implied threat to remove a grant on which the recipient has come to depend -- to give designated groups new claims on locally-funded services.

By the late 1970s the federal government enacted the biggest unfunded mandate of all, the Education for All Handicapped Children Act of 1975. That statute established a new civil right that was limited to a particular class of citizens. It required all school districts to provide "appropriate" services to all handicapped children, as defined by an individualized educational plan approved by parents and experts in education of the disabled. School districts were required to reconcile two quite different principles: to educate handicapped children in the "least restrictive environment" while providing any form of service considered necessary for the child's education. Parents who were not satisfied with a district's plans could seek redress in the courts, and school districts were required to pay for any service or placement required (including, in some cases, placement in private residential facilities), whatever the cost.

The Education for All Handicapped Children Act did not derive from Title I but was based on court orders that had established new rules for the education of severely handicapped children in Pennsylvania and elsewhere.¹⁹ It established the principle that the federal government could make certain children the beneficiaries of an absolute

¹⁸As one superintendent said in an interview conducted for this paper, "If people knew how much special education drives a school system's budget, there would be a revolution."

¹⁹See *Pennsylvania Association for Retarded Children v. Pennsylvania*, 343 Supp. 279, 307 (D.D. Pa. 1972).

service entitlement -- an entitlement that was established without reference to the needs of other students or the budget priorities and tax capacities of states and localities.²⁰

Early supporters of the Education for All Handicapped Children Act claimed that the number of children requiring expensive special services was low, and that the financial impact on regular education would be slight. Critics feared that the demands of parents with severely handicapped children would escalate; others predicted that the numbers of parents seeking special accommodations for their children would increase and an alliance between these parents and handicapped-education providers would lead to uncontrolled expansion of special education programs.

Special education grew rapidly in the late 1970s and 1980s. Real school spending increased by 61 percent from 1967 to 1991. However, only about one-fourth of the increase was directed at "regular education." The share of expenditures going to regular education dropped from 80 percent to 59 percent between 1967 and 1991, while the share going to special education climbed from 4 percent to 17 percent. Of the new net money spent on education, about 38 percent went to special education for severely handicapped and learning-disabled children.²¹ Increasing numbers of parents sought individually tailored accommodations for their children, and the definitions of "handicapping conditions" proliferated. Virtually any child who had trouble learning to read or adjusting to the behavioral demands of schools could be considered handicapped and was therefore entitled to a special accommodation. Litigation on schools' obligations under the law also forced schools to accept responsibility for medical services (e.g. catheterization) and limited schools' ability to deal aggressively with disruptive student behavior.²²

Not every parent who wanted individualized treatment for his or her child was willing to accept the "handicapped" or "special education label." Thus, many parents and advocacy groups organized to seek special treatment for other children under such labels as "gifted" or "bilingual." The high water mark for such efforts was a proposal made by a Title I reauthorization commission in 1993, to give every child in the United States a judicially enforceable "opportunity to learn" guarantee. To date, no group other than the

²⁰ See Neal, David, and David L. Kirp, *The Allure of Legalization Reconsidered: The Case of Special Education*, Stanford Univ., Calif. Inst. for Research on Educational Finance and Governance, 1983, See also Hill, Paul T., and Doren Madey, *Education Policymaking Through the Civil Justice System*, Santa Monica, RAND, 1982.

²¹ See Rothstein, Richard and Karen Hawley Miles, *Where's the Money Gone? Changes in the Level and Composition of Education Spending*, Washington D.C. The Economic Policy Institute, 1995.

²² On rules for dealing with student behavior see Toby, Jackson, "Getting Serious about School Discipline", *The Public Interest*, 133, Fall 1998, p. 68-83.

handicapped has been able to gain an absolute entitlement to services.²³ Once organized for action, however, many of these groups were able to win political concessions from districts and schools.

By establishing that some students have more claims on political and legal protection than others, programs for the handicapped helped foster a virtually universal feeling among public school teachers and parents that they are not being treated fairly and that they must, therefore, look out for themselves. As Alfie Kohn has shown, many advantaged parents act on this feeling by using their influence and access to obtain the best placements for their own children.²⁴

For schools, as for communities, political engineering by outside parties can have disastrous consequences. Nobody knows what a group will do with new powers, or how groups will react to policies that afford advantages to their rivals. The local school or district is responsible for making realistic decisions about what can best benefit the most students and what accommodations for special needs are possible. However, if only one group has such an entitlement, district and school leaders face a different problem: they are obliged fully to satisfy the entitlements first and then fund the education of all other children out of what is left.

One thing is clear, however: politicizing school life draws attention toward the agendas of organized adult groups and away from the more mundane concerns of teaching and learning.

Colonization of Local and State Agencies

Local school systems, especially in large urban districts, depend heavily on federal funding to staff their central offices. Federal funds pay for major shares of most school districts testing and evaluation programs, teacher training programs, and purchases of equipment. Though they are generally not as dependent on federal funding as state departments of education, local districts are heavily influenced and constrained by federal programs and their resident managers. Federal program coordinators often resist local reform initiatives that increase individual schools control of funds, citing possible disruption of relations with the federal government, and possible job loss for

²³ The HEW Office of Civil rights did succeed for a while in creating an administratively-enforced entitlement to bilingual education, based on the principles established in *Lau v. Nichols*, 414 U.S. 563 (1974). *Lau* had force of law only in the defendant school district, San Francisco, but HEW applied the terms of the court order to school districts throughout the country.

²⁴ Kohn, Alfie, "Only for My Kid: How Privileged Parents Undermine School Reform", *Phi Delta Kappan*, April 1998, pp. 569-577.

specialists employed to deliver federal program services.

This situation is the result of a deliberate effort by federal program managers to colonize state and local education agencies. By offering to pay for staff members who would administer federal programs and manage federally-mandated compliance processes, federal programs like Title I and IDEA created new sources of leverage on schools' use of funds and distribution of services.

Ted Sanders' experience in Ohio shows how thoroughly colonized the states have become. When he became Ohio's Superintendent of Public Instruction in 1991, Sanders intended to make the state education department a force for school improvement throughout the Buckeye State. He quickly discovered, however, that he had practically nothing to say about the responsibilities of the over 600 employees who nominally worked for him. The vast majority of them were funded by federal programs -- Title I, programs for the handicapped, vocational education, etc., and had demanding oversight and enforcement duties. Those people were often the best-educated and most experienced employees of the Ohio Department of Education; most of the remaining employees were administrators and financial specialists, not people who could contribute to a statewide school improvement program.²⁵

As Table I shows, many state departments of education draw most of their funding from federal sources.²⁶ In many states, the only employees on the state payroll are those who work directly for the superintendent and those who collect funds from the legislature and write checks to localities. Though some states, notably Kentucky, have been able to steer their own courses independently of the federal government, many have no real agenda beyond keeping federal funds flowing.

Table I: Federal Share of State Education Agency Operating Funds in 1993

	All Federal Sources
All states	41%
Michigan	77
Iowa	71
Alabama	69

²⁵Governor's Task Force on Education, *Model for the Future...an Organization Study of the Ohio Department of Education*, Columbus, State of Ohio, 1991.

²⁶Data in the text are drawn from U.S. Department of Education (1998) *The Use of Federal Administrative Funds for Administrative Costs*: Washington D.C.: U.S. Department of Education, Planning and Evaluation Service.

South Dakota	62
Maryland	61
New Hampshire	60
North Dakota	59
Utah	59

Starting in the early 1990s, several states tried to reassert control of their departments of education, hoping to turn them into forces for general school improvement. Kentucky, Virginia, Illinois, Texas, and Ohio, were among the first to try to rehabilitate these institutions. In the mid-1990s, states that were committed to standards-based reform also tried to make their education departments into instruments for general school improvement (e.g. Washington, Maryland, Oregon, Missouri). Though some are starting to make progress, the continuing presence of many paid “colonists” from federal programs remains an obstacle.

Today’s chief state school officers are often experts in the administration of federal programs. Their delegate in Washington, the Council of Chief State School Officers, supports strong “categorical” regulations on the use of federal funds and opposes initiatives that would give individual schools greater discretion.

Local school districts are not as thoroughly colonized. The majority of central office staff members are still paid from state and local funds, and the superintendent is clearly more accountable to the local school board than to federal program managers in Washington and the state capitol.

However, colonization definitely limits the flexibility of local school districts. Many districts are unable to take full advantage of flexibility provisions recently written into Title I because their federal program coordinators insist on maintaining patterns of service that have withstood earlier compliance audits. Federal program coordinators also resist allowing schools to choose the teachers who will deliver federally-paid instructional services, and they control much of the money available for teacher in-service training. Though superintendents are often able to negotiate successfully for cooperation, they must treat their own federal coordinators as representatives of an outside power.

Such constraints on superintendents impede certain kinds of local school improvement initiatives. Superintendents often find that they cannot deliver on promises

to evaluate schools on the basis of productivity, not compliance. School leadership teams of teachers and administrators often find that promised “lump sum school budgeting” is not real, because teachers hired with federal program dollars are still controlled by central office coordinators. Philanthropists often find that schools cannot implement privately-funded reform initiatives because federal program operations cannot be changed to accommodate them.

Through these methods – creating new political leverage for selected parents, favoring certain groups in the competition for funds, helping potential interest groups to form and create agendas, and colonizing state and local education agencies -- the federal government created new forces to influence schools. By the same methods, federal programs have helped turn public schools into inflexible government institutions, forced to respond as much to political forces as to the imperatives of teaching and learning.

FEDERAL PROGRAMS EQUATE EQUITY WITH POOR PROXIES FOR IT

Forty-five years *after Brown v. Board of Education*, the 14th Amendment remains the basis of the federal role in education: virtually all federal programs and rules identify inequalities and attempt to remedy them.

Equity is the historic basis for federal initiatives in K-12 education. Before the *Brown* decision, many states and localities practiced discrimination and neglected the needs of minority students. Actions in federal courts, the enactment of Title I, and enforcement efforts by the U.S. Office of Education (predecessor to the Department of Education) turned American school districts around.

Despite these successes, equity has often proven to be a problematic basis for action. Equity in education is difficult to identify. Because different children need different instructional experiences, identical treatment, or identical levels of expenditure, are not always equitable. Teachers are not commodities, and a few minutes with one may benefit a child more than several hours with another. Some children learn a great deal from books, while others are inspired by contact with computers, and others respond best to a great deal of interpersonal “face time.”

Even an “identical outcomes” standard is not unequivocally equitable. Some children find it easy to attain high levels of skill in some areas (e.g. drawing, instrumental music, or dance) that others (for example, the present author) could never attain. Would it be equitable to require schools to teach all students to the same level of proficiency if that meant that the most gifted students would not fully develop their skills? Is it equitable or

inequitable to allow a student with low aptitudes in a given subject to neglect it in order to develop skills in an area where she has higher aptitude. Teachers and parents face such questions all the time, and try to resolve them in the best interest of individual children. No single equity principle can apply: What is best – equitable – in one case might not be equitable in another.

Formulas that define equity as universal attainment of certain minimum outcomes offer only a temporary escape from this conundrum. Ultimately, one must face questions similar to the ones raised above, e.g. is it equitable to accept a universal outcomes standard, no matter how high or low, if there is evidence that people who exceed the standard do better in jobs, further education, etc?

Inequalities such as those recognized by *Brown*, e.g. government policies expressly constructed to deny minority children access to publicly-funded schools, allow unambiguous remedial action. However, not every need and deficiency of schools can be approached effectively from this perspective. Some differences in student outcomes are caused by factors other than discrimination. Some educational failures affect every student in a school, district, or state, and cannot be addressed by interventions on behalf of a particular subset of students. Some educational problems require flexible and innovative solutions that must be crafted within the classroom or school.

Government does not fare well in the face of such complexity. Faced with the need to judge complex situations from a distance, government agencies and courts are forced to adopt relatively simple proxy measures for equity. To the degree that these practical definitions do not resolve puzzles such as those posed above, it is difficult for anyone to be sure that government has actually promoted equity.

Government programs and prescriptions can inhabit an unreal world in which contrary prescriptions can be smoothly integrated, adult tasks can be easily distinguished, and children can be easily classified. Teachers, students, and parents do not live in such a world.

Nothing about this analysis is news: government programs in all fields are forced to adopt measurable bases for action, and are liable to goal displacement if the proxies they use are bad. In education consistent use of bad proxies for equity can thwart efforts to make sure disadvantaged students get effective instruction.²⁷

²⁷State-level litigation about whether different groups were getting equitable shares of federal and state program funds also led to rigid court-imposed funding categories, so that districts and schools are forced to spend fixed sums for items like student transportation, even when they

Absent a sharp definition, equity has become defined in practice as a set of actions that are easily verifiable and that appear to create advantages for people who have received fewer resources, less attention, or attained poorer outcomes, than others. An activity can be considered equity-promoting whether or not it creates the greatest possible advantage per dollar spent, or benefits as many people as possible, or makes some people worse off in the course of making its direct beneficiaries better off. Federal programs are built this way. They can sometimes create equity, at least as measured by the government's chosen proxies, without creating all the intended benefits. For example:

Title I requires school districts to concentrate funds on certain schools, so that a low-income child in one school may get services while an equally low income child in another, higher-income, school does not.

Programs for education of the handicapped allow parents of individual children to press their demands in the courts, whether or not the benefits they gain are paid for by reducing expenditures on school programs that benefit poor, minority, or disadvantaged students.²⁸

Students classified as "behavior disordered" can be removed from classrooms only if their Individualized Education Plan" (IEP) is formally changed, regardless of whether they are learning in the class or the consequences of their behavior for other students.²⁹

Government civil right agencies will act against a charter school that enrolls handicapped children and does not provide the services specified in those children's Individualized Education Plans. This can happen even if parents chose the school expressly because they thought their children were being harmed by the public school district's special education program.³⁰

would prefer to use additional funds for teachers, instructional materials, etc. See, for example, Washington State Special Education Coalition vs. State of Washington, et. al. (known as the Doran Decision III). Thurston County Superior Court (WA), 1988.

²⁸ See Kimbrough and Hill, 1979, for evidence that some services for handicapped children are paid for by reducing what is provided to Title I-eligible students who are not also handicapped.

²⁹ For a discussion of the consequences of these requirements for handicapped children as well as for others see: Toby, Jackson, "Getting Serious About School Discipline", *The Public Interest*, 133, Fall 1998, p. 68-83.

³⁰ These results will be reported in a forthcoming University of Washington book on the results of a national study of charter school accountability.

Another example of an equity definition that does not benefit the children it is intended to protect: Title I and other federal programs require equalization of local spending per child before federal funds can be added on. But the proxies for equal spending they use do not challenge the biggest real source of local spending inequalities, which is the distribution of high-salaried teachers. As a proxy for equity, federal programs count the numbers of teachers in schools, not their real-dollar cost, so that the schools in the lowest-income neighborhoods, which attract the lowest-paid and least-qualified teachers, actually get far less than their share of funds.³¹

By convention, if not in reality, all procedures described above promote equity. But they may not do as much for those children as other arrangements that strengthen the schools they attend, or create significant movement toward the undefined but intensely desired goal of educational equality.

Using such proxies for equity places great emphasis on the rituals of compliance, not on problem solving. It is better suited to the protection of existing programs and the stabilization of adult working environments, than to finding solutions to the problem of how to improve education for the disadvantaged and handicapped.

A dialogue overheard by the present author illustrates how commitment to poor proxies for equity can act like *ice-nine* in schools. Two academics, one who had devoted his career to studying school desegregation, and another who had specialized in school effectiveness research, were asked to define a good school. The first academic replied, "A good school is one in which every person knows her rights and suffers no discrimination." The second academic replied, "a good school is a caring environment where the adults use all their knowledge and energy to find ways to help every student learn to high standards."

These definitions of a good school might be compatible, but their differences in emphasis are clear. Under the second definition, a school is a unique problem-solving organization unified by a commitment to helping all children meet a common standard. If it lives up to its commitments, it will not classify any child in an arbitrary way or give up on any student without first exhausting all the time, energy, and expertise available. Under the first definition, a good school is built around a set of rules intended to prevent discrimination. There is reason to question whether a school so constructed can teach any child to the limits of her ability.

³¹Haycock, Kati, "Eliminate Gross Disparities under Your Control", *School Administrator*, p30-31 May 1997.

Associating equity with specific regulations and processes makes federal programs difficult to assail, but it does not make them effective. It also impedes serious discussion about how best to use all the resources available for the education of disadvantaged children. From the standpoint of people who equate fairness with the proxies for it developed under federal programs, critics who propose changes in Title I targeting or decision-making processes, or current methods for determining handicapped children's placements, are by definition risking equity.

Government naturally deals with large issues, mass programs, and gross-grained oversight. It cannot, and generally does not need to, exercise fine-grained judgment about the activities of unique, intimate local groups. In trying to translate national objectives into education programs, government has entered into situations where doing good is very difficult. The methods of administration and oversight that come naturally to a government of continental scale require use of simplifications and proxy measures that match up poorly with the needs of schools. The results are all but inevitable: government is forced to use measures of merit that are only loosely related to its goals and schools are forced to do things that make them less effective.

After a brief section that attempts a balanced assessment of what the federal government has accomplished to date, this paper ends with suggestions about how changes in federal policy can help public schools thaw out after their exposure to government's *ice-nine*.

ON BALANCE: THE EFFECTS OF FEDERAL PROGRAMS

There is little doubt that federal initiatives in K-12 education have succeeded in making disadvantaged children the top priority at the national, state, and local levels. However, though federal programs have caused changes that helped low income and minority children, federal programs have often done harm to those same children's education -- and everyone else's -- by weakening the schools. They do so by diverting funds and energy away from regular instruction and toward special programs -- much as the child benefit theory anticipated and even ordained.

Public discourse about education has changed since the 1960s. No one seriously questions the importance and moral rightness of providing disadvantaged children with a fair opportunity to gain skills, stay in school, attend college, and achieve advanced training. School systems are now staffed almost entirely by people whose training is deeply influenced by values about education of the disadvantaged.

Changes in legal doctrines (e.g. the 1954 *Brown* decision and subsequent Supreme Court actions), and demographic changes that make business more dependent than ever on immigrants and native born minority workers, have also transformed national priorities.

However, the federal government has not been able to follow up its success in setting new priorities with effective action. Many of its programs and rules have, in fact, weakened schools by putting process before results, caused displacement of goals from serving students to guaranteeing administrative compliance, and weakened schools' ability to pursue effective instructional programs and solve the problems presented by their students.

No one intended these outcomes. In fact, the people who write and advocate for federal program regulations can often demonstrate that local educators do not recognize or use all the options they have and that the negative outcomes of federal programs result from choices that state and local educators make.³²

Federal programs have provided needed funds for many cash-strapped school systems but they have also set off chains of events that have weakened the very institutions on which all children, rich and poor, depend for their education. Federal programs did not directly cause the current unrest about public education. But they have contributed greatly to schools' loss of institutional coherence and educators' eroding sense of personal responsibility, which in turn led to pressure for new schools operated under new rules, the campaign for parental control via school choice, not political involvement, and the belief that public schools are not safe and caring enough.

The flight of middle and working class parents of all races from city schools,³³ and African American parents' growing demand for new options and the opportunity to send their children to private schools when nearby public schools are failing³⁴ have many sources. But it is hard to see how they would have happened to the current degree without the negative aspects of federal programs discussed above.

³² See, for example, Kimbrough, Jackie, *The Aggregate Effects of Federal Education Programs*, Santa Monica, Calif.: Santa Monica, RAND, 1981.

³³ Doyle, Denis P., *Where the Connoisseurs Send Their Children to School*. Indianapolis, IN., Hudson Institute, 1995.

³⁴ See, for example, Horowitz, Sari, Poll Finds Backing for D.C. School Vouchers; Blacks Support Idea More Than Whites. *The Washington Post*, May 23, 1998. See also Johnson, Jean and John Immerwahr, First Things First: What Americans Expect from the Public Schools, *American Educator*; v18 n4 p4-6,8,11-13,44-45, 1995

There are no villains here. One might blame the people who, in the 1960s and 1970s, were confident that the new federal initiatives would help the poor without harming anyone else (and would provide new advantages for poor children without simultaneously creating new obstacles to their education). The present author, whose work on the 1977 Title I reauthorization made a significant contribution to the regulatory structure of Title I, does not berate himself now for actions taken then, nor should anyone else. Yet, refraining from judging past actions does not justify persisting in the face of current knowledge about the harm done by many federal programs and policies. No one can claim that the current chaotic system of laws, regulations, constraints, and preferences is the best one that we Americans could design for our children.

How can the federal government maintain its commitment to improving education for the disadvantaged, while promoting, rather than interfering with, the improvement of schools? Though many localities would probably retain their current commitment to improving education for poor and minority children even if all federal programs were eliminated, some might not. Moreover, some localities, particularly the poorest rural areas and biggest cities, would have difficulty maintaining even the marginal quality of their instructional programs without continued federal aid.

The next section will suggest principles on which a more constructive federal role could be constructed.

TOWARD A MORE POSITIVE FEDERAL ROLE

The federal government can be both a force for general school improvement and a source of initiative on behalf of the poor and disadvantaged. Accomplishing those goals, while helping schools become less governmental and more communal, requires fundamental changes at three levels: Federal programs must be funded and operated differently; the Department of Education must be organized differently, to become a national resource, not a captive of constituency-based interests; and Congress must oversee the Department and its programs differently, focusing on its contributions to schools rather than its operation of separate categorical programs.

Can these things be done within the lifetimes of people reading this paper? Of course they can, if Congress decides to do it. Though the infrastructure built up to administer existing federal programs is large and powerful, it is not significantly larger or more powerful than the county-based welfare apparatus that Congress disassembled a few years ago. Similarly, though the constituencies that support the existing programs

are large, they are not strongly united: beneficiary groups, especially low-income and minority parents whose children benefit from Title I, are far more interested in better schools than in continuation of a particular federal program.

The foregoing statements come easily to a person who, like the present author, lives a continent away from Washington and spends much more time in the halls of schools than in Congress or the Department of Education. Schools and local education agencies would suffer if federal funds were withdrawn, and they would benefit if funding were, as it should be, increased. But most schools and districts could readily adapt to drastic revisions in federal program structure and administration. The barriers to change are not in the schools, states, or localities, but in Washington, in the form of providers' lobbies and other adult groups who gain from the ways the programs are now run. Necessary change will be politically difficult. But the needs of children and schools must not take a back seat to the self-protection interests of politicians.

A new federal role can and should be built on a simple set of principles:³⁵

Subsidize Children, Not Jurisdictions.

The federal government should support the education of disadvantaged children directly, by funding the schools that actually educate children, not government administrative structures. Congress should consolidate all federal grant programs into one funding mechanism, with procedures for identifying individual beneficiaries, providing funds directly to the schools those children attend, and ensuring that schools attended by beneficiaries get the same amounts of local and state dollars per pupil as other schools in the same district.³⁶

Federal laws and regulations should not require that money be traceable to particular programs, services, or students. No federal program should require localities to treat identical children differently, depending on what school they attend.

Federal funding should not remove responsibility for judgments and trade-offs about a child's education from the only people who can make them well, her teachers and

³⁵For a compatible, but different, set of principles see Finn, Chester E., and Michael J. Petrilli, "Washington Versus School Reform", *The Public Interest*, 133, Fall, 1998, p. 55-64.

³⁶Diane Ravitch has given this idea a name: a portable entitlement. See Student Performance: the National Agenda in Education, in Kanstoroom Marci, and Chester E. Finn Jr., eds., *New Directions: Federal Education Policy in the Twenty-First Century*, Washington, The Thomas B. Fordham Foundation, 1999, p. 139-146.

parents. Congress might establish especially high weighting factors for severely disabled children or children in extremely high-cost areas. But laws that create absolute entitlements to specific services, or permit court orders requiring optimal services for some children regardless of the consequences for other children's education, must be amended. This implies avoiding federal prescriptions about who must sign off on decisions, what sorts of planning processes states and localities must follow, and who, if aggrieved, has a private right of legal action.

Congress might allow localities to set age-level priorities (e.g. provide twice as much federal money per beneficiary pupil in grades 6-8 as in grades 9-12). But it should not allow localities to create horizontal inequities among beneficiary children of a particular age, no matter where they go to school. Children's beneficiary status should depend on their demographic characteristics, not on their test scores or other school performance. Funding should not be reduced for disadvantaged students who perform at high levels.

This proposal will almost certainly strengthen demands for increased federal funding. The 30-40% of disadvantaged children who do not now receive Title I services would finally get them, and the need to spread federal funds among a larger number of students will generate demands to increase funding to match current per-child amounts.³⁷ Because the money and its uses would be visible at the school level, the case for increased funding should also be easy to make. A school could add another teacher for every 50 or 60 disadvantaged students, thus creating many new opportunities for instructional improvement.

Because some of the data required to identify individual children can be collected only at the local level, federal grants would have to follow the general procedures used by Title I: use census data (poverty counts) to allocate funds to the county level and use locally collected data (e.g. free lunch counts, surveys of family language backgrounds, school surveys to identify handicapped children) to identify beneficiaries. These assessments might best be done at the county level, rather than by individual school districts. Government agencies that distribute funds should be paid administrative fees for their services, but these should not lead to establishment of permanent federally funded monitoring staffs.

³⁷ Unpublished estimates of the added cost of a "portable entitlement" range from \$4 to \$20 billion annually. The size of the estimate appears to depend on the analyst's view of the desirability of such a change in federal program strategy.

rates. States could be required to analyze these data, comparing student growth rates in all schools in which federal funds are used versus all other schools. States could then be required to create new schooling options for students in low-growth rate schools. These options could be provided via state intervention, reconstitution, or creation of new schooling options (including by use of district-wide choice plans, vouchers, or charters).

The Department of Education could also periodically commission national sample-based studies of localities and schools, and provide information on problems to governors and mayors.

Attack Emergent Problems With Short-Term Special-Purpose Grants.

States and localities will continue to need help solving short-term problems like teacher shortages, facilities decay, lack of technology, or overcrowding. However, the federal government should avoid creating expectations that particular jurisdictions will receive permanent federal support. It should not fund any state or local government entity for more than three years without at least a one-year hiatus. Further, these short-term interventions should be limited to a fixed percentage (e.g. 10%) of all federal spending on K-12 education.

The Secretary of Education could then control a very substantial fund for investment and responses to emergent problems of states and localities. The Secretary, in consultation with a board representing Congress, presidential appointees, governors, and local educators and school providers, could devote as much as \$1.5 billion per year to specific problem-solving activities. Because this fund could not become an entitlement for any locality or function, and no one program could continue for more than three years, the use of this fund could be disciplined by becoming a significant issue in presidential campaigns.

Make The Education Department A National Resource, Not A Federal Ministry

The Department should be re-missioned to emphasize national issues over the use of federal regulatory power. Its current organization, which fosters close alliances between particular constituency groups and the bureaus that run programs, should be changed.³⁸ All the separate categorical program offices could be replaced by a unified division that writes checks and ensures that funds go to the schools and children for whom they are designated.

³⁸ Cite Chris Cross' paper.

The first step toward redefining the federal role would be to consolidate all federal grant programs into one statute and create clear definitions of beneficiaries. A reform of this scope would require scrutiny of some programs that do not normally come up for reauthorization at the same time as ESEA, for example, Vocational Education, IDEA, and the Department of Education's research structure. There is, however, no reason why those programs cannot be considered for reauthorization on the ESEA timetable. Including such programs in a review of ESEA is a necessary precondition for creating a rationalized and effective federal role in education.

Become School-Friendly.

Federal policy must work with, not against, the reality that the only people who can help a student are that child's teachers, parents, and neighbors. Washington should avoid buttressing any particular administrative regime or creating permanent groups of federally paid state or local employees. It should, similarly, avoid mandating any particular orthodoxy in educational organization, whether that is "systemic" reform that aligns standards, tests, curriculum, and teaching, charter schools, educational contracting, home schooling, cyber schooling, or anything else.

Other than eliminating earmarks that require states and localities to fund program-specific compliance monitors and coordinators, the federal government should neither solidify nor disassemble current state and local administrative structures. It should take a permissive but neutral stance toward such innovations in education provision as lump-sum budgeting of schools, private provision of school space and staffing, investment and school management by non-governmental entities, and voucher plans that expand educational options for the disadvantaged.

Define Results In Terms Of Student and School Performance.

The federal government should measure the effects of its programs in terms of overall improvement in the educational outcomes of children, both disadvantaged and advantaged, not on maintenance of a particular administrative or service scheme. Accountability based on detailed fiscal reporting and regulatory compliance do not lead to good instruction.

To assess results of its subsidies for students and schools, the federal government could conduct special analyses of the results of new statewide standards-based tests. These tests, now either in place or under construction in a majority of states, are designed to produce school-by-school comparisons in students' average test scores and growth

A second major Investments Division would sponsor research, development, statistics, and emergency investments. No matter how states and localities seek to improve their schools, they will depend on the availability, both in their regions and nationally, of well-trained teachers, sound techniques for student performance assessment, new technologies and ideas about instruction and school management, and evidence of the effectiveness of particular instructional methods. Through its Investments division, the Department of Education could invest in new ideas and fund rigorous clinical trials and demonstrations. Consistent with the principle that the Department should be a source of ideas and not a regulator, these results would be disseminated via the marketplace of ideas, not translated into laws, regulations, or incentives.

CONCLUSION

Would initiatives based on these principles thaw out all of the *ice-nine* created by today's federal programs and regulations and establish a perfect federal role? The answer is

no: just as today's problems could not be anticipated in the 1960s, the challenges facing America's schools in the year 2010 cannot all be foreseen now. Future Congresses will need to reconsider and amend actions taken in 1999 and 2000.

Groups of providers and beneficiaries will always try to use federal power and dollars to create and solidify advantages for themselves. Professors and business leaders will be tempted to write their own ideas – about use of technology, adoption of whole-school designs, the best teaching methods, the correct average class size, or the perfect way to select and train teachers – into federal law.³⁹⁴⁰ Interest group representatives will draft laws and regulations that favor their constituencies; some will try to inflate court orders that apply only to specific cases into regulations that affect all schools.

The structure of the new federal role must be simple enough, and grounded on sufficiently clear principles, to withstand the inevitable processes of advocacy and advantage-taking. The foregoing suggestions lay a good foundation. But a more constructive federal role will need tending and defending: to coin a phrase, it is one thing to create a new and more constructive federal role, and quite another to keep it.

³⁹ For lists of such proposals see Pogrow, Stanley, Title I: Wrong Help at the Wrong Time, and Palmaffy, Tyce, Title I: Despite the Best of Intentions, in Kanstoroom and Finn, *op. cit.*



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02/16/2000 03:31:36 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Column re Fed report & charter school conversions

Friends, I thought this might interest you. This column next week in 3 of Minnesota's 4 largest daily newspapers. It mentions the new US Dept. of Education charter report. By the way, this is a marvelous school and a wonderful principal. Joe Nathan

Nerstrand Elementary principal Bonnie Jean Flom smiled as she spoke to about 100 fellow principals last week. "I'm working harder, and enjoying it more, that at any other time in my career." Flom was explaining why her school, with permission from the Faribault district, had converted to charter school status.

The Nerstrand school is in a lovely little town, an hour south of the Twin Cities. A corn field is right outside the school's back door. Nerstrand Woods park is a mile away. "For years, people wondered if our school would survive," Flom recalled. About ten years ago, we were down to about 90 students. With Faribault's encouragement, the school became a magnet, emphasizing ecology, along with basic academic skills. "Our theme was, 'if we built it, they will come.' They did!"

Enrollment almost doubled. Students came from several neighboring districts.

Flom says that "Families told us that they loved our school's small size and the family atmosphere. They liked how we used the nearby fields, farms and forest."

Flom is a solid, practical lady. She has worked in urban and suburban public schools, as well as in Nerstrand. "Things were going well, but our faculty wanted to make sure all the teachers shared our vision. We wanted to make more decisions about budget, and to retain control over our curriculum."

Teachers in converted charters retain the right to belong to the statewide teacher retirement association, and as well as the right to belong to a union.

"Conversion made great sense for us," Flom explained at last week Minnesota Elementary School Principals conference. "State and federal startup charter funds gave us more than \$100,000 to purchase things we really wanted. State lease aid allowed us to rent our building from the district, producing addition revenue for them."

A new federal report, "The State of Charter Schools 2000," says that 173 public schools have converted to charter status in the last seven years. (The report is available at www.uscharterschools.org)

In Minnesota, as in most states, converting to charter public school status means people in the school decide who works there, and how ALL the money is spent. Charter school educators also accept responsibility for improving student achievement, under terms spelled out in a contract, or charter.

Converting isn't just for small elementary schools in little towns. Some of the nation's most respected charters are large, urban public schools. Yvonne Chan, principal at the Vaughn Street charter in Los Angeles, says converting to charter status allowed the school to increase teacher pay. It also meant that teachers could purchase supplies and equipment immediately, rather than waiting months for district officials to process requisitions.

Results at Vaughn include higher student achievement, and higher staff morale.

The federal charter report says schools convert to charter status to "realize a vision and gain autonomy and flexibility." "Sounds right," Flom concluded. "Working in a charter allows me to be the kind of educator I've dreamed of being."

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02/17/2000 03:33:26 PM

Record Type: Record

To: Andy Rotherham/OPD/EOP

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Subject: RE: help

we've spent so much time trying to not highlight the private conversions that we don't call on them often for "highlighting". Consequently I don't know many of these schools or their stories that well. But here are some nominations from some discrete calls:

Arizona

State Board of Education conversions

1. Academy of Tucson.

2. CASY Country Day School

Scottsdale. 4th graders boosted scores on Stanford 9 more then 10 points from 1998 to 99

3. Kachina

State Board for Charter Schools conversions.

1. Khalsa

2. Villa Montessori

(1998 highest 6,7 and 8th grade scores on math test at their grade level in the state)

3. Franklin Phonetic Primary School

4. Center for Educational Excellence

5. Sedona Charter School

Michigan

Nataki Taleba Schoolhouse of Detroit, run by Carmen N'Namdi, 313-531-3720

178 kids, K-8, enrollment rippled after turning to charter status. Opened in

78 with 18 kids. Afro-centric, but "teaching from the norm... that means

there are no Black History Month or special African-American Studies, even

though all of the students are African-American. Instead, African-American

history is integrated into regular curriculum." (from Miracles in profile,

from CMU). Kids doing transcendental meditation every morning and afternoon

to calm down and learn to focus on learning.

Walden Green Day School, Montesorri, 100+ kids, Tom Hicks director:

616-842-4523, charter going to be renewed by CMU, doing well. Opened in

1983, with 35 kids and grew to 120 students, K-8 as a charter. Spring Lake,

MI, 120 kids, 21/1 pupil teacher ration, waiting list of 40.

-----Original Message-----

From: Andy_Rotherham@opd.eop.gov [mailto:Andy_Rotherham@opd.eop.gov]

Sent: Thursday, February 17, 2000 12:09 PM

POLICY REPORT
November 1990
No. 8

BEYOND CHOICE TO
NEW PUBLIC SCHOOLS:

WITHDRAWING
THE EXCLUSIVE FRANCHISE
IN PUBLIC EDUCATION

by

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Introduction: The School Reform Debate

The discussion about the future of America's public schools is beginning to make real progress. This is not because new ideologies are appearing, but because the old ideology of public education is being broken down.

In 1983 the Nation at Risk report focused public attention on the deteriorating levels of student performance. Fairly quickly, and sensibly, the education system decided not to be defensive about what was so apparent. It conceded: we can do better.

Next came a powerful message from good friends of public education that, if learning were to improve, schooling would have to be changed, and radically changed. In 1984, in their different ways, John Goodlad's A Place Called School and TedSizer's Horace's Compromise pressed this conclusion. Fairly quickly this point, too, was conceded.

Then the teachers' organizations -- most notably Albert Shanker, president of the American Federation of Teachers -- saw the opportunity to argue that in order for schooling to change, the school district would have to change. In 1985 the Carnegie Task Force on Education and the Economy, with Shanker as a key member, established "restructuring" as the key item on the improvement agenda: more authority for the individual school, professional status for teachers and (less stressed, and less noticed) a real accountability for student performance.



Now comes the further assertion -- most recently and most forcefully from John Chubb and Terry Moe in Politics, Markets and America's Schools -- that in order for districts to change the larger system will have to change: students should no longer be assigned to schools, and schools should no longer be organized as a monopoly public bureau under political control.

To this last analysis and proposal the people in public education are responding in essentially ideological terms. They do not want to look into the system for the causes of the troubles in the schools.

For them it is enough simply to say that a "market" would violate the theory of public education. They are uninterested in a practical discussion about what might help. If pressed, they point to the dangers of competition. It is as if you had a group of people in the North and fuel was low and a blizzard was coming and you appealed for help, and what you got was a lecture about the dangers of fire.

Steadily, however, the national discussion is moving on; gradually thinking through the ideas of choice and competition and their relation to public education. There is a real problem in the schools. There is an urgent need to improve. There is a practical problem of how to get it done. So there is a growing willingness to look at new ideas -- however uncomfortable they may be to educators -- to see if they might work.

In the background is the general sense of the limitations of "command" systems, reinforced in the past year by the events in eastern Europe. What has really stimulated the current discussion, though, is the dramatic turnaround in the public and political attitude toward the idea of choice.

This was summarized in a report by the Gallup organization in the September, 1990 Kappan magazine. Over the past 10 years the proportion agreeing that people should be able to choose the public school their children attend has climbed from 12 percent to 62 percent. Support is higher among parents with children in the public schools (65 percent). It is highest in the big cities, but over 60 percent everywhere.

It is highest among people of average income (\$20,000 to \$40,000) and among people of average education (high school graduates). Among people of color 72 percent are in favor; 18 percent opposed. Perhaps most striking: support varies directly with age. Among persons over 50 it is 54 percent; among those age 30 to 49, 63 percent; among those 18 to 29, 72 percent.

These numbers are apt to command respect among people in political life. President Bush has begun to use this issue to invade the Democratic heartland. Education was the issue around which he convened the governors in September 1989, and it was the topic for the first public task force organized during the Bush administration. The President has bypassed the Congress, which could not enact choice if it wanted to (and probably would not if it could). He has moved directly to the states and to the people.

Yet the political response to the changing public attitude appeared first in Minnesota, a liberal and Democratic state with relatively good schools, where a liberal and Democratic governor, Rudy Perpich, proposed in 1985 that choice be opened up within the public school sector. Five years later that program is fully in operation in Minnesota, and has spread in some form to Arkansas, Iowa, Colorado, Nebraska, and some other states.

Growing support for choice is the public's response to the failure of public education to put children first. The education establishment has been full of good intentions, and more than willing to spend the public's money. But it has not been willing to change itself in basic ways. Public education has remained a system of big organizations -- big schools in big buildings, with a traditional, top-down organizational structure like the Army or the Postal Service. No matter how unresponsive and ineffective this way of organizing learning has become, the prevailing ideology insists that local school districts must retain their monopoly on providing public schools to the children of the community.

It is time to say this: our system of public education is a bad system. It is terribly inequitable. It does not meet the nation's needs. It exploits teachers' altruism. It hurts kids.

Citizens are now rebelling against this system in one way or another; sometimes challenging the local district directly but increasingly moving to the state to get a different system more responsive to their needs.

In 1988, neighborhood groups in Chicago, supported by the business and civic community, went first to Mayor Harold Washington and then to Springfield for a law creating school-level boards, with parent majorities and with the power to hire the principal. When the Chicago district opposed that legislation the coalition took on that opposition and beat it.

Most recently the political response has taken a turn toward private schools. In Kansas City, after the suburbs declined to open their schools, the federal court has been now been asked to rule that only in the private schools can the children get an integrated education.

And now there is Polly Williams.

In Milwaukee the black community on the city's North Side had been left by a "desegregation" order of the federal court with about 20 all-black schools. Representatives of the black community then asked the district and the state for a separate district through which they could run those schools themselves. They were turned down. So in 1990 state Rep. Polly Williams put through the legislature a bill opening the way for their children to attend private schools at public expense.

Here is a black woman, a former welfare mother, a supporter of the Rev. Jesse Jackson, interested not in ideology but simply in what works for her people, telling the Republican governor (who favored the same idea) to stay out of the way so she can pass the bill, which she did.

Everyone senses the political implications. If leadership with that kind of ability and credibility begins to tap the public support for choice now apparent in the polls, some very large things could

begin to change. Public education cannot easily resist a Polly Williams. For the first time, it faces a practical need to make a strategic move; to come up with a positive proposal of its own on the issue of system change.

So do the mostly Democratic elected officials in the larger cities. With their preoccupation with the traditional interest-group politics of education they have essentially stood against the effort by the residents of those cities -- their natural constituency -- to secure what those people know they need most if their children are to have any hope of rising out of poverty: a good education. The decision not to provide a good education -- not to challenge the system in the interest of the kids -- could very soon appear a profound political miscalculation.

Americans today face a practical question: how can we use this powerful idea of choice to improve the schools while retaining the essential purposes of public education? The answer needs careful thought, because some of the proposals that fly under the banner of choice may not hold firmly to the ideas of the common school, of equity and of public purpose.

In this coming discussion the key people will be those not directly involved in public education. The change that is coming calls into question the fundamentals of the system; and the people who live in that system will not take the lead in that.

This report proposes a strategy for revitalizing public education by stimulating the creation of new public schools. Under this approach, the states would intervene strategically to introduce incentives for school districts to change, by allowing families to choose the schools their children attend and by allowing someone other than the local district to start an innovative public school. That will require that the states withdraw from local school districts the exclusive franchise for owning and operating public schools. School choice alone won't change a closed system; what's needed is to open the system to enterprising people who want to start innovative new schools.

The system proposed here is a competitive system, on the theory of some Fabians in Britain that "competition favors the survival of the helpful." But it is also a public system. The schools will serve public objectives and will be publicly accountable for the public support they receive.

Before explaining the proposal, however, it is important to examine the problems with the path the education discussion is presently traveling.

The Limited Potential of School Restructuring

People like to act directly. They see a problem with schooling. They know the district owns the schools. So they want to get the district to change its schools. The business community has bought into

this notion of restructuring. State governments are now being pressed to buy in as well.

It is an appealing idea: shifting more responsibility from districts to "site-managed" or "self-governing" schools, assessed and rewarded for progress in improving what students know and are able to do. Certainly, restructuring improves on the old prescription of higher salaries, smaller classes and better training.

The problem is that the districts aren't responding nearly quickly enough. Nor are they likely to, because they don't have to.

Restructuring is not without its successes. There are important demonstrations in many schools. A number of districts have restructuring contracts. In Kentucky, the program will be tried statewide. All of these efforts are widely reported. The media create the impression of a changing system.

But change is more than getting words on paper, in contract or in law. Change must get established. It must last. And it must spread. Yet even in the most-noted restructuring districts, the implementation is proving -- as the superintendent in Rochester, New York, Peter McWalters, said recently -- "damned hard." In some districts the educators do not want to use all the authority they are given. In others the changes made may now be slipping away. The much-praised restructuring in East Harlem has been in real jeopardy. Strenuous efforts by its friends may save it. But how many such defensive battles can be fought and won? For how long?

There is also a problem of scale. This country has 40 million kids and 2.2 million teachers in 84,000 schools in 15,000 districts. The problems are general, and serious. The change has got to be systemic. Restructuring is simply not moving fast enough for the job that has to be done.

Restructuring is a vision. It lacks a strategy for action.

Few institutions welcome radical change. They need a reason to change. Restructuring does not give the school district a compelling reason to change. It continues the traditional assumption that altruism is an adequate motivational base for change. It expects that boards, superintendents and teachers will do things they find personally difficult and institutionally unnecessary because these are important for the country and good for kids.

Restructuring does not go to the heart of the problem. It is trying to persuade districts to change, while accepting as given the system of public education that makes it hard for them to change.

This makes no basic sense. We need a new approach. We need to find what makes it so hard to change, and change that.

The Exclusive Franchise Is the Heart of the Problem

Almost certainly, what makes change so hard in education is the districting of the system.

Education has boundaries. Each set of boundaries creates an area in which there is one organization teaching public school, to which the kids who live in that area are assigned. Public education is organized as a pattern of these territorial exclusive franchises.

Under this arrangement, the state leaves to the district final decisions about improvement. Governors and legislators like to talk as if they can improve the schools. They can't. Legally schools do not exist: districts exist. The state deals with districts, not with schools. Only districts can change the schools. Governors and legislatures can propose and promise, plead and threaten. They can give money. They can issue orders. Often the districts respond. But whether they do or not in the end is up to them. If the district does not do better the state does not send in another organization that will. It accepts the pace of improvement at which the district is able or willing to move.

It does not matter how much students learn. Within very broad limits the state assures the districts their existence, their students, their revenues, their security and virtually their annual spending increases -- their material success -- independent of the level of student success.

Hence, it is no mystery why in public education the cards are stacked against innovation. An organization with an exclusive franchise is under little pressure to change.

David K. Cohen, at Michigan State University, put it gently when he wrote in 1986 that education contains "weak incentives for the introduction of innovations that would cause internal stress." Proposals for radical change surely do cause internal stress. Change disrupts settled routines, upsets people, causes controversy. It threatens the real interests of powerful organizations.

As they consider proposals for change, the superintendent, board, principal, unions, and teachers weigh the potential benefits to the kids against the risk of creating "internal stress." They want to help the kids. But upsetting people might cause controversy. It might produce a grievance, lose an election, cause a strike, or damage a career.

The risks are real. There is nothing countervailing, nothing that requires kids' interests to be put first, nothing very bad that will happen if the decision is to say "no." As things stand, a "no" is the end of the matter: the principal who wants to change has nowhere else to go. The teacher has nowhere else to go, and parents and students have nowhere else to go. There is almost nothing anyone can change

without getting someone else's permission. Yet almost everyone has the power to check everyone else.

Moreover, practically nothing depends on making the improvements for which the public is pressing: clear objectives, measurement of performance, new technology or better learning methods. Unless something quite unusual happens, the students and the revenues will be there anyway. Good educators tell their colleagues, "We have to change." But that is not true in any real sense.

The kids get what altruism, courage and the random appearance of exceptional individuals provide in the way of improvement -- which is often a lot. But the system puts them second. The system puts adults first. As Albert Shanker told the Itasca Seminar in Minnesota in 1988: "This is a system that can take its customers for granted."

Why the State Is the Critical Actor

It is unproductive and unfair to put people under incentives that are not aligned with the mission they are supposed to perform. That leads to blaming the people for failures that are the fault of the system. Parents blame teachers and administrators. Educators in response blame parents and kids. It is all wrong. As Ted Sizer remarks near the end of Horace's Compromise, "the people are better than the system." Instead of blaming the people, we should fix the system.

The system is not immutable: it was built by policy; it can be changed by policy. But to change it we will have to go beyond the district. "We can never turn around enough districts," Frank Newman, president of the Education Commission of the States, said in a "Statehouse to Schoolhouse" discussion, "without changing the incentives in the system."

Changing incentives means providing opportunities and reasons for people to do in their own interest the "stressful" things that change requires. Changing incentives "in the system" means restructuring the environment in which districts live. It means withdrawing their exclusive franchise.

Only the state can do this, for districting is created by state laws. The responsibility for action rests with the legislatures, and with the governors whose proposals begin the law-making process.

The state should not get into restructuring directly. The state's job is not to run the schools, but to provide a workable system for those who do. It owes boards, teachers and administrators -- and the public -- a system in which those who do change and improve are supported and rewarded, and in which those who do not are the ones put at risk. Yet everywhere in this country the state is in default on that obligation.

What Would It Mean to Withdraw the Exclusive Franchise?

The exclusive franchise means the district can keep students in and can keep other school-teaching organizations out. To withdraw it the state would have to make it possible for some other public organization to sponsor the public school in the area, and would let students enroll in those schools if they chose.

Choice and new public schools would go to the heart of the problem. No district would have to do anything. But none could any longer take its students for granted. If the district schools did not improve, other and better schools might appear. Suddenly, a decision not to change and improve would no longer be without practical consequences.

These twin ideas -- choice and new public schools -- face a formidable challenge. They will have to get enacted, which obviously will not be easy. And, first, they will have to be put in workable form. The prospects for enactment will depend partly on the skill of the design -- on whether the ideas of choice and new public schools can be made to serve the purposes of public education.

What follows is an effort to suggest a practical program that could be enacted. It will deal first with the idea of transferring the attendance decision from the system to the student; then with the issues involved in letting "someone else" offer a public school.

1) Extending School Choice

The discussion of choice has to begin with the fact that choice exists today.

Every state has had a choice plan since the Pierce decision in 1925. It is a simple plan: kids can go to any schools, anywhere -- private or public -- if their parents can pay the tuition or the cost of moving their place of residence. It is in use: lots of people choose. It works. It is inequitable: it discriminates against the poor. A family with a lot of money has a lot of choice. A family with little money has little choice.

What some state legislatures are doing is extending choice, using public resources to offset the inequalities of the private market. It can reasonably be called a liberal thing to do.

Not every choice plan does that well. Choice is a design question. Everyone discussing choice has to decide: (a) What students will be eligible? (b) What schools will be eligible? and (c) Under what rules will they come together? What "choice" means depends on how you answer those questions. And how you answer those questions depends on what you want to accomplish. Choice, like any other instrument, is neither good nor bad itself. Everything depends on what you want to do. You can use choice to create an elitist, segregated system, or to create a much more equitable system than

the one that exists today.

The state that has answered these questions most fully -- Minnesota -- improved the equity of the system, as it decriminalized the student's decision to enroll in a district in which she or he does not live. Minnesota made choice available to all kids enrolled in public schools. It established a set of controls on choice: for racial balance, against selectivity, etc.

But choice alone is not enough. In a discussion recently at the National Governors Association, David Hornbeck, formerly the chief state school officer in Pennsylvania and in Maryland, noted that in the last 30 years large numbers of families have exercised their power to choose by leaving the central cities -- yet their action did not improve the schools of those districts. Precisely. There was choice, but still the exclusive franchise; still no opportunity for anyone else to offer a public school in that area.

Choice makes an alternative legally and financially accessible but -- so long as the exclusive franchise remains -- not practically available. The other organization the student wants to attend is always in some other place. So choice becomes an argument about who has to travel and about who should pay the cost of travel.



For choice to work -- to help the student and to stimulate the district to change -- the state will have to provide both choice and choices: different schools for kids to choose among where they live. It is like the epoxy kit you buy at the store: neither tube has an effect alone. The dynamics appear only when the two are mixed. In education, the dynamics will appear only when choice and innovation mix.

2) Beyond Choice to New Public Schools

What shape might new schools take? People both inside and outside public education tend to share a conviction that new schools should have some of the characteristics of private schools -- the autonomy, the smaller size, the freedom to innovate -- along with an appropriate accountability for the public resources they receive. The problem, not surprisingly, is in translating that into workable specifics.

From within the system the principal proposal has been for "school-site management." The idea is that districts themselves will voluntarily create autonomous schools, delegating resources and holding schools accountable for results. It is a key part of the restructuring idea.

From outside the system come calls to use existing private schools, put under some (usually minimal) public supervision. These schools exist in most communities, their costs are low, many (especially the Catholic schools) now enroll a substantial number of minority (and non-Catholic) children and many need students. Both John Coons and Steve Sugarman, in their "California Scholarship Initiative" and Chubb and Moe, in their plan, would draw in these schools. The new

program in Milwaukee allows students to use publicly funded vouchers to attend private schools that offer non-sectarian instruction.

Both of these proposals are flawed. Most districts are unwilling to delegate meaningful control to their schools. Where site-management has happened, as in Chicago and in Britain, it was imposed by the state. Thus far, the private school option has not proved practical, not so much because these schools teach religion (it is easy enough to design a non-sectarian program) as because no one has yet been able to solve the dilemma of autonomy and public accountability. Moreover, no less than their public counterparts, private schools are often highly traditional in their approach to learning.

One problem with these approaches is that they use existing schools. A third approach would be to create new schools which operate under contract to some public entity. Only new schools can stimulate the widespread innovation that public education needs. It is common in other parts of our public sector to use a non-governmental organization to accomplish a public purpose: all kinds of programs, including Medicare, are built on what Charles Schultze of the Brookings Institution has called "the public use of the private interest." It has simply been outside the givens of public education.

This is where we now might break through. We must grapple with several practical questions: For what would the school be accountable? To whom would it be accountable? Could it select its students? Could it "top up" the public payment with fees? What rules would apply?

Chubb and Moe are firm that new schools must be autonomous. "Any group that applies to the state and meets these minimal criteria (relating to graduation, health and safety, and teacher-certification) must then be chartered as a public school and granted the right to accept students and receive public money." The school's accountability must be only "downward", to its parent/student community, and it must be able to admit as many or as few students as it wants, based on whatever criteria its organizers think relevant. Schools must also be free to exercise their own informal judgment about individual applicants.

That is dramatically different from many people's (most important, many legislators') definition of a public school. However, it is possible to design a system a little closer to the traditional definition that might have a greater chance of enactment. Such a system would define public education not in terms of how schools are administered, but in terms of the public purposes they are designed to serve.

3) A New Public School System

What follows is an outline for a new public school system that operates through contracts rather than vouchers. Such an arrangement would provide public accountability, since a public body would set the

objectives and monitor performance, as well as autonomy, since new schools would be independent entities, would be responsible for results, and would have some choice about the public body with which they wanted to work.

A contract system would:

1. Be open to a wide variety of organizing groups. New schools could be formed by educators -- administrators or teachers -- or by groups of parents. Other options include social-service agencies or private groups in the learning business.

2. Designate more than one chartering body. It would make sense to open this up to whatever public organizations are authorized to run schools today. This would include the local district, which might approve such a school either within or outside its own boundaries. It would also include colleges and universities. Some once ran K-12 schools, and could again. It might also include other governmental units. Most states have a "joint powers" law. Some let two governmental units do together what either one is allowed to do separately. This means a city, a county, a housing authority, a public zoo or museum could through agreement with a district acquire the authority to sponsor a school.

States should also be able to charter schools. The legislature might create schools directly -- as some have, for the arts or for math and science. Or it might give the state board of education general authority to approve new schools proposed by others; or it might set up a new agency for the purpose.

The federal government might also start new public schools. In the 1930s the New Deal built TVA as a yardstick by which to measure electric utilities. It built the "Greenbelt" towns as a model for community planning. It might do the same now for schools. And might well begin in the District of Columbia; Congress being in effect the state legislature for the District.

3. Let the school take whatever legal form it wants. The organizers might choose to operate as a public corporation, a non-profit, a professional association, or a co-operative.

4. Have the school be accountable in two ways: to its approving authority (the state or some other public body) through the contract; and to its families, through choice. This would be a big improvement over what exists today: no performance contract and no choice. The contract relationship forces accountability in ways that the employment relationship does not. It requires the public body to know what it wants. It frees the contractor to decide how the job is to be done. It forces an evaluation and therefore measurement. And it provides consequences: a contract can be terminated for cause, or simply not be renewed.

5. Give all applicants an equal chance of being admitted. Such a policy would differ significantly from the Chubb-Moe approach, under which the school

would choose its students. Yet it would still let the school limit its size, and even specialize in some subject, by age-level, or in kids with some particular characteristics. The state could also target the opportunity to create new public schools, say to big cities, or to districts it has declared bankrupt, or to kids not doing well.

6. Make sure good information is available. Some people have more skills at organization, and greater financial resources, than others. The state would equalize this capacity. There should be some help both to groups in forming these schools and getting approval and to families in finding these schools once formed.

7. Keep the new school clear of traditional requirements. Civil rights, student rights, and health and safety must be assured. Beyond that, the legislature should resist the impulse to load up the new school with all the traditional requirements. The idea is, after all, to produce a different school; not a replica of the school that exists today. The traditional school will remain, for people who want that option. So will the traditional private school.

8. Establish some defense against, say, a Robert Mapplethorpe School. The state cannot allow any group to receive public money simply by declaring itself a school. It may not be possible to control this with criteria. It may be simpler to require an applicant-group to win the approval of, or to be sponsored by, a public body which the state can trust to make a common-sense judgment.

9. Set the accountability in terms of student performance. Schools relieved of the need to meet "input" requirements should accept responsibility for outcomes. The state might write new performance standards. Or it might adopt the solution worked out by Minnesota for its home school controversy: a student in a new school would have to meet whatever standards the board is willing to impose on the regular-school students in the district where he or she lives. Or the school might be held simply to whatever outcomes it had itself said it would meet.

10. Let the school lease space, wherever it can. It might approach the district about an existing building. A district might be required to lease space on reasonable terms, if space is available. Alternatively, the school would set up in space it leased in the community.

11. Pay full cost and give the school its money in a lump. Precisely how the money-mechanism will work will depend on how the state pays for education today. Most states have a "foundation" program. This means each district every year pays a uniform percentage of its wealth toward the cost of education; and, whatever this raises in dollars, the state pays the difference between that local effort and some dollar-amount -- hopefully the full cost of educating a child for a year.

In simpler though less familiar terms: in a

foundation-aid system the local district pays in full for the education of as many kids as its local effort will cover, and the state pays in full for the education of all who remain. In such a foundation system the marginal kid is state-paid; so when a student moves the state would deduct the full foundation amount (not just the "state aid portion") from what it pays the resident district, and send that amount to the new school or to the other public body sponsoring the school.

States without foundation programs could perhaps require the resident district to transfer its revenue directly to the new school. Some states might need to enact a foundation program. A state might want to give a new school slightly less than what a district spends. Or it might decide to pay more for the education of less-advantaged kids.

12. Let the school organize itself in whatever way it wants. The whole point is to leave to the school decisions about the use of time, the method of instruction and the roles of the teachers and administrators.

13. Let the district schools have the same opportunity. They deserve the chance to compete on an equal footing. Providing in law a standard plan for chartering schools that would be available both to new and to existing schools would open up a far more effective route to "site-management" than exists today. At the moment, a district seeking the freedom to make its own decisions must try to negotiate a delegation of authority from an often-unwilling district. Districts do sometimes become jealous of successful schools, and try to close or change them. Those innovative but controversial schools would be in a much stronger position vis-a-vis the district central office if they knew they had the option to withdraw and to be sponsored by some other district, by a public university, or by the state.

Divestiture: A Radical Option

The gradual development of a new public school system, through the opportunity for people to start new schools and the opportunity for students to choose among them, will force the school board to rethink its role. More and more students will be educated "outside" the district; geographically or organizationally. Little by little the state might take over the policy role: setting the objectives, raising the revenue and evaluating the performance.

At the moment school boards are resisting the new ideas. Board members oppose choice in almost the same proportion as the public supports it. The school board is a troubled institution, struggling -- less and less successfully -- to maintain some control over education policy against the pressure from state regulations on the one side and from its employees, in the bargaining process, on the other. Their defense -- in response to Chubb and Moe -- has been to lecture their critics about the role of school boards in American democracy.

It might be better for the boards to make a decisive move: to secure their role in policy not by trying to enlarge but by abandoning their ownership of the schools. In short, they might divest themselves of school operations.

There is a real case for divestiture. The school board today is caught in a fundamental conflict of interest. It is trying to represent the parents and the public, to whom it promises the best possible education for the kids. But it also sits as the board of the only teaching-business in town. This is a self-dealing arrangement, in which the board's role as producer tends to dominate. Almost inevitably the board spends more of its time worrying about its staff (who can leave) than about its students (who cannot).

In a divestiture, school administration would be split off into a separate entity, essentially on contract to the board. In a district of significant size it might be divided into two or more operating groups, each with its contract to the board.

Divestiture would clarify the board's role dramatically. The issues that now clog up the board's agenda would become matters to be decided by the operating organization: personnel, schedules, books, supplies. The board would have to think about objectives, about outcomes, about revenues and about which organizations it wanted to have teach the kids.

Each of the operating groups would operate district-wide. This would give parents in every neighborhood two or more different organizations to choose among. Two or more groups might even set up school in a single building.

People in a number of cities are looking for a way to break up the big school bureaucracies. In Illinois, for example, Senate Republicans in 1988 proposed breaking up the big Chicago district into about 20 smaller districts. The plan that passed that year created a board for each of the roughly 600 schools, under the city-wide board. The reform coalition is working hard to make that decentralization succeed; so far successfully. The concern is that what can be decentralized can be recentralized.

Divestiture is different. In Chicago the city-wide board would have remained, for policy decisions, and there might have been four operating groups, each contracted to operate about 150 schools, each with a presence in every neighborhood. Divestiture would have provided decentralization and choice at the same time.

Teacher Ownership of New Schools

Withdrawing the exclusive franchise would take away from teachers, as from districts, the security of the traditional arrangement. This is necessary: educators should not be able to take their customers for granted. But as the state makes this change it should in fairness offset the risk it creates for

educators with some opportunity for reward.

That reward could be the opportunity for the educators -- specifically, for the teachers -- to own the schools. This would give them the opportunity to grow in professional responsibility and perhaps to increase their personal income.

The school is not the building, of course. Someone else would likely own the building. The school is the people, and the instructional program. A group of educators might own a single school, or several schools. Or it might own a program or department -- math, language, science, or music -- which might operate at several sites.

That option is not available today. If you want to be a teacher you have to be an employee. If you are an imaginative, aggressive teacher with good ideas for improving education; and if you have the desire and the ability to build an organization around those ideas, public education has no place for you.

The idea of owning the school is bound to be attractive. Nationally the K-12 system is a \$200-billion-a-year enterprise. It is a guaranteed market. The customers are required by law to use the service, and there is universal third-party coverage, financed by taxes. New schools with a prospect of doing better should be welcome: the public wants improvement, the kids are disaffected, the employees are frustrated and leaving.

There is also great potential to do better -- to try new ways to get kids more engaged in learning, and to cut expensive overhead. The costs of entry are low. All that has been missing is the opportunity to get in: some public organization authorized and willing to say "yes" to educators who have a better idea, and the prospect that the teachers could get the benefits of their idea if it works.

Educators who want to own their group, school or program would receive the per-student cost for the total enrolled. They would be accountable for results, and they would have to persuade their students to come and to stay. But they could keep either for use in the program or as personal income what they did not need to spend. The employment option would remain for educators who prefer to be employed, as many will.

Unions would serve both employee-teachers and owner-teachers. They would bargain only for the former: teachers who own their organization would obviously set their compensation themselves. But unions could have the owner-teachers as dues-paying "associate" members, and provide other services they require. The concept of associate membership has recently appeared within the AFL-CIO. Its author is Albert Shanker.

Can It Happen?

Withdrawing the exclusive franchise and

divestiture would threaten the system. The decision would have to be made in the legislature. The education organizations would probably resist. They are powerful politically.

But perhaps the conventional -- the realist -- opinion is wrong. The fundamentals for sweeping change are in place: improvement is necessary, restructured schools are necessary for improvement, and districts need incentives, to produce restructured schools. Things that are necessary eventually tend to happen.

We are beginning to understand, and accept, that the problem is not people and not money, but is in the structure of the system itself. And it is becoming clear how we might work through that structural problem.

The public wants accountability; educators now refuse to accept it. Many teachers argue they are responsible only for their professional practice, not for what students learn. They will not agree to measurement if it involves published comparisons of performance. They will not agree to sanctions for poor performance. The concept of accountability in the current restructuring discussion is essentially that if you do well, you get more money; if you do badly, you get more training.

People are receptive to the idea of teachers having professional status, and autonomy is of course the essence of professional status. ("Tell me what you want. Don't tell me how to do it. I know how to do it.") But governors, legislators, school boards, parents, taxpayers and citizens are not likely to give up control. They are not likely to turn over the decisions about the instructional program while still allowing teachers to keep the protection both of tenured employment and of union contract. That does not pass the accountability test.

The idea of teacher-ownership might break this impasse. It would give teachers a reason to accept accountability. That in turn would give the public a reason to grant the autonomy. Teachers might soon find, as some other professionals have, that the more accountable they are the more autonomous they are.

Perhaps most hopeful is the way the decisions are now moving beyond the community of education professionals, into the hands of general political officials who are able and willing to think outside the system's givens. It is also very important for the power of the presidency to be oriented now not toward the Congress, which does not have the power to change the structure of public education, but toward the states, which do.

Resistance will be fierce. No district will want new schools appearing in its territory. The district will be anxious to preserve its exclusive franchise. It will argue that if new and different schools are necessary it should be the organization to start them.

The district's ability and willingness to start new schools is bound to be limited, however, by its desire not to threaten the other schools it owns. A district fears new schools; even its own. Its interest is entirely in restructuring existing schools. "Help all schools" will be the cry. The result would be what it is today: selected demonstrations, and waiting lists -- always the visible evidence of a reluctance to let change cause internal stress.

Governors and legislators will need to see that their interest is different than the district's interest. The state cannot let its options be limited to actions that begin with "re": restructuring, revitalizing, reforming and retraining old institutions is the slowest way to change. There must also be a way to create new, different, and better schools.

There are some other reasons to be optimistic.

First is the success of the choice legislation. That was outside the "givens," but it happened. The key was to take an idea previously associated with the private sector and apply it to the public sector. People always knew they could choose a school: they just assumed it had to be a private school. Similarly, educators have always known they could start a school: they just assumed it had to be a private school. The state made it possible to choose a public school; the state can make it possible to start a public school.

Second is the willingness now of some leaders in public education to think about incentives. Progress here is recent, and tentative, for incentives remain controversial. Some see them as rewarding people for doing what they ought to be doing anyway. Some warn about unintended side-effects. Some think there can be "up-side" incentives but never "down-side" incentives: good things for schools that do change but nothing bad for those that do not.

Still, the willingness now to discuss incentives at all suggests a recognition that appeals to altruism will not be enough. The talk, however, has been about incentives for schools and teachers. The need is to create incentives for districts.

Third is the growing sophistication of business leaders. Business is still ambivalent. Many chief executives still shrink from confrontation. Some still hope major change will result from "partnerships." Many still think the discussion today is about how to structure an organization rather than about how to structure an industry.

But many business leaders are impatient now with "feel good" partnerships. More sense that state action is the key. The Business Roundtable now has a CEO assigned to every governor. In some states the CEOs are willing to contemplate radical action despite the certainty of conflict: Chicago may have been a watershed for business.

Fourth is the possibility that thoughtful people inside education will find the change in their own

interest. They will not save public education by not changing it. A bad system will not attract good people. The pressure could grow to let kids go to the non-public schools at public expense. The legislation this year in Wisconsin, for Milwaukee, was a straw in the wind.

Fifth is the awareness of the consequences of not getting it right this time. Something like 20 million kids went through high school during the seven years after the Risk report. It would be a serious problem -- for educators and for the political leadership -- to have to confess, after another 20 million had cycled through, that once again the adults had not got it right.

Finally, there is something to be said for state action that confines itself to a single, radical stroke: introducing the dynamics for change, with the schools left free to introduce the changes themselves in their own way, over time. The public is ready, the Gallup survey for the Kappan reported in 1989, for radical change.

Conclusion: Go To The Heart of the Problem

It is popular today to put down strategies like this. "There are no silver bullets," some people like to say when they want to steer you toward conventional action.

But sometimes it is possible to do a single thing that will change everything else for good. Technology sometimes does it; as the satellite forced the restructuring of the telephone industry. Business actions sometimes do it; as the money-market fund set in motion a chain of events that is restructuring the financial industry. Public policy can sometimes do it.

Surely that is what it means to "be strategic." The effort to change schooling needs to be strategic. At the moment it has mainly an idea of what a district and school should look like, passing for a strategy about how to get there. That vision, and exhortation, is not enough.

The state cannot "do" improvement. The state must do things that will cause improvement. Incentives are best: better than mandates, better than money. The state should remove from the district its ability to take its students for granted, by making it possible for new and different public schools to appear, where the kids live and which kids can choose. The district then will find improvement necessary, in its own interest.

All efforts to improve public education will fail unless the district finds improvement necessary. We are not serious about improvement if we do not withdraw the exclusive franchise in public education.

ABOUT THE AUTHOR

Ted Kolderie was a member of the Task Force on Education Policy convened by Minnesota Governor Al Quie in 1982 and of the Discussion Group on Education that worked for Minnesota Governor Rudy Perpich from 1985 to 1989. Before joining the Center for Policy Studies he was a senior fellow at the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota and, before that, executive director of the Citizens League, a policy studies group in the Twin Cities area.

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For Search Engine Use Only:
<TITLE>Policy Report: Text-Only: Beyond Choice to New Public Schools
(51K)</TITLE>



JNATHAN@hhh.umn.edu
02/16/2000 11:48:54 AM

Record Type: Record

To: Andy Rotherham/OPD/EOP, alex_medler@ed.gov
cc:
Subject: Re: help

I agree with your third wave thought. Secretary Riley has visited New Visions School - a converted private non-sectarian school which works with kids who have not succeeded. It has had its contract renewed by Minneapolis School Board for clear evidence of improved achievement.

Re district dynamics - how about agreement by Boston to create new pilot schools after 18 of first 61 Mass charter proposals came from Boston? Have you seen the Eric Fofes report in which several districts where there were strong charter laws, there were clear district responses? Worth citing I assume Alex can get it for you, if you haven't see it.

Also, I am past a great statement from the former Flagstaff Arizona supt to this message. It's something both of you should have - great examples of district response from a very credible former charter skeptic.

Joe Nathan

Dr. Kent D. Matheson - Flagstaff, Arizona Supt.
Speaking at Idaho School Administrators Conference
2/21/98

(Dr. Matheson previously was president of the Washington State Superintendents Association, and had been Washington State Supt. of the Year). He retired from Flagstaff at the end of the (1997-98) school year. (206) 433-7511, 1822 SW 156th, Burien, Washington 98166

1. Presentation to the entire conference.

We administrators must deal with choice, competition and change. We can no longer draw a line in the sand and prevent certain things from happening. They are happening. We have to deal with them.

When charters were first proposed in Arizona, proponents described them as gentle acorns which would grow up and blossom. Opponents described them as cut worms which could hurt the whole field (of public education). I was on the side of those viewing charters as cutworms. When you are planting a field and see a cutworm coming, you use pesticide. That's what I wanted to do - stop the charter movement. But I, and other like-minded superintendents couldn't do that.

Why couldn't we stop the charter movement?

#1 Some families have been disappointed in the job done by public schools. Part of that

perception comes from the news media, which has misled the public. The news media has generally ignored the important research from people like David Berliner, who has described the great accomplishments of public education. But despite our accomplishments, we have not done well with all students. And there are some (legitimately) unhappy parents.

#2 Charters offer the promise of accountability. We need to be sensitive to this issue. The problem in Arizona is that some charters are not very accountable. But public education has not been very accountable either. The vast majority of charters are doing a very good job. But some kids and parents participating in charters are getting cheated.

We find ourselves in a situation in Arizona where the legislature is not offering a level playing field. They permit a \$500 tax credit for people contributing to charter schools, and only a \$200 tax credit for those contributing to public schools.

Another problem with charters in Arizona is that some districts are charging a finder's fee. Some districts have said we will approve charters if you give us \$20,000 a year. This sets up a situation where the district is not eager to see the charter close down (especially if it is a charter outside its district). A number of districts have sponsored charters miles from their own district.

We as superintendents need to compete, collaborate, and be creative. We need to encourage "top notch" operations, such as the charter started in Flagstaff by former state teacher of the year Karen Butterfield. We are developing ways to collaborate with Butterfield.

Public school districts need to provide more choices and to market the good things we are doing. The public no longer will just accept our word that public schools are the best option. The world in which we live in provides choice, flexibility and opportunity.

If we don't respond, we will have more competition. I've learned that you can compete and collaborate at the same time.

2. Presentation to a concurrent session on dealing with charters

Charter schools were a wakeup call for me. We superintendents, and our districts, must be competitive, collaborative, and creative.

In the School Board News of October 27, an article reported that LA charter schools

- * are making traditional schools work hard to please families
- * are developing programs for difficult kids
- * have adopted promising practices that traditional districts often have not adopted
- * are using more innovative staffing approaches

What are we doing in Flagstaff as a result of the charter movement?

1. We went with a full day kindergarten at 8 of our 12 elementary schools. We used Title 1 dollars in eligible schools. Eleven of our 12 elementaries now have full day kindergarten.
2. One charter closed a week before it was scheduled to open. We met with those parents and "made them feel welcome." We wanted them to know that we wanted their kids.
3. We went with a modified calendar in two of our elementary schools. Two of these schools have beyond year round schools.

4. We set up a new magnet middle school emphasizing performing arts, science and technology. This is a new magnet school which has been very popular. Our middle magnet school starts at 9:00 and ends at 4:15. parents like the later start and ending time.

5. Our principals are now more active in explaining to community groups that we have good schools.

6. We'll be starting a new magnet elementary school - ACT (Academics, Character and Technology). All students will wear uniforms. This school serves are predominantly Hispanic students. We went to 5 stores, asking for their best price on unifomrs which would allow enough to have 5 days worth of clothes without wearing the same thing twice. JC Penney put together a package for \$65.

7. We've asked business leaders to interview a representative sample of high school seniors. This is becoming part of our graduation process (being able to make public presentations). The students are impressive and this word is spreading through the community.

I don't think we would have responded as much if we had a weaker charter law. Our state's law was "a very strong motivating force making us want to compete."

When the charter law passed, I was "bristly and angry." "I have a completely different attitude now.

Superintendents and school districts are going to have to deal with these issues. School boards need to understand that the world is changing.



JNATHAN@hhh.umn.edu

02/16/2000 05:00:16 PM

Record Type: Record

To: Andy Rotherham/OPD/EOP

cc:

Subject: Another District impact of charters

From: Nelson Smith [mailto:Smith@dcpubliccharter.com]

Sent: Friday, February 04, 2000 5:36 PM

To: Jon Schroeder

Subject: Re: District impact

Andy, another example of district impact, this time in the District of Columbia.

Joe N.

We've got exactly the same story happening in DC. The traditional public school system went from about 140,000 kids in 1970 to about half that today. Except for a blip in 1993, the public school enrollment declined every year -- until this one. The school system lost another 1,037 kids, but charters gained 3,348 -- for an overall increase of more than 2,300 students.

We're drawing small but significant percentages from private, parochial, and home schools -- as well as pulling dropouts back into school. And about 122 students (just from schools chartered by this Board) are from families that were living in other jurisdictions last year.

I'll bet this phenomenon isn't limited to KC and DC.

--Nelson Smith



JNATHAN@hhh.umn.edu

02/16/2000 01:04:47 PM

Record Type: Record

To: Andy Rotherham/OPD/EOP

cc: alex_medler@ed.gov

Subject: Re: help

Hi Andy

The Boston Federation of Teachers proposed creating a new small school program, about 8 ago. It was to be modeled on the small schools programs in NY and Chicago. The school board said "no." Then the charter law passed. 18 of the first 61 charter proposals to the state were from people in Boston, including some teachers who helped develop the union's small school proposal. Faced with the potential loss of hundreds/perhaps thousands of students, the school board reconsidered.

The union guy in charge of the ol proposal (Pilot Schools) told me somewhat reluctantly that the charter law "had a big impact" on the school board's decision to approve the pilot school proposal.

By the way - did you get the message re the Flagstaff supt? That guy is a gem.

Joe Nathan

LATESPORTS



WIZARDS MAY HAVE JORDAN'S NUMBER

If weekend talks succeed, he could be calling the shots by next week. 1,11C

Jordan: Ready to return

FRI/SAT/SUN JANUARY 14-16, 2000

NEWSLINE

WALL STREET: Dow Jones industrial average jumps 31.33 points to 11,582.43. Nasdaq index soars 107.19 points to 3,957.21. 30-year Treasury bond yield falls to 6.65%.
USA TODAY Internet: 100 jumps 5.03 points to 151.71. 4B.
Japan's Nikkei: average is up 30 points to 18,863 mudday; yen is 106.13 per dollar. Hong Kong's Hang Seng index is up 114 points to 15,748 early today.

ECONOMY: Federal Reserve chief Alan Greenspan reiterates that boom times can't last. If Fed intervenes, the moves could be subtle. 1B.

BUSH BACKER: Former president George Bush, left, jumps into the presidential race and gets a warm welcome in Iowa as pitchman for his son, Texas Gov. George W. Bush. He calls himself "a nervous father." 4A.

AIDS: Cases among black and Latino gay men surpass those among gay whites for first time, a study shows today. 2A.

OIL FINE: Koch Industries, second largest privately held company in USA, is fined \$30 million for spilling oil into waterways, biggest such civil penalty. 3A.

TODAY'S DEBATE: Cuban refugee. In USA TODAY's opinion, "Elián's best interests drift on sea of politics." 12A.
 ▶ Let father "stand before an American court, in the open, and say that he wants to return to Cuba with his son or that he wishes to remain here." Frank Calzon says. 12A.

MONEY: President Clinton will ask Congress soon to approve \$10 tax credit for taxpayers who file by PC. 1B.
 ▶ Ranking the 10 top stock mutual fund families. Managing Your Money. 3B.
 ▶ Retailer Dayton Hudson changing name to Target. 5B.
 ▶ International Olympic Committee starts campaign. 6B.
 ▶ Pontiac parades upcoming Autek, part minivan, part SUV. Report from Detroit auto show. 12B.

SPORTS: Controversial Atlanta pitcher John Rocker meets with team Vice President Hank Aaron. 12C.
 ▶ Sunday marks soccer rematch between USA and Iran. 3C.
 ▶ Syracuse slips past St. Carolina 77-74. Hoops. 9-10C.

LIFE: With a long stretch of sand and fewer visitors than Cancun to the north, the Mayan Riviera beckons. 1D.
 ▶ 10 great places to snuggle by the fire. 3D.
 ▶ Tree climbing growing into popular pastime. 8D.
 ▶ Chrysler's 2001 minivan raises the bar. Test Drive. 9D.
 ▶ The 100 greatest songs, according to VH1. 8E.

Written by John O. Buckley

Coming Monday



Reform struggles
 Minnesota Gov. Jesse Ventura is not a presidential candidate but stands in the middle of the battle between Pat Buchanan and Donald Trump for the future of the Reform Party. A surprising inside look.

Inside USA TODAY'S SECTIONS

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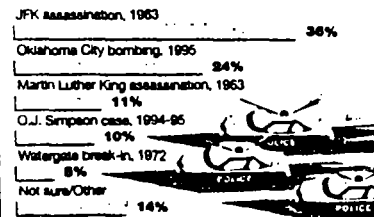
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USA SNAPSHOTS®

A look at statistics that shape the nation

Crimes of the century

Americans selected the assassination of John F. Kennedy as the worst high-profile crime in the USA this century. Their responses.



Sources: AP/Bureau of Census, Zogby Poll. By James H. Heston and Gannett News, USA TODAY



NO. 1 IN THE USA... FIRST IN DAILY READERS

Playoff rookies face test

By Gary Mihoces
 USA TODAY

As National Football League playoff weekends go, this is the debutante ball. Eight teams remain, three with quarterbacks who never have been in an NFL playoff game: Peyton Manning of the Indianapolis Colts, Kurt Warner of the St. Louis Rams and Shaun King of the Tampa Bay Buccaneers.

Maybe Manning and the Colts are too young to be nervous about Sunday's matchup with the Tennessee Titans. "There's probably some truth to that," says Manning, who led his team to a 13-3 season after going 3-13 as a rookie in the biggest turnaround in league history.

Warner has been in playoff games before — in the Arena Football League. But the NFL's MVP and leading passer this year says he's ready. "I am not worried. ... It takes one snap and the nerves go away," says Warner, in only his second year in the NFL.

Tampa Bay's King will be just the sixth rookie quarterback to start a playoff game since 1970. The former Tulane star, 4-1 as a starter, faces the Washington Redskins Saturday.

The new look of TV news



Stock watch: CNBC's Maria Bartiromo and CNN's Willow Bay (top) report for investors.

Fueled by market fever, TV news becoming all business, all the time

By David Lieberman
 USA TODAY

NEW YORK — The trend had been building for months, but this week clinched it. Business news is now a staple of mainstream television.

Traditional newscasts that once dismissed business news as too geeky and non-visual for TV ran breathless reports about America Online's agreement to buy Time Warner, devoting precious airtime to a pair of CEOs who joke that they've each had a "charisma bypass."

But that was overtaken by Thursday when, in a dizzying business-news cycle, President Clinton trekked to the floor of the New York Stock Exchange to talk to financial news channel CNBC. Bill Gates unexpectedly gave up his CEO crown at Microsoft, and Federal Reserve Chairman Alan Greenspan delivered a speech signaling new moves on interest rates.

To be sure, this was an unusual week. But it illustrates the extent to which the public's appetite for reports on the markets, the economy, corporate intrigue, and personal finance has spread from Wall Street to Main Street.

Maria Bartiromo, anchor of CNBC's Street Signs but best known for her live reports from the bustling floor of the stock exchange, says she hears it all the time. "I go to weddings and waiters come up to me and ask, 'What about those employment numbers?'"

As stock prices soar and people gaze in awe at the pace of change in technology and new media, "it seems like there's an explosion in financial news," says Robert Lichter, president of the Center for Media and Public Affairs. "The genre of financial journalism isn't just a beat. It's a whole industry of its own."

Lichter's group found that the number of business stories even on mainstream ABC, CBS and NBC nightly newscasts rose 19% last year, to 1,175 from 989 in 1998. "What has so captivated us is the Internet revolution," says Willow Bay, co-anchor of CNN's Moneyline. "It's transforming our everyday life. And investors don't want to miss out."

Some of the growing attention to business and finance

TV business boom
 Cable networks with most business shows per day:
 Hours
 CNBC 1.6
 CNN 1.5
 USA 1.3
 Fox 1.2

COVER STORY

Bill Gates, who transformed Microsoft into the world's most powerful company, became the world's richest man and came to symbolize corporate imperialism, said Thursday that he was stepping down as chief executive of the software giant.

Gates, 44, remains chairman but is handing the CEO reins to Steve Ballmer, Microsoft's president and the man who many say has run day-to-day operations at the company for more than a year.

The move could be a positive sign for settlement talks in the antitrust case against Microsoft, some experts said. "This could be a signal they're ready to get serious and negotiate," antitrust expert William Kovacic of George Washington University law school said.

Gates and Ballmer said the move was intended to help Microsoft stay ahead of the pack at a time when it faces regulatory and technical challenges.

The announcement came

YOUR GUIDE TO 'THE SOPRANOS'

The whole gang is back — bada-bing! — with ★★★★★ infamy. If you missed the first season, turn to the episode-by-episode rundown. 1-3E



James Gandolfini, top, and Dominic Chianese

Saturday, Jan. 15	Sunday, Jan. 16
12:30 p.m. ET, CBS MIAMI at JACKSONVILLE	12:30 p.m. ET, Fox MINNESOTA at ST. LOUIS
4 p.m. ET, Fox WASHINGTON at TAMPA BAY	4 p.m. ET, CBS TENNESSEE at INDIANAPOLIS

Microsoft's Gates steps aside as CEO

By Deborah Solomon
 USA TODAY

Bill Gates, who transformed Microsoft into the world's most powerful company, became the world's richest man and came to symbolize corporate imperialism, said Thursday that he was stepping down as chief executive of the software giant.

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Bill Gates: Remains chairman

More than a simple title shuffle, 1B

just a day after news surfaced that the government would seek a breakup of the company, which late last year was declared a monopoly. Next month, U.S. Judge Thomas Penfield Jackson is expected to rule that Microsoft broke federal antitrust laws.

Gates, who co-founded the company 25 years ago and is worth more than \$80 billion, said he was stepping aside so he could spend "almost 100%" of his time focused on the company's software strategy.

Microsoft co-founder Paul Allen, who no longer is with the company, said the move would let Ballmer "put his own stamp on the company while freeing up Bill to focus on the areas of technology and software, which he is passionate about."

Though the announcement came as a surprise, industry watchers said Gates probably would continue making many decisions at the company.

But most agreed Microsoft needed to make a change if it wants to survive. It has stumbled with its Internet strategy; in developing technology for non-PC products, such as wireless phones and hand-held computers; and it faces threats to its operating system dominance by a slew of upstarts, particularly Linux.

"It can't keep operating on the same path," said William E. Shafer, technology analyst with J.P. Morgan.

Ballmer, 43, also might put a kinder, gentler face on the company during settlement talks with the government.

But at the news conference Thursday, Ballmer showed no signs of bending to the government. He said it would be "absolutely reckless and irresponsible" to break up the company.

Clinton plan for airline safety offers immunity

By Alan Levin
 USA TODAY

WASHINGTON — President Clinton today plans to announce a new safety agreement to induce airline workers to report the kinds of safety lapses and errors that could lead to major accidents.

Under the new program, administration sources say, employees who make minor errors that could compromise safety can avoid disciplinary action if they report the incident within 24 hours.

The Federal Aviation Administration retains the right to prosecute employees involved in drug or alcohol violations, intentional falsification of records or criminal behavior.

"Where there's a hole in the system, this is a light to illuminate that hole and to increase the safety for everybody that flies," says John Cox, a US Airways pilot and Air Line Pilots Association safety expert.

US Airways experimented with a similar program in the late 1980s after it discovered pilots flying jets at the wrong altitudes. The airline virtually eliminated the problem by working with the union. American Airlines and its union, the Allied Pilots Association, also operate a cooperative program to uncover problems without penalizing employees who volunteer information.

Other airlines have been unwilling to begin similar programs until the FAA formally set down rules to protect them and their employees from enforcement actions.

Flight attendants, mechanics and dispatchers may also be included in the program, dubbed ASAP for Aviation Safety Action Project.

The administration's move is just one of several programs in the works to gather better safety data.

A presidential commission set a goal of reducing the aviation accident rate 80% by 2007.

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From Brazile to Bradley

For a party that claims to have a special kinship with the racial concerns of African-Americans, the Democrats sure have developed a funny way of showing it.

First we had the crude attack by Al Gore's black campaign manager, Donna Brazile, on the integrity of black Republicans like Colin Powell. But now they're carving up each other over race. This week Bill Bradley hammered Al Gore for introducing the Willie Horton issue into politics—eight years ago.

"Gore introduced him into the lexicon," said the former Rhodes scholar. "It bothers me a great deal." We can hardly wait for further edification when these two famous civil-rights veterans continue to carve each other up over race in their debate this Monday evening on Martin Luther King Day.

For our part, we'd like to ponder briefly Ms. Brazile's contribution. To her mind: "Republicans bring out Colin Powell and J.C. Watts because they have no program, no policy. They play that game because they have no other game. They have no love and no joy. They'd rather take pictures with black children than feed them." This almost sounds like an excerpt from a conversation Ms. Brazile was having on the 7 train with John Rucker.

Of course, General Powell and Congressman Watts don't need us to explain that their interest in their race runs deeper than photo ops with black children. But in his letter to the Vice President, General Powell cautioned Mr. Gore against "playing the polarizing 'race card,' which immediately contaminates and destroys the opportunity for open debate on issues of importance to all our children."

In a better world, the candidates would take General Powell's words seriously. But the world of Messrs. Gore and Bradley is the Democratic primaries. This requires campaign strategies to mobilize black voters, and thus Ms. Brazile's dutiful dema-

goguery. Such language, however, may also be a function of the fact that in important ways the debate is slipping away from the Democrats.

Parents in more than 30 states are calling for alternatives to the public school ghettos failing their children. To be sure, Democrats exist who support school choice, but as party policy it's anathema. Come the elections and Democrats are left cowering at the teachers' unions. Minimum-wage hikes continue to pass as an anti-poverty measure, no matter that black youths continue to be chronically unemployed. Meanwhile, Republicans oppose local laws and regulations that make it hard for entrepreneurial blacks to start businesses in their own communities—from jitney services in New York to beauty salons in California. Why no bipartisan Democratic support for even this?

We wonder if indeed the clock isn't running on the Brazile-Bradley worldview on race. In a recent issue of the *New Republic*, Orlando Patterson, a black sociologist, suggested as much: "The racial divide that has plagued America since its founding is fading fast—made obsolete by migratory, sociological and biotechnological developments that are already under way. By the middle of the 21st century, America will have problems aplenty, but no racial problem whatsoever."

Professor Patterson isn't alone. Increasingly, black thinkers are difficult to pin down politically. Harvard Law Professor Randall Kennedy has openly criticized promiscuous use of the race card among black leaders. Yale Law Professor Stephen Carter has taken liberals to task on affirmative action and other issues. Former Democratic Rep. Floyd Flake hasn't had a problem embracing aspects of the supposedly nonexistent Republican agenda for black Americans, such as school choice. Nor has C. DeLores Tucker, who in recent years has aligned herself with Republican figures like William Bennett to address a number of issues affecting black communities.

Donna Brazile's remarks may have been so much blather. But her boss is running for President. The pity is people have to look elsewhere for enlightenment.



Colin Powell
*Warns against
race card*