

# INSIDE *A*LEC

A PUBLICATION OF THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL

## EDUCATION EDITION

### Education Opportunity Is an Economic and Moral Imperative

By The Honorable Eric Cantor, U.S. House Majority Leader, VA (CD-7)

### Who Runs Our Schools?

By Rob Kremer and Stuart Jolly

### School Choice: The Coming Revolution in American K-12 Education

By The Honorable Randy Alexander, AR (HD-88)



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# CONTENTS

INSIDE ALEC | SEPTEMBER / OCTOBER 2013

## EDUCATION

- 4 Leadership Profiles
- 5 An Introduction to the Task Force on Education
- 6 Education Opportunity Is an Economic and Moral Imperative  
BY THE HONORABLE ERIC CANTOR, U.S. MAJORITY LEADER
- 8 Who Runs our Schools?  
BY ROB KREMER
- 10 How Education Savings Accounts Can Transform K-12 Education through  
Student-Centered Customization  
BY LINDSEY M. BURKE
- 11 School Choice: The Coming Revolution in American K-12 Education  
BY THE HONORABLE RANDY ALEXANDER, AR (HD-88)
- 12 State-by-State Charter/School Choice Performance
- 14 Teaching Students to be Moneywise  
BY WILLIAM MATTOX
- 16 Charter Schools Make Good Use of Empty Space  
BY JONATHAN BUTCHER
- 18 The Utah Model: Legislators Can Improve State Economies by Scaling  
Digital Learning  
BY THE HONORABLE HOWARD STEPHENSON, UTAH (SD-11)
- 20 The On-Going Battle for Educational Freedom  
BY TIM KELLER

## SPECIAL REPORT: INTERNATIONAL RELATIONS

- 22 'United States' in America and in Europe  
BY DERK JAN EPPINK

# LEADERSHIP PROFILES



Public Sector Chairman Profile:  
**The Honorable Greg Forristall, IA (HD-22)**  
Chairman - Task Force on Education

**REPRESENTATIVE GREG FORRISTALL** grew up on a family farm near Macedonia, Iowa, and after his graduation from Carson-Macedonia High School, went on to earn bachelor's and master's degrees in music at the University of Iowa.

Rep. Forristall is a founding and continuing member of the Grist Mill Fine Arts Council. In the Iowa House, Rep. Forristall chairs the Labor Committee. He also sits on the Ways and Means and Transportation Committees, as well as the Economic Development Subcommittee. He serves as the Chair of the Task Force on Education with the American Legislative Exchange Council and has been on the executive committee of the Midwest Higher Education Compact. Rep. Forristall also represents Iowa in national meetings of the Lumina Foundation and the Foundation for Excellence in Education.

Rep. Forristall currently resides in Macedonia with his wife, Carol, who taught music in Iowa public schools for 35 years. Rep. Forristall farmed for 25 years and also worked in the financial services and information technology industries. He has been active in the community with organizations such as the Council Bluffs Sister Cities, Farm Bureau, the Iowa Corn Promotion Board and the Iowa Western Community College Board. He has been a member of the United States Grain Council and has served on the Iowa State Board of Education and the Iowa Community College Council.



Private Sector Chairman Profile:  
**Jonathan Butcher – Education Director**  
The Goldwater Institute  
Chairman - Task Force on Education

**JONATHAN BUTCHER** serves as Education Director for the Goldwater Institute. He has researched education policy and school choice programs at both the state and national level. Prior to joining Goldwater, Jonathan was the Director of Accountability for the South Carolina Public Charter School District, South Carolina's only statewide charter school authorizer. Jonathan studied education policy at the Department of Education Reform at the University of Arkansas and worked with the School Choice Demonstration Project, the research team that evaluated voucher programs in Washington, D.C. and Milwaukee, Wisconsin.

Jonathan studied education and family policy at the Heritage Foundation, a research institute in Washington, D.C. His research has appeared in journals such as Education Next and the Georgetown Journal of Law and Public Policy. He has appeared on local and national TV outlets, including interviews on Fox News. He has been a guest on many radio programs, and his commentary has appeared in newspapers around the country. He holds a B.A. in English from Furman University and an M.A. in economics from the University of Arkansas.

# An Introduction to the Task Force on Education

Dear Fellow Members:

It is our pleasure to serve as the public and private sector chairs for the American Legislative Exchange Council's Task Force on Education. For decades, the American Legislative Exchange Council has helped legislators with model policies designed to give children the chance at a great education, and we are proud to carry on this legacy.

Just in the past two years, members have adopted model policy based on Indiana's ground-breaking reforms for charter schools and the creation of an expansive school voucher system; Utah's digital learning law; and Arizona's school choice breakthrough: education savings accounts.

ALEC model policies are being used across the country: Arizona lawmakers passed legislation to deregulate charter schools, North Carolina now grades their schools using an A-F report card system to make it easier for parents to understand how well their child's school is performing, and South Carolina lawmakers passed a tax credit scholarship program this session. Each of these policy ideas can be found in a model policy adopted by the the Task Force on Education.

As we look to the future, the task force must remain on the cutting edge of education innovation. The number of children using digital learning and hybrid schools continues to increase, and lawmakers must have robust legislation to give families more of these quality alternatives. Our task force should lead the way in aligning model policies to meet the various needs of different states.

While all lawmakers will grapple with budget concerns back home, our task force will consider new ways to help legislators be good stewards of taxpayer dollars. We are committed to making the task force a valuable resource for lawmakers to bring new policy ideas and benefit from successful examples in other states.

We are grateful to our task force members for their excellent work, and we look forward to a productive term together.

Sincerely,

**The Honorable Greg Forristall, IA (HD-22)**

**Jonathan Butcher**  
Education Director, Goldwater Institute





## Education Opportunity Is an Economic and Moral Imperative

BY THE HONORABLE ERIC CANTOR, U.S. HOUSE MAJORITY LEADER, VA (CD-7)

**A**merica is in the midst of a great debate on how we best provide a solid economic footing for our children and grandchildren, and how they will have access to the greatest opportunities available to mankind. But it is futile to discuss greater opportunity in our nation if we continue to ignore the greatest roadblock to achievement for so many poor and vulnerable children, and that is the lack of a safe and effective place to learn. Too many children across our country can't access a good school or dedicated teachers. This is especially true for those living in poverty. It's not fair, and it must change.

For too long, this problem has been met with one solution in Washington: spending more money and giving Washington more control. The results of that plan speak for themselves. Student achievement is not improving, and too many parents and children are left helpless while entrenched bureaucracies defend the status quo. When bureaucrats and special interests are put ahead of our children, something is wrong.

The answer is, and always has been, giving control to parents, communities and states rather than imposing top-down solutions nationally. While serving in the Virginia House of Delegates, I grew to understand how important parental and community control is to a quality education.

As the representative for Virginia's Seventh Congressional District, and as the House Majority Leader, I have seen first-hand the devastating consequences of ignoring this problem. But I have also seen the inspiring stories of those who break free and find a better path.

This year, in order to learn ways in which we in Washington can work with states and help parents, I visited schools across our country to hear from different voices and see competing visions. I met courageous parents, teachers, and administrators who put kids first and bureaucracy last.

On a visit to Louisiana – a state that has made tremendous progress toward improving its education system at the state level – I met Essence Jackson. Essence was concerned with her daughter Ma'loni's education and unhappy with the school she was attending. Essence's worries were confirmed when she was alerted by her daughter's teacher that Ma'loni was too bright and needed a different

educational environment in order to achieve her potential in the classroom.

The teacher encouraged Essence to apply for the Louisiana Scholarship Program, which provided Ma'loni a way out of the school that wasn't fitting her needs, and gave her the opportunity to attend the school of her choice. Having witnessed her daughter's success, Essence says that she would work three jobs to keep Ma'loni in her new school if necessary. At a time when our current education system is failing our students, the Jacksons' situation is not uncommon.

At Patrick Henry School of Science & Arts in my hometown of Richmond, Virginia, I met Kristen Larson. Early on, Kristen noticed her son Everett struggling like many young boys who would rather be outside exploring than sitting in a classroom all day. While Everett was keeping up with his peers in pre-school, Kristen felt that he would excel in an environment that was more hands-on when he transitioned to elementary school.

The promise that each generation will have it better than the last is woven into the fabric of our country, and as we seek to continue this American tradition, **we must start by removing the federal government as a barrier to our children's education.**

Fortunately, Kristen had a choice. As a concerned parent, she was able to send Everett to Patrick Henry Public Charter School, where he will enter the third grade this fall. Everett has for the past three years been afforded the opportunity to excel because of an education model that suits his individual needs as a student.

What drives parents like Essence and Kristen, and all parents across America, is the desire to provide greater opportunity for their children. The promise that each generation will have it better than the last is woven into the fabric of our country, and as we seek to continue this American tradition, we must start by removing the federal government as a barrier to our children's education.

Toward that end, we must first replace federal mandates with flexibility for states to provide resources that will empower our parents and students. While education policies may differ from state to state, it is critical that policies at the federal level facilitate the ability for our local communities and parents to make their own choices in the

education of their children. We must get Washington out of our classrooms if we want to provide the best environment for our students.

Recently, the House of Representatives passed the Student Success Act which helps meet many of these goals. Under this legislation, we repealed the federal Adequate Yearly Progress (AYP) metric and instead allowed states to develop their own accountability systems that annually measure the progress of students. States could develop their own plans to intervene in poor performing schools rather than being forced to follow federal mandates.

The bill creates Local Academic Flexibility Grants to help states and localities improve schools, including through private sector initiatives operating outside the traditional school system. While making these and other changes, the bill retains requirements for annual school district report cards so that parents can hold their local schools accountable. The bill also expands support for the development and replication of charter schools.

With the addition of an amendment I authored, the Student Success Act will also give states the option to have the federal funds they receive for low-income students follow the students to the public school of their choice, including charter schools. My amendment helps ensure that no matter what public school a low-income student attends, he or she will see the benefit of these dollars.

Building on some of the important work being done throughout the country, this amendment will give parents and students more education opportunities by making it easier for all states to adopt open enrollment policies and expand charter and magnet school opportunities for students.

We must give parents and students more choices and better options to escape bad schools and enroll in one that fits their needs. It's an issue of basic fairness. I will continue to listen to parents to ensure education is a priority, and listen to state leaders and legislators who have other ideas on how we make sure

every child in our country has the ability to graduate from a safe and effective school and go on to do great things.

This is critical to our nation's economic growth. But more importantly, we have a moral obligation to these children, especially the poorest and neediest among us. Ensuring a good education for all of our children is our nation's best hope at a brighter future.



**THE HONORABLE ERIC CANTOR**, who represents Virginia's 7th District, is the Majority Leader in the United States House of Representatives. Prior to being elected to the U.S. House of Representatives, Leader Cantor served in the Virginia House of Delegates for 10 years.

# Who Runs Our Schools?

BY ROB KREMER AND STUART JOLLY

**A**sking who runs our schools may seem like an odd question, but the answer is not so clear. Both the answer and the question have important implications for policymakers. In broad terms, the 150-plus year history of universal free public education in America can be characterized as a slow, steady, inexorable shift of governing authority away from the local school level upward to district, state and federal bureaucracies.

In 1900, America had 150,000 local school districts that were accountable to voters in the local community. These school districts ran their schools with very little state or federal interference. Today, the remaining 15,000 local school districts no longer run their schools. They are not so much governing bodies as they are compliance bodies.

Local school districts are now accountable not to the students, parents and communities they are supposed to serve, but rather to politicians and bureaucrats in the state and federal government. They must comply with mandates on things such as curriculum, assessment, hiring, non-English instruction and Special Education. There is very little accountability for academic results and arguably no accountability to the parents of the children who attend the schools.

This trend began around 1950 and accelerated through the 1990s and 2000s. Goals 2000 and No Child Left Behind (NCLB) ushered in an era of unprecedented state and federal influence over education and left parents and teachers to wonder, “who runs the schools?” Realistically, it is no longer the school districts.

Don’t believe it? What would happen if a school board substituted a nationally standardized test, like the Iowa Test of Basic Skills, for the





tests used by the state? What if it hired teachers who didn't have a license, or used textbooks that are not on the state approved list?

In some respects, this shift in authority away from school districts is understandable. School districts are local monopolies, with all the attendant inefficiencies and perverse incentives common to such entities. When the outcomes produced by these monopolies fell short, as they inevitably would, the irresistible urge from superior government bodies was to regulate them into improving.

And so, since 1950, the American public education system has been subjected to a constant stream of state and federal reforms, starting with Sputnik, followed by the Elementary and Secondary Education Act, which morphed into "Standards Based Education" reforms like Goals 2000 and NCLB.

These programs were all well-intended, but they also shared an unhappy byproduct: they shifted control over the schools further away from the parents and children to distant state and federal bureaucracies.

This might be an acceptable result if the tradeoff was an improved school system. But can anyone really argue that more than fifty years

problem. That is why the growth of school choice reforms over the last 20 years is so encouraging.

School choice, in all of its manifestations, is the first reform idea that actually addresses this structural defect by weakening the monopoly and shifting authority back to where it belongs: with the parents and students. Little wonder why charter schools, vouchers and tax credits have gathered such steam, and why they have been met with such forceful opposition from the education establishment.

We won the intellectual battle over school choice long ago. It is satisfying to see the political victories following not too far behind.

All the same, conservative policymakers should be wary of the next smart-sounding reform that seems like a good idea but moves power in the wrong direction. We have a simple rule when we are questioned about a school reform idea. We ask, "Does this reform move power and authority up and away from parents and schools, or down toward parents and schools?"

Many policy proposals that sound reasonable and conservative fail this test. On close inspection, most are just futile attempts to regulate the monopoly into performing better.

The 150-plus year history of universal free public education in America can be characterized as a **slow, steady, inexorable shift of governing authority away from the local school level upward to district, state and federal bureaucracies.**

of shifting authority away from the schools has improved things? None of the traditional outcome metrics, like SAT scores, dropout rates, National Assessment of Education Progress (NAEP) scores, Trend in International Mathematics and Science Study (TIMSS) results, or the achievement gap, would support that argument.

From a policymaker's perspective, this shouldn't be surprising. The core defect of the public school system, as it was designed for America's largely rural, 19th century agrarian economy, was its governance structure: the local government monopoly.

Any reform that seeks simply to regulate a government monopoly is not likely to improve it. Such reforms only empower bureaucrat elites, whose own motives are often at odds with the people and the institution they're supposed to serve.

For a reform to actually have a chance to improve the schools, it must address this structural issue that is the true source of the

We shouldn't waste precious time and political capital on school reform proposals unless they are aimed at solving the actual problem: changing the governance structure of public education.



**ROB KREMER** is the Executive Director of the TeamCFA Foundation, a national network of Core Knowledge charter schools.



**STUART JOLLY** is the Executive Political Director of the Education Freedom Alliance, a national voice for legislative change to enhance charter school opportunities.



# How Education Savings Accounts Can Transform K-12 Education through Student-Centered Customization

BY LINDSEY M. BURKE

Imagine having a son with significant special needs. Despite his caring public school teachers' best efforts, his assigned public school is simply unable to fulfill all of his unique learning needs.

Now imagine being able to finance private school tuition at an academy that provides the type of specialized education and services vital to the success of a child with special needs. Consider also being able to purchase private educational therapy services and additional curricular materials. Such access to educational environments and services, uniquely matched to your son's individual learning needs, would make a tremendous difference in his life experiences and opportunities.

Arizona has taken this approach to education customization. Two years ago, Arizona enacted groundbreaking education savings accounts (ESAs) – known in that state as the Empowerment Scholarship

Account option. Initially open only to children with special needs, in 2012, eligibility for an ESA was extended to children from low-income families assigned to "D" or "F" schools, children of active duty military families and foster children. Today, some 220,000 Arizona children are eligible to participate in the Empowerment Scholarship Account program.

Eligible parents can choose to withdraw their child from the assigned public school if they feel the school is not meeting their child's learning needs. Arizona deposits 90 percent of the money the state would have spent on the child in the public school into the parents' Empowerment Scholarship Account. Parents can then use those funds to pay for private school tuition and a host of other education-related services and expenses.

That flexibility is what makes an ESA unique: the accounts are distinct from school choice options like vouchers or tax credits because they allow a parent to divvy-up their funds and purchase educational

*Continued on page 15*

# School Choice: The Coming Revolution in American K-12 Education

BY THE HONORABLE RANDY ALEXANDER, AR (HD-88)

**T**he school choice concept was first introduced in 1955 by Nobel Laureate Milton Friedman. Growth of choice programs has been slow and incremental, but gained significant momentum in recent years as experience and research validated the efficacy of this approach. Today, the school choice movement is poised for exponential growth, with stakeholders divided into two camps on either side of the issue.

Debate over our education system has its origin in the earliest days of the Republic. In their recent book, *The School Reform Landscape, Fraud, Myth, and Lies*, authors Christopher Tienken and Donald Orlich state:

“Since the formation of the United States of America, there has been debate over the roles and purposes of education. Some envisioned a public education system that unified diverse people on a level playing field, in the spirit of all men being created equal. Others sought a dual system of education based on the European model in which children from the privileged ruling class received a more exclusive education, usually private, or a more comprehensive public version ... Children from lower classes were remanded to a more mechanized, impersonal system of education based on a narrow curriculum, memorization, rote drill, and oral recitation.”

Clearly, the debate rages on. School reformers seek to level the playing field by advancing school choice through vouchers, educational savings accounts, tax-credit scholarships and tax credit/reductions to provide all parents a variety of options including public, private and charter schools and online learning. All school choice approaches share a common thread: education dollars follow the child to the school chosen by their parents from a variety of options.

Possible barriers to inclusion of private school options exist in some state constitutions through so-called Blaine Amendments, which prohibit use of public resources in support of any sectarian institution. The U.S. Supreme Court and many courts in states with Blaine Amendments have ruled that school voucher programs are permissible because government funds only reach sectarian schools through the free decisions of parents not based on any government directive.

Primary resistance to school choice comes from educational groups invested in the status quo: teachers unions,

superintendents, school boards and state and federal education bureaucracies. These groups claim choice is detrimental to public education because choice diverts education dollars from public schools, thereby increasing the overall cost of education. They maintain the success of choice schools results from “creaming”: enrolling the best students from public schools, leaving behind students with socio-economic or intellectual deficits that inhibit learning.

Despite these assertions, actual experience and a significant body of research demonstrate these claims are false. Choice schools serve a higher percentage of minority, low income and special needs children than do public schools. Choice school students demonstrate improvement on standardized tests and enjoy far higher graduation rates; usually at a lower cost. Of 23 studies of academic performance of public schools in areas where choice is available, 22 of them showed that schools scored better on standardized tests after choice was introduced, and no negative impact was reported in the 23rd study.

Critics also maintain charter schools are not sufficiently regulated. One of the primary purposes for a charter school is to try different approaches to education. The conditions of the charter typically exempt the school from at least some of the regulatory requirements (some federal) that apply to public schools. These regulations purport to insure quality outcomes, but many have nothing to do with actual education of the child. In practice they serve to reduce teachers’ time on task (teaching) because of time spent on administrative activities and reports.

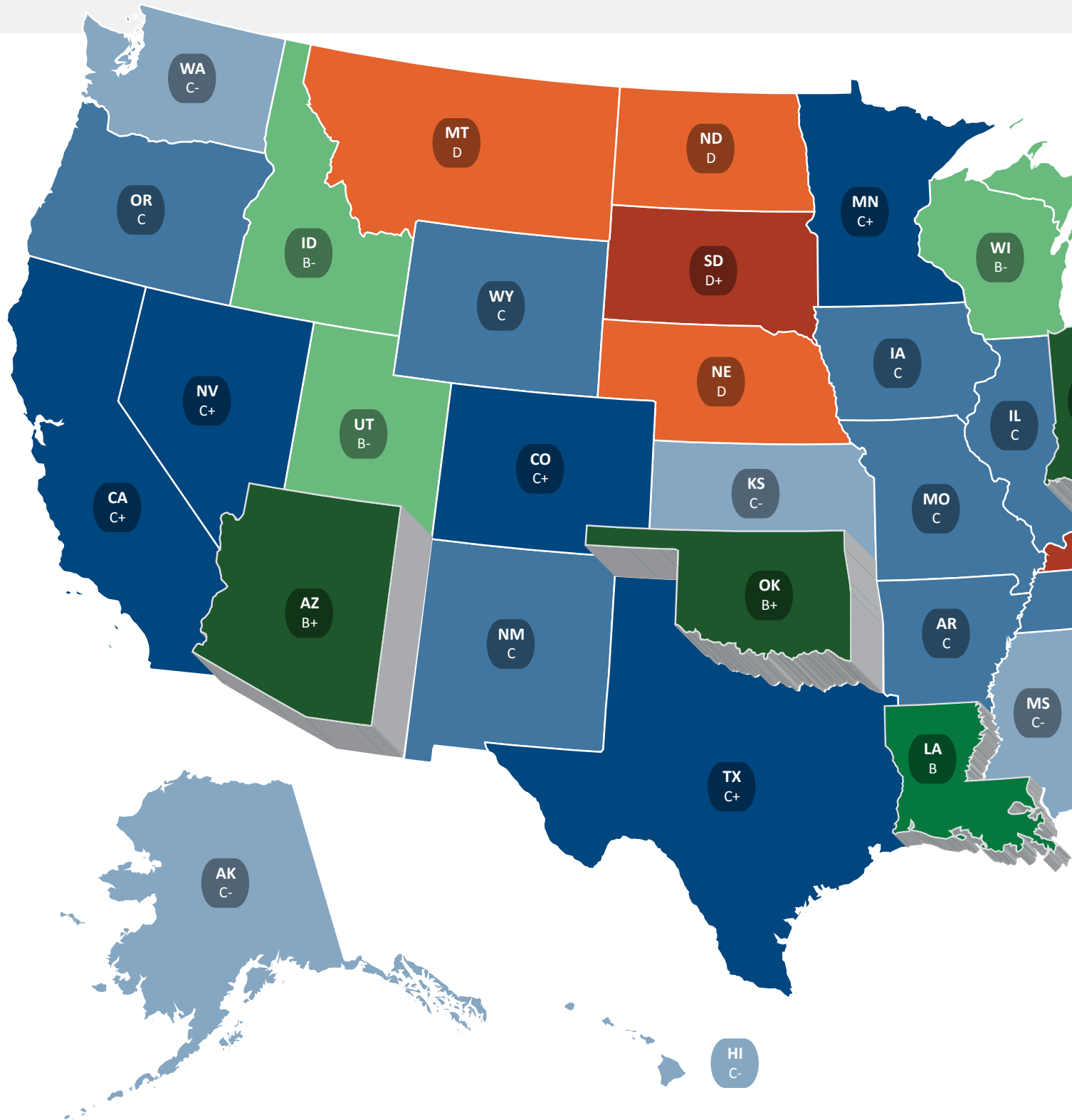
Should the quality of a child’s education depend on their zip code when parents are unable to access better alternatives? Who should decide the best educational environment for the child: education administrators or parents? The parent knows their child better and is more invested in their future success than any other individual or agency. School choice promotes competition which facilitates excellence; it is both a civil rights and liberty issue. It should be the inalienable right of all parents to choose the best educational option for their child.



**THE HONORABLE REPRESENTATIVE RANDY ALEXANDER** represents the 88th District of Arkansas in Arkansas’s State House of Representatives. He was elected in 2012.

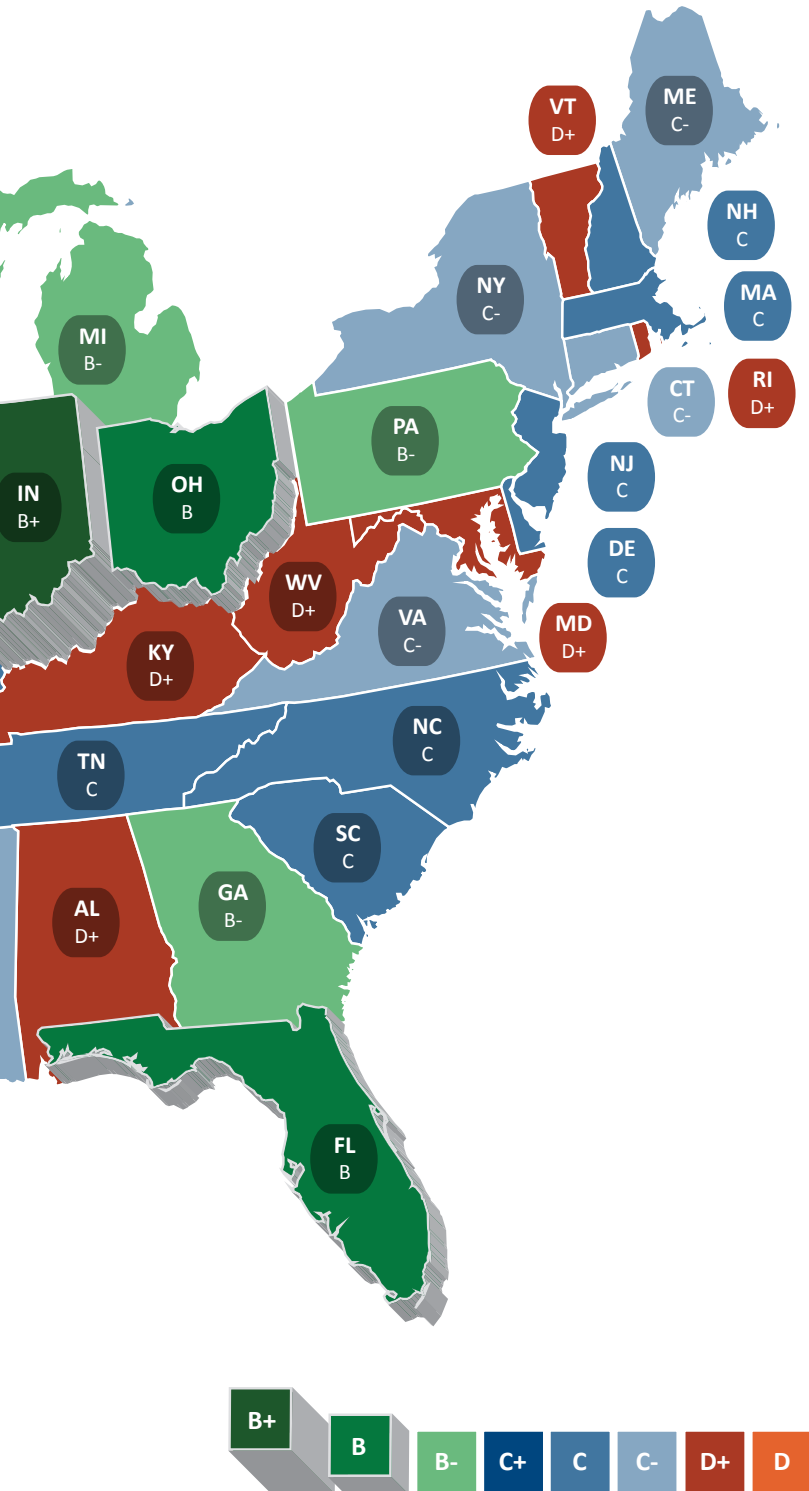


# REPORT CARD ON AMERICAN EDUCATION



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# Education Policy Grades



Beginning with the 16th edition of the American Legislative Exchange Council’s *Report Card on American Education*, we created a new system to grade the education reform policies of each of the 50 states and the District of Columbia. These grades are based on whether states have enacted policies to reform their education systems through quality testing and accountability mechanisms, improving teacher quality, and expanding parents’ ability to choose the best learning environment for their children, including **traditional public schools, public charter schools, private school choice, homeschooling, and digital learning options**. We derived these grades based on measures and grading systems from education organizations or experts that analyzed various aspects of education reform.

Grade	Low Score	High Score
A	3.834	4.166
A-	3.5	3.833
B+	3.167	3.499
B	2.834	3.166
B-	2.5	2.833
C+	2.167	2.499
C	1.834	2.166
C-	1.5	1.833
D+	1.167	1.499
D	0.834	1.166
D-	0.5	0.833
F	0.00	0.499

# Teaching Students to be Moneywise

BY WILLIAM MATTOX

**T**eaching financial literacy is the latest trend in education, and U.S. Secretary of Education Arne Duncan has promoted financial literacy aggressively. A recent report from the Government Accountability Office (GAO) found that 16 different federal programs now teach personal finance to teens and other groups. Florida recently joined a number of states in calling for students to complete a course designed to boost students' financial literacy.

With student debt exploding and many young people struggling economically, it's easy to see why educators want to give students a basic understanding of personal finances. Surely, no one would question the merit of teaching teenagers about compound interest and maintaining a budget. Yet despite the move toward financial literacy, most financial literacy programs don't go far enough, because they don't instill a sense of financial responsibility and character to accompany the percentage calculations and budgeting how-tos.

The acquisition of knowledge must complement the cultivation of character. In the area of personal finance, this means that in addition to mastering money facts, students should develop an appreciation for a time-honored ideal that has fallen out of favor in recent years: thrift.

## THE THRIFT ETHIC

Mention the word "thrift" today and you're apt to get a blank stare – or instructions on where to find the nearest used clothing store frequented by hipsters and homeschoolers.

But the word "thrift" actually has a rich history in American life – and a far more robust meaning than many people imagine. In its American expression, the concept was first popularized by Benjamin Franklin. He emphasized industriousness and frugality in *The Way to Wealth* and other writings and he initiated programs for entrepreneurs built on the "teach a man to fish rather than give a man a fish" principle of helping others.

More recently, social reformers in the early 20th Century celebrated Thrift Week every January (to coincide with Franklin's birthday) as a way of encouraging the wise use of economic resources. Since the word "thrift" comes from the same root as "thriving," these reformers saw the thrift ethic – working hard, saving for unforeseen needs and giving generously to others – as a key to human flourishing.

In essence, these reformers (much like Franklin) promoted a secularized version of John Wesley's famous dictum, "Earn all you can, save all you can, give all you can."

In other words, we need to offer students an ethical framework which acknowledges that some strategies for upward mobility (like



being industrious) are far nobler than others (like trying to win the lottery).

Additionally, in a world where lifelong careers at one company are becoming as rare as professional ballplayers remaining with one team, we should place particular emphasis on American students to develop the scrappy, can-do, entrepreneurial resourcefulness commonly associated with new immigrants to America.

To its credit, the Florida Legislature appears to appreciate this need to cultivate students' industriousness and self-reliance. In addition to addressing the need for high school students to learn some practical skills in money management, the Florida Legislature recently adopted a measure calling for middle school students to learn more about entrepreneurship and the spirit of free enterprise.

Laying an ethical groundwork (thrift) in the middle school years for the practical skill-building (financial literacy) that follows in the high school years makes a lot of pedagogical sense. Moreover, it builds upon, and rounds out the appropriate interest financial literacy programs currently generate.

Indeed, we should be glad that many educators are promoting greater financial literacy; we need students to acquire money management skills, but financial educators can't stop there.

After all, the 2008 economic crisis arose not because the folks on Wall Street lacked financial literacy (apparently, they understood high finance all too well). No, our nation's economic crisis arose because many Americans – including our leaders in Washington – failed to practice and promote thrift.



**WILLIAM MATTOX** is a resident fellow at the James Madison Institute, a state-based think tank headquartered in Tallahassee, Florida.

*Education Savings Accounts, continued from page 10*

products, services and schools in an à la carte fashion. In other words, parents can completely customize their child's educational experience. Parents can use their ESA funds for education-related expenses, including:

- Private school tuition and fees;
- Education therapy services and aides;
- Textbooks;
- Private online learning courses;
- Advanced Placement (AP) exams, norm-referenced achievement tests and college admission exams;
- Tutoring;
- Curricula;
- Contributions to a 529 college savings plan;
- College tuition;
- College textbooks;
- ESA management fees; and
- Individual public school classes and programs.

Another notable aspect of the Empowerment Scholarship Accounts in Arizona – the only state that currently offers ESAs – is that unused funds can be rolled over year-to-year, and can even be rolled into a college savings account.

The amount distributed into a family's Empowerment Scholarship Account depends on child-specific factors. Children with special needs receive significantly larger distributions weighted according to their disability. Depending on specific student characteristics, families receive additional funds in their Empowerment Scholarship Accounts based on student weights from Arizona's funding formula.

ESA dollars are distributed onto a restricted-use debit card (meaning families can't, for instance, spend ESA funds on gasoline or toys), with quarterly payments to families. An ESA participant does not receive the next quarter's payment until all receipts for expenses are submitted to the Arizona Department of Revenue.

Some children in the ESA program have special needs ranging from moderate autism to multiple disabilities and severe sensory impairments. Nathan is one such student. Nathan has moderate autism, and his parents explained in a recent interview with Heritage Foundation researcher Brittany Corona that prior to their involvement with the Empowerment Scholarship Account, their son couldn't put one sentence together. Now Nathan, 7, is calmer and can carry a conversation.

"Another one of the successes we have seen with him is his ability to articulate himself," said Nathan's father, Michael. "Before he had that, the frustration level was high. Because as he has gotten older he has been able to express things, thoughts, feelings, likes, dislikes... That was a major breakthrough. Because then he was able to express what he wanted, and we were able to understand if something was making sense to him or not making sense, and then we were able to adjust accordingly."

"It's good for us to periodically look back and recognize the amazing progress Nathan has made," said his mother, Amanda. "I think that for kiddos like Nathan, it just really shows the difference that the right education environment can make. Nothing against public schools,

both my husband and I went to public schools, but he is really thriving in a small class with teachers that understand his learning disability – thanks to the ESA!"



In creating education savings accounts, Arizona has laid the groundwork for reconceiving the way in which public education is financed. At their core, ESAs fund children (as opposed to funding physical school buildings), and empower parents to direct education spending. Initiatives such as the ESA represent a critical separation between education financing and its delivery, something that will become all the more important with the proliferation of online learning.



**LINDSEY M. BURKE** is the Will Skillman Fellow in Education Policy at The Heritage Foundation, [www.Heritage.org](http://www.Heritage.org).



# Charter Schools Make Good Use of Empty Space

BY JONATHAN BUTCHER

When Moenich's son, Maxwell, has some unique needs. "He's super, super smart, but has some social issues," Moenich said. She decided a traditional classroom setting was not the best fit for him and looked for a school with a flexible teaching style.

Moenich enrolled Maxwell in Benchmark Charter School, located near their home in Phoenix, Ariz., and said she never looked back. Benchmark uses ability grouping, which helps Maxwell move ahead in the subjects at which he excels and keep pace with his classmates in other areas.

"He's not taught to the middle," Moenich said. "He is taught to his ability, so he can learn with the higher learners in the group."

Over the past 20 years, teachers, parents and community leaders around the country have created more than 5,700 charter schools to give parents like Moenich more options. Charter schools are independent, tuition-free public schools that operate with fewer regulations in exchange for higher levels of transparency. Some of these schools are among the highest-achieving schools in the nation and their students routinely top nationwide comparisons.

In Arizona, charters represent a disproportionate number of the highest-performing public schools in the state. Two of the highest-achieving schools in the U.S. are Arizona charter schools.

This charter school growth and their students' success come despite the efforts of some school district officials to prevent charter schools from opening in their district. Research from the Goldwater Institute shows that charter schools are faced with the challenge to find buildings in which to operate.

Yet data from the Arizona School Facilities Board indicates that ample space is available. In more than half of the traditional schools in the 10 largest Arizona school districts, at least one out of every four available seats is empty. Arizona's largest school district, Mesa Unified, reports that eight school buildings have been closed since 2008. The next largest school district, Tucson Unified School District (TUSD), has closed 20 buildings since 2010.

TUSD's closure of and subsequent bidding process for their facilities is a prime example of how traditional school leaders interfere with charter schools' replication. In 2010, TUSD closed nine schools, and by June 2012, the bidding or repurposing projects for these facilities were still incomplete. Maintaining these nine empty buildings cost Arizona taxpayers some \$450,000 annually, and in December 2012, TUSD closed 11 more schools. TUSD's website says the district currently has 13,000 empty seats.

Despite the cost of maintaining these empty facilities and the fact that the buildings attract vandals who target homes located near the empty schools, Tucson district officials have repeatedly stated their opposition to charter schools' use of the empty buildings.

"Personally, my feeling is if we couldn't sustain a school there, we shouldn't give someone else the opportunity to do so," said Judy Burns, the Tucson Unified School District (TUSD) governing board clerk.

Around the country, charter schools face a similar plight. In South Carolina, *The Charleston Post and Courier* reported that "perhaps the biggest obstacle a South Carolina charter school faces is finding a building." *The Washington Post* editorial board wrote of the challenge facing District of Columbia charter schools: "It's maddening to look across the street from the filled-to-capacity campus [of a charter school] at the empty classrooms of a former school and wonder if



there isn't more the city should be doing to help its best-performing charters find facilities that will allow them to expand and meet the need for their services."

In Milwaukee, Wis., the public school district spent over \$1 million annually to maintain 27 extra school buildings, and the district refused to sell buildings to charter schools. Nelson Smith, former CEO of the National Alliance for Public Charter Schools, explains that after Milwaukee's *Journal Sentinel* shed light on the empty buildings and taxpayer expense, legislators allowed the city to sell the buildings – even though district officials still objected.

Fortunately, lawmakers are taking action in some areas. In May, Washington, D.C. Mayor Vincent C. Gray announced that 12 closed traditional school buildings would be available to charter schools for purchase or lease later this year. In Indiana, legislators passed a package of reforms in 2011 that included a provision allowing charter schools to purchase or lease empty traditional schools for \$1. The American Legislative Exchange Council's Task Force on Education adopted this practice as model policy later that year.

In states like Arizona and Wisconsin, where researchers and the media have documented the number of empty school buildings,

lawmakers should require that school districts sell vacant buildings within 18 months of closure. School districts must be accountable to taxpayers for their vacant or underused buildings. Empty school buildings are expensive and a poor use of public resources.

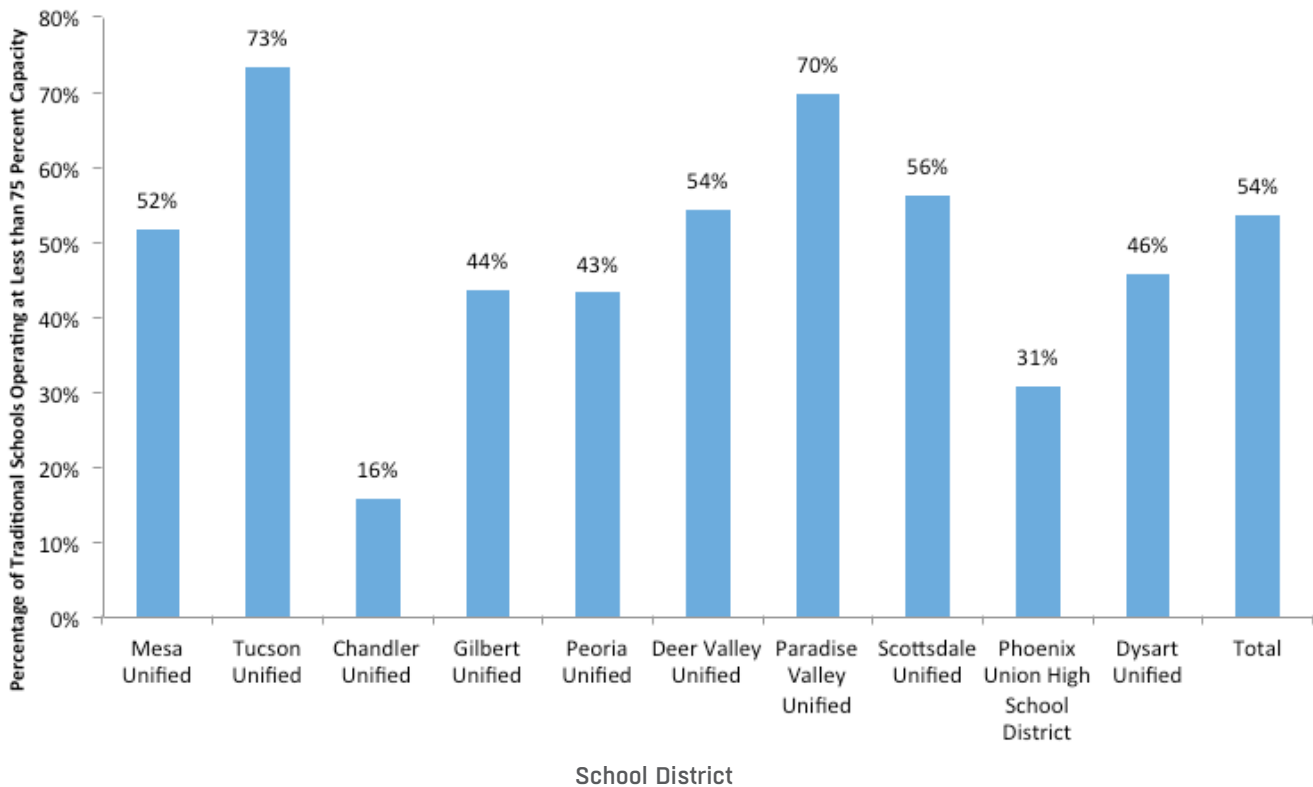
Charter schools are giving parents and their children quality school options all over the U.S., and vacant public buildings are not helping anyone – taxpayers or children. Legislators should take advantage of the opportunity vacant school buildings afford children and help quality schools move in.

For more on vacant public school buildings, see "Arizona Charter Schools: A Vision for the Next 20 Years," available at <http://goldwaterinstitute.org/article/arizona-charter-schools-vision-next-20-years>.



**JONATHAN BUTCHER** is Education Director at the Goldwater Institute and the private sector chair of the American Legislative Exchange Council's Task Force on Education.

## Percentage of Traditional Schools in Arizona's 10 Largest School Districts that Operate at Less than 75 Percent Capacity<sup>1</sup>



Source: Arizona School Facilities Board Facilities Reports, "School Capacity Analysis," <http://www.azsfb.gov/sfb/sfbscr/sfbda/daChooseTarget.asp?targetPage=daFacSchoolCapacity.asp>.

When not provided by the School Facilities Board, school enrollment found from the Arizona Department of Education's "2011–12 Enrollments" file, available at <http://www.azed.gov/researchevaluation/arizona-enrollment-figures/>.

# The Utah Model: Legislators Can Improve State Economies by Scaling Digital Learning

BY THE HONORABLE HOWARD STEPHENSON, UT (SD-11)

**U**tah sits dead last in K-12 education spending, yet leads the country in economic growth. Utah tops the nation in technology transfers from our largest university, while at the same time cultivates booming technology and manufacturing clusters.

These facts might seem contradictory, but Utah has experienced great success in getting local schools to embrace effective digital learning tools; Utah is the first state in the country to connect every public school to fiber; and Utah is the only state to receive an “A” on the Digital Learning Now! (DLN) report card. Furthermore, we managed to achieve these results despite strong opposition from the education establishment.

The “Utah Model” of economic development and digital learning success validates Utah’s designation as the best managed state in the nation: no. 1 Economic Outlook (American Legislative Exchange Council), no. 1 Best States for Business (Forbes), no. 1 Pro-Business State (Pollina), no. 1 Economic Dynamism (New Economy Index), and no. 2 The Next Boom States (U.S. Chamber).

Utah, however, only has one percent of the U.S. population, and education and economic success in one state doesn’t save the nation educationally or economically. That’s why Utah legislators are eager to share what works in Utah with our colleagues across the nation. Legislators in all 50 states possess the Constitutional prerogative to instill high quality digital learning tools, available now, in their public schools. Kids deserve it; teaching professionals deserve it; and the nation’s economy deserves it.

Like any cutting-edge corporation seeking to drive costs down, the Utah Legislature is advancing student-centric reforms. The Utah Model scales purchases of educational technology in quantity through state Request for Proposals (RFPs) and then offers the highest quality educational software licenses and technology to local schools through a competitive process. This ensures that schools “own” their decisions to engage smart solutions.

The DLN report shows that more than 700 bills involving digital learning were considered by state legislatures in 2012, but just 152, or 22 percent, were signed into law. The low success rate for these measures is due in large part to their general opposition by entities representing the education establishment. In Utah, for example, most digital learning legislation has been opposed by organizations representing Big Education: the teachers union, State PTA, School Superintendents Association and School Boards Association. Even the State School Board has opposed many of the digital learning initiatives proposed or passed by the legislature. Despite opposition from Big Education during the recent 2013 Utah Legislative Session, 18 education technology-related bills and appropriations were considered and

12 successfully passed (a 67 percent success rate). Supporting various legislative sponsors against Big Education’s onslaught was a small yet effective organization, Parents for Choice in Education, which was invaluable in the drafting and passage of the digital learning measures.

While Big Education opposes digital learning legislation, local schools scramble to be chosen to implement the technology. Competing to distinguish their community, they say, “Pick our school, because we will deploy the digital tools optimally, we will provide professional development, we will ensure students have the daily dose rates prescribed, and we will cooperate with third-party evaluators to hold us accountable for results.” Local school leaders find that, when deployed at the classroom level, these digital tools empower teachers, assisting them to personalize student skill-building and content knowledge, giving teachers more time for higher level group discussions and for one-on-one interventions with struggling students. Contrary to teacher union dogma, personalized digital learning is not meant to replace the teacher, just as electronic spreadsheets have not replaced accountants and CAD systems have not replaced engineers.



## RETURN ON INVESTMENT

When digital tools are deployed effectively to provide individualized learning in the classroom and at home, student performance shows marked improvement. The Utah Legislature, for example, appropriated funds for every English language learner to receive 45 minutes a day of computer-delivered, personalized English language training. As a result, the 35,000 children who would normally take four to five years to perform on par with their native English-speaking peers are now proficient in one to one-and-a-half-years.

Last year, the Utah Legislature passed an RFP appropriation to provide reading software to assist teaching professionals in giving 30,000 kindergarten and first-grade students with one half-hour of digital reading instruction each day. This year, that program is funded to include another 30,000 second- and third-grade students.

According to Ernest Broderick, principal of Stansbury Elementary—where 90 percent of students are low income and two-thirds are English Language Learners—student reading progress has doubled since using the software. “I felt that to know the efficiency of reading software intervention and not to provide it would be educational malpractice,” Broderick said.

Another example of legislation which distinguishes Utah as a leader in digital learning is Utah’s Statewide Online Education Program. This measure frees all Utah high school students (public, private and home school) to take online courses from multiple competing providers with the dollars following the student to the provider.



## DIGITAL LEARNING CAN:

- ▶ De-stress teaching professionals and dramatically accelerate student outcomes.
- ▶ End “batch processing” of students through student-centered digital learning.
- ▶ Accelerate skill building through adaptive, individualized instruction.
- ▶ Accelerate knowledge transfer in ways that engage individual students.
- ▶ Free teachers from manual tasks and empower them to give personal attention to those who need it most.
- ▶ Empower students to learn anytime, anywhere; to be always learning, always earning credit.
- ▶ Provide more time for student collaboration, project-based learning and higher level discussions.
- ▶ Restore the United States’ preeminence in education and workforce improvement.



**THE HONORABLE HOWARD STEPHENSON** is a State Senator for the State of Utah. He was first elected in 1992. He represents Senate District 11, which covers portions of Salt Lake and Utah counties.



# The On-Going Battle for Educational Freedom

BY TIM KELLER

Freedom is never free. Freedom always has to be won.

The fight for true educational freedom is an important front in the freedom movement. Significant battles are being waged – and won – in state legislatures across the nation. Legislative victories have produced a myriad of educational choice programs in 21 states and Washington, D.C.

The philosophy of educational freedom is simple: if the government is going to spend money on education, then it should be done in a way that maximizes parental choice and minimizes government monopolization. Parents know better than bureaucrats what kind of educational environment best suits their children’s needs, and choice-driven competition is essential to any education reform effort that hopes to ensure that schools perform at acceptable levels.

The opening salvo was fired in 1990 when Democratic Representative Polly Williams teamed up with Wisconsin’s Republican governor, Tommy Thompson, to create the nation’s first modern private-school voucher program. Though limited in scope, the program drew the ire of the nation’s largest teacher’s union – the National Education Association (NEA). The NEA launched a counter-attack to eliminate the parental choice program and preserve the educational status quo. We learned then that many of the hard-fought legislative victories would have to be defended in court.

Lawyers from the Institute for Justice (IJ) represented participating parents and children to defend Wisconsin’s program in court. Since then, there has not been a single day in IJ’s 20-plus year history that

its lawyers have not been in court, wherever necessary, defending an educational choice program against a legal attack.

This past year set a record pace for such litigation. The Institute for Justice was engaged in five active cases in five different states, defending five very different educational choice programs. IJ is now gearing up to defend a sixth program from possible legal attack.

In Indiana, IJ scored a unanimous state Supreme Court victory defending the state’s Choice Scholarship Program from a challenge by the ACLU. This voucher program now serves almost 10,000 families and is potentially the nation’s largest educational choice program enacted to date, with 60 percent of Indiana school children eligible in its third year.

In Douglas County, Colorado, the Institute for Justice secured an upset victory in the state’s appellate court after a loss in the trial court. Douglas County’s Choice Scholarship Pilot Program is the nation’s only current educational choice program created by a local school district. While opponents have asked the Colorado Supreme Court to review the court of appeals’ decision, IJ will remain vigilant in protecting the appellate court’s decision upholding the program.

IJ continues its success out west in defense of Arizona’s innovative Empowerment Scholarship Account (ESA) Program and is currently waiting for a decision from the state’s intermediate court of appeals. The program is designed to withstand a 2009 Arizona Supreme Court decision striking down two voucher programs. This ESA program

allows parents of children with disabilities, children attending failing schools, children adopted out of foster care, and children of active duty military families to withdraw their children from public district or charter schools and receive a portion of their public funding in an account with flexible, though defined, uses, including private school tuition, home education, online schooling, private tutoring or college expenses.

The potential for more litigation is on the horizon. Alabama recently passed a scholarship tax credit program that allows both individuals and corporations to claim a 100 percent tax credit for contributions to nonprofit scholarship-granting organizations. It also provides refundable tax credits to low-income families. There has already been one unsuccessful lawsuit to halt the program; intelligence gathered thus far suggests another lawsuit is in the works.

...choice-driven competition is essential to any education reform effort that hopes to **ensure that schools perform at acceptable levels.**

In the Granite State, IJ is preparing to appeal a ruling striking down, in part, a corporate tax credit scholarship program. The New Hampshire tax credit program is unique because it provides scholarships to families who want to (1) home school; (2) attend a neighboring public school that charges tuition; or (3) attend either a private religious or non-religious school. The trial court's ruling prohibits families from choosing religious schools, but allows the program to move forward in all other respects. IJ is appealing this religiously discriminatory ruling.

We lost a battle in Louisiana, but we continue to win the war. The teachers' unions took the funding mechanism for Louisiana's state-wide voucher program to court and momentarily prevailed. Nothing in the court's decision, however, precluded the legislature from funding the program as a line item in the annual state budget, which it did promptly after the ruling.

As legislatures continue to pass well-drafted, constitutionally defensible educational choice programs, the Institute for Justice is committed to fight as many battles as necessary to secure the right of parents to choose the educational option that is best for their children.



**TIM KELLER** is the executive director of the Institute for Justice Arizona Chapter and has been litigating school choice cases for over a decade. He was the Institute's lead attorney in *Arizona Christian School Tuition Organization v. Winn*, a U.S. Supreme Court case that rejected a legal challenge to Arizona's scholarship tax credit program.

## The Importance of *Amicus* Briefs

*Amicus*, or "Friend of the Court," briefs play an important role in litigating for liberty. *Amici* can present arguments, ideas, policy considerations, facts and data not discussed in the parties' briefs. They can also elaborate or expand upon issues the parties may not fully develop due to page limitations. *Amicus* briefs are permitted in both state and federal courts at all levels, not just the U.S. Supreme Court. Legislators, state-based think tanks and other policy-minded organizations should be cognizant of pending legal challenges and seriously consider what contribution they might make as an *amicus*.

Seven New Hampshire legislators recently played a crucial *amicus* role in defending their state's Corporate Scholarship Tax Credit Program. Americans United for Separation of Church and State (AU) argued the program should be struck down in its entirety based on an allegation that the legislature was motivated to aid religious schools. Represented by *pro bono* legal counsel at the Pacific Legal Foundation, the legislators' brief debunked AU's claims by demonstrating that the legislature was motivated to help children and improve education. The court even cited their *amicus* brief when rejecting AU's arguments.

While the mechanics of filing *amicus* briefs vary by jurisdiction, most experienced local attorneys can help. Here are a couple of universal "dos" and "don'ts."

- Don't merely repeat the argument made by the parties. The purpose of an *amicus* brief is to delve into areas not covered, or not covered in depth, by the parties.
- Do coordinate with the party you plan to support in your *amicus* brief. The parties are not allowed to contribute financially or write *amicus* briefs, but they can strategize about topics and issues.
- Do look for opportunities to join with other individuals or groups writing a similar *amicus* brief. One well done *amicus* brief is better than two repetitive briefs.

# 'United States' in America and in Europe

BY DERK JAN EPPINK

**P**roponents of what is sometimes referred to as a "United States of Europe" received quite a slap in the face during the recent battle for the European Union (EU) budget. Instead of the eternal 'more Europe' mantra, the multi-annual budget for the period 2014-2020 has been reduced and direct European taxes are out of the question. Europe is forcing citizens to save as there is a change of mindset in Brussels; better results with less money.

After all the big words, a sense of reality finally sets in: it is time to put to rest the concept of a federal European entity. The concept of a federal European entity should be put to rest because it simply does not work. The 'United States of Europe' is the intellectual self-delusion of a small elite.

Europeans have a bail-out for everything: countries, banks and Russian billionaires. Americans do not: if necessary, California goes bankrupt. **Tax competition has a self-purifying effect.**

The ideal is fed by referencing the United States of America. However, in order to imitate the American example, Europe would have to standardize many of its various policies. This is why European federalists are staunch advocates of tax harmonization. The European Parliament recently voted in favor of making uniform the corporate tax base across the various countries. That has to be the first step towards standardization of the tariff. The 'unique social model' is of vital importance. Uniform working hours have already been arranged. The next goal is the introduction of a European minimum wage. European uniformity is paramount for those who wish to create a "united states."

Yet in the U.S. we see the exact opposite. The so-called 'united states' compete with each other. States like New York, Illinois and California are similar to European welfare states, looking at the large share the government has in the economy. They have a high tax burden, high social spending and strong public sector unions. They also have the biggest problems: high unemployment, high pension costs in the public sector and capital flight. Other states do not even consider following this 'European model'. On the contrary, fiscal competition is their answer.

Many Americans see California as the U.S. equivalent of Greece. States like Nevada, Arizona and Texas offer an attractive fiscal and investment climate. Citizens from California move away and leave the Golden State behind due to its lack of money, debt problems and economic stagnation. Simultaneously Nevada, Arizona and Texas bloom. The same is happening in Florida. Low tax rates attract citizens from states like New York and Illinois. From 1995 to 2010, within the United States \$2 trillion in gross income moved to states with an attractive fiscal climate.

In Europe labor mobility is low; after all, work has to be brought to the citizen. This is considered 'social.' Europeans would establish a rescue fund for the 'poor California,' out of 'solidarity.' Europeans have a bail-out for everything: countries, banks and Russian billionaires. Americans do not: if necessary, California goes bankrupt. Tax competition has a self-purifying effect.

This also applies to public policy competition. Because of their industrial past, states in the Midwest have powerful labor unions. Membership is often required; unions enforce high wages and scare investors into leaving the state. A new self-purifying counter movement was created: right-to-work states. Trade union power is severely curtailed and membership is voluntary. The governor of Wisconsin, Scott Walker, is fighting a hard battle with the unions in order to break their power. The unions wanted him voted down through a recall election, yet the Republican Governor won in the traditionally Democratic Wisconsin. There are now 24 right-to-work states, and they are popular with investors. Boeing has its Dreamliner assembled in right-to-work South Carolina, rather than Washington, where unions are in charge. The Walloon arms manufacturer Fabrique Nationale (FN) produces firearms in South Carolina. The European and Japanese auto industry factories are located in right-to-work states: Georgia, Tennessee and Alabama. Policy competition is the counterweight to vested interests.

European federalists do not want to see this 'real America,' they are, instead, obsessed by the federal government. The U.S. has a single currency and provides unlimited government bonds. Euro Federalists believe that the euro zone should follow that example through the use of euro bonds. The U.S. government, however, is collapsing under a mountain of debt. While Europeans are trying to find a way to become more like America, the current American president is adding more federal debt than all of his predecessors combined, while repeating the mistakes Europe has already made.

In the U.S. the diversity among the states is a source of strength, thanks to fiscal and policy competition. This should also apply to the EU Member States. Uniformity smothers any chance of self-correction.

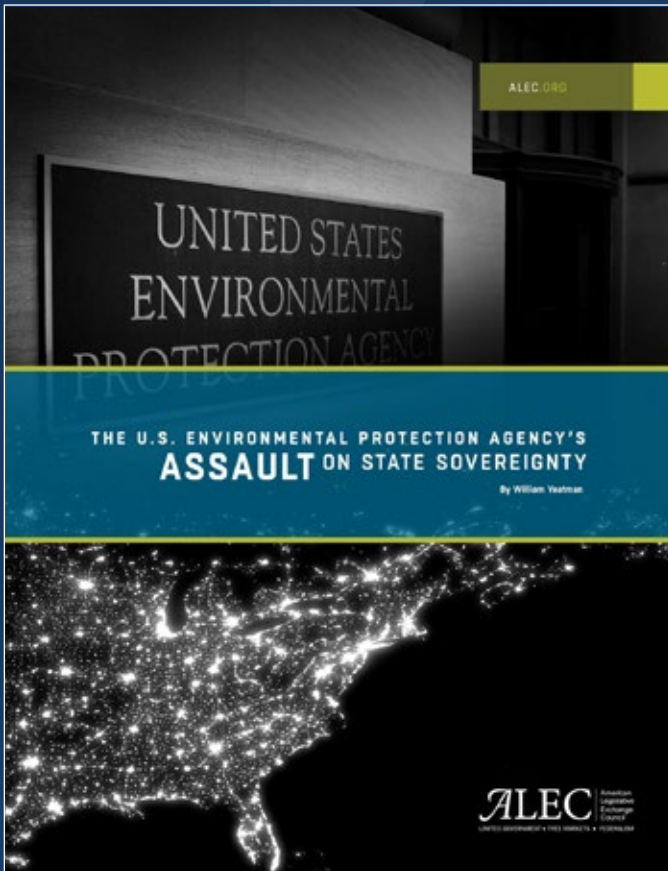


A Belgian Member of the European Parliament, **DERK JAN EPPINK** was elected to the EU Parliament for List Dedecker (a Belgian center-right, libertarian party) in 2009 and serves as the Vice President of the European Conservatives and Reformists (ECR) Group.



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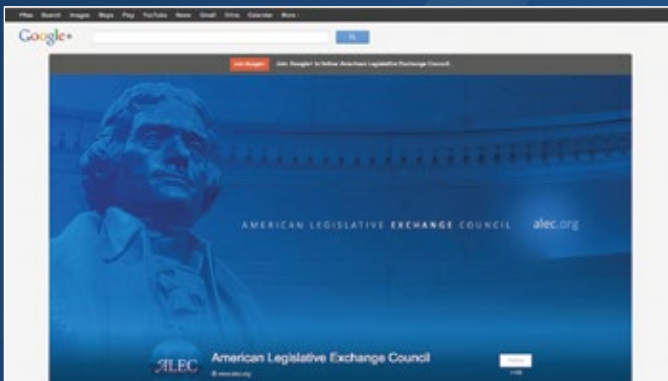
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