"EMPOWERING SUCCESS: FLEXIBILITY AND SCHOOL CHOICE"

HEARING

BEFORE THE

SUBCOMMITTEE ON EDUCATION REFORM

OF THE

COMMITTEE ON EDUCATION AND THE WORKFORCE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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HEARING ON "EMPOWERING SUCCESS: FLEXIBILITY AND SCHOOL CHOICE"

WEDNESDAY, MARCH 14, 2001

U.S. House of Representatives,
Subcommittee on Education Reform,
Committee on Education and the Workforce,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:38 a.m., in Room 2175, Rayburn House Office Building, Hon. Michael N. Castle [Chairman of the Subcommittee] presiding.

Present: Representatives Castle, Schaffer, Petri, Souder, Hilleary, Ehlers, Tancredo, Fletcher, Biggert, Osborne, Culberson, Payne, Roemer, and Sanchez.

Staff present: Pam Davidson, Professional Staff Member; Dan Lara, Press Secretary; Patrick Lyden, Professional Staff Member; Michael Reynard, Deputy Press Secretary; Deborah L. Samantar, Committee Clerk/Intern Coordinator; Jo-Marie St. Martin, General Counsel; Kent Talbert, Professional Staff Member; and Holli Traud, Legislative Assistant.

OPENING STATEMENT OF CHAIRMAN MICHAEL CASTLE, SUBCOMMITTEE ON EDUCATION REFORM, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C..

Chairman Castle. Good morning, everybody. A quorum being present, the Subcommittee on Education Reform will come to order. We're meeting here today to hear testimony on flexibility and school choice.

Under Committee rule 12-B, opening statements are limited to the Chairman and the Ranking Minority Member of the Subcommittee. Therefore, if other members have statements, they may be included in the hearing record.

With that, I ask unanimous consent for the hearing record to remain open 14 days to allow members' statements and other extraneous material referenced during the hearing to be submitted in the official hearing record. Without objection, so ordered. I will start with my opening statement, and I will turn to Mr. Payne and Ms. Sanchez for their statements thereafter.

I am pleased to welcome everybody in the room today, particularly our witnesses, to the Education Reform Subcommittee's hearing on ``Empowering Success: Flexibility and School Choice." As many of you know, President Bush's education reform blueprint,

appropriately called ``No Child Left Behind,'' provides more flexibility for state and local authorities, and more options for parents, to ensure that all children receive a quality education.

Specifically, the plan consolidates several small kindergarten-through-twelfth-grade education programs and directs more decision-making authority with respect to academic priorities to those at the state and local levels, individuals who are best acquainted with the unique needs of their school districts.

Equally important, ``No Child Left Behind'' also helps disadvantaged students escape failing Title I schools by allowing their parents to choose a better-performing school.

In recent years, the Education and Workforce Committee has undertaken various legislative efforts to give state and local authorities more freedom to determine how best to administer federal education programs.

In 1999 Congress passed, and the President signed into law, the Castle-Roemer Ed-Flex Partnership Act, legislation to give states the authority to waive certain federal requirements and tailor federal education programs to meet local needs. More recently, the Committee passed legislation to give states the ability to combine federal education programs and their funding streams. In exchange, states would be required to demonstrate improved achievement for all students. Although this language did not become law, I look forward to revisiting this issue as we consider the President's Charter States proposal. Among other things, I will be interested to see how we can encourage states to target these funds to ensure that all children, including students at different levels of income and English proficiency, achieve to high standards.

As we work toward reauthorization of the Elementary and Secondary Education Act, we also intend to review the flexibility measures in current law, such as the school-wide programs under Title I and the innovative strategies grants under Title VI. As many of you know, President Bush seeks to lower the poverty threshold for school-wide eligibility to 40 percent. This would allow more schools with high percentages of disadvantaged children the option to consider a whole school approach to academic achievement.

President Bush's plan also provides broad flexibility in the use of Title VI innovative strategies grants at the state and local level. I believe this is important because, as Delaware Secretary of Education Woodruff puts it, Title VI ``fills gaps and enables the expansion of initiatives supported by other federal and state resources, according to each district's discretion and unique set of priorities.''

On parent choice, this Committee has worked to provide parents and families with new options in the selection of the schools children will attend. Our federal charter and magnet schools programs have facilitated efforts already underway in the states, and over the last two years Congress has allocated resources for a real public school choice option under Title I. That said I believe more must be done to provide real options for parents.

``No Child Left Behind'' provides students in failing Title I schools with the option to transfer to a higher performing public or private school. While some have

argued about the punitive nature of such an action, I think we must keep in mind two things: our goal is to help low-performing schools deliver a quality education to every child, but our priority must be the children who are not learning. The needs of a school that continues to fail and does not change must be secondary.

For those parents and students that choose to stay in a low-performing school, it is my hope that they will take advantage of the supplemental tutorial services envisioned by the President's plan until, through corrective action, the school improves. While some of my colleagues may disagree on the finer policy points of this proposal, I think we can all agree that no child, regardless of his or her personal challenges or family income, should be forced to attend a school that fails to perform year after year.

This morning, we are fortunate to have a distinguished panel of witnesses. We'll hear from a state superintendent and a local superintendent on their ideas for state and local flexibility, and we will hear from a legal expert who has been involved in parent choice litigation, a local superintendent involved in the mechanics of school choice, and a parent who has exercised his ability to transfer his child to another school.

Thank you, again, for being here today. I look forward to hearing your views on flexibility and choice, as well as your views on the President's proposals.

And with that, let me turn to the distinguished gentleman from New Jersey, Mr. Payne.

WRITTEN STATEMENT OF CHAIRMAN MICHAEL CASTLE, SUBCOMMITTEE ON EDUCATION REFORM, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. –SEE APPENDIX A

Mr. Payne. Thank you very much, Mr. Chairman, and thank you for the opportunity to say a few words here this morning. I would also like to commend you for the work that you did as governor in working on educational reform. And I think that your record certainly shows that you've really had a hands-on operation, and certainly deserve to serve as Chairman of this committee.

Having said that, though, I regret to say that no Democratic members of the committee will participate in today's subcommittee hearing as a protest against the illogical and unfair way that the majority created our subcommittees. When the Education and Workforce Committee adopted its organizational rules last month, the Republican majority voted unanimously to remove programs for historically black colleges and universities, Hispanic-serving institutions, and tribally controlled colleges from the subcommittee with jurisdiction over higher education. They are institutions of higher education, and that is exactly where they belong.

Every single Democrat on the committee opposed this ill-conceived idea. Every Democratic member of the committee -- white, black, Hispanic, Asian-Pacific and Native American, because we're very fortunate on our side to have that diversity -- has spoken out against this separation. Our message is loud and clear, and it should not be ignored.

We have received an overwhelming number of letters and communications from presidents of minority-serving institutions, from student bodies at those institutions, from talk shows, radio programs, TV shows, expressing their strong opposition to the committee's action. These include a letter of opposition from our former distinguished colleague, William H. Gray, III, who now serves as President of the United Negro College Fund.

The committee should include all colleges in the new 21st Century Competitiveness Subcommittee. As a matter of fact, I commend the majority for coming up with such a hard-hitting name of the subcommittee, because that's where America needs to be. We have to be competitive with people from around the world. And that 21st Century Subcommittee was designated and designed to expand higher education opportunities and emphasize lifetime learning, which is extremely important.

No college should be relegated to a subcommittee that deals primarily with issues such as juvenile justice, child abuse, and the arts, as the predominantly historically black and Hispanic-serving institutions have been relegated to. We'd like to continue our effort to reach a fair compromise with our Republican colleagues -- as I indicated, many of whom I work very closely with, and many other people of goodwill -- but one that ensures that all colleges and universities have an opportunity to grow, prosper, and compete in the 21st century.

We hope that the Republican House leader Hastert would intervene to correct this situation. As it's been indicated, the new President George W. Bush has made the centerpiece of his administration to leave no child behind. We also believe we should leave no colleges behind by relegating them to this other committee.

And so, Mr. Chairman, I appreciate the opportunity. Thank you.

Chairman Castle. Thank you, Mr. Payne. And I would like to also extend the opportunity to the distinguished Congresswoman from California, Ms. Sanchez, to comment on this subject, and then we'll go ahead with the hearing.

Ms. Sanchez. Thank you, Mr. Chairman, and again, congratulations on your chairmanship of this subcommittee.

It is with a certain amount of sadness that I must join my colleague, Mr. Payne, today in making this statement. I'm here to tell the Chairman and the members of this committee, as well as the witnesses and the members of the public assembled, why we and our Democratic colleagues will not be participating in today's hearing.

As of today, Democratic members of the House Education and the Workforce Committee are still boycotting any subcommittee assignments. The committee leadership made what I believe was a very regrettable decision to separate minority graduate education from the rest of the Higher Education Act, excluding Hispanic-serving institutions and historically black colleges and universities and tribal universities from the jurisdiction of the 21st Century Subcommittee. This means that when the subcommittee discusses improving higher education, and helping to ready our college students for the challenges they will face in the 21st century, it will be discussing this

improvement without the minority colleges involved.

The Democratic committee members, the Black Caucus, the Hispanic Caucus, the New Democratic Coalition, and even the House Minority Leader, Richard Gephardt, believe that this delivers a very dangerous precedent. In effect, it separates minorities from the mainstream of higher education, returning to a time when minorities were ``separate but equal.'' As the Supreme Court ruled clearly and decisively, separating minorities in the classroom is an inherently unfair and unjust system. And this is just as true when we consider how to improve post-secondary educational opportunities without considering minority populations in that discussion.

I would prefer to be joining my colleagues today to hear the testimony and to move forward, because education is too important an issue to make political. But what has happened with respect to putting the Hispanic colleges, and the black colleges, and the tribal colleges in with issues of child abuse and juvenile delinquency is just not fair. Until we resolve this issue, the Democratic members will not be participating in these subcommittee hearings.

Thank you, Mr. Chairman, for the time.

Chairman Castle. Thank you, too, Ms. Sanchez. And let me just say if anyone, particularly our witnesses, feel any discomfort, this does not pertain to this particular subcommittee. It's a discussion about another two subcommittees who are trying to work out some jurisdictional problems, and everybody obviously has some correctness to what they're trying to do. I hope we'll get it resolved soon, because we don't want it to handicap what we're doing in the full Committee, because we think this work is extraordinarily important.

I will now turn to our witnesses, but will introduce Lisa Graham Keegan in a moment. Dr. Korte, Mr. Petri will introduce you here in a couple moments. When we come to each of you, I will introduce you and then you'll each have five minutes -- four minutes on the green light, one minute on the yellow light, no minutes at all on the red light -- so if you see it, please try to wrap up. Then we'll go to the members, and they will try to ask their questions and we'll try to get answers, again, in that five minute time frame. I will tell the members that we're doing it in the order of how people have arrived, and there's a list here. So if you want to come up and quibble over it, you can do that at any point and know where you are.

Let's turn first to a familiar face to members of this Committee, Lisa Graham Keegan. Ms. Keegan is the Arizona State Superintendent of Public Instruction in Phoenix, Arizona. She is currently serving her second term in that capacity. She is a former member of the Arizona House of Representatives, where she chaired the Education Committee. She is also a founding member of the Education Leaders Council. Ms. Keegan is well known for her focus on education reform, including efforts for student-centered funding, charter schools, expanded school choice, and an emphasis on marketplace incentives. We welcome you, Ms. Keegan.

STATEMENT OF LISA GRAHAM KEEGAN, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF ARIZONA, PHOENIX, ARIZONA

Ms. Keegan. Thank you very much, Mr. Chairman and members. I will try to be brief, and will not go into the red light. I just wanted to share some ideas in support of the President's proposal on behalf of the state of Arizona and our education system, and also the Education Leaders Council. These are ideas that we've been promoting for quite some time.

In Arizona, the philosophy behind public education is quite simple. We believe public education is an education that is supported by the public. Where the funds for that education accrue to the benefit of an individual child, that child's family should make a choice as to where that child should go to school. The money should follow the child to the school, and there should be immediate information for parents about the quality of that school. They then can make a choice beforehand, and they can make decisions later as to how that school's doing by virtue of their child.

Obviously, these are fairly new ideas -- not new ideas; Milton Friedman's been writing about them for years. But in public education, they have not been realized in very many states. It requires a great deal of change. In the state of Arizona, it requires a great deal of flexibility.

When you all have talked about flexibility before, you've asked us if we could tell you on a piece of paper how many regulations are in the way. It's not so much on a piece of paper as it is a daily challenge to move and focus on these issues of academic standards, choice of schools and information to parents. That's what we want to focus on. We have federal maintenance of effort requirements, where we have people coming into our office constantly and counting heads. How many people are devoted to which of the 97 programs that are being funded through the feds in our office? I know you know this statistic, but 47 percent of my staff is federal staff, managing seven percent of Arizona's education funding.

That does not make sense. We would far prefer to have those people -- they're fabulous people, by the way -- we'd just rather have them focused on our major issues, which are academic accountability, choice of schools, and information to parents.

Because choice is such a new idea, it does create a different reality for us in Arizona. We do move money with children. Federal programs, federal formula does not move money with children, and I would ask you to look at that. We prefer that federal formula was based on numbers of kids, and not phantoms, and not what used to be in the district last year or the year before, or how many kids used to be in the East versus now in the West. These are old formulas. We would prefer that they were based on the children. We would prefer that they were portable, quite frankly; that the money for a particular purpose, particularly in federal programs, is compensatory meant to break a gap, meant to cause achievement. And that money ought to be portable with the child, so wherever it is

they need to go, that money needs to go.

Obviously, it's very important to us in Arizona that we know the quality of our schools. We have very clear academic standards, which we restated in 1996 with some turmoil, with some trouble. We had to get rid of what I considered to be very confusing, sort of light and fluffy statements about appreciating science and mathematics. Get down to proof that one knows mathematics. Questioning with such questions as; can you prove your experience with the Pythagorean Theorem? Can you read? Can you spell? Can you write? Those are very different standards.

This is a very big problem in the country. We have a curriculum that is way too broad. It is not content-oriented; in many instances it is philosophically oriented. It needs to change. The way that it changes is you set high standards, good standards that all children need, and then you assess.

We have an assessment program in Arizona that is every child, every year. It has been so since 1997. In addition, we also have periodic testing with a larger test, a diagnostic test based completely on our standards. We believe in assessment. We are having great improvement in the state of Arizona, thanks to our teachers, and that's whom it's coming from. Largely because, I believe, this combination of choice of schools and academic accountability to clear academic standards makes a difference. So we would hope that the program the President is presenting, which looks so much like what we're doing in Arizona, is embraced here.

I realize there is a fair amount of discussion over what kind of assessment we ought to be looking at in the states, how do we know that the state assessment is correct? In Arizona, we do embrace the NAEP. We embrace the use of the NAEP as a second snapshot at what we are doing. I realize we're going to continue that conversation. We think it's quite useful to counteract much of what I heard Congressman Miller yesterday call “pop art” curriculum that's out there. We need to get rid of it, and so I would encourage us to continue to explore that, and also to continue to push for choice for those children who are in schools that are not doing the job that they should. We find in Arizona that it's extremely beneficial to children. Thank you very much.

WRITTEN TESTIMONY OF LISA GRAHAM KEEGAN, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF ARIZONA, PHOENIX, ARIZONA – SEE APPENDIX B

Chairman Castle. Thank you very much, Ms. Keegan. I will now call on Mr. Petri for the purposes of the next introduction.

Mr. Petri. Thank you, Mr. Chairman. My colleagues, I'd like to introduce the next witness, Dr. Spencer Korte, Superintendent of the Milwaukee public school system. He's had over 25 years of experience as an administrator, assistant principal and principal in the Milwaukee public schools, and will testify about flexibility initiatives instituted in the Milwaukee public schools, and his interest in the legislation that we're considering. Thank you.

Chairman Castle. Thank you. Dr. Korte?

STATEMENT OF SPENCE KORTE, SUPERINTENDENT, MILWAUKEE PUBLIC SCHOOLS, MILWAUKEE, WISCONSIN

Mr. Korte. Thank you, Mr. Petri, and thank you, Chairman Castle and members of the Subcommittee on Education Reform. I'm honored to address this committee as it prepares to reauthorize the Elementary and Secondary Education Act. I am pleased to talk about the topic of flexibility, as it gives me an opportunity to share with you many of the initiatives that are happening in Milwaukee around that theme.

The President's "No Child Left Behind" proposal calls for the federal government to give states and school districts more authority and freedom. In return, it would require proven performance and accountability. I am here to communicate to you our interest in having this type of flexibility extended to school districts, and particularly the Milwaukee public school district. It is of great interest to us. I do have some concerns surrounding the details of such a proposal, and I will address them later in this conversation. However, I am hopeful that Congress will seize this opportunity to craft a bill that truly addresses the needs of our urban public schools.

I believe the proposal has the potential to provide school districts with the winning combination of autonomy and accountability. And I truly believe that it is this type of school district flexibility that will make the words "No Child Left Behind" move from a mere slogan to a reality.

In the Milwaukee public schools, we realize that no two school-communities are alike. We value the individuality of each of our communities. We recognize that parents and students have different needs, and that schools must be given the opportunity to work together with their community to meet those needs.

We have taken bold strides to provide our schools with enhanced flexibility. Through our recent decentralization efforts, over 90 percent of our school operations budget is allocated directly to the schools. Together, the teachers, parents, the principal and the school community have decision-making authority on how their funds will be spent.

We also realize that schools must be held accountable for how they use this flexibility, and we have the means in place to do just that. First of all, our schools are held accountable for improved student achievement. The Milwaukee Public Schools are implementing annual testing using a value-added assessment approach. This means that we measure the academic growth of our students over specific subject areas, over specific periods of time. Our student assessment system emphasizes continuous improvement. It also empowers parents, teachers, principals, and school communities with more information about the performance of individual students as well as the performance of the school.

Student achievement data is used to measure school performance. But more than that, teachers also use the data as a tool. It places accountability at the classroom level, where teachers can make decisions about how to change their teaching in order to

enhance student learning and improve achievement outcomes.

Accountability goes beyond test scores in Milwaukee. Our schools are also held accountable by the parents. This is measured through the school choices parents are able to make in Milwaukee's broad education marketplace. School allocations are based on enrollment. If parents are not satisfied with the quality of the educational program being provided and the level of progress their children are achieving, they can and do choose to send their children to another school.

Parents have extensive options when it comes to school selection. Families can choose their neighborhood school, any school within their transportation region, a citywide magnet school, or a charter school within the district or outside the district. Low-income students also have the option to participate in our state-operated voucher program and attend a private or parochial school of their choice.

We are already seeing the benefits of giving schools additional flexibility. We accept the need to demonstrate results. In order to attract students, schools are required to listen to and respond to their parents as well as the communities, and they need to have the resources to do so. More than ever, the central administration answers to the schools. No longer do we operate a top-down organization. Schools can choose what administrative services they wish to buy back out of their school allocations. If service levels are not satisfactory from the central office, the schools don't purchase the services and those services are eliminated. The majority of the district's budget decision making is done closest to where the children and the parents are at the individual school.

We continue to seek ways to direct more resources and greater flexibility to our individual schools. We are currently exploring ways to increase school autonomy as it relates to federal funding. Utilizing the flexibility provisions under the current law is doing this.

We are encouraged that the reform approach we are taking in our own district is consistent with the philosophy underlying many of the priorities in the President's plan.

WRITTEN TESTIMONY OF SPENCE KORTE, SUPERINTENDENT, MILWAUKEE PUBLIC SCHOOLS, MILWAUKEE, WISCONSIN– SEE APPENDIX C

Chairman Castle. Dr. Korte, could we ask you to wrap up? We'll have plenty of time for discussion; believe me, when you have all the members, to get in everything you want to say.

Mr. Korte. Excuse me. Suffice it to say that we're very interested in having Milwaukee public schools become a charter school district, to explore that possibility and see how that works. Thank you.

Chairman Castle. Thank you, Dr. Korte. We appreciate that. Our next witness is Mr. Clint Bolick, who is the Vice President and Director of Litigation for the Institute for Justice here in Washington, D.C. The Institute for Justice, which he co-founded as well, is a law firm that specializes in constitutional litigation protecting individual liberties.

Mr. Bolick leads the nationwide litigation effort to defend school choice programs. Welcome, Mr. Bolick.

STATEMENT OF CLINT BOLICK, VICE PRESIDENT AND DIRECTOR OF LITIGATION, INSTITUTE FOR JUSTICE, WASHINGTON, D.C.

Mr. Bolick. Thank you, Mr. Chairman, and congratulations on the whiz-bang technology here in the Committee room.

Chairman Castle. Let me just comment on that. We have a screen right here in front of us, and we're speaking on there and I've gotten to the point I can't look at it because it is so distracting. So I'm not so sure about this whiz-bang technology. But you go ahead.

Mr. Bolick. Mr. Chairman and members of the Committee, it's a pleasure to be here to testify on the President's education reform package. My colleagues and I have had the honor to represent parents and children in defense of all of the school choice programs around the United States against the inevitable legal challenges that are mounted against them.

The legal battle is going extremely well. We have won five out of the last six rounds of litigation around the country. The one case that we did not win was the most recent defense of the Cleveland school choice program, where we lost in the Sixth Circuit Court of Appeals. We will be appealing that decision to the United States Supreme Court, and it is my hope and expectation that by June of 2002, the constitutional cloud that has been hovering over school choice will be removed once and for all, and the promise of Brown v. Board of Education will finally be vindicated.

I initially viewed school choice as a life preserver for the most disadvantaged youngsters in some of our most troubled school districts around the country. It is definitely that; it is the one reform that gets kids out of failing schools and into good schools immediately. But I've also now come to understand it as an essential prerequisite for public school reform, giving poor parents the same power as middle-income and upper-income parents to affect decisions relating to their children. The Milwaukee experience I don't have to talk about, because people who can extol the virtues of the program there surround me.

We're also defending the program in Florida, the A-plus program, which is the first program to conjoin public school accountability with private school choice. If a school, a public school in Florida gets a failing grade from the state in any two years out of four, the kids in that school can go to a better performing public school or to a private school. In one year of the program, only 53 kids transferred to private schools. Of the 78 public schools that had gotten one F from the state and that would have had school choice if they had flunked a second time, lifted themselves off the failing list. Florida State University recently found, educational progress for kids in those failing schools surpassed any other kids in the state, in terms of educational gains. That is the kind of accountability that we need.

We have looked at all of the school choice components in the President's bill. All of them easily pass constitutional muster, because they place choices in the hands of individual parents, and they include private schools among a range of options that also include public schools. We would be delighted to lead the successful defense of these programs, if they are enacted into law.

In particular, we believe that the choice components of the Title I reform, where kids in failing schools would be able to go and use their Title I funds in private schools after a public school has failed for three years. This is essential to ensure the accountability promise of the President's reform measure. It would emasculate these education reforms to take the potential of private school choice out of them, and the Florida example demonstrates that.

Likewise, we very strongly support the demonstration projects that are in this bill. All you hear from the opposition to school choice are hypothetical worries and concerns. We need to demonstrate the reality here. These demonstration projects would do exactly that on a small-scale pilot basis. We are very confident that they would be successful.

We support the school choice components, and believe that they are essential. Any bill that passes this Congress without private school choice as one element will not truly be an education reform bill.

One last comment; it was very discomforting to see the Democratic members of the Committee leave. Whatever their concerns about procedures and Committee assignments and so forth, however earnest they are, those concerns pale with what is going on in this room with regard to educational reform of the K-12 system, particularly for those members who represent districts that are economically disadvantaged. They need to hear what people like Mr. Higgins are going to be telling them, and that the promise of school choice makes tangible and real the promise of equal educational opportunity in this country.

Thank you for having me.

WRITTEN TESTIMONY OF CLINT BOLICK, VICE PRESIDENT AND DIRECTOR OF LITIGATION, INSTITUTE FOR JUSTICE, WASHINGTON, D.C. – SEE APPENDIX D

Chairman Castle. Thank you very much, Mr. Bolick. And now we're going to turn to Mr. Petri again; I think he's brought half of Milwaukee here to this hearing today.

Mr. Petri. Thank you, Mr. Chairman. I'd like to congratulate you for including the providers or experts, the administrators, but also one of the representatives of the consumers, the parents of the children that are the focus of all of this effort on the panel today.

The next witness is Mr. Tony Higgins, who is a single parent with two daughters participating in the Milwaukee Parental Choice Program, which provides low-income families a voucher to attend the school of their choice; we just heard it described by Dr. Korte. He's also the parental involvement coordinator at the Urban Day School, which

was one of the first schools to join the choice program. He'll discuss the role of parental choice in education, and what parental choice in Milwaukee has meant to him and to his family. Welcome, sir.

Chairman Castle. Thank you, Mr. Petri. Mr. Higgins?

STATEMENT OF TONY HIGGINS, PARENT, MILWAUKEE, WISCONSIN

Mr. Higgins. Thank you. Thank you, Mr. Chairman and members of your subcommittee, for allowing me to present this information.

My name is Tony Higgins, and I live in Milwaukee, Wisconsin. It is my firm belief that all children should have an opportunity to attend the best schools possible in the cities that they live in, regardless of their income.

For most Americans, the choice to be able to choose these schools is at their disposal, because their finances allow them to do that. But for those of us who have a limited income, we have had problems with school systems that were not adequately educating our kids. We've had no means to do anything about that, until the choice program became available in Milwaukee County.

As of today, there are nearly 10,000 children who participate in this program in Milwaukee County. Two of these children are my daughters, Tanya and Chronda Higgins. Tanya is a fifth-grader at the Marva Collins Preparatory Academy, and Chronda is a junior at the St. Joan Antida High School, which is an all-girls high school. She has been accepted in the pre-med program at Xavier University already, even though she's only a junior.

One of the reasons that I chose these schools for my daughters is because I realized that they had high expectations for my kids. That was something that I believed in, as well as something that their schools believed in. Without the choice program, I simply would not have had the finances to send my children to these schools.

The Milwaukee program is not just about helping individual parents such as myself. Our public schools have responded very positively to the voucher program. Under the leadership of the superintendent, Mr. Korte, the Milwaukee Public Schools have made it a top priority to provide schools and parents with programs that they demanded.

I would like to conclude by emphasizing three things. First, in America, there is nothing new about parental choice. It is widespread unless you have a limited income. Second, millions of parents with limited income deserve the same opportunities that are available to me. Third, school choice helps more than the individual parents and their children. Our Milwaukee public schools are making great efforts to respond to parents' needs. It is clear that school choice helps public schools improve.

You have copies of my testimony that were sponsored by the Black Alliance for Educational Options, of which I proudly say that I am a member. I would just like to thank you for hearing me.

WRITTEN TESTIMONY OF TONY HIGGINS, PARENT, MILWAUKEE, WISCONSIN – SEE APPENDIX E

Chairman Castle. Thank you very much, Mr. Higgins. We appreciate you being here. We look forward to having more discussion with you in the question-and-answer period.

Our final witness today is Dr. Mike Flanagan. Dr. Flanagan is the Executive Director of the Michigan Association of School Administrators in Lansing, Michigan. At least he's not from Milwaukee.

He also served as Superintendent of the Wayne County Regional Educational Service Agency in Wayne, Michigan, for several years. While serving as superintendent, Dr. Flanagan was one of the first public educators in Michigan to embrace the concept of public school academies, or charter schools, by authorizing eight public school academies. Dr. Flanagan also served on Governor Engler's Reading Plan for Michigan advisory council and was named 1999 Educator of the Year by the Michigan Association of State and Federal Program Specialists.

Dr. Flanagan, we appreciate having you here, too.

Mr. Flanagan. Thank you.

Chairman Castle. We're just kidding about the Milwaukee crowd.

Mr. Flanagan. Lansing's a beautiful town. Come visit us, too.

STATEMENT OF MIKE FLANAGAN, EXECUTIVE DIRECTOR, MICHIGAN ASSOCIATION OF SCHOOL ADMINISTRATORS, LANSING, MICHIGAN

Mr. Flanagan. Good morning, Chairman Castle and other members of the subcommittee. As you said, I'm Executive Director of the Michigan Association of School Administrators, but I'm here today representing the American Association of School Administrators, AASA. It's a professional organization of local superintendents and other school systems leaders. We're pleased to be invited to discuss the important topic of parental choice.

I think I was asked to represent AASA because I've been an active member for many years, but I've been a local superintendent; I've been a county superintendent where there were 500,000 children, 180,000 of them in poverty; and because I've been directly and enthusiastically involved in improving schools serving the poorest students and providing educational options for those children, as well as other children in Michigan.

We in public education serve everyone those who walk to school, ride a bus to school, drive sports cars to school; those who have to work after school, those who are picked up by their parents for soccer practice; those who get their only meals for the day at school and those who go to great restaurants at night. To serve them well, we need to understand differences not only at home, but what the brain research is telling us: that children learn in different ways, and there are many kinds of intelligence. They're wired differently.

I've got a son at Michigan, a son at Notre Dame, a daughter who's going to go to Michigan State next year. My Notre Dame son was on a path to failure because he's not the kind of guy that can handle lectures. We were in a position to help him, in addition to the system, because the system at 7 a.m. in the morning when he's not awake tends to lecture to him, and I could picture him asleep with drool stuck to the desktop at times. We need to be open to other options to account for those different learning styles.

We recognize that as educators that we need to have a better way of accommodating those individual learning styles. It's almost impossible being a teacher with as many as 30, 35 kids in a class, to deal with those different learning styles every day. We can, with an entire school designed around certain kinds of styles, or around certain interests. In the past, we've called those magnet schools and theme schools. I think there's a very significant place for charter schools in that area.

We also recognize that the 900 square foot classroom, that box just doesn't work for all children anymore, if it ever did -- and by the way, the good old days that we sometimes refer to, in 1959 50 percent of the kids dropped out. The good old days were not the good old days.

As the choice movement picks up steam, more and more parents and students are realizing they have options and they should have options. I'm exactly the same age as the Beaver, to the day. And Beaver Cleaver had basically three choices of cars, three choices of TV, three choices of ice cream -- everything came in threes for some reason in the '50s and '60s. But our young parents in particular have grown up with many more choices, and it's part of our culture, and they need them.

Opening up options in public education is hard work. In Michigan, we have 170 public school charters. Additionally, hundreds of districts have established other options and alternatives to accommodate schools of choice, including district-wide choice, cross-district choice, and cross-county-district choice. Thousands of Michigan students have chosen an option outside their local school attendance area under those enlightened laws. For example, more than 19,000 Detroit students -- that's over 10 percent of their population -- have chosen an option outside the Detroit public school district. They are not trapped.

My former district in Wayne County, Michigan, as you said, Mr. Chairman, approved eight charter schools when I was superintendent (until a few months ago). Four have been for at-risk students. One's housed at the county's juvenile detention facility. Another is for adolescent students who have been unsuccessful in their local districts and would otherwise be spending their time on the streets.

But those aren't the only roles for charter schools. There are some that I would call niche schools. We designed a marine immersion school on Belle Isle, which is an island between Canada and Detroit. It's composed mostly of African-American males; they learn science on a Coast Guard cutter.

We put a school together with Ford Motor Company and Henry Ford Greenfield Village, right on the side of a museum. These are kids from all parts of the county, black, white, rich, poor, in Dearborn working in a very different way than the traditional way.

I think choice in public education is great as long as it's done in a way that does not threaten our democracy. Where all kids have a shot at the choice school, not the schools picking and choosing who gets to come, but the parents. That's why I'm for charters, and why I'm against vouchers.

At AASA on charter schools, they support public school choice, and charter schools that operate under the auspices of local public school boards or public educational service agencies, if those charters operate under the same framework, including non-discriminatory and unconditioned enrollment, suspension and expulsion. AASA calls for a rigorous study by a neutral scientific body such as the National Academy of Sciences to check out the effectiveness of charter schools.

On portability and vouchers, AASA does not support the assertion that Title I funds are an individual entitlement and thus portable to a child. It's absolutely opposed to any form of public money going to private schools under any name such as vouchers. More of this is detailed in my written testimony, Mr. Chairman.

In summary, creating public schools is one way to reach more of the “all”, to get past the rhetoric of ``all kids can learn'' and get to where all kids are learning. That's why as Executive Director and as a superintendent I've been encouraging the 500 superintendents in our state to continue to work with businesses, museums and other kinds to develop charter schools and logical choices for parents in the public sector. That's why we support choice within the public sector, which includes charters that have public oversight.

Thank you, Mr. Chairman.

WRITTEN TESTIMONY OF MIKE FLANAGAN, EXECUTIVE DIRECTOR, MICHIGAN ASSOCIATION OF SCHOOL ADMINISTRATORS, LANSING, MICHIGAN – SEE APPENDIX F

Chairman Castle. Thank you very much, Dr. Flanagan. Let me thank you all. All of your written statements, by the way, are part of the record. And I realize in some cases you didn't have a chance to get in everything you wanted, but it is a part of the record, so we will make sure it's perused.

And we will start by deferring my own questioning and go directly in order of arrival. We'll start with Mr. Hilleary, the gentleman from Tennessee.

Mr. Hilleary. Thank you, Mr. Chairman. This is a great panel, and I appreciate you coming.

Of course, we're struggling with the choice aspects, as we write the bill, here on the Committee also. But I wanted to ask you all about that. Most of you all, I believe, were from urban areas for the most part. We've got Ms. Keegan, who is over the whole state.

I come from a rural district, and I've always conceptually been a good conservative. I like the idea of vouchers and school choice, all kinds of school choice. But I've often at least thought that the idea of vouchers breaks down in a rural area a little bit. You don't have as many people in one small area -- they are scattered about.

I'm all for privatizing a lot of things. But in the rural areas, it sometimes just doesn't break down. We have these rural mail carriers come to me all the time and say, please don't privatize what we do. And I say, of course I won't, because it's not profitable to privatize a rural mail route. There's just not enough out there, and UPS and FedEx and those guys, they cherry-pick the things that are profitable.

I think the same reason that wouldn't work in a rural area the vouchers wouldn't work. There's not enough competition, not enough folks compactly around in one area to make it work.

I just wanted to know if you all share that opinion? Or do you think it would work in a rural area? And if so, how would it work in rural areas? Anybody on the panel.

Ms. Keegan. Mr. Chairman, Congressman, it does work. It did work in Arizona, it's working right now through the public charter school movement. And also, Arizona has a tuition tax credit -- successfully defended by Mr. Bolick, I might add -- that funds scholarship organizations for private schools.

It's a marketplace phenomenon. We believe in Arizona that school choice is not actually sort of a benefit given by government, but a right that's currently being withheld, and that when you open this up -- in the public charter schools, for example, we only have three urban counties in Arizona: Flagstaff, Phoenix, Tucson are urbanized areas. But we have 15 counties in the state. In the first few years of public charter schools, the vast majority of these schools of course were in Maricopa County and in Pima County, which are highly populated.

We now have public charter schools in 15 counties, some of them very small, mostly started by community organizations in the rural areas. Often times, for example, in our agricultural areas of the state, there will be organizations where parents are dissatisfied with the local public schools, and they will start a very small public charter school, sort of spurred by their organizational ties to other things, maybe rotary or an agricultural association. They get together, and they do pull something together.

It's very hard to predict what people will do, given the liberty to do that. Our philosophy is if it is academically sound, and all children are welcomed, then that's public education and we welcome it. I think it would happen. It did in Arizona.

Mr. Bolick. I agree, as I always do, with Lisa Keegan.

The two oldest private school choice programs in America are rural school choice programs, in Maine and Vermont. Going back to the last century, those two states decided not to build public schools at all in certain rural communities. Instead they provide tuition for kids to go either to an adjacent public school district, or to a private school.

People of course vote with their feet, and there's the old adage that people move to communities because of their public schools. In Maine and Vermont, the larger growth has been where people are moving to school districts because they have no public schools. It's a new twist on an old idea. The system has worked very, very well in those communities.

I think that even in rural communities where there is only one school, as Lisa has pointed out, school choice gives people the potential to create new schools if their schools are not adequate for their children. Technology makes that much more simple to do today. You can organize a school for three children, or for one.

Mr. Hilleary. The scholarship fully funds the tuition at the school that they create in these rural areas?

Mr. Bolick. In Maine and Vermont, it does. The private scholarships that Lisa referred to in Arizona tend to be half-tuition scholarships, and the parents make up the other half. You can design the program any way, by making Title I portable, I think, would go a long way, so that people could pool their resources and start a small school.

One other aspect: this also is very helpful with school overcrowding. In a lot of areas where there is only one school, right now they're looking at having to create a whole new school, to take pressure off of that need for massive capital expenditures by allowing parents to opt out.

Mr. Hilleary. Thank you. I didn't know about that, about Vermont and Maine. Thank you, Mr. Chairman.

Chairman Castle. Thank you, Mr. Hilleary. Mr. Petri? I'm sorry, Mr. Schaffer?

Mr. Schaffer. Thank you, Mr. Chairman. Mr. Bolick, I agree with your assessment of the education plan that eventually will be introduced as H.R. 1. The school choice component really is the heart of the bill; without that, there's really no reason to move the bill forward. We have to remain and maintain that provision intact all the way through the process, and I hope we can count on your support and assistance.

Mr. Bolick. You sure can.

Mr. Schaffer. I think to fail to accomplish this jeopardizes the whole goal in the legislation. And we don't want to see that happen.

Mr. Higgins, your testimony I found particularly moving. I would like your comment on the three-year provision that has been proposed by the President, that in

order for Title I funds to be portable -- in other words, in order for your daughters to be able to take their Title I funds, if they received them, to another school, they would have to endure a failing school for a minimum of three years, presumably from the time the bill passes.

I'd like you to comment on whether that is an adequate time period. First of all, whether three years is too short, too long, or about right. And secondly, you know, the Department of Education has identified 8,000 schools in America that have failed for at least three years, some of them for five years. If children have already sat in those schools for five years, should they receive choice the moment the bill passes? I'd like your comments on that.

Mr. Higgins. My comment would be that I would not want my child to wait one hour in a failing school.

I graduated through the Milwaukee public school system, and from the time I was in high school to the time I graduated from high school, not one counselor that I encountered spoke to me about college. I never had a conversation about college. I found that disheartening, and consequently, when I entered college, I was ill prepared to be there, and after six months I was back at home.

The problem that exists in urban communities is that a lot of kids are already behind, to begin with. Then you say, let's sit here three more years. I don't have three more years. I wouldn't have had it for my daughter. She wouldn't be going to Xavier University right now if she were a junior reading on a third-grade level. It just wouldn't happen for her.

I'd be totally disappointed. It would hurt me as a parent, that if the United States would say to her, “okay, you can go to another school if you wait three more years in this lousy school.” The only thing I would ask is that the President would take his children, his grandkids, put them in a failing school, allow them to sit there for three years. If he was satisfied with that, then I'd be satisfied with it.

Mr. Schaffer. Dr. Flanagan, if Mr. Higgins' best choice to move his daughters to another school would be a private school, why would your association propose denying that choice to his daughters?

Mr. Flanagan. Because I think that the compromise are charters with public oversight. Right now, what can happen in a school that's a private school funded with public money is that that school can pick and choose which kid –

Mr. Schaffer. Isn't the choice the element of oversight that in fact is more powerful than any government bureaucrat providing some analysis or assessment on school performance?

Mr. Flanagan. I think the choice is absolutely the key. But I think it can be made with public oversight, is the only difference I would have.

I mean kids need to get out of failing schools. There's absolutely no question about that. I think what we're doing in traditional public education is getting past denial.

We're getting past the idea that all kids are making it in the traditional system.

Mr. Schaffer. This element of school choice, Title I funds that includes a private option, is a critical portion of the President's proposal. On this basis alone, if that provision remains in the bill all the way to the President's desk, what will be the disposition of your association with respect to the bill?

Mr. Flanagan. The $1,500 portability?

Mr. Schaffer. Right.

Mr. Flanagan. We'd be in opposition to that, because the spirit behind the Title money is for concentration of poor students in a school. My experience as an educator for 30 years would tell you that not each kid needs $1,500 of what's being sounded like the portability of that $1,500. There are some kids where their needs are going to be such that that total amount of money might concentrate with a handful of kids, not with $1,500 per student. It might be that some kids actually are in a situation where what they need in that school that's concentrated with poverty is more like a $400, if we were trying to equate it to dollars.

And so the idea is just that somehow that concentration of poverty, there would be schools that would actually lose money for that concentration if $1,500 was just taken and made an arbitrary assessment.

Mr. Schaffer. Thank you, Mr. Chairman.

Chairman Castle. Thank you, Mr. Schaffer. The gentlewoman from Illinois, Ms. Biggert?

Mrs. Biggert. Thank you, Mr. Chairman. I'd like to thank you all for your comments. I think it's been very enlightening.

A couple questions: I'm from Illinois, so we've had a lot of education reform, and I served in the Illinois General Assembly when we did that reform, I noticed that you had originally, Ms. Keegan, been in the legislature and put in the reform which you are now carrying out. That's admirable. Never know if you make mistakes or not, but just one comment on the school.

Ms. Keegan. Absolutely none.

Mrs. Biggert. I think that we're talking about the three years, and I don't think that under the President's plan there really is anybody that would just be sitting in a failing school, hopefully, because there will, after the identification, be action taken immediately to improve that school. It's not as if we're going to wait for three years to make sure, to have corrective action taken, such as revising the curriculum or restructuring the staff in the first year, and then the next year the students will have the choice to go to another public school, and Title I funds can be used for transportation. So I wouldn't like to have that, as we're not doing anything.

But my question really is about the parents and about the teachers in the areas in which you've been involved. One thing that we went through in Illinois was really to get businesses on board with school reform, to get the teachers, too. I wonder what happened with the teachers' unions and their agreement? I know when we did Chicago school reform, we actually did away with collective bargaining, really to ensure that the schools would open, that the teachers were there, and really to get everybody working together.

Number one is the teachers, and number two is, what about the child that doesn't have the sophisticated parent to ensure that their child is going to take advantage of the opportunity to move, or the parent that doesn't care? Now, I think even in Chicago they developed the parent councils and really got parents much more engaged. But there's always going to be that student that doesn't have any help from the parent if the school is failing to make that choice to move. So maybe start with you, Ms. Keegan?

Ms. Keegan. Mr. Chairman, Congresswoman Biggert, first of all, let me answer your last question first. I meet very few parents who don't care. I hear a lot about poor parents who can't manage choices for their children; I find that offensive, and it hasn't been true in Arizona. The first families to move into schools of choice are poor or minority families. They are ill served; they are looking for a different option. So they move, and they move right now, when they can.

So parents do care in large part. The best possible thing to happen for this poor child who does not have involved parents is you can give school choice to other children. There is nothing more inspirational to a school than to have its kids leave. As Mr. Bolick said, in Florida there was no school remaining on the failing schools list, and no schools progressed more quickly than those schools that had been identified as failing and had lost students.

It's not theoretical. It works every time. We keep talking about it as though it's theory. It works; it has worked in Arizona, worked in Florida, worked in Milwaukee, it has worked everywhere that it's done.

As far as the teachers' union is concerned, obviously this was not their first choice in reform when we proposed it in Arizona. They said for years that they themselves would engage in a public charter school; they planned it for about four years and then decided not to do it. They're certainly welcome to.

I think it is not healthy, and I congratulate what happened in Illinois. We need to get down to brass tacks; you need to go past some of these ridiculous agreements on collective bargaining. In my opinion, the profession of educating is not served well by a one-size-fits-all contract system. We ought to do away with it. The profession would be better served and our teachers would be better served. They could contract individually, they could be paid more, they could ask for more time, and they could ask for more money. It's our experience in Arizona, where there are individual contracts, that teachers are paid more.

So they've opposed it, but it has not been successful opposition in Arizona.

Mr. Korte. Mr. Chairman and Ms. Biggert, we've had a very different conversation with our bargaining units in Milwaukee over the last five years or so. I've been in the district 28 years, and I watched a very militant organization become increasingly flexible as people, children and parents, have options. I am very much encouraged by that, although I have some questions about choice in the sense that you can have a bad choice school as well as you can have a bad public school, so I'd be very interested in having somebody monitor that, because parents can make a bad choice, just as they can make a bad choice in a public school. We've had a little bit of experience with that in Milwaukee.

In fairness to our bargaining unit, the teachers' unit, we're having a very different kind of conversation about removing bad teachers, holding people accountable for results. Frankly, I think we owe it to the choice movement.

Chairman Castle. Thank you very much, Ms. Biggert. Dr. Flanagan, if you want to make a short statement.

Mr. Flanagan. Mr. Chairman, Congresswoman Biggert, if I may, I agree with Superintendent Keegan that all parents care. But I appreciate your asking a nuance of a question that might be the fine-tune difference between a charter and a voucher.

I was very much pro-voucher and charters until, as we started to receive applications for charters, you start to realize that many of those charters didn't have an aggressive plan to educate parents, to help them make the best choices. That can be the difference between the kids, we all want them to have other opportunities, to have those opportunities in a real way, not just a systemic way -- I mean a way that they really understand what the choice is.

The Ford Academy would not exist with the diversity of the whole county if it weren't for the fact that they had an aggressive plan to go to all communities, including Detroit, to recruit children. Under a voucher scenario, at least in Michigan, that would not be required. You just open a voucher school and it would be whoever showed up, showed up.

Mrs. Biggert. Thank you, Mr. Chairman.

Chairman Castle. Thank you very much. Thank you, Ms. Biggert. And we'll now turn to the distinguished gentleman from Colorado, Mr. Tancredo.

Mr. Tancredo. Thank you, Mr. Chairman. And welcome, there are some familiar faces. I think it was almost exactly 20 years ago that I wandered into the Mountain States Legal Foundation in Denver and asked if they could send me someone who could help me devise a plan for a school choice initiative, and they sent out a guy by the name of Clint Bolick. We have been good friends ever since, and I cherish and value that friendship, and I congratulate you on the incredible accomplishments that you have been able to achieve on behalf of the children of this country, Clint. It's a pleasure to see you here, and it's a pleasure to call you a friend.

Likewise, Ms. Keegan, for years I know we have been on various sides of these tables, talking to or with each other. It's just great -- isn't it wonderful, in a way, if you'll allow me to be somewhat nostalgic -- isn't it wonderful? Here we are, you guys, the two

of you especially that have been so long in this camp, and listening to people like Mr. Flanagan, who have now said that they support even things like school choice, public schools of choice. You remember when that was not on the table for discussion.

Here we are talking about the President's plan, and arguing to a certain extent about the length of time that is involved before a voucher concept could take hold -- not whether or not it's going to happen -- I mean, that's going to be an argument, that's for sure. But it's just so refreshing here to be at that point where we're actually talking about that as an issue. How much time are we going to allow to lapse in a failing school before we do this?

It is the power of the idea. School choice is, in and of itself, such a powerful concept that it will overcome all of the obstacles that the educational establishment places in front of it. I am sure of it. And it will do it quicker with the involvement of people like you. Again, I just can't tell you how much I respect your work, both of you.

I want to ask you, Ms. Keegan, specifically, how can you advise us, as an appropriate federal role -- the encouragement and development of charter schools that will not be continually confronted with an antagonistic chartering agency, and therefore be inhibited to some extent? In Colorado, you can only charter with the state Board of Education. I think that is not the case in Arizona.

Ms. Keegan. No, it's not.

Mr. Tancredo. I wonder what we can do at this point, I mean at the federal level, to encourage something that allows for less friction and a lot more flexibility for charter school chartering.

Ms. Keegan. Mr. Chairman, Congressman Tancredo, thank you very much for those remarks.

I'm always loath to give advice. Arizona is very different than other places, although very similar to Colorado. It was Colorado who told us that we should not have just one chartering agency. They had gone the year before we did, and considered that to be a mistake.

So what we did was create the state board of education, and then create the state Board for Charter Schools, whose only function is to create charter schools. When you're a hammer, you go looking for nails. And miraculously, they found schools that wanted to start up.

Interestingly and importantly in Arizona, you do not have to apply first to your local school district. We do not use school districts as ultimate proxies for kids. A school can start anywhere it wants to in the state of Arizona by coming to the state board or the state board for Charter schools.

I don't know what Congress does about that, Congressman, other than to make sure that in your funding formulas you are funding students in schools that are within a public system, and not traditionally districted schools. Question those formulas and make sure those funds are portable and liquid. We had to fight this a little bit in Arizona; most

funding formulas run through LEAs, (local education agencies). You now include, which is great, public charter schools in that distinction. But we have to make sure that's true all the way down the line.

The kinds of start-up funding that have been offered through the federal government, I think, are important. We no longer take those in Arizona. After three years, we believe that these schools should have to vet themselves in private agencies for loans. Private banks ask much more pointed questions than groups of people giving away public money.

But in the beginning it is important, because state institutions like banks will not recognize public charter schools. They don't know what to do with them financially until there's a two- or three-year track record. Then it's quite simple after that, our banks are now terrific about public charter school loans, et cetera. But it took a while. So the start-up can be important, and there can be assistance from the federal government in that.

Mr. Tancredo. Thank you very much. And the NEAP; one thing I did notice in your testimony is that you suggested we should not do anything about a school or a state that has declining NAEP scores.

Ms. Keegan. Correct.

Mr. Tancredo. But not declining state scores, vice versa I guess. Isn't that a problem with credibility in terms of accountability? If in fact one part of the equation is not working out correctly, and if from our point of view we're trying to use some sort of testing standard to measure the effectiveness of the educational system -- I don't know. I just worry about letting states then begin to manipulate the testing process so that it will be the Lake Wobegon effect everywhere.

Ms. Keegan. Mr. Chairman, Congressman Tancredo, obviously we are worried about tests that don't have any content in them. That's the battle we're fighting right now. I consider this sort of a trust-busting exercise.

We have had bad curricula out there. We just have to admit there's a reason our kids start to slide in the fifth grade, and it's this philosophy that says that, number one, some kids can't learn, therefore we're not going to teach them. Secondly, we need to just let the kids experience learning and tell us what they want to learn. I mean there's a lot of that out there.

It is counteracted by high standards and good tests. In Arizona, we do have a lot of confidence in the standards on which NAEP is based. We've been using it for years; you all use it in your statistics all the time. For the moment, it's quite strong. We have somebody in my office that sits on that agency that sort of watches what they're doing. You know, vigilance is very important here. But I think we're in a good place.

We would recommend using it as sort of a sunshine instrument. Certainly a second snapshot, if you will. State's going up, NAEP's going up, perfect; state's going up, NAEP's not, nothing happens to the state; if they're both going down, that's incredibly hard to do, and you've got a huge problem on your hand, and there ought to be some sort

of sanction, in my opinion.

Mr. Tancredo. Thank you very much. Thank you, Mr. Chairman.

Chairman Castle. Thank you, Mr. Tancredo. The gentleman from Kentucky, Mr. Fletcher.

Mr. Fletcher. Thank you, Mr. Chairman, and I certainly appreciate each of you and the interesting things you've brought to us.

Let me ask a few questions. Dr. Flanagan, let me ask you some, because I think one of the major concerns I hear is that if children leave, first off, they're leaving some children behind in a bad school. Two, the resources they're taking with them, and that's going to make it worse on the other children.

In your state, how much do you spend on an average student?

Mr. Flanagan. The average is about $5,500 per student. That ranges dramatically.

Mr. Fletcher. What percentage of that comes from federal dollars?

Mr. Flanagan. About seven.

Mr. Fletcher. About seven percent?

Mr. Flanagan. Yes.

Mr. Fletcher. It'd be $370, just off the top of my head. Somewhere around there?

Mr. Flanagan. Okay.

Mr. Fletcher. If you just track that, that leaves maybe $4,700, $4,800, easily, per child.

Now, if you took $1,500 from that, you'd still have maybe $3,300 left. And you have no child to educate. Assuming your state budget for education is not going to be diminished, how does that leave you with fewer resources? You have one less child to take care of and $3,300 more.

Mr. Flanagan. Congressman, I wasn't making the argument that it's fewer resources. I was trying to make the argument that it's, to be blunt, overly simplistic to think that you can characterize this as $1,500 per kid. It might be that for some children it's $3,000 in that particular Title school, and other kids it's not much in the way of resources at all. That's why that concentrated Title money has been so important all these years.

I wouldn't make the argument; I agree with you, I wouldn't make the argument in terms of the diminishing resources. It's in terms of those kids in that impoverished school having enough resources collectively to put the Title programs in place.

Mr. Fletcher. One of the things I've looked at is that we spend a great deal more than $5,500 or $5,000 for the Title I children, so I was using the average because I think we would be left with more resources.

One of the things that I think about when I think of this, I go back to 1963 and my first car. It wasn't a 1963, it was a few years old at the time that I got to drive that car. And it was a 1963 Dodge Dart. Nothing against Chrysler and Dodge, but I can think of going out and the thing cranking, cranking, cranking, and a few other problems we had with cars in the '60s.

Then along came some competition from overseas. It's amazing what happened with competition. Now, I know Michigan and Detroit probably would not -- matter of fact, there were efforts to stop that. There was a tremendous amount of effort to stop importations and everything else, because they didn't want competition. And yet it seems they learned a tremendous amount.

I happen to drive a Ford or a Mercury now, and it usually starts when I go out, and I'm real pleased with the quality we get out of Detroit and other places, even though we have a Toyota factory right in my district.

I really have to question, when folks that have a vested interest in a system that is a monopoly, and when, as Mr. Higgins brought up, the fact that if you're low income you have no real choice. In a country that's as profitable as we are, and that has reached a certain economic level that we have, I really have a question of why folks would want to lock a child in a failing school or a failing system, and we've had years of that, and offer some minor change, but be afraid -- and I think it seems to be a fear of competition, and I don't understand that. Would you help me there?

Mr. Flanagan. Yes, Congressman. First of all, let me speak to my own experience on the eight charter schools that we did. Those kids represented thousands of kids who left local districts. The districts lost that money, and it went to the charter boards, to spend as they sought fit. The issue of trying to hold on to the kids is not the case, in Michigan anyway. Those kids left the traditional system. The Dearborn superintendent was very angry with me as the county superintendent at the time, because kids were going to leave Dearborn.

What ended up happening is we all acknowledged that, number one, it's exactly a good analogy for our area of the country that it worked in the auto industry, and it will work in education. I have no doubt about that; choice has to be here. My only argument, and I'm trying to make a fine-tuned argument, is our experience with charters is such that there needs to be some level of oversight.

I agree very much that is should not be bureaucratic oversight. That's going to somehow inhibit the very reason you'd want a charter, which is as a school of innovation. What I've found is that if you don't do that, we had probably twelve charters that we turned down. One could see from the applications this was a money issue for half of those charters. This was a way to make some money, and it didn't have any goals towards achievement, didn't really understand the educational system. So that's what we mean by just some level of oversight.

In fact, what happened in the eight charters we did is we suddenly lost $5,500 a kid with every one of those kids that leaves to go to the charter school. I'm still proud to support that and say get used to it. The superintendents, who are my colleagues -- I'm now their association exec -- need to understand those kids need to have an alternative place. Our only fine distinction is between a voucher and a charter.

Mr. Fletcher. Okay. Well, thank you, my time is up. I have some major concerns about across-the-board vouchers because of entanglement, and because of the drive for oversight, which might kill the goose that lays the golden egg, if you will. I also find it reprehensible to lock a child in a failing school. There's a certain period of time that a child has the plasticity of mind. If you do not take advantage of that and Mr. Higgins, I appreciate yours, you know, why three years? This is not baseball, three strikes and you're out. It's a child's life and future and some of the barriers.

When we look at the reading levels, 36 percent for African-Americans who are able to read at a level when they reach the third or fourth grade. That's a tragedy in this country. To allow the public school system to continue without some challenge or some endgame of holding their feet to the fire, I think would be reprehensible. But thank you all.

Chairman Castle. Thank you, Mr. Fletcher. The gentleman from Pennsylvania, Mr. Greenwood.

Mr. Greenwood. Thank you, Mr. Chairman. Dr. Fletcher, you should have waited for the '66 Dodge Dart. It was a champ.

Mr. Greenwood. It's pretty hard to argue with the notion that monopoly produces stagnation and mediocrity, and that choice produces competition and excellence. We see it in every facet of life, and it's a strong and powerful argument. And certainly higher education seems to work that way entirely in this country; it's all about choice, it's all about niche markets, it's all about kids choosing between small colleges and big universities, and going for whatever it is that especially intrigues them.

There seems to be two visions of school choice in this country. There's the one that most of you have enunciated, which is that choice would produce, in the K through 12 environments -- the same kind of result that it has produced in higher education. This is a magnificent vision of all of these wonderful little decentralized schools competing for the attention of the parents and the kids, and having to constantly improve themselves to win the market. And it's a great vision.

The other vision, and it's the vision that the opponents have, is a different vision. What happens is you don't have vouchers that provide enough money to actually have everyone afford to make the choice, so you have an elitist factor where only those who can afford to supplement the $1,500 in this case can do it. You have the scenario where schools are exclusive and don't accept the problematic kids, and the kids with the learning differences and that sort of thing. You have the scenario that the parents -- and to some degree all parents care about their kids, but we all know that the reality is that some care a lot less than others -- that the kids whose parents don't put a high value, don't take advantage of options. Under that scenario, the public school goes into a downward cycle with fewer resources, more difficult-to-educate kids with less of an interested parental

organization involved.

I'd just like you to comment, anyone who would want to, on the nightmare scenario and how we make sure that that's not where we wind up. Also, if you'd like to, the other concern that I have is that no matter what we do, there are going to be a lot of kids left in inadequate schools for a while. I'm a little bit nervous about putting so many eggs in the choice basket that we forget to put the kind of resources, the intense resources, which we're going to need to in those bad schools. I, for one, think that one thing we ought to do is we ought to flood these bad schools with student-teachers, who will probably learn to teach more readily in those settings, and provide more hands on deck to change the student-teacher ratio. But I'd just appreciate it if you'd comment on those two areas.

Mr. Bolick. Mr. Greenwood, I'd like to take the lead on that, and first correct an erroneous premise that Dr. Flanagan has repeated on numerous occasions. First to Mr. Schaffer's comments, where he said, the private schools can pick and choose. In Florida, Milwaukee and Cleveland, all of the private schools in the program must accept kids on a random selection basis. In fact, that's a feature of the President's program as well.

Mr. Greenwood. Let me just insert, does that apply to all specialties? Does that apply to the children with the most severe learning issues as well as behavioral issues?

Mr. Bolick. As far as admissions are concerned, that is correct. The obligation to provide special services for those kids remains with the school district. But as far as admissions are concerned, they must accept any child who applies for the program by random selection.

I think the President's program includes both the accountability requirements that are necessary to make sure that the program is going to be a success, but it also moves very cautiously. In the Title I area, kids don't get private school assistance for three years, which -- I agree with Mr. Higgins -- is in my view way too long. The demonstration project is a very, very cautious federal experiment with school choice. So it seems to me that moving with these baby steps, you know, does allow us to see which vision it is.

I happen to think, based on experience in Florida, Milwaukee, Cleveland, with charter schools in Arizona and elsewhere, that we're going to find that in fact when parents are empowered, we see exactly the situation as postsecondary education, (which is where we have portable assistance). We have an educational system that is the world's envy, in our K to 12 systems right now, which is a monopoly, the parents whose kids most need education are the kids who have the least choices. I think if we change that facet of it, we're going to see very significant improvement in our school system. It is so far so good in the experiments that we've got going on right now.

Mr. Flanagan. Mr. Chairman and Congressman, if I may?

Chairman Castle. Dr. Flanagan, let me just interrupt you for a moment.

Mr. Flanagan. Yes, sir.

Chairman Castle. We have a vote that's going on now. We're going to get down to the ten-minute mark. I was the only one left without questions. Mr. Osborne is coming, but he may not want to ask questions. So if you could be brief with your questions, because we're going to start to run out of time here. Then I was going to let the group go, unless somebody else wants to come back for another round of questions. All right, let's proceed that way, then.

Mr. Flanagan. . I will be brief. To clarify the erroneous charge that was made, it's not erroneous for Michigan. It may be, and I compliment Milwaukee and the other places where that's not the case. The reason that last fall the voucher proposal was defeated, not supported by our fine Governor Engler, was because it was a pick-and-choose voucher system. Country Day could pick and choose the kids that come in based on an academic test, could choose not to -- you know, those things are in fact true in Michigan, so I'd like to correct the record.

Secondly, in terms of the Congressman's important question about how to make sure disaster doesn't happen, it's the reason that I think we should advocate for charters, for choice between public schools. The 19,000 kids who left Detroit -- who are not trapped in Detroit, who left Detroit -- where did they go? They went to surrounding school districts. What is Detroit doing, and their new superintendent, Ken Burnley, to try to address that? He's changing the whole system. He knows he will not have any kids left in Detroit. They will go to the suburban districts.

There are already more than baby steps, more than demonstration projects in Michigan. There are large numbers of kids and their parents that are making other alternatives, and it's forcing -- when we opened the Ford Academy at Henry Ford Greenfield Village, the Dearborn superintendent had to change his entire system. His three high schools are better for it, because they knew the kids would leave and go to Henry Ford if he didn't. They're in place now, without taking the risk of the disaster that you describe, sir.

Chairman Castle. Thank you, Dr. Flanagan. Thank you, Mr. Greenwood. I'm going to ask some questions rather quickly, and we've got to go through these very quickly.

I'm going to start with Ms. Keegan, if I may. You said in your testimony you have an assessment program, every child, every year. You know that the President in his plan has an assessment program, particularly in grades three through eight that revolves mostly around testing.

Ms. Keegan. Correct.

Chairman Castle. I'd be interested in hearing about Arizona's assessment system. We don't have time to hear about everything that happens in the Arizona assessment system, but anything that could be helpful to us in looking at and determining how we can shape the President's assessment system.

Ms. Keegan. Mr. Chairman, I think that Dr. Korte actually spoke to the guts of this proposal -- and what's most important to focus on -- and that is that annual testing is the only measurement technique that will give you growth, that will let you look at where kids start and where they end up. A successful school is a school that moves kids at least

one academic year, and there are numerous measurements, even norm reference tests, that can be converted to that use, where you can take a look at whether or not children are progressing under a particular teacher, under a particular school. And of course, that teacher information ought to be private to the administrators at that school.

Chairman Castle. Do you do norm reference tests or some sort of standard tests in every grade?

Ms. Keegan. We do.

Ms. Keegan. We use Stanford 9 in grades one through nine. And we use our aims tests in grades 3, 5, 8 and as a high school graduation test, yes, sir. So that's the important component, I think.

Chairman Castle. Thank you. I wish we could go on longer than that, but we've got to keep moving.

Dr. Korte, I'm not sure if I totally understand this, and if I don't we'll cut it off. But in your testimony, you indicate that over 90 percent of your school operations budget is allocated directly to schools, and that schools have the decision-making authority on how their funds are spent. We're interested in flexibility here; would you tell us anything they might be doing differently than they would be if they were more restricted in how they expend their funds? What advantages are there in this seeming-to-me flexibility of this 90 percent?

Mr. Korte. Mr. Chairman, the advantages: for example, if you have discretionary dollars and you decide you want to reduce class size further, you may capture that money out of your local budget and hire an additional teacher. You may add a second reading teacher if you're particularly weak in reading. You may add a science.

Chairman Castle. Are they doing this?

Mr. Korte. Yes.

Chairman Castle. I mean, you feel that they're using that flexibility in terms of their money to actually do some of the things you're talking about?

Mr. Korte. Absolutely. It is a fact in Milwaukee.

Chairman Castle. Is that being documented? Or can it be documented?

Mr. Korte. It can be documented. I don't know if we're documenting it. It would be easy enough to do, you know, tracing our yearly records. We keep, obviously, records of our budgets.

Chairman Castle. Good. I'd be interested to see more on that.

Let me turn quickly to Mr. Bolick, if I may. I'm sort of a bug on research. When we get through with the President's plan, we're going to go to research next, which is something that needs fixing in this country. Do you think there's a need for further

research on the effects of choice programs on the academic performance of participating students? Have researchers disagreed about -- and I believe that they have -- about the effects of these programs. What has the research to date shown? We're hearing a lot of anecdotal evidence, but I'm very interested in harder evidence if we can find it.

Mr. Bolick. Mr. Chairman, I understand that GAO is actually doing a study of the studies right now, so that hopefully we'll be able to get a handle on this.

Right now, the state of the academic research on school choice is that all of the researchers who have researched these programs have agreed that there are either modest or substantial gains from the program. There is at least agreement that it's on the positive side of the ledger. The argument is how positive it has been.

I emphatically agree that we need more research on these programs. Graduation rates, for example, we haven't had enough data on that as yet, but the programs seem to have a very positive effect on graduation rates. But we haven't been able to document that yet. I think that commends the pilot project, which does have research components embedded in it. We need more data.

Chairman Castle. Yes, we need to work on that. And Mr. Higgins, this is an obvious question, and it can't be answered as quickly as you're going to have to answer it, because I have to go vote. But what can schools do to encourage parents to be more involved in their children's education? I hear parental involvement is constantly a problem. What can we do as a government, what can education do as an education component, to get parents more involved, in your mind? You're involved, but I'm worried about the ones who aren't involved.

Mr. Higgins. I think the thing that's most enjoyable for me is that when I walk in the buildings where my kids attend school, I feel like I'm welcome there, I feel like I'm part of a family atmosphere. I've had the enjoyment of sitting down with my child's teachers on a regular basis -- and I know this can be taxing on teachers that you've got a parent like myself who's coming in a couple times a week, monopolizing their time. But I'm concerned about my child's education, and I think these are some of the things that have to be in place. If parents feel welcome at school, if schools are open to parents for them to be able to sit down and discuss some of the things that are going on as far as the educational needs for their children, I think that parents will become more involved in the lives of their children inside the school building.

Chairman Castle. Dr. Flanagan, I didn't forget you. I have -- Bob and I have three minutes to go vote, so we've got to take off, and I apologize for that.

Mr. Flanagan. I understand.

Chairman Castle. I do want to thank all of you very much, and everybody else who attended here today, in your interest in continuing education. We do appreciate it; we'll be listening to what you have to say about it, it's very important to us.

And with that, the Committee stands adjourned. Thank you.

[Whereupon, at 12:05 p.m., the subcommittee was adjourned.]

APPENDIX A -- WRITTEN STATEMENT OF CHAIRMAN MICHAEL CASTLE, SUBCOMMITTEE ON EDUCATION REFORM, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES

OPENING STATEMENT BY THE HONORABLE MIKE CASTLE
CHAIRMAN, SUBCOMMITTEE ON EDUCATION REFORM

HEARING ON
"EMPOWERING SUCCESS: FLEXIBILITY AND SCHOOL CHOICE"

WEDNESDAY, MARCH 14, 2001
10:30 A.M.

RAYBURN HOUSE OFFICE BUILDING
ROOM 2175

Good morning. I am pleased to welcome you to the Education Reform Subcommittee's hearing on ***Empowering Success: Flexibility and School Choice***.

As many of you know, President Bush's education reform blueprint, appropriately entitled *"No Child Left Behind,"* provides more flexibility for state and local authorities and more options for parents to ensure that all children receive a quality education. Specifically, the plan consolidates several small K-12 education programs and directs more decision-making authority with respect to academic priorities to those at the state and local levels -- individuals who are best acquainted with the unique needs of their school districts.

Equally important, *'No Child Left Behind'* also helps disadvantaged students escape failing Title I schools by allowing their parents to choose another, better performing school.

In recent years, the full Education and Workforce Committee has undertaken various legislative efforts to give state and local authorities more freedom to determine how best to administer federal education programs. In 1999, Congress passed and the president signed into law the Castle-Roemer Ed Flex Partnership Act, legislation to give states the

authority to waive certain federal requirements and tailor federal education programs to meet local needs.

More recently, the Committee passed legislation to give states the ability to combine federal education programs and their funding streams. In exchange, states would be required to demonstrate improved achievement for all students. Although this language did not become law, I look forward to revisiting this issue as we consider the President's charter states proposal. Among other things, I will be interested to see how we can encourage states to target these funds to ensure that all children -- including students at different levels of income and English proficiency -- achieve to high standards.

As we look to reauthorize the Elementary and Secondary Education Act, we also intend to review the flexibility measures in current law, such as the schoolwide programs under Title I and the innovative strategies grants under Title VI. As many of you know, President Bush seeks to lower the poverty threshold for schoolwide eligibility to 40 percent. This would allow more schools with high percentages of disadvantaged children the option to consider a whole school approach to academic achievement.

President Bush's plan also provides broad flexibility in the use of Title VI innovative strategies grants at the state and local level. I believe this is important because, as Delaware Secretary of Education Woodruff puts it, Title VI "fills gaps and enables the expansion of initiatives supported by other federal and state resources, according to each district's discretion and unique set of priorities."

On parent choice, this Committee has worked to provide parents and families with new options for parents in the selection of schools their children will attend. Our federal charter and magnet schools programs have facilitated efforts already underway in the states, and, over the last two years, Congress has allocated resources for a real public school

choice option under Title I. That said, I believe more must be done to provide real options for parents.

'No Child Left Behind' provides students in failing Title I schools with the option to transfer to a higher performing public or private school. While some have argued about the punitive nature of such an action, I think we must keep in mind two things: our goal is to help low-performing schools deliver a quality education to every child but our priority must be the children who are not learning. The needs of a school that continues to fail and does not change must be secondary.

For those parents and students that choose to stay in a low-performing school, it is my hope that they will take advantage of the supplemental tutorial services envisioned by the President's plan until, through corrective action, the school improves. While some of my colleagues may disagree on the finer policy points of this proposal, I think we can all agree: no child -- regardless of his or her personal challenges or family income -- should be forced to attend a school that fails to perform year after year.

This morning, we are fortunate to have a distinguished panel of witnesses. We'll hear from a state superintendent and a local superintendent on their ideas for state and local flexibility and we will hear from a legal expert who has been involved in parent choice litigation, a local superintendent involved in the mechanics of school choice and a parent who has exercised his ability to transfer his children to other schools.

Thank you, again, for being here today. I look forward to hearing about your views on flexibility and choice as well as your views on the President's proposals.

APPENDIX B -- WRITTEN TESTIMONY OF LISA GRAHAM KEEGAN, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF ARIZONA, PHOENIX, ARIZONA

State of Arizona
Department of Education

Lisa Graham Keegan
Superintendent of
Public Instruction

TESTIMONY OF LISA GRAHAM KEEGAN
SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF ARIZONA

U.S. HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE

SUBCOMMITTEE ON EDUCATION REFORM

2175 RAYBURN HOUSE OFFICE BUILDING
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC

MARCH 14, 2001
10:30 A.M.

TESTIMONY OF LISA GRAHAM KEEGAN
SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF ARIZONA

Mr. Chairman, Members of the Committee, it is my privilege to appear before you today to discuss the issues of flexibility and choice in the context of the reauthorization of the Elementary and Secondary Education Act and the President's education reform proposal. I am pleased the Congress is continuing to look at ways to provide States with greater flexibility and choice, because they are two of the most important tools the federal government provides for developing and implementing significant education reforms.

At the State level, flexibility allows us opportunities to think about new ways of administering programs or delivering services to meet a defined goal, or improving services through innovation. This could be as complex as completely overhauling a State assessment system and developing rigorous standards and testing, or as simple as allowing districts to administer funds for class size in a way that allows more resources for professional development. In Arizona, we've done both of these. We've also done something else with this flexibility -- we've used it to put into place a system that provides real educational choice for parents and their children.

In Arizona, we believe choice is a right that parents should expect; it should not be considered an extravagance the government, in its benevolence, graciously bestows on the public. Choice ensures that families have real and meaningful opportunities to pursue a quality education that reflects what is important in their lives. Choice can come in many forms, from public charter schools that open their doors to all students, to tuition tax credits that allow taxpayers to finance private school scholarships for needy students. We've done both of these in Arizona, too. We believe flexibility should naturally spawn choice, and that choice invigorates our system.

Most of the education initiatives presently before the Congress provide for some degree of flexibility in administering programs aimed at any number of defined objectives. We

welcome this faith in the States to carry out programs in a manner that allows for local initiative and creativity, and, speaking for Arizona, I can promise you that we will deliver results.

I can tell you this, because in my state we have a rigorous assessment system that shows us today what you will be asking states in the future. We can measure results and tell you the academic areas in which our kids are succeeding and in which they're not. We can tell you who is making progress and who isn't, and we can compare our kids against those in other States to see how we're doing in relation to them. So tell us what you want us to accomplish with federal funds, and give us the flexibility we need to make it work well in Arizona. If our assessment program indicates that we're not doing a good job, we expect to be penalized. But long before that happens, we know the demand for accountability will spur the changes we need to succeed with our students. We seek both the accountability and the responsibility for student success.

It is this idea -- accountability for flexibility -- that lies at the heart of the President's education reform proposal. Given that it is also at the center of many of the initiatives presently making their way through the Congress, I want to make it the focus of my comments as well. While I usually sit before you and talk about flexibility in administering programs, and the need to insist that dollars follow a child into the classroom -- initiatives I continue to vigorously support -- I am going to limit my comments today to talking to you about how vitally important it is that you work hard to ensure that accountability mechanisms remain flexible as well.

As part of accountability, I consider assessment to be one of the most important pieces of education reform, because without it, you'll never know whether any of the initiatives you've undertaken -- at the state, local, or federal level -- have really made a lick of difference in increasing academic achievement.

You may have the most flexible program in the world, funded to the hilt, and chosen happily by parents, but unless you've got an assessment system in place, you'll never

know whether it's improving student achievement. It may be that students in the program are stagnating or, worse yet, losing a year of achievement. Good intentions don't automatically produce good results, but good assessment can measure our success.

So, what is good assessment? It's the four-letter word: T-E-S-T. We really need to conquer this fear of testing, and I want to go on the record in unequivocally supporting the President's proposal that we test annually. We should not apologize for testing our kids. Testing is not just an intellectual exercise for students, nor is it a punishment. And blaming a test for low academic achievement is like blaming a fever on the thermometer. Tests are assessment tools. When done well, tests can help us determine where we are as teachers, students, policymakers, and a nation. You cannot hold states accountable unless you have a valid mechanism for measuring success.

States should be held accountable for delivering results, and these results -- as measured through the test -- should be meaningful. This is where things start to get difficult. The Congress is rightly very concerned about whether flexibility will lead to academic gain, or to academic stagnation with no strings attached. There needs to be an accountability system in place that measures student progress from year to year, and shows whether or not each student is progressing adequately toward well defined academic standards. Ideally, our assessments should also let us know how we're doing as States in relation to one another, and how we as a nation stack up against other countries.

However, there is a fine line to walk here. States need the flexibility to develop their own accountability systems, but these systems shouldn't be so different that the results they produce can't be compared to one another. An accountability system that doesn't allow us to both track progress inside our borders and compare ourselves to those outside our borders isn't a good system at all. Yet, I caution you to be careful when developing federal policy not to overly prescribe the mechanism that is to be used for tracking progress and assessing student achievement.

I would encourage the Congress to work carefully to ensure that any legislative proposals will reflect the President's commitment that, "accountability must be accompanied by local control, in both measures and means." Let the States decide what type of annual assessment works best for their students and schools in determining academic gain and excellence in student achievement.

In Arizona we have developed an assessment system that uses two different assessments – a criterion-referenced test measuring our rigorous Arizona Academic Standards and an annual norm-referenced test that delineates annual academic gain. Our criterion-referenced test, Arizona's Instrument to Measure Standards (AIMS), is given at third, fifth, eighth grades and at high school beginning at the end of the sophomore year. AIMS was created with the help of hundred of teachers in Arizona and aligned directly with our Arizona Academic Standards. This test tells parents and teachers exactly how students are performing against the expectation of what all students should know and be able to do.

We also test annually in second through ninth grades with the Stanford 9. Beginning this spring we will also test our first graders in reading in order to can identify those students who need early intervention so that we may help them become successful readers. We use the results from this norm-referenced test to measure actual gain, student progress from one year to the next. These two tests, AIMS and Stanford 9, complement each other and inform the public about how our students, teachers, and schools are performing. We welcome that information. Without it, how would we be able to recognize progress, success and excellence? Likewise, the results of these tests allow the leadership in local schools and districts to identify areas that need improvement.

While the system we have created in Arizona works well for Arizona, it may necessarily not work best for other states. Just as we have been designing assessments for our standards and systems to measure student growth, our colleagues in other states are also working hard to create the system that works best for them. The movement toward clearly defines standards and appropriate measurement is rarely more than a decade old

in many states, and most of us continue to refine these measurement systems as we learn from them. There is no single best measurement system in the country; this is an evolving science. I believe the country's student will be extremely well served by a clear congressional requirement that we measure for progress toward the state's standards every year with every child. Leave the details to the states.

Evidence matters. It matters to us as states and we know our claims of success will be verified in the long term by the abilities of our students. In the short term, we understand and endorse the idea that you would like some uniform "audit" of student success in those programs you support. Our state goals are assessed through the measurements we have created. But we also welcome the opportunity for our students to be assessed annually in reading and mathematics with the National Assessment of Education Progress (NAEP). We believe this test is demonstrably sound, it has been shown to reflect state standards, and can therefore act as a "second snapshot" to confirm the student achievement trends as measured by the states. It is critical to note that the President does not propose to use NAEP as the primary indicator of a state's success, nor would I ever support such a notion. In this proposed role as "second snapshot", however, the NAEP can continue to offer compelling data to states and the nation about the general condition of American education.

Since this has been a point of confusion, let me describe our understanding of the specific use of NAEP. Using their own assessments together with NAEP, states will be able to see whether their students are making gains from year to year. If state assessments are demonstrating that students are making expected progress, these states will be rewarded, even if results from NAEP do not verify those state results. If a state assessment shows that students are progressing, but NAEP shows that they have actually lost a year of progress, then that state may need to rethink its assessment tool. Believe me, if our tests in Arizona are demonstrating that student achievement is rising but the results from NAEP are going down, I will be the first to examine our state assessment system and to evaluate our program. The NAEP results should absolutely be used by the state as a

second measure to confirm student achievement trends but not to hold funds from states that are demonstrating progress in their own assessment systems.

Assessment is important not only to you at the federal level, who want to hold us accountable for ensuring that taxpayers are getting what was promised for with their money, but also to parents. Parents like assessment, not necessarily because they love tests, but because those measurements let parents know how their local school is helping their children progress. In Arizona, we use our assessment tools – AIMS and Stanford 9 -- as the basis for creating school-by-school report cards that parents can access through the Internet to see whether students at their school meet state standards, or where their child's school is scoring in relation to the state average.

So, now that you've assessed, what are you going to do about it? Assessment by itself is not enough. What do you do about a child who is in a school that is failing to educate its students? You know from the assessments that the school is not performing. While we need to do what we can to help that school, we also need to do something to help the child in that school now. This is where choice becomes critical.

Choice is what we stand for in Arizona -- it lies at the heart of everything we do. We have the largest system of charter schools in the United States to give parents and students more and more options for the kind of school they want. We require all public schools in Arizona to have open enrollment policies and written protocols for accepting students from outside their home district. These are all initiatives we have undertaken to inject real choice into our system, and no federal program required us to make these kinds of choices available. We did it all because we knew it was the right thing to do.

So, I applaud the President and Secretary Paige's decision to continue the discussion on choice, and I commend members on both sides of the aisle who have remained open minded on this issue. Keep talking, and keep looking at ways to ensure that dollars support a student, not a system.

Mr. Chairman, as I stated at the opening of my remarks, if you will provide states with the flexibility we need to carry out federal education initiatives, there's every chance we can deliver. A child in a school with no measurement will be under-challenged or worse. In our Arizona education office, we have Hedrick Smith's quote up on the wall: "What gets measured get done." As states, we have been fighting this battle for sound academic evidence that every child is succeeding, and we look forward to this new era of shared focus.

Thank you, Mr. Chairman, for the opportunity to speak with you today. I would be happy to answer any questions you may have.

APPENDIX C -- WRITTEN TESTIMONY OF SPENCE KORTE, SUPERINTENDENT, MILWAUKEE PUBLIC SCHOOLS, MILWAUKEE, WISCONSIN

MILWAUKEE PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT
5225 West Vliet Street
P.O. Box 2181
Milwaukee, Wisconsin 53201-2181
Phone: (414) 475-8001
Fax: (414) 475-8585

Testimony of Dr. Spence Korté
Superintendent, Milwaukee Public Schools

SUBCOMMITTEE ON EDUCATION REFORM

March 14, 2001
Washington, D.C.

Thank you Chairman Castle and members of the Subcommittee on Education Reform.

I am honored to address this committee as it prepares to reauthorize the Elementary and Secondary Education Act. I am pleased to talk about the topic of *flexibility*, as it gives me an opportunity to share with you many of the initiatives happening in Milwaukee around that theme.

The President's No Child Left Behind proposal calls for the federal government to give states and school districts more authority and freedom. In return, it would require proven performance and accountability. I am here to

communicate to you our interest in having this type of flexibility extended to school districts, and particularly the Milwaukee public school district. I have some concerns surrounding the details of such a proposal and I will address them later. However, I am hopeful that Congress will seize this opportunity to craft a bill that truly addresses the needs of our urban public schools.

I believe the proposal has the potential to provide school districts with the winning combination of autonomy and accountability. And, I truly believe that it is this type of school district flexibility that will make the words "No child is left behind" move from a mere slogan to a reality.

In the Milwaukee Public Schools, we realize that no two school communities are alike. We value the individuality of each community. We recognize that parents and students have different needs and that schools must be given the opportunity to work together with their community to meet those needs.

We have taken bold strides to provide our schools with enhanced flexibility. Through our recent decentralization efforts, over 90 percent of our school operations budget is allocated directly to schools. Together, the teachers,

parents, principal, and school community have decision-making authority on how their funds will be spent.

We also realize that schools must be held accountable for how they use this flexibility and we have the means in place to do just that. First of all, our schools are held accountable for improved student achievement. The Milwaukee Public Schools are implementing annual testing using a value-added assessment approach. This means that we measure the academic growth of our students over a specific period of time. Our student assessment system emphasizes continuous improvement. It also empowers parents, teachers, principals, and school communities with more information about the performance of individual students as well as overall school performance.

Student achievement data is used to measure school performance. But, more than that, the data is also used as a tool by teachers. It places accountability at the classroom level where teachers can make decisions about how to change their teaching in order to enhance student learning and improve achievement.

Accountability goes beyond test scores in Milwaukee. Our schools are also held accountable by parents. This is measured through the school choices parents are able to make in Milwaukee's broad education marketplace. School allocations are based on enrollment. If parents are not satisfied with the quality of the educational program being provided and the level of progress their children are achieving, they can *and do* choose to send their children to another school.

Parents have extensive options when it comes to school selection. Families can choose their neighborhood school, any school within their transportation region, a citywide magnet school, or a charter school. Low-income students also have the option to participate in our state-operated voucher program and attend a private school of their choice.

We are already seeing the benefits of giving schools additional flexibility. We accept the need to demonstrate results. In order to attract students, schools are required to listen to and respond to their parents and communities, and they have the resources to do so. More than ever, the central administration answers to the schools. No longer do we operate a top-down organization. Schools can choose what administrative services they wish to buy back out of their school allocations. If the service levels are not satisfactory from central, the schools don't purchase the services and they are eliminated. The majority of the district's budget decision making is done closest to where the children and parents are -- at the school level.

We continue to seek ways to direct more resources and greater flexibility to our schools. We are currently exploring ways to increase school autonomy as it

relates to federal funding. This is being done by utilizing the *flexibility* provisions under current law.

We are encouraged that the reform approach we are taking in our own district is consistent with the philosophy underlying many of the priorities in the President's Education Plan. As we've demonstrated in our own community, we are continuing to advance efforts to expand resources available directly to schools. We are doing this because we believe principals, teachers, and parents are best able to target those funds to meet the unique needs of their educational community. We also support the proposal's emphasis on providing greater flexibility in exchange for accountability.

The concept of a "charter district" is of particular interest to Milwaukee. I see it as an extension of the efforts we are already making to maximize flexibility and accountability in our schools. We are ready and confident to move educational reform further in our school district through this new approach. We hope to have an opportunity to demonstrate that we can provide a quality, measurable education for all of our children given maximum flexibility and sufficient resources.

The Milwaukee Public Schools would welcome the opportunity to act as a demonstration site charter school district. We believe that we are uniquely poised for this purpose. Milwaukee is a hotbed for educational reform and the community is inclined toward innovative new ideas.

Milwaukee is the optimal size to serve as a pilot site. With approximately 100,000 students, we are not too large to make the effort overwhelming. However, we are large enough for the model to be replicated or adapted to other large urban districts.

We are interested in being the first charter school district in the nation - a district that would set the standard for how the federal government can best serve the educational needs of our children.

As I mentioned in my opening remarks, we are concerned with some aspects of the President's flexibility proposals as they relate to states and block grant funding. Overall, we support the effort to consolidate overlapping programs. Consolidation could help expand flexibility to districts and focus funding on the core education priorities of the federal government.

However, the blueprint does not explicitly preserve the targeting of funds to districts based on certain needs. This is a critical issue for large urban school districts. For example, urban public school districts like Milwaukee have a higher percentage of students with special education needs or limited English language. These special student populations require unique services that come at a high cost. Urban public school districts also serve a higher percentage of students eligible for free or reduced price lunch.
Any initiatives that fail to preserve the targeting of funds based on needs would effectively undermine the goal to provide more local control.

Block grant funding to states puts too much authority at the state level. States often impose their own restrictions on the funds. The unintended result is that the school districts with the highest level of need do not get their fair share of resources. Likewise, the students with the most needs end up with the short end of the stick as a result of these inequities.

Also, the President's proposal does not guarantee a consistent level of investment in education. Flexibility in the use of funds must be partnered with a commitment to maintain funding levels and to increase those levels to address the rapidly increasing costs facing our schools. My fear is that without

assurances regarding funding levels and targeting to districts, the 100,000 children in the Milwaukee Public Schools could indeed be left behind.

Thank you for the opportunity to address you on these important issues. I believe the flexibility proposals offer tremendous opportunity to shift the focus of educational accountability from mere compliance to measurable outcomes that prove our children are learning. In closing, the Milwaukee Public Schools stands ready to take on the challenge of becoming a charter school district. I hope you will carefully consider Milwaukee for this bold and potentially rewarding approach to educational reform.

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Spencer D. Korte

	Yes	No
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity? Milwaukee Public Schools	X	
2. Are you testifying on behalf of an entity other than a Government entity?	Yes	No X

3. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1998:

Milwaukee Public Schools has numerous Federal grants. I am not personally involved in any of them except in an oversight capacity.

4. Other than yourself, please list what entity or entities you are representing:

I will represent the Milwaukee Public Schools.

5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4:

Not Applicable

	Yes	No
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?		N/A

7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question 4 since October 1, 1998, including the source and amount of each grant or contract:

Not Applicable

Signature: Spencer Korte Date: March 9, 2001

Please attach this sheet to your written testimony.

PERSONAL INFORMATION: Please provide the committee with a copy of your resume (or a curriculum vitae) or just answer the following questions:

a. Please list any employment, occupation, or work related experiences, and education or training which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:

28 years in the Milwaukee Public Schools
14 years of that as a school principal

Currently Superintendent of Milwaukee Public Schools

b. Please provide any other information you wish to convey to the Committee which might aid the members of the Committee to understand better the context of your testimony:

Milwaukee Public Schools has a full range of voucher, choice, charter, for-profit, and public schools.

Please attach to your written testimony.

APPENDIX D -- WRITTEN TESTIMONY OF CLINT BOLICK, VICE PRESIDENT AND DIRECTOR OF LITIGATION, INSTITUTE FOR JUSTICE, WASHINGTON, D.C.

TESTIMONY OF CLINT BOLICK
LITIGATION DIRECTOR
INSTITUTE FOR JUSTICE
ON THE SCHOOL CHOICE COMPONENTS
OF THE BUSH ADMINISTRATION EDUCATION PROGRAM
BEFORE THE COMMITTEE ON EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
MARCH 14, 2001

Mr. Chairman and members of the Committee, on behalf of the many families we represent around the nation, I thank you for inviting me to testify on the school choice components of the Bush Administration's "No Child Left Behind" education reform proposal.

For the past dozen years, as litigation director for the Institute for Justice, www.ij.org, I have been privileged to represent parents, children, governmental officials, and education reform activists in defending the constitutionality of every school choice proposal of consequence that has been enacted in the United States. Among others, we have defended school "voucher" programs in Milwaukee, Cleveland, and Florida; we have defended tax credits for scholarship contributions in Arizona and for tuition in Illinois; and we have challenged the exclusion of religious schools from school choice programs in Maine and Vermont.

Initially, I supported school choice as a life preserver for economically disadvantaged children seeking to escape failing or dangerous public schools. After a decade of experience with these programs, I now support school choice also as a necessary component of fostering long-overdue reform and improvement for public schools. In Milwaukee, the school choice program has not only opened high-quality educational opportunities to thousands of low-income youngsters, but it has prodded the public schools to take systemic measures to increase the range of educational choices, increase school and teacher accountability, and provide greater autonomy and flexibility to public schools. Meanwhile, Florida's A+ program is the first to join private

school choice with public school accountability. Students in schools that receive an "F" grade from the state in any two years out of four are offered scholarships to attend either better-performing public schools or private schools. Only two schools have received two F's and only 53 students transferred to private schools; yet the mere threat of choice has provided a competitive incentive for public schools to improve. Every single one of the 78 public schools that had received one "F" under the state's grading system lifted their performance and removed themselves from the failing list. Through public information records requests, we were able to document in a study by journalist Carol Innerst that the threat of school choice was a significant motivating factor in the successful efforts by failing schools to improve. A recent study by Florida State University demonstrates that most of the academic gains in the state were achieved by children in "F" schools, indicating that the threat of choice can help schools boost student achievement for the very children who most need it. Plainly, school choice not only helps kids get out of failing schools and into good schools, but it encourages student-centered reforms that improve the public schools. The laws of economics are not suspended at the schoolhouse doors.

Given that school choice helps both students and public schools, there is only one reason to oppose it: to help special-interest groups, specifically the teachers' unions, protect their monopoly stranglehold over public schooling. These groups are profoundly anti-reform. The only reforms they back are those that promise greater funding and/or jobs. As unions, that is what they are supposed to do, and they do it well. But for policymakers who genuinely support education reform, taking their cue from the National Education Association or the American Federation of Teachers is a prescription for preserving and worsening the status quo.

One area where we lock horns with these groups is inside the courtroom. They challenge

every single school choice program in the courts (on the rare occasions when they lose the battle in the legislative arena). In fact, a useful objective measurement of education reform is whether the program is challenged in court: if it isn't, then you surely haven't accomplished anything, because real reform means taking on the vested interests who feed off the system.

The unions have made much of their recent victory in the U.S. Court of Appeals for the Sixth Circuit, which ruled 2-1 last year that the Cleveland school choice program violates the First Amendment. That ruling contravenes the 1999 decision by the Ohio Supreme Court, which ruled that the program is constitutional under the First Amendment. The only court that can resolve the split between those two court rulings is the U.S. Supreme Court, and both the State of Ohio and the Institute for Justice (acting on behalf of parents and students in the program) will appeal the decision. Odds are good that the Court will review the decision: not only are the fates of nearly 4,000 economically disadvantaged youngsters at stake, but the Supreme Court itself has indicated that it likely will take the case, which was one of the criteria the Court considered when it stayed an injunction against the program in November 1999. Hopefully, we will win a decision that removes the constitutional cloud from school choice once and for all.

The Court itself has been removing that cloud bit by bit. In a series of six consecutive decisions dating back to 1983 and continuing until last summer, the Court has approved programs that provide funding that finds its way to religious schools or activities if (1) the aid is directed to such purposes by students or parents ("true private choice") and (2) the government does not discriminate in favor of religious options (neutrality).[1] Not surprisingly, school choice

[1] *Mueller v. Allen*, 463 U.S. 388 (1983) (tuition tax credits); *Witters v. Washington Dep't of Services for the Blind*, 474 U.S. 481 (1986) (aid for blind student who used it to study for the

programs are carefully drafted to satisfy those criteria.[2] We are quite satisfied that the Bush Administration's school choice proposals all satisfy applicable constitutional standards.

With regard to the substance of those proposals, I will offer some comments based upon my experience with school choice:

1. **Title I Portability**. The administration proposes to allow parents to use certain Title I funds for public or private school tuition or supplemental education services. This provision is *vital* in order to put teeth in the administration's accountability proposals. Public school options are inadequate: in many areas, there are insufficient high-quality public school options. Moreover, that approach keeps money within the system, removing any financial incentive to improve schools. The Florida A+ program demonstrates that the mere threat of school choice can move the system toward reform. In fact, to my knowledge, its success in boosting the

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ministry at a divinity school); *Zobrest v. Catalina Foothills School Dist.*, 509 U.S. 1 (1993) (public provision of an interpreter for a deaf student in a Catholic high school); *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819 (1995) (aid for religious student publication); *Agostini v. Felton*, 521 U.S. 203 (1997) (public school teachers providing remedial instruction in religious schools); *Mitchell v. Helms*, 530 U.S. 793 (2000) (computers and other educational supplies for religious school students).

[2] The Sixth Circuit ruling is a bit of an aberration: five of the last six court decisions have upheld school choice, including the Florida Court of Appeals, an appellate court and two trial courts in Illinois, and a federal district court in Arizona.

performance in failing schools–and students in those failing schools–is unprecedented. To remove the private school option is to emasculate the accountability provision of this program, because it provides the only real consequence for failure.

Having said that, the provision is not strong enough. The opt-out does not trigger for four years: one year during which the school is deemed "needing improvement," and three more during which the school fails to make adequate progress. That means by definition, many children would have to endure failing schools for four years before they could move into private schools. By that time the children may be unalterably behind: studies estimate such children lose a full academic year over four years. The consequence of failure should be swift, because we are talking about children's lives.

2. **Education Savings Accounts**. The administration's program would increase the amount of education savings accounts to $5,000 and include K-12 education expenses. Both proposals are laudable. However, because (as I understand it) they merely provide tax deferral, these benefits will be limited, by definition, to families with tax liability, and the benefits will be greatest for families within the eligible population that have the most substantial tax liability. Helping Americans save for educational expenses is a vitally important goal–and the benefits of this proposal extend far beyond private schooling. But it does not provide significant benefits for the most disadvantaged families who most need school choice.

3. **Pilot projects**. In my view, this is the most salient facet of the administration's proposal. The program would create a school choice fund by which the Secretary of Education will exercise his discretion to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches that promote school choice. It is difficult to conceive of

sincere objections to such a pilot proposal. It does not divert money from other education programs. It creates a small number of demonstration projects, in which children can immediately obtain the benefits of school choice, and from which we can gather additional lessons from school choice. It imposes nothing on anyone and fosters local creativity and control. It provides an opportunity for opponents of school choice to see if their horror-story hypotheticals play out in the real world–and for advocates of school choice to further demonstrate that school choice helps students and public schools. It is a pilot project so its effects can be studied and the program can be continued or not. Similar proposals–including a demonstration school choice program for the District of Columbia–have enjoyed majority, bipartisan support in both houses of Congress in recent years. Of all the program's school choice components, it is the most tangible. It should be a part of the education reform package that this Congress enacts.

4. **Unsafe Schools**. It is not clear to what extent private schools will be used as options to unsafe public schools in this part of the administration's program. Certainly, ensuring that students may leave unsafe schools is a wise idea. Likewise, giving public schools more flexibility to enforce rules is salutary. Allowing funding for community-based and faith-based after-school programs also can help.

Several states already allow at-risk students or young people in juvenile justice programs to transfer to private schools. Private schools often provide superior educational environments for children with discipline problems, because the rules typically are clear and consistently enforced. (Public schools would benefit from the same approach.) To the extent that the administration recognizes these potential benefits and empowers families or states to secure

them, it would have a beneficial impact on everyone involved.

In sum, the administration's school choice proposals recognize two essential facts: that competition can improve public schools, and that one-size-fits-all does not work well in the context of education. The goals of public education are not advanced when a student fails in a public school; they are not harmed when a student does well in a private school. We should worry less about *where* children are educated and more about *whether* children are educated. That is the key insight of the choice proposals advanced in the Bush Administration's education reform program. It is not a real education reform program without them.

Thank you for the opportunity to testify and best wishes in your deliberations. I wish you the wisdom to recognize what is necessary to help fulfil the promise of educational opportunities and the courage to make it happen.

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Clint Bolick

	Yes	No
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?		X
2. Are you testifying on behalf of an entity other than a Government entity?	Yes X	No

3. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1998:

None

4. Other than yourself, please list what entity or entities you are representing:

The Institute for Justice and its school choice clients

5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4:

Vice President, Director of Litigation, and lawyer to the school choice clients

	Yes	No
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?		X

7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question 4 since October 1, 1998, including the source and amount of each grant or contract:

None

Signature: Clint Bolick Date: 03/13/01

Please attach this sheet to your written testimony.

APPENDIX E -- WRITTEN TESTIMONY OF TONY HIGGINS, PARENT, MILWAUKEE, WISCONSIN

Testimony

Tony Higgins
3441 N. 46th Street
Milwaukee, Wisconsin 53216

March 13, 2001
Before the Subcommittee on Education Reform
House Committee on Education and the Workforce

Chairman Castle, thank you for the opportunity to present information to you and the other members of this subcommittee.

My name is Tony Higgins. I live in Milwaukee, Wisconsin.

I believe that all parents, regardless of family income, should have the option to choose where their children attend school.

Most American parents already have this ability. For these parents, this is a power they rightly value and cherish. But that is not the case for those with limited income. If their children attend a school that they don't believe is adequate, they have few, if any, options.

In Milwaukee, the story is much different. Because of the Milwaukee Parental Choice Program, nearly 10,000 children from families with limited income are enrolled in schools chosen by their parents.

Two of these children are my two daughters, Tanya and Chronda. Tanya is in the fifth grade at Marva Collins Preparatory Academy. Chronda is in her junior year at St. Joan Antida High School. She already has been accepted as a pre-med student at Xavier University in New Orleans.

I can choose the schools my daughters attend only because of the Milwaukee Parental Choice Program. Without the choice program, I simply would not have the financial resources.

The Milwaukee program is not just about helping individual parents, such as me. Our public schools have responded very positively to school choice. Under the leadership of Superintendent Spence Korte, the Milwaukee Public Schools have made it a top priority to provide schools and programs that parents demand.

I would like to conclude by emphasizing three things.

First, in America there is nothing new about parental school choice. It is widespread, unless you have limited income.

Second, millions of parents with limited income deserve the same opportunity that is available to me.

Third, school choice helps more than individual parents and their children. Our Milwaukee public schools are making great efforts to respond to parent needs. It is clear that school choice helps public schools improve.

With copies of my testimony I am providing some public information ads sponsored by the Black Alliance for Educational Options. I also am providing an article on this new organization that appears in the current edition of The Economist magazine.

Thank you again for the opportunity to share my views with you.

All Kids Need School Choice

by Prof. Howard Fuller

When Americans cast their ballot November 7, each will get one vote, regardless of race, income, religion, or gender.

The story is different when it comes to choosing where our children attend school. There, a canyon divides America. On one side, with few educational options, are low-income parents, mostly of color. On the other side, with many choices, are middle- and upper-income, mostly white parents.

Writing for The Brookings Institution in 1999, Jeffrey Henig and Stephen Sugarman stressed that parents with adequate income can live near high-quality public schools or enroll their children in private schools. In contrast, many poor families simply "have no choice at all."

Vice President Gore and Texas Governor Bush both have said that they understand why many of these parents want more educational choices. Indeed, school choice is long-standing and highly valued — by those who have it.

All that is new is a debate about whether low-income parents also should have the power to pick a public or private school they think is best for their children.

Parental school choice is widespread – unless you're poor.

With this message, the Black Alliance for Educational Options (BAEO) enters the debate about parental school choice.

BAEO is a new group. Its network already reaches thousands of Black people, from all points on the political and ideological spectrum. They live in 35 major cities and 28 different states, where active BAEO chapters are being formed.

BAEO believes Americans need to know more about the positive impact of parental school choice.

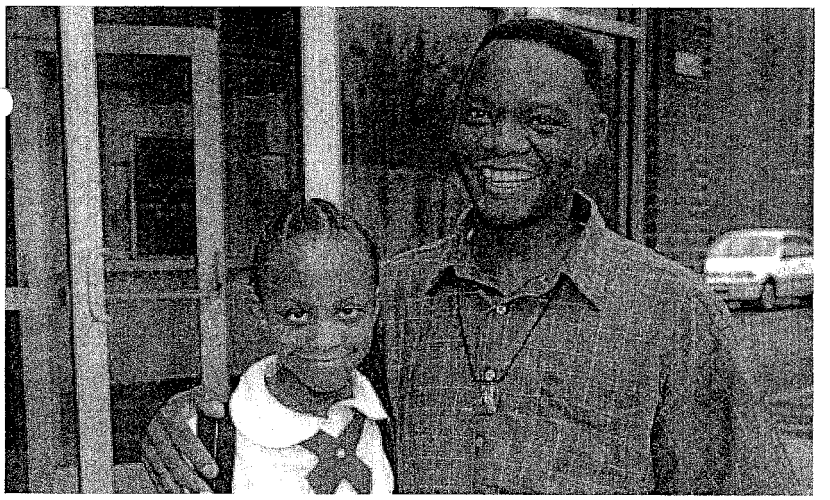
In future messages, we will explain who uses school choice and why they value it. We will share inspiring stories from Milwaukee, Cleveland, and Florida, where low-income parents can choose a public or private school for their child and give their kids the help they need to learn more and succeed in school and life.

A new school year is beginning. Most parents have chosen where their children will go to school. All parents deserve that choice.

baeo
Black Alliance for Educational Options

Professor Fuller is President of the BAEO Board of Directors. Fuller is a former superintendent of the Milwaukee Public Schools. He founded and directs the Institute for the Transformation of Learning at Marquette University where he is a Distinguished Professor of Education.

for more information go to: www.schoolchoiceinfo.org



A Father's Choice for his Daughters

By Tony Higgins

When I envision what the future holds for my daughters, I see happy, hard-working, caring, and intelligent young ladies. I see them in strong marriages, where they raise strong families.

Most of all, when they look in the mirror every night, I can see Chronda and Tanya saying: "I am happy with who I am. I did it myself."

Milwaukee's school choice program will help me realize those dreams. The Milwaukee program has let me choose schools that I think are best for my girls.

Parental school choice is widespread – unless you're poor.

For Chronda, 14, I chose Urban Day School, a private, non-sectarian school that she attended through eighth grade. Urban Day gave her the preparation she now needs to succeed at St. Joan Antida Catholic High School.

Tanya, 9, uses the choice program to attend Marva Collins Preparatory School of Wisconsin. Like Urban Day, it is a non-sectarian school.

My daughters are excelling. I believe both of them will have a choice to go on to college because of the voucher program. Before, I thought that wouldn't happen.

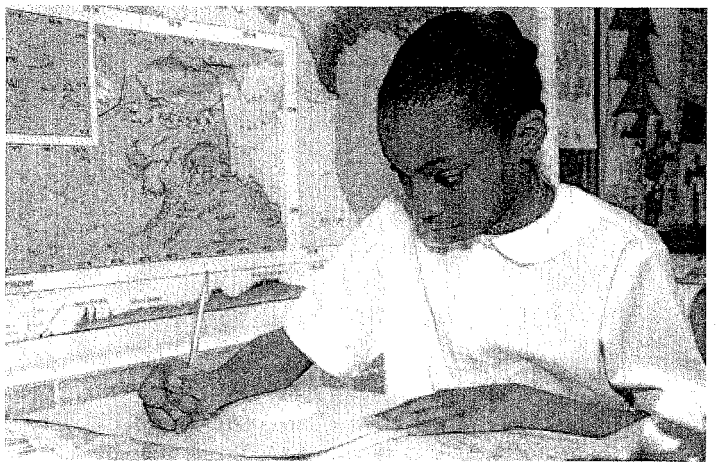
I have seen how options like choice, charter schools, and privately funded scholarships through Milwaukee's PAVE organization have made a difference for many other low-income families like ours. People who once felt they had little or no voice in their children's education now have a voice. Because of these opportunities, I see young African Americans doing better.

baeo

Black Alliance for Educational Options

BAEO Board President Howard Fuller thanks the following for support of BAEO's planning and organizational efforts: The Joyce Foundation, The Lynde and Harry Bradley Foundation, The Helen Bader Foundation, The Walton Family Foundation, The Fleck Foundation, The Milton & Rose D. Friedman Foundation, Q3 Company, The American Education Reform Council, BAEO Board Members, and anonymous donors.

for more information go to: www.schoolchoiceinfo.org



Private School Choice Sparks Public School Improvement

By Ken Johnson
Vice President, Milwaukee Public Schools Board of Directors
Member, IBEW Local 494, AFL-CIO

As vice president of a large urban school board, here's a message for parents of every public school child in America:

Private school choice is one of the best things that ever happened to my city's public schools.

Many are surprised to hear that from an elected member of the Milwaukee Public Schools (MPS) Board of Directors. They are even more surprised to learn that several of my board colleagues agree that school choice is strengthening our public schools.

Parental school choice is widespread — unless you're poor.

Milwaukee's experience with school choice flatly contradicts the claims of its opponents, who misled citizens to think that private school choice harms children "left behind" in public schools. The exact opposite is true in Milwaukee, where we have the nation's oldest and largest program of tax-supported vouchers for low-income parents.

School choice fundamentally has changed Milwaukee's public education mindset. Before Milwaukee's parental choice plan, some in MPS seemed to have the view that 'we own the children of Milwaukee.' Low-income families in Milwaukee had no other choice than MPS. But when Wisconsin's Supreme Court upheld the school choice program, and participation quadrupled, MPS realized it would have to improve.

The good news is — it has. MPS has expanded all-day 4-year-old kindergarten, Montessori programs, and K-8 schools. School administrators and local governance councils have more autonomy to hire teachers and make budget decisions.

What about results? A new MPS Accountability Report says our dropout rate declined for the fourth in a row. Suspensions also are down. A *USA Today* report cited substantial improvement of fourth grade MPS students in all tested subjects over the past four years.

As the *Milwaukee Journal Sentinel* editorialized: "Much of what [MPS] is doing to improve gained impetus because of the expansion of choice in Milwaukee."

The idea that public schools need to improve has been around a long time. But, without school choice and charters, we wouldn't be seeing anything like the improvements that are taking place in Milwaukee's public schools.

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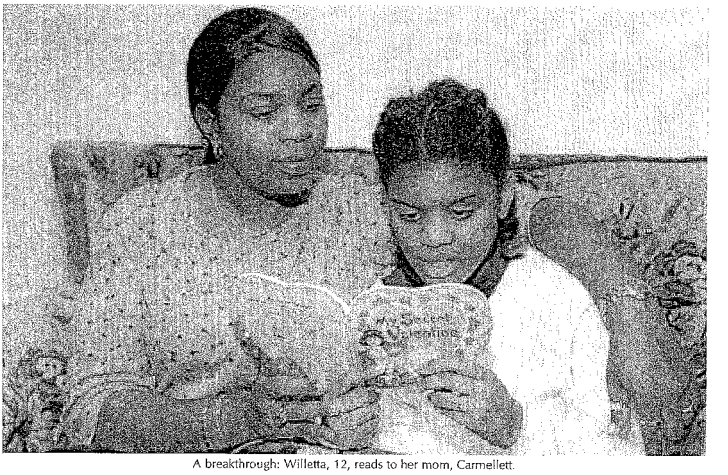
For more information go to: www.schoolchoiceinfo.org



A breakthrough: Willetta, 12, reads to her mom, Carmellett.

Vouchers for Children with Special Needs

While opponents of parental school choice programs claim that private schools don't serve students with special needs, they know that's not true.

Consider these examples, all from tax-supported voucher programs serving low-income parents, parents of students at failing schools, and parents of students with disabilities.

Carmellett McVicker uses the Milwaukee Parental Choice Program to send her daughter, Willetta, 12, to Lutheran Special School, which serves ***only*** students with disabilities.

Says McVicker: "My child is soaring because of what the private school has given her. She just learned how to read. For the longest time, she couldn't make the difference between letters and numbers. Now, she's reading."

Parental School Choice is Widespread — Unless You're Poor

Susan Asid, of Jacksonville Beach, Florida, uses a state-funded McKay Scholarship to send her son, Dylan, 9, to De Paul School, which serves children with varying degrees of dyslexia.

Asid says: "I have been through hell and back to get some help for my child. I could not afford the school without the scholarship. Now Dylan has a chance at success. It's like he's got another lease on life."

In Cleveland, the Hanna Perkins School serves emotionally disabled, low-income children in the Cleveland scholarship program.

According to Hanna Perkins Principal Joan Horwitz: "We deal with children who have emotional conflicts that are bothering them and it's getting in the way of their schooling. We've had children whose behavior would make it hard for them to attend public school."

In Florida, more than 1,000 disabled students use McKay Scholarships to attend private schools that serve their disabilities. The Cleveland program provides extra funding to low-income students with special needs. In Milwaukee, dozens of private schools serve children with disabilities for the same voucher amount as other kids.

"I have non-stop calls from parents wanting to place their children in our school. The majority are low-income parents who want more choices for their children with special needs but can't afford it," says Judy Schultz, Lutheran Special School principal.

Carmellett McVicker agrees.

"I'm a single mom. Without the choice program, I'd have to sell my car to afford tuition. I really need a car to get to work and to pick up Willetta from school. She gets out early because of her disability. If it wasn't for the choice program, I don't know where I'd be."

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Black Alliance for Educational Options

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UNITED STATES

The Economist

MARCH 10TH - 16TH 2001

Blacks v teachers

WASHINGTON, DC

Two of the Democrats' bedrock constituencies are heading for a fight over school choice

THE presidential primary debates between Bill Bradley and Al Gore are little more than a historical footnote. But the debate last year in Harlem's Apollo Theatre, one of the holy places of black America, did include one exchange that will re-echo in Democratic politics in the coming years.

Tamela Edwards, a young black journalist, asked Vice-President Gore why he so adamantly opposed school vouchers, which allow parents to choose where to spend their education money, while sending his own children to private schools. "Is there not a public or charter school in DC good enough for your child?" she asked, to applause. "And, if not, why should the parents here have to keep their kids in public schools because they don't have the financial resources that you do?"

It is hardly surprising that this question resonated with the predominantly black audience. Last year, a national opinion poll conducted by the Joint Centre for Political and Economic Studies found that 57% of blacks support vouchers: especially people under 35 (75%) and people with children in the household (74%). Blacks and whites agreed that education is the most important problem facing the country. But blacks were more likely than whites to think that the public schools are getting worse—and more likely than whites to support vouchers.

The reason for this support is simple: blacks (who are disproportionately concentrated in inner-city areas) are getting a lousy deal from the public-school system. The National Assessment of Educational Progress, America's equivalent of a national report card, reveals that the average black 17-year-old is four years behind his white counterpart in maths and reading and five years behind in science. Black students are three times more likely than whites to be shunted off into dead-end special educational classes.

A majority of poor blacks have probably been in favour of vouchers for years. What is new is the growing willingness of black leaders to voice their feelings. A decade ago, only a handful were willing to support vouchers—notably Polly Williams, once a welfare mother in Milwaukee, Howard Fuller, a veteran of the black-power movement who helped Ms Williams to create the city's voucher programme, and Floyd Flake, a former Democratic congressman turned one-man urban regeneration machine. But two things are changing the balance of power.

The first is that pro-voucher blacks have established a lobbying group to plead their cause. The Black Alliance for Educational Options (BAEO) is only a few months old. But it attracted a boisterous crowd of more than 700 activists from 35 states at its recent symposium in Milwaukee, including teachers, religious and political leaders, and community activists such as the splendidly named Queen Sister Afrika of a group called We Are the Village People.

Phyllis Berry Myers, the director of the Centre for New Black Leadership, says that most of the people who turned up were "front-line warriors" who spend their lives dealing with the consequences of failing schools. The organisation's aim is to link the voucher movement with poor blacks, not rich whites (such as Tim Draper, a Silicon Valley businessman whose pro-voucher initiative failed miserably on the ballot in California last November). It is spending heavily on television advertisements that feature black parents and grandparents talking about the way that school choice has improved their children's lives.

The second change is the emergence of a younger generation of black leaders in their late 20s and 30s. Kaleem Caire, the head of BAEO, abandoned a career in educational administration to fight for vouchers because he thought that the system was short-changing poor black children. Cory Booker, who was educated at Stanford, Yale and Oxford (as a Rhodes scholar) before being elected to the Newark City Council in 1998, argues that the only way to fix the educational system is to return power to parents. Omar Wasow, who runs a website called blackplanet.com, sees school choice as a direct outgrowth of *Brown v Board of Education*, the Supreme Court decision of 1954 that desegregated public schools.

For this generation, vouchers is the new civil-rights issue. "Did we sit down at a lunch counter at Woolworth's in Greensboro, North Carolina," Mr Fuller asks, referring to an anti-segregation protest in 1960, "to arrive at another lunch counter today where... we can't read the menu?" Others refer to Malcolm X's drive for black empowerment. Why shouldn't poor people have the right to exercise a choice that their richer brethren take for granted?

These outspoken younger blacks are having an effect on the established black leadership. Andrew Young, Kurt Schmoke (a former mayor of Baltimore) and Martin Luther King III have all embraced vouchers. Meanwhile, a cadre of ambitious black poli-

APPENDIX F -- WRITTEN TESTIMONY OF MIKE FLANAGAN, EXECUTIVE DIRECTOR, MICHIGAN ASSOCIATION OF SCHOOL ADMINISTRATORS, LANSING, MICHIGAN

Committee on Education and the Workforce

Written testimony of Michael P. Flanagan, Executive Director, Michigan Association of School Administrators, on behalf of the American Association of School Administrators

March 14, 2001

Good morning Chairman Castle and other members of the Subcommittee, my name is Mike Flanagan. I am Executive Director of the Michigan Association of School Administrators. I am here today representing the American Association of School Administrators, AASA, the professional organization of local superintendents and other school system leaders. AASA is pleased to be invited to discuss the important topic of school choice and flexibility. Specifically, I would like to address the topic of school choice.

I was asked to represent AASA because I have been an active member for 15 years and because I have been directly and enthusiastically involved in improving schools serving the poorest students and providing educational options for those children as well as all other children in Michigan.

AASA strongly supports permitting parents to choose their children's school within the public sector. The 2001 AASA Legislative Agenda contains the following provisions regarding the topic of this hearing.

Charter Schools

- AASA supports public school choice and charter schools that operate under the auspices of local public school boards or public educational service agencies if those charter schools operate under the same legal framework as other public schools including non-discriminatory and unconditioned enrollment, suspension and expulsion and teacher qualifications.

- AASA calls for a rigorous study by a neutral scientific body, such as the National Academy of Science, of the effectiveness of charter schools in meeting state standards.

Portability—Vouchers

- AASA does not support the assertion that Title I funds are an individual entitlement and thus "portable" to any one child.

- AASA is absolutely opposed to any form of public money going to private schools under any name such as vouchers, certificates, scholarships and portable entitlements.

Leave No Child Behind – The Bush Education Plan

- AASA generally supports this plan, because it is focused on improving student achievement, providing high quality accountability information to students, parents, teachers, administrators and policy makers through more targeted and flexible use of ESEA funds.

However, AASA opposes the voucher provisions called "portability", and the block granting of the e-rate. We also question the technical ability of states to reach the ambitious testing proposal in the Bush plan in three years and need assurance that this will not be a new unfunded mandate.

Education Savings Accounts

- AASA supports current law permitting parents to save for the cost of college and avoid taxes on growth of funds if the funds are used to pay for post secondary education. AASA does not support extending the ESA's to cover the cost of K-12 education.

As you can see, AASA and its members embrace choice in the public sector in many forms, from open enrollment plans, magnet schools, specialty schools and charter schools, as part of a plan to provide every child with an education that equips them to be a productive citizen.

No discussion of public school choice should occur without recognizing that the proposal to fund private and parochial schools with public dollars has been debated for many years, and thus has been thoroughly tested in the final court of public opinion, an election. As you can see from the list of states, the idea of using public dollars to fund private schools has had opportunity after opportunity, and failed every time by overwhelming majorities.

History of Failed Voucher/Tax Credit Initiatives:

Year	State	Type of Initiative	Result
1970	Nebraska	Tuition Reimbursement	Rejected 57%-43%
1970	Michigan	Voucher Program	Rejected 57-43
1972	Maryland	Voucher Program	Rejected 55-45
1978	Michigan	Voucher Program	Rejected 74-26
1981	Washington DC	Tuition Tax Credit	Rejected 89-11
1988	Utah	Tuition Tax Credit	Rejected 67-33
1990	Oregon	Tuition Tax Credit	Rejected 67-33
1992	Colorado	Voucher Referendum	Rejected 67-33
1993	California	Voucher Referendum	Rejected 70-30
1996	Washington	Voucher Referendum	Rejected 65-35
2000	California	Voucher Referendum	Rejected 71-29
2000	Michigan	Voucher Referendum	Rejected 69-31

Also, I note that in Michigan and many other states public school students already can enroll in other public schools, including charter schools.

The voucher proposal before Congress now, called Title I portability, is based on the idea that schools assign a dollar value to every Title I student, and that giving students in low performing schools an amount -$1,500, will improve the educational opportunities for all children. Such reasoning is simply wrong. Title I dollars are assigned to schools with concentrations of poor

students. Once funds are in the school, students receive assistance based on their need for additional assistance to reach the state standards. Some students have much less than $1,500 spent on them, and other students have much more spent on them, based on the student's individual needs.

Further, because Title I is not fully funded, some school districts with massive poverty only serve the very poorest schools, for example schools only with poverty greater than 80%. In such a school district a student in a school with 70% poverty would receive no Title I assistance, yet the need for assistance would be acute. If such a school were deemed low-performing a student using the $1,500 would be depriving a student in a Title I school of funds for needed services.

Intervening in Low Performing Schools

- AASA supports the current accountability provisions of Title I that require states and school districts to designate schools as "low performing" and "in need of corrective action." AASA also generally supports the proposals in President Bush's plan and the Lieberman/Bayh plan to have dramatic interventions in long-term low-performing schools, except that we oppose the proposed use of public funds for private schools.

- AASA believes that failing schools should be defined as not meeting the needs of their students. When a school has been identified as a failing or low-performing school, federal resources should be targeted to that school. Where state law permits, the movement and/or replacement of school staff by the district should be an authorized use of federal funds.

- AASA believes low performing schools should be defined through multiple indicators, including:
  - student mobility, including proportion of students attending the schools where they were tested for a sustained period of time,
  - student attendance,
  - teacher absenteeism,
  - rates of disciplinary incidents, and
  - dropout/completion rates.

- AASA supports definitions for school performance based on a continuum of expectations for growth in achievement. This is a corollary to the belief that growth measures are superior to snapshots in driving change and improvement in student performance.

- AASA cannot support adding consequences for low performing schools without the following features:
  1. Additional resources must be targeted to low performing schools;
  2. The technical expertise to help implement specific new academic interventions must be made available to help teachers and site and central administrators improve achievement;
  3. The first level of intervention should be local;
  4. The second level of intervention should come from the state;
  5. The final decisions to reconstitute or close schools or choose contractors to assist the district should be a local decision.

- AASA believes the definition of low performing must include the assumption that not all children are "failing" in low performing schools, and not all children are learning in successful schools.

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Michael Flanagan

	Yes	No
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?		X
2. Are you testifying on behalf of an entity other than a Government entity?	X	

3. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1998:

None

4. Other than yourself, please list what entity or entities you are representing:

American Association of School Administrators (AASA)

5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4:

Executive Director, Michigan Association of School Administrators

	Yes	No
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?		X

7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question 4 since October 1, 1998, including the source and amount of each grant or contract:

-- Department of Education-OERI $2,017,304.00
-- Corporation for National Service $500,000.00
-- Enrironmental Protection Agency $600,000.00

Signature: _____ Date: March 12, 2001

Please attach this sheet to your written testimony.

APPENDIX G – WRITTEN TESTIMONY OF PHILIP NIEMIE, JR., PRINCIPAL, BAILEY ELEMENTARY SCHOOL, DUBLIN, OHIO

May 4, 2001

Congressman John Boehner
Chairman, House Committee on Education and Workforce
107th Congress
Washington, D.C.

Dear Chairman Boehner;

After a recent presentation, Congressman Paul Gillmor (Ohio) approached me and asked if I would submit to you, as the chairman of the committee on Education and Workforce, the contents of my talk on parenting. I am an elementary school principal in a suburban Ohio school district and also a father of three children. As an educator of 24 years and a father for 22 years, I have many opportunities to witness and experience the impact parents (fathers) have on their children and the overall school environment. For years, I've wanted to speak to fathers specifically about their role in raising today's children. Congressman Gillmor agreed that there was a certain relevance to my talk to today's parent and asked to have you consider putting the contents into committee testimony. Therefore, I respectfully submit a synopsis of my talk, "Dad-to-Dad: Raising the Bar" as presented at Bailey Elementary School, Dublin City Schools, on April 30, 2001.

Dad-to-Dad: Raising the Bar

It seems as though each day brings additional research on the negative impact of absent fathers on children, particularly in urban centers across America. However, I contend that additionally, non-absent fathers also abdicate much of their role and responsibilities as a parent in lieu of busy schedules and professional/personal pursuits. I've observed today's moms pursuing information and advice about parenting with a passion second to none. They talk about, read about, and think about their role as a parent. Dads on the other hand, even the "best intentioned" ones, often spend their whole life never reading a book or engaging in a serious discussion about being a dad. Therefore, this talk is to dads, from a dad, about being a dad.

General Guideline:

Many dads do a wonderful job of caring for the external needs of their children. They don't, however, always address the equally critical "inside" needs of their kids. These needs include emotional and character development

needs. It's these needs that I wish to address in this paper. I will first put forth several "guidelines" to consider while pursuing the position of effective father.

Be available: "Time is money", so goes the well-known adage. Time is more than money when it comes to making deposits in a child's "emotional bank account". Although time is a valuable commodity, which is always in short demand for the busy executive, the key becomes how quality the time spent with the child is in the end. One thing I did was to establish a "Date Night" with all three of my children. Monday night was always set aside for one of the kids, on a rotating basis. The dates need not be elaborate. It was the time spent doing something they enjoyed that paid the real dividends. In order to have these times have the greatest impact it's important to study and know each child. All three of our children are unique. It became critical to know each child's likes, dislikes, and overall personality.

Be kind: Children should HEAR the words, "I love you" spoken from the dad as often as possible. There are many adults still chasing these elusive words from their father. I believe fathers should take the lead in "kindness" in their home. Not only being kind, but monitoring the way their message is delivered. I lost many a valuable and relevant message due to the harshness with which I delivered it. The end result should always be the goal.

Help kids prepare for life: I refer to this as my "Play-Do" theory. It's much easier to mold a child early, like Play-Do out of the can, then it is to try and change established habits when they are older, like trying to mold dry and hardened clay. We should start preparing children to be the adults we want them to be early. They'll be adults much longer than they'll be children. Following are several topics with which we addressed with our pre-adult children.

Money – Helping children learn the value of money is not always an easy thing. Some suggestions include not giving a child everything they want or everything you can afford. As our children became teens, we would loan them money (at no interest). It was important that they pay the money back in a reasonable time span. There were times, however, when I reserved the right to "clear the board" of any debts. That's should always be a parents' prerogative. It's also important that children learn to save for things that are important to them. This helps them see past today, breaking the "microwave syndrome" of wanting it now. We always had our children buy their siblings and parents Christmas gifts, often using their own gift money from grandparents to do this.

Work ethic - Building in natural and relevant chores for children helps build a positive work ethic. Parents need to be sure jobs are completed and done well. Be generous with authentic praise for work done well.

Friendships/relationships - We started early talking to our children about "safe" and positive friendships. There were times when our intervention was needed to help our child work through a friendship issue or to steer them away from a particular negative friendship. This was done because we knew the

friends and we knew the family with which the friends came. We always wanted to be sure we agreed with the family in areas like movies, activities, and parties. Another thing we tried to do was have our three children enjoy spending time with each other. As young adults (ages 22, 20, and 17 - girl, boy, girl) they love to spend time together. Some of the factors building into these positive friendships with one another include spending time together, wooing our teens with fun activities and vacations, and emphasizing mutual respect for each other above everything else. We also spent time talking about dating issue very early. We established our family's dating "rules" when our oldest daughter was only 12. The kids response was they didn't even want to date. That's the best time to establish the rules because then when the rules are later contested the parent is trying to establish rules based on a current relationship. We wrote the rules up and posted them on the refrigerator, where they still remain after 10 years!

Pay-to-Play - Just before each our children became adults we had the "pay to play" lecture. This emphasizes the "fun" and freedom of being an adult along with the cost of being an adult. Not only do we speak about the financial aspect of adulthood, but equally important is the accountability aspect which means that their decisions will carry lifetime consequences.

Be a good Husband: I firmly believe the best thing a dad can do for his children is to be a good husband. Often we see marriages that would be typified by Lady Astor's comment to Winston Churchill. "If I were married to you I would put poison in your tea." To which he replied, "If I were married to you, I would drink it!" Our marriages should demonstrate what we want our children to aspire to in their adulthood. Dads are modeling being a husband and father to their sons and modeling what their daughters imagine their husband to be like. Part of this dynamic includes being sure that neither moms or dads can forget they are also a husband and wife.

Discipline: Remember, the goal in discipline is to build "self-discipline" in the child. Again, knowing each child and what they respond best to is a key in effective discipline. Five general points I always tried to consider when disciplining my children were; 1) don't discipline in anger or embarrassment, 2) distinguish between child like irresponsibility consistent with the child's age and disobedience, 3) make sure the punishment matches the "crime", 4) discipline in private, and 5) "end with a hug" - in other words make sure the child knows you love them, you just don't approve of the behavior. It's important to help children learn to take correction in a healthy manner and without falling apart. Part of this is, as a parent, not shielding your child from natural consequences for their actions. It's so much easier if they learn this lesson early in life when the consequences are relatively minor rather than later when the consequences are life changing. Remember, to paraphrase Covey, discipline with the end in mind.

Sex: Speaking open and honestly about sex with children is healthy and helpful as they grow into adults. Answer the questions they ask. There are

excellent books, videos, and other helpful materials to assist a parent with this role. As a family, we talked about our commitment to celibacy. We spoke of the positive aspects of celibacy, as well as the negative emotional and physical issues connected with promiscuity. Our kids heard the "sex lecture" before they left on a date so often, it generally only took a word to get the response, "I get it dad".

...because you're the parent: When conflicts arise and a stalemate must be broken by someone coming forward with an apology our offer for reconciliation it must always be the parent, *because you're the parent.* The initiate always rests on the parent because it's our ultimate role to help model the behavior we want from our children.

Being A Dad to a Son

While there are lots of general guidelines which dads can use with either a son or a daughter, I maintain there are things to consider which relate specifically to raising a son. All men can look back on the positive and/or negative impact their dad has had on their life. As mentioned before, as a dad we are constantly modeling for our sons. They pick up everything. I often asked myself, what do I want to give to my son? What would I prefer he not pick up? These questions help shape my words and actions while spending time with my son I realized early that I could have a direct impact on the man he would become. One thing to keep in mind is to not favor one son over the other, or to favor sons over daughters simply because one child is easier to be with than the other child. Another thing to look for is when the natural shift takes place when sons begin to become "unattached" to their mom and begin to look to their dad to take their cues. My wife would still be involved by letting me know what areas I should be speaking into the life of my son at any given time. Lastly, look for the best opportunities to spend times and talk. This might come when sitting waiting for a movie, shooting hoops or just driving in the car. Jump on the opportunities when they present themselves.

Being A Dad to a Daughter: Daughters need healthy relationships with their dad. Large numbers of adult women suffering from emotional issues can relate the genesis of the issue to their unhealthy relationship with their father. Conversely, a common denominator for healthy emotional women stems from positive relationships with their dad. As dads, we must combat the negative impact the culture has on our daughter. One aspect of this is the issues young girls deal with in terms of their looks, specifically their weight. Reams of research point to unrealistic expectations "Madison Ave." thrusts onto our young girls. These expectations lead to eating disorders, unhealthy personal identities, and destructive behaviors. Authentic, kind, and encouraging words spoken at the right time can do wonders for the way a young girl feels about herself and her body. A dad should balance that with the notion of never making negative comments about his daughter's body. Even young girls with weight issues should hear words of healthy foods and exercise rather than dieting. As girls grow into young women, it's often harder to find common ground to talk about

or activities to participate in together. Although a higher level of creativity is needed then spending time with sons, it's still important to get the time together.

Parenting Adult Children: Parenting doesn't end on their 18th birthday or when they move away from home. There are so many ways to be positive parents to adult children. The truth is, we will all be parents of adult children much longer than we will be parents of children. Part of this is being there when they need you. Whether it's helping make a decision on a large purchase like a car or home, or just helping establish a family budget, be generous with your time and energy. And although we're not wealthy, we try and treat our children to meals or activities as often as possible. Our phrase is, "your money's no good here." We want to always be our children's biggest cheerleader and never compete with our children. We want them to exceed us in every way.

Raising The Bar: I titled this talk, "Raising the Bar" for two reasons. First, I think as parents we should have high expectations for our children. Raise the bar, so to speak. But also, I want my children to exceed me, to raise the bar I have set for myself. I didn't have a good role model. I'm not a part of a positive "chain". I wanted to be the first link of a long running positive chain. My personal mantra has always been, "I want to be a better dad than my dad was for me and I want my son to be a better dad than I am for him." At my age, I realize that the children are the ones who choose what is written on the headstone of their parent. I want my children to choose to write, "A great Dad!"

Chairman Boehner, this truly is a synopsis of the talk. It does not represent, in any stretch of the imagination, an exhaustive treatise on fathering. However, I do think you can successfully glean my passion for the topic and how much I believe this is a subject worth addressing when considering the future of education and workforce. Good luck to you on your endeavors to bring about equity between disadvantage children and the advantaged children of America and in your admirable quest to help make American schools the best in the world. This is quite a daunting task.

Respectfully submitted by:

Philip E. Niemie, Jr.
Principal, Bailey Elementary School
Dublin City Schools
Dublin, Ohio 43017

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