



# The 14th Bracey Report on The Condition Of Public Education

Another eventful year in education has passed.  
Mr. Bracey chronicles its triumphs and travesties.

**BY GERALD W. BRACEY**

The Bush Administration's No Child Left Behind education act has become wildly unpopular around the country.

— Editorial, *New York Times*, 16 March 2004

We're not backing down!

— George W. Bush,  
Van Buren, Arkansas, 11 May 2004

**T**HUS DID THE *New York Times* and the President frame their positions on the year's only real story in education. President Bush's comment could well turn out to be the educational equivalent of "Bring 'em on" and "Mission Accomplished." Certainly the success of the No Child Left Behind (NCLB) Act is no slam dunk. Because NCLB so overwhelms the rest of the stories — Google said it had "about" 1.2 million items on NCLB — I'll save it for last.

## **VOUCHERS**

People predicted that the *Zelman* decision would open the sluices for a flood of state voucher programs. But vouchers continued to be a nonevent. Only Colorado passed a voucher law, and Denver District Court Judge Joseph E. Meyer III promptly declared it unconstitutional. Judge Meyer based his decision on the state constitution, which gives local school boards, not the state, control over schools.<sup>1</sup> Proponents appealed. On June 28, the Colorado Supreme Court agreed with Judge Meyer by a 4-3 margin — and for the same reason. The dissenting justices agreed that the local districts would lose some money because the pro-

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## The Golden Apple Awards

**The You Can Count on Me Award** goes to Steve Orel. This award could no doubt have been given earlier, but I am leery of well-intentioned efforts with no track record. Orel now has such a record. In 1999, Orel pointed out that the schools in Birmingham, Alabama, threatened with a state takeover, had “administratively withdrawn” 522 students just before the state tests were administered. The district acknowledged Orel’s keen powers of observation by firing him. He started his own school, the World of Opportunity, for those struggling students and others. It continues today, succeeding against great odds.



In December 2003 the Vermont Society for the Study of Education honored Orel with a John Dewey Award. (Dewey was from the Green Mountain State, so there is a connection.) Orel decided not to attend the ceremony in Burlington, staying home with his kids, as is his wont.

gram involved local funds, but they argued that local boards would retain control over instruction.<sup>2</sup>

Gov. Bill Owens and pro-voucher legislators promised to come back with bills that would use state funds and so avoid the issue of local control. Some opponents said that avoiding local control would not solve the problem for voucher proponents because Colorado’s constitution strictly forbids the use of public funds for private institutions.

*Denver Post* columnist Diane Carman opined that the vouchers are just a ruse anyway to keep from dealing with important issues. As long as people debate vouchers, they can avoid confronting Colorado’s lack of early childhood education, its increasing class sizes and below-average teacher pay, or Denver’s dropout rate.<sup>3</sup>

Carman quoted Bush tax advisor Grover Norquist as saying, “We [starve-the-beast advocates] win just by debating school choice, because the alternative is to discuss the need to spend more money.” The colorful Norquist is best known for saying that bipartisanship is another name for date rape and that he didn’t want to do away with government, just shrink it to the size where he could drag it into the bathroom and drown it in the tub.

Perhaps state voucher activity faltered because state legislators had read the various evaluations from New York, Dayton, Cleveland, Washington, and Milwaukee (all re-

viewed in chapter 6 of my book *Setting the Record Straight*, 2nd ed., Heinemann, 2004). Revising Jay Greene’s *Wall Street Journal* conclusion,<sup>4</sup> none of the voucher evaluations found students harmed by not receiving a voucher.

President Bush’s preliminary plan for NCLB called for vouchers for students in any school that failed for three consecutive years. When Congress axed that provision, he attempted to insert vouchers into the bill through a half-dozen amendments offered by Rep. John Boehner (R-Ohio). Mindful that in 2000 the public in California and Michigan had sent voucher referenda down in flames (70% to 30% in both states), Congress said “No.” President Bush, never one to take no for an answer, brought forth a voucher program for a half-dozen cities. Congress trimmed the proposal to a single urban area, the District of Columbia — and then defeated it. And defeated it. And defeated it. And defeated it. Four times in all.

Even convincing Dianne Feinstein (D-Calif.) to vote for the bill couldn’t get it through the Senate. Feinstein, also mindful of the voucher debacle in her state, said she was not advocating vouchers for California.<sup>5</sup> But some saw that as hypocritical.<sup>6</sup> So, for its fifth appearance, Bush operatives detached the voucher program from the D.C. budget bill and inserted it into a \$328-billion omnibus spending bill. Even Democrats didn’t think it was worth stopping that bill just to keep vouchers out of the District.<sup>7</sup>

The D.C. program will provide up to \$7,500 each for nearly 2,000 students, a sum equal to about one-third of the tuition at D.C.’s elite private schools. Thus religious schools — and especially Catholic schools — will be the principal beneficiaries. Indeed, President Bush plumped hardest for his program in a White House East Room address to some 250 members of the National Catholic Educational Association who were in town for a conference.<sup>8</sup> In a hotly contested election year, that could only be seen as a blatant attempt to buy the Catholic vote. (The U.S. Conference of Catholic Bishops lobbied to add language to NCLB that supported voucher demonstration programs and vouchers for failing schools.<sup>9</sup>)

For the first year, the program is undersubscribed, with just 1,200 public school students applying. The program permits students already in private schools to apply, and more than 500 did. Two hundred of them were accepted as a “fair” number, according to Sally Sachar, president of the Washington Scholarship Fund, which manages the program. She didn’t specify the criteria she used to determine “fair.” Ralph Neas, president of People for the American Way, begged to differ. “It’s outrageous,” he said. “Federal dollars that could be used and should be used to improve struggling public schools are now being used to sub-

sidize the education of children already in private schools.”<sup>10</sup>

Theodore McCarrick, archbishop of the archdiocese of Washington, D.C., promised that his schools would participate in the evaluation plan. The plan, as outlined by the U.S. Department of Education, looks methodologically sound. However, it appears that the evaluation will attempt to measure “improved achievement” with successive cohorts of students, not by following the actual growth of individual students. Some pros and cons of the two approaches are discussed under the heading “The Forum,” below.

Secretary of Education Rod Paige, already prone to antebellum language in this, the 50th anniversary year of *Brown v. Board of Education*, immediately pushed for expanded vouchers, telling the Heritage Foundation that vouchers would offer poor and minority students “educational emancipation.”<sup>11</sup> For this claim, *The Black Commentator* declared that Paige has gone from “the hyperbolic to the ridiculous” and that his “brain has been left behind in the rush to privatize the nation’s schools.”<sup>12</sup>

Meanwhile, back in Milwaukee, the original venue for tax-supported vouchers, some people noticed that they didn’t know anything about the voucher schools. Citizens’ antennae buzzed after it came to light that a voucher-receiving school, Alex’s Academics of Excellence, had been repeatedly evicted from its premises, was run by a convicted rapist, and was staffed by faculty members who stood accused of drug use during school hours. Those antennae fairly sizzled when it also became known that officials at the Mandella Academy for Science and Math had signed up 200 kids who never showed up and used part of the \$330,000 in state-issued tuition checks to buy a Mercedes each for the principal and assistant principal.<sup>13</sup>

The Wisconsin legislature then passed two laws: one giving the governor the power to immediately shut down any voucher school if he deemed that the situation warranted it; the other requiring criminal record checks for voucher school employees. Gov. Jim Doyle signed the school closure bill, but he vetoed the law on criminal background checks, saying he didn’t think “someone convicted 20 years ago of cashing a bad check should be prohibited from employment.”<sup>14</sup> Public school employees already undergo such checks.

While there has been talk of resurrecting the voucher evaluation program in place from 1990 to 1995 (before it was killed by voucher advocates), nothing concrete has taken place to date. And that’s too bad because, as Emily Van Dunk and Anneliese Dickman of the Milwaukee Public Policy Forum put it, “the power of school choice depends on accountability.” At the current time, accountability is woefully lacking in the Milwaukee choice program.

Writing in *Education Week*, Van Dunk and Dickman had this to say:

There is no question that there are good private voucher schools here, just as there are good public schools. Unfortunately, however, no accountability data exist to prove this, much less to prove that these schools’ high performance was spurred by competition. . . . We have found that, overall, parental knowledge of specific schools tends to be low, and that parents face considerable barriers in their efforts to obtain information about schools. Thus parents are unable, by themselves, to hold schools fully accountable.<sup>15</sup>

The authors propose a public/private entity that would collect information from all participating schools: the school’s mission and philosophy, curriculum, governing structure, graduation rate, budget and expenditures, methods of teaching, number of students suspended and expelled annually, qualifications of teachers and administrators, scores on stan-

act and then, if they don't, be terminated from further participation.

In Florida, Gov. Jeb Bush and his department of education spokesman MacKay Jameson advanced a most peculiar idea of accountability. Jerry Hill, the state attorney for Polk County, conducted a seven-month investigation at a Christian school in Bartow and charged seven employees with fraud and racketeering. Bush and Jameson called the arrests "accountability in action."

No way, said Hill. He told the *Palm Beach Post*, "Arresting scammers after they have wasted tax money proves that the system is not working. The criminal justice system is working just fine, but that misses the point entirely. The point is, this sort of thing should have been nipped in the bud." In fact, "this sort of thing" came to light only after the watchdog *Post* repeatedly called attention to the tomfoolery for over a year.<sup>16</sup> Hill pronounced himself appalled at how few controls the state had over voucher money and called for audits.

#### DROPOUTS: IN HOUSTON AND ELSEWHERE

The Houston Independent School District (HISD) had plenty of dropouts when Rod Paige arrived as the new superintendent in 1994 — so many, in fact, that in 1996 the state threatened to take away the district's accreditation. Paige told administrators to reevaluate the way they used the 40-odd Texas "leaver codes" that permit students to exit school without being counted as dropouts. The number of dropouts plummeted. According to Zanto Peabody of the *Houston Chronicle*, Paige "attributed the significant turnaround in dropout numbers to new training for em-

ployees who determine the leaver codes that categorize the reasons students quit."<sup>17</sup> Paige's successor at HISD, Kaye Stripling, when asked why Houston now had unbelievably few dropouts, claimed that those same employees didn't know how to use the leaver codes.

By the time of the dropout debacle, HISD had lowered its dropout rate to 1.5%. This figure, if accurate, would have been stunning for a district that is 88% black and Hispanic and that has 82% of its students classified as economically disadvantaged.<sup>18</sup>

It is doubtful that anyone outside of HISD — or even within the district — actually believed the figures. The Manhattan Institute's Jay Greene, who has done several national studies on dropouts, told "Sixty Minutes II" that he found them "very hard to believe. It is almost certainly not true."<sup>19</sup>

Creative accounting helped HISD not only hide dropouts but also burnish its image on state tests. Houston practiced what some called addition by subtraction. It subtracted a lot of students headed for the 10th grade. Some students spent three years as ninth-graders. Of course, students first take the Texas high-stakes graduation test (originally TAAS, now TAKS) in the 10th grade. A school's rating from the Texas Education Agency (TEA) depends mostly on TAAS/TAKS scores.

Austin High School in Houston seemed especially adept at addition by subtraction. In 1998, Austin had 900 ninth-graders and 580 10th-graders. Sixty-eight percent of that 10th grade passed all of the TAAS tests. Austin administrators then obtained a waiver on grade classification. District policy states that ninth-graders who gained six credits in any classes got promoted to 10th grade. Under the waiver, however, ninth-graders had to pass English and algebra as



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**The Yoo-Hoo, Mr. Emperor! Award** goes to Robert Kimball, former assistant principal of Sharpstown High School, Houston, Texas. Kimball noticed that in one year at Sharpstown, 463 students left the school. Yet Sharpstown reported zero dropouts. Kimball took his findings to KHOU-TV, and the station broke the story. KHOU is a CBS affiliate, and it wasn't long before "60 Minutes II" was on the case. Kimball came across on camera as honest and genuinely concerned. Secretary of Education and former superintendent of the Houston Independent School District Rod Paige and various HISD officials didn't come across at all — none would appear on camera. Naturally, Kimball was demoted — "put in a closet," he told me — with no responsibilities.<sup>1</sup>

When independent investigators checked figures for half of the city's public high schools, they found that more than 3,000 of 5,000 "school leavers" should have been classified as dropouts.

Kimball sued the district for \$250,000 and settled for \$90,000. In reality, the "Houston Miracle" turned out to be that HISD was able to keep the scam going for so long.

1. Personal communication, e-mail, 8 June 2004.

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**The Way It Spozed to Be James Herndon Memorial Award** goes to Bill Cosby, Barack Obama, and Henry Louis Gates, Jr. Cosby started it, Obama legitimized it, and Gates expanded on it — it being a dialogue within the African American community about the causes of the black/white achievement gap.<sup>1</sup> Cosby's comments caused a stir. Some thought them the demeaning remarks of a rich man — and maybe an old man — who had forgotten what it was like to be young, black, and poor. Aaron McGruder appeared to mock them in his comic strip "The Boondocks." Others thanked Cosby for injecting honest commentary into a bad situation. Gates asked, "Why the huge flack over Bill Cosby's insistence that black teenagers do their homework, stay in school, master standard English, and stop having babies? Any black person who frequents a barber shop or beauty parlor in the inner city knows that Mr. Cosby was only echoing sentiments widely shared in the black community."

Obama, the Democratic candidate for senator from Illinois, galvanized the Democratic National Convention with a speech of remarkable beauty and eloquence. About education he said, "Go into any inner-city neighborhood, and folks will tell you that government alone can't teach kids to learn. They know that parents have to parent, that children can't achieve unless we raise expectations and eradicate the slander that says a black youth with a book is acting white."

Gates, quoting his father, averred that too many black youths now think it is easier to become a professional athlete than a doctor or lawyer: "If our people studied calculus like we studied basketball, we'd be running M.I.T." Gates admired the "marvelously rich and inventive tongue" that is black vernacular, but he observed that "there's a language of the marketplace, too, and learning to speak that language has generally been a precondition of success, whoever you are. . . . These issues can be ticklish, no question, but they're badly served by silence and squeamishness."

1. Richard Leiby, "A Reliable Source," *Washington Post*, 23 May 2003; Barack Obama, "Text of Speech to the Democratic National Convention," 27 July 2004, retrieved 2 August 2004 from [www.obamaforillinois.com](http://www.obamaforillinois.com); and Henry Louis Gates, Jr., "Breaking the Silence," *New York Times*, 1 August 2004, Section 4, p. 11.

well as four other classes to get to the 10th grade. Students arriving from other schools who expected to be 10th-graders but who did not meet the new requirements found themselves back in ninth grade.

As a consequence, Austin High School's ninth grade swelled to more than 1,200 students, while the 10th grade shrank to 235. But the TAAS pass rate soared — all the way to 86%. HISD documents show that eventually Austin held back more than 60% of all ninth-graders.<sup>20</sup> By 2001, 13 of Houston's 27 high schools had similar policies.

Despite the scandal, Houston appealed to the TEA not to change its accreditation status to "academically unacceptable," even though a TEA investigative team had recommended that step.<sup>21</sup> The TEA accepted the appeal, sort of, giving the district a unique rating, "academically acceptable: special accreditation investigation."<sup>22</sup> In July 2004, the TEA restored HISD to "academically acceptable" while lowering the rating of 12 high schools and two middle schools to "low performing." Retiring superintendent Stripling said the restoration sent a clear warning: "Don't mess with HISD."<sup>23</sup> Say what?

Not only does Houston count funny, but according to Marvin Crawford, assigned by the TEA to investigate HISD, the district provides very limited opportunities for students to catch up.<sup>24</sup> And new data suggest that the whole district needs to play catch-up. As TAAS pass rates rose, the white/minority achievement gap narrowed. When the district switched to the tougher TAKS, the gap reappeared as large as ever.<sup>25</sup> As TAAS pass rates rose, SAT and ACT scores fell. Researchers concluded, "The discrepancy in performance has a lot to do with the differences in the tests. TAAS was designed to make sure students learned at least the basics of a state curriculum. The SAT and ACT, on the other hand, assess students on advanced academic skills needed for college."<sup>26</sup>

The SAT and ACT scores fell in Houston and statewide, in spite of the fact that the proportion of students taking the tests also fell. Rick Casey, a columnist for the *Houston Chronicle*, used a quote from a student to headline one of his essays, "All we trained on was TAAS."<sup>27</sup> *Waco Tribune* editor John Young observed, "We have come as a society to confuse the act of assessment with the process of education. We've also come to confuse training (test prep) with learning."<sup>28</sup> Indeed, it appears that in Houston some teachers took test prep to new levels. They simply distributed lists of likely answers. For example, instead of reading about the American Revolution, children were simply told that, on a test, if the question is about the American Revolution, the answer is likely to be George Washington.<sup>29</sup>

In recent years, a number of researchers and journalists have called attention to rising dropout rates in cities, states, and the nation.<sup>30</sup> Betsy Gotbaum reported that, in New York City, “school officials are encouraging students to leave regular high school programs even though they are of school age or have a right to receive appropriate literacy, support, and educational services through the public schools.”<sup>31</sup> In response to that claim, New York City instituted a program of placing ads in 37 newspapers encouraging students to return. Somehow, I don’t think the print medium is the best choice to reach low-scoring students.

As a result of high-stakes tests, kids appear to be increasingly opting out of high school and choosing a GED (General Education Development) certificate.<sup>32</sup> According to Duncan Chaplin of the Urban Institute, “The proportion of teenagers getting GEDs has doubled since 1989, while overall high school graduation rates have declined slightly.”<sup>33</sup> Current national analyses are not available, but Kentucky data sent to me by Richard Innes of the Bluegrass Institute for Public Policy Solutions show that from 1989 through 2003, for 16-year-olds, the number receiving a GED grew by 237%; for 17-year-olds, by 4,609%; and for 18-year-olds, by 278%. For 19-, 20-, 21-, and 22-year-olds, the growth figures were all negative: -13%, -28%, -19%, and -5% respectively. Of the 6,750 Kentuckians receiving GEDs in 2003, 71% were teenagers. This contrasts with 41% in 1989. A noticeable increase in teen GEDs occurred when Kentucky first introduced high-stakes testing.

## **EDISON EXITS THE PUBLIC STAGE, K12 HUSTLES**

Shortly after reporting its first-ever quarterly profit, the publicly traded Edison Schools, Inc., went private again. Founder Chris Whittle had hired Bear Stearns to look for a private buyer, but only four of 76 potential investment firms made a bid. The investment firm Liberty Partners bought Edison for \$182 million — acting for, of all organizations, the Florida Retirement System (FRS). About 50% of members of FRS are retired public school teachers. Imagine. Public school teachers must now entrust their well-being in retirement to a firm symbolic of the intent to eliminate public schools (members of the FRS have no say in how the program is run).

“It’s a terrible idea,” said Mark Pudlow, a representative of the Florida Education Association, but his was the typical reaction. “There’s nothing you can point to to believe this company will turn around and be profitable, and the assets of public employees are at serious risk,” said Steve Abrecht of the Service Employees International Union.<sup>34</sup>

National Education Association President Reg Weaver wrote Florida Gov. Jeb Bush, “It seems to me that given Edison’s poor performance, sizable debt, and limited future prospects, the retirement savings of Florida’s public education employees may be at risk. I question why this investment was chosen when other more promising investments might well have been available.”<sup>35</sup>

Weaver addressed Gov. Bush because not only is Bush the governor of Florida, he is also one-third of the Florida State Board of Administration (SBA), the institution that officially authorized the deal. The other two members are Tom Gallagher and Charlie Crist, both old Republican friends of Bush and former Florida commissioners of education. At the time of the deal, Gallagher was the state’s chief financial officer, and Crist was the state attorney general.

Some feel that Liberty Partners acted to please Bush. Its contract was up for renewal, and its operations had been severely criticized. In fact, a consultant to the SBA recommended that the SBA sever all ties with Liberty unless it could renegotiate terms. If Edison were to collapse, as was possible, it would be a terrible blow — and embarrassment — to Gov. Bush and other advocates of privatization. Thus, by saving Edison, Liberty could endear itself to the governor.

The purchase took place on 14 July 2003. On the following day, an officer of the SBA proposed changes in Liberty’s contract that, if made earlier, would have prevented the purchase. How convenient! There was substantial other evidence of political shenanigans concerning the purchase

(see my book *Setting the Record Straight*, chapter 7, for details).

Four more quarters have now passed since Edison announced its first profitable quarter. But there hasn't been a word on profits or losses from Whittle or a spokesman. As a private corporation, Edison has no obligation to tell what it earns, but, given all the media coverage of its long-time losses, one might expect it to boast — if there should be anything to boast about.

As with earlier slings and arrows of outrageous fortune hurled Edison's way, Chris Whittle dodged them this time, too. With the inking of the contract, his annual salary soared from \$345,000 to \$600,000, with potential bonuses raising that by another 275%. He retains 4% of the shares.<sup>36</sup> When one takes a cold, hard look at this deal, one is impelled to ask, "Excuse me, but was all the Enron stock spoken for?"

The *Orlando Business Journal* cast a jaundiced eye on the transaction in a "Harper's Index," by-the-numbers format:

- \$2,175,000 — the amount of money Edison loaned Whittle to buy Edison stock.
- \$5,694,000 — the amount of money Edison loaned Whittle to pay for taxes on stock purchases.
- 24 and 29 — the number of Edison contracts that expire in 2003-2004 and 2004-2005.
- 16.2 and 22.4 — the percent of Edison net revenue represented by those contracts.
- 2 — the number of brain cells, which, when rubbed together, generate sufficient spark to assess, consider — and toss — this dog of a deal.<sup>37</sup>

Shortly after Edison and Liberty cemented their pact, another investment firm, Leeds Weld & Co., announced that it would no longer invest in any school management companies, because it didn't think they could make enough money to justify the risk.<sup>38</sup> The "Weld" in the company name is William Weld, former governor of Massachusetts, champion of education privatization efforts, and member of the board of directors of Edison until his firm invested \$40 million in Edison in 2002. Jeffrey Leeds was on the board as well.

Independent of financial success, Edison is still struggling. At the end of the fourth year of its five-year contract with the schools in Clark County, Nevada, only two schools of seven stayed off the state's list of low-performing schools.<sup>39</sup> Other problems were reported in Michigan, New York, Colorado, Pennsylvania, and Missouri.

Students suffering in struggling Edison schools might or might not find aid and comfort in William Bennett's "vir-

We cannot tell from this report whether K12 failed to teach or whether it enrolled low-scoring students. Home-schoolers, though, typically score higher than the norm, at least in part because of demographic advantages. So far, Bennett's earlier warning about computers and learning seems to apply quite well to K12's virtual schools.

Surely K12 must be profitable, though. In Florida, it gets

tary on Government Schools and School Choice Alternatives," <http://educationweak.blogspot.com>.

Oh well, while a January trip to Tallahassee (included) wasn't quite the same as a trip to Miami Beach, it beat midwinter in the nation's capital. Last year's Bracey Report summarized most of the data, and so this section presents only those results that have arrived since.

*The reporters overlooked one obvious explanation for the unresponsiveness of public schools to the charter "threat." On average, the public schools have higher test scores. Why should they emulate schools that they outperform?*

\$4,800 per pupil; in Wisconsin, \$5,500. For those parents who sign up for K12 without participating in a virtual school, the charge is \$1,545 a year for the complete program in grades K-2 and \$1,645 per year in grades 3 through 8. K12 also rents its computers at \$1,200 per year — this at a time when one can buy a comparable machine for \$500.<sup>48</sup>

Of course, it helps to have friends in high places. K12 applied for a grant in a competition from the U.S. Department of Education (ED). It failed to garner sufficiently high ratings to win funding, but Eugene Hickok gave it the money anyway, \$4.1 million over two years to date. "Anything with Bill Bennett's name on it was going to get funded," said an ED employee who, not surprisingly, asked not to be identified.<sup>49</sup> Readers are invited to contact Nina Shokrati Rees at ED for a bibliography of the scientific research that underpins the department's munificence toward K12 (Nina.Rees@ed.gov). ED's largesse to K12, though, is only a small part of the \$75 million doled out since President Bush took office to groups dedicated to privatizing the public schools.<sup>50</sup>

#### **CHARTER SCHOOLS: INVITATION TO A MUGGING**

The call came in September 2003 from the Charter School Accountability Center at Florida State University. Would I write a 10,000-word paper on charter school accountability? Sure. When I heard who else had received invitations, the word "setup" came to mind: Joe Nathan, an enthusiastic charter advocate; Casey Lartigue of the Cato Institute; Lisa Keegan, executive director of the Education Leaders Council and earlier the author of Arizona's charter school legislation; and Lisa Snell of the Reason Institute, an entity that wants to privatize everything. Among other activities, Snell writes a blog, "Education Weak: Commen-

A team of researchers at George Washington University had tested the hypothesis that charter schools "cream" the best students, leaving the public schools more academically destitute. Analyzing data from charter schools in Washington, D.C., the researchers found no evidence of creaming. In the for-profit charters, though, they did find evidence of a process they called "cropping." Charters with a market orientation cropped out categories of high-cost students. They enrolled fewer special education students and students from low-income families.<sup>51</sup>

*Washington Post* reporters Justin Blum and Jay Mathews also studied charters operating in D.C. and found that public schools outperformed them. The analysis could not say whether selection or instruction caused the differences. When Blum and Mathews interviewed charter school parents, most said that they did not bother to look at test scores or other data. Some were swayed by tours, by the comments of friends, or by a curriculum they liked. "Others turned to charters mostly because of the regular school system's poor reputation. . . . Phonsanta Franklin said friends told her to avoid the regular schools after she moved from Maryland to Southeast Washington. She picked her four children's charter schools based largely on which ones had space and were closest to her home."<sup>52</sup> So much for the magic of the free market.

Consonant with reports by Amy Stuart Wells in 1998 and the RAND Corporation in 2003,<sup>53</sup> Blum and Mathews uncovered little evidence that, despite their considerable number, the charters had any impact on the remaining public schools. Between 1996 and 2002-03, the number of charter students soared from zero to 11,603, while D.C.'s public school enrollment declined from 78,648 to 66,852. The District seemed not to notice: "Contrary to the predictions of many charter school advocates, the vigorous

competition from charters has not forced improvements in the regular public schools. . . . The consensus among school officials, parents, and education analysts is that the charters' success in attracting students has not prompted change at the traditional schools." In a separate article, Blum quotes Robert Maranto of Villanova University: "People like me who said, 'Competition will raise all boats,' were wrong."<sup>54</sup>

Blum and Mathews explain that, while public school enrollment declined, few individual D.C. public schools lost many pupils and that an increase in per-pupil spending cushioned the loss. In addition, a new superintendent arrived with a reform program that did not involve the charters.

To me, though, the reporters overlooked one obvious explanation for the unresponsiveness of public schools to the charter "threat." On average, the public schools have higher test scores. Why should they emulate schools that they outperform?

In October 2003, the Legislative Office of Educational Oversight (LOEO) in Ohio delivered a draft of its fifth and final report on "community schools," as charters are known in the Buckeye State.<sup>55</sup> Earlier reports were models of bureaucratic blandness, with the report writers expressing only modest frustration that the charters were not yet reporting test scores and financial information that the law required, information routinely reported by public schools.

Friends in Ohio have advised me that, if or when the LOEO delivers a report that displeases the legislature, the legislature starts wondering if they need the LOEO. That is surely a disincentive for strongly worded reports. Nevertheless, this final report, while written in formal and polite prose, seethes with palpable frustration because, five years along, many charters are still withholding achievement and financial information or providing erroneous numbers. The LOEO goes out of its way to deny that the operators are doing this on purpose, but the disclaimer takes on a bit of a "the lady doth protest too much, methinks" quality.

The LOEO could not make all the comparisons it wanted to, but among the ones it could make, most (270 of 415) showed no significant difference between charters and regular public schools. Of the 145 comparisons that did attain significance, 103 favored traditional schools, and 42 favored charters. Wrapping up, the LOEO had this to say:

In sum, the most that can be said about the academic performance of community schools is that, as a group, they are doing no better than low-performing traditional public schools with similar demographic

## The Golden Apple Awards

**The There You Go Again, Rick Mills Award** goes to Jeanne Heifetz. Two years ago Heifetz received the "Get Thee to a Nunnery, Rick Mills" Award for showing that the New York Department of Education used bowdlerized literary passages on its tests. This time around, she drew a logical implication from a statement made by New York State Education Commissioner Mills that he probably didn't appreciate. Test scores for this year's third-grade test were much lower than previously, and Mills blamed "tough economic times."<sup>1</sup> In a letter to the editor in the *New York Times*, Heifetz pointed out that schools don't control economic times. If test scores are so affected by forces beyond the control of schools, how can we possibly use them to evaluate the performance of students, teachers, and administrators?<sup>2</sup>



1. Elissa Gootman, "City Test Scores of 3rd Graders See 10,000 F's," *New York Times*, 4 June 2004, p. A-1.
2. Jeanne Heifetz, "The Trouble with Testing," letter to the editor, *New York Times*, 10 June 2004, p. A-26.

characteristics. While most community schools are not meeting state academic standards, many are not reporting data that allow them to be compared to their contracts. Those that do report data are generally not meeting the academic performance goals specified in their contracts.<sup>56</sup>

The report concludes with strong recommendations for steps that the Ohio Department of Education and the charter school sponsors should take. Otherwise, says the LOEO, the legislature should discontinue funding. This seems unlikely. Recall that the Ohio legislature, shortly after an evaluation found that vouchers did not improve achievement in Cleveland, expanded the Cleveland voucher program by \$10.5 million, as reported here last year.

LOEO's final report, from December 2003, smoothed a few hard edges and dropped a couple of recommendations, but the report remained largely intact. The LOEO added one new recommendation, this to the Ohio General Assembly: "Require sponsors to include the academic requirements of the federal No Child Left Behind Act in all existing and future contracts for community schools."<sup>57</sup>

Taking the D.C. and Ohio data along with those reported earlier from Arizona, Texas, Michigan, California, and national studies, I told the folks in Tallahassee that we

had to at least consider the possibility that charters are a failed reform. Given that virtually everyone in the audience made their living in or around charter schools, the message was not well received. Still, consider the logic:

- Charter schools sprang from disillusionment and outrage at the perceived low achievement of public schools.

- Charter schools promised to improve achievement in exchange for autonomy.

- Most charter schools are small (under 200 students) and have smaller class sizes than found in public schools, two qualities that raise achievement.

- Charter schools, at best, are not doing any better than demographically matched public schools.

So where is the outrage over the low performance of charter schools? In fact, charter schools are getting a free ride. Consider the conclusion of the RAND report on charters in California: "Overall, the analysis shows that charter school students are keeping pace with comparable students in conventional public schools."<sup>58</sup>

Keeping pace? In the spring of 2004, PBS aired a John Merrow special, "From First to Worst: The Rise and Fall of California's Public School System." The 2003 National Assessment of Educational Progress reading results find California 49th at the fourth-grade level and tied for 50th at the eighth-grade level. Thus "keeping pace" with students in similar conventional public schools means matching the lowest-scoring kids in the country. This is not what charter schools promised. Yet both the RAND authors and the media perceived these dismal results as positive.

Along with formal analyses, newspapers in the last half of 2003 teemed with headlines detailing the failure of charters:

- "Charter Schools Ponder Ways to Improve, Most Didn't Meet No Child Left Standards," *Kansas City Star*, 10 September 2003.

- "Low Scores Smudge White Hat," *Cleveland Plain Dealer*, 12 October 2003. (White Hat Management is a for-profit operator of charters in Ohio.)

- "Charters Still Behind District," *Dayton Daily News*, 23 October 2003.

- "Charter Schools Proficiency Testing: Pupils Score Far Below Their Public School Peers," *Akron Beacon Journal*,

9 June 2003.

- "Substandard Charters Fail 17,000: 6 Management Firms Underperform Worst Michigan Urban Districts," *Detroit News*, 26 October 2003. (That's right, they were lower than Detroit, Flint, Lansing, etc.)

- "Quality Uneven Despite Popularity: No Evidence That Achievement Tops That of Regular Schools," *Washington Post*, 19 June 2003.

- "The most recent FCAT data reinforce earlier findings that charter schools in Florida are not living up to the performance claims made by their supporters. And they are not being held accountable for this low performance," *Tallahassee Democrat*, 24 July 2003.

- "People look to charters as alternatives to the public schools. And from an academic standpoint, with a few exceptions, they don't provide a viable alternative," *Philadelphia Inquirer*, 19 October 2003.

- "Most Charters Fall [a] Bit Short," *Chicago Tribune*, 16 November 2002.

Again I ask, where is the outrage?

In 1996, Joe Nathan laid down what I have come to call the Nathan Criterion, Improve or Die: "Hundreds of charter schools have been created around this nation by educators who are willing to put their jobs on the line to

say, 'If we can't improve student achievement, close down our school.' This is accountability — clear, specific, and real."<sup>59</sup>

Five years later, Paul Hill and his colleagues echoed Nathan's sentiments:

Conventional public schools are considered accountable because they must follow all the rules set by local and state school boards, and abide by all the provisions of contracts that these boards enter with unions and other organizations. Charter schools are exempted from many of these rules, and instead are required to demonstrate student learning.<sup>60</sup>

Except that charter schools aren't being required to "demonstrate student learning." Amy Stuart Wells surveyed the charter scene and reached a similar conclusion:

Thus far, there is no strong or consistent evidence that charter schools have improved student achievement or that they are being held more accountable for academic outcomes than regular public schools. Aside from anecdotal reports from individual schools, none of the methodologically sound state-level reports show significant increases in overall achievement of charter school students, and many show decreases. In fact, the lack of academic or outcome-based accountability in charter schools is perhaps one of the most robust findings across the states and reports.<sup>61</sup>

*Lack of accountability* is the most robust finding? Clearly, the Hills and Nathans of the charter school movement have lost out to the free-market, profit-making entrepreneurs for whom deregulation was an end in itself or, perhaps, an end *and* a means — to complete privatization of the public schools. As Wells put it, "Clearly it is difficult to read the emerging body of research literature on charter schools and not come to the conclusion that the free-market reformers won the battle for the soul of a move-

ment that promised to be so much more than merely a deregulatory reform."<sup>62</sup>

The "only remaining hope," Wells says, for the charter school movement to have a major impact on the public education agenda is for those who believed in the Nathan Criterion — who often saw charters as "laboratories of innovation" (which they have certainly not been) — to "re-capture" the movement.

The early charter advocates promised improved achievement. Having failed to increase achievement, charter operators now claim that achievement is irrelevant. It is a classic bait-and-switch. (Interested readers can contact me about the charter school accountability paper at [gbracey@erols.com](mailto:gbracey@erols.com).)

The day after final edits were made to this report, the *New York Times* reported that the 2003 NAEP results reveal that charters score below similar public schools. The article implied that the Bush Administration did not want the data revealed (NCLB permits long-term failing schools to be restructured as charters). The figures had been painstakingly tracked down by researchers at the American Federation of Teachers.

Charter advocates contended that the data were cross-sectional and that truly definitive data would have to be longitudinal. True. Unfortunately, the U.S. Department of Education has no plans to collect such data.<sup>63</sup>

## NO CHILD LEFT BEHIND

With one story so dominant this year, I've separated it into sections for ease of reading: The Trend, The Secretary, The Choice Charade, and The Forum.

### THE TREND

Some of us saw No Child Left Behind (NCLB) as a piece of Orwellian doublespeak from the beginning. My first anti-NCLB essay appeared January 2001 in *Newsday*.<sup>64</sup> That's right, 2001, a year before the plan was signed into law. For most observers, though, the arc of accelerating animosity required time.

The first real grouching started in August and September 2003 as initial results rolled in and eyes rolled into foreheads. California reported two-thirds of its schools had failed<sup>65</sup> (the projection is for 99% failure by the witching year of 2014, when 100% of students must be "proficient").<sup>66</sup> In Florida, where the President's brother, the governor, had touted the state's A+ Reform system, nearly 90% of the schools flunked.<sup>67</sup> Many schools that got A's in the governor's system got F's in the President's, which must have made

for interesting dinner conversation at Kennebunkport.

Many articles turned on the unfairness of labeling an entire school as “failing” (only people in ED and a few journalists use the official term, “in need of improvement”) on the basis of the low performance of one group, usually special education students or English-language learners, or the failure of 95% of one group to show up on test day. Some articles revealed other arbitrary quirks. The *Washing-*

*ton Post's* Rosalind Helderman found a school in Maryland that failed because its 10 special education students did not make AYP (adequate yearly progress) and found a school in Virginia that passed despite its 24 special education students' failing to make AYP. The difference? The minimal group size for reporting was five in Maryland and 50 in Virginia.<sup>68</sup> Both figures are unreasonable.

During the fall, the number of articles dwindled, and

### HOW TO MEET THE 'HIGHLY QUALIFIED TEACHER' CHALLENGE

1. Pass a law saying that teachers in charter schools do not have to be state certified.
2. Declare all schools charter schools.  
NCLB's teacher qualification requirements for charter schools cannot go beyond what a state's charter school law specifies.

those that appeared stressed the impossibility of the law's requirements.<sup>69</sup> A few had harsh words for the law itself. A *New York Times* editorial called it a "bait-and-switch" and warned Republicans, "If this issue comes back to bite the G.O.P. in the next election, the party will have only itself to blame."<sup>70</sup> *Rethinking Schools'* Stan Karp called the law a hoax, compiled a Letterman-style list of the top 10 reasons why it was a fraud, and then found he had 11 reasons — the 11th being that "NCLB includes provisions that try to push prayer, military recruiters, and homophobia into schools while pushing multiculturalism, teacher innovation, and creative curriculum reform out."<sup>71</sup>

The Christmas season, though, left no residue of good will toward President Bush's "gift," and anger bubbled up. Many articles reported on challenges and rebellion. "An Education Rebellion Stirring," announced the *Christian Science Monitor* on 11 February 2004. "States Challenge No Child Left Behind Act," said the Associated Press on 17 February 2004. A quick sampling: " 'No Child' Rebellion Picking Up Momentum," *Salt Lake Tribune*, 5 February 2004; "Discredited Promises," *Arizona Daily Star*, 12 January 2004; "Great Goals, Poor Provisions to Get There," *Minneapolis Star Tribune*, 8 March 2004; "Funding Left Behind," *Columbus Post Dispatch*, 15 March 2004; "Let's Exempt N.M.'s Schools from Bad Law," *Albuquerque Tribune*, 3 March 2004; "States Fighting No Child Left Behind," *USA Today*, 2 February 2004; "More States Are Fighting

### AN IRONY

While NCLB requires public schools to release names, addresses, and phone numbers of juniors and seniors to military recruiters, Eric Kelderman reports on [www.stateline.org](http://www.stateline.org) for 21 January 2004 that the 58 Department of Defense domestic schools, serving 30,000 children, do not have to abide by the law because their funding comes from Defense, not Education.

'No Child Left Behind' Law," *Washington Post*, 19 February 2004. And many, many more.

The Utah House of Representatives passed a law forbidding the expenditure of any state funds in implementing the law. As of this writing in early August, the Utah Senate has yet to act. According to Peggy Lautenschlager, Wisconsin's attorney general, it doesn't have to. She concluded that the law forbids itself from forcing states to spend state money on implementation in §7907:

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

In a May 2004 letter to Wisconsin State Sen. Fred Risser, Lautenschlager interpreted the legalese: "The language seems clear and compelling: the federal government cannot compel the States to develop or pay for specific educational programs."

Clear and compelling language or not, no one has yet challenged the law using §7907. Alan Borsuk of the *Milwaukee Journal Sentinel* delineated several reasons why: states could opt out by taking no Title I money, educators might be hoping that a Kerry win in November would result in changes to the law, and state officials might be reluctant to take on federal officials.<sup>72</sup> Especially these days. A recent cartoon shows Osama Bin Laden in a cave watching television. The tube displays the visage of Condoleezza Rice, and the on-screen text says, "White House Launches Full Scale Attack." Bin Laden says to himself, "I'd sure hate to be Richard Clarke."

### THE SECRETARY

Last Christmas I received a 365-page calendar of Jacob Weisberg's collection of "George W. Bushisms." (The one for the day on which this is being written is "Reading is the basics of all learning.") This year, I wouldn't be surprised to find one documenting the diplomatic faux pas, lapses in logic, and simple errors of U.S. Secretary of Education Rod Paige.

Paige's most publicized gaffe, of course, was calling the National Education Association a "terrorist organization." That it was not an offhand or didn't-know-the-mike-was-on comment no doubt made it more offensive: Paige said it to a group of governors. Almost immediately, he re-

canted, making a distinction between “our nation’s teachers . . . who are the real soldiers of democracy” and “the NEA’s high-priced lobbyists,” whom Paige accused of fighting against “real, rock-solid improvements” in education. NEA President Reg Weaver replied, “We are the teachers. There is no distinction.” AFL-CIO President John Sweeney dismissed Paige’s remarks, saying that the Bush Administration calls anyone who disagrees with it a terrorist.<sup>73</sup>

The *New York Times* called Paige’s remark “a staggeringly stupid comment,” but it also noted, “The list of Mr. Paige’s errors is long. . . . Instead of dealing with central issues, the department has wasted time and money on things like making sure the districts permit the right amount of ‘constitutionally protected prayer.’ Mr. Paige’s ‘terrorist’ remark has finally exhausted his credibility and disqualified him as a spokesman for national education policy.”<sup>74</sup>

Paige’s blast was neither his first assault on the NEA nor the first time he had alluded to the war on terrorism while speaking of education. A press release on 3 July 2003 declared, “It is unfortunate that the NEA establishment is talking about ways to hinder the goal of true reform. . . . We’ve assembled a coalition of the willing to help the kids who need it most; the NEA wants to assemble a coalition of the whining to hold kids back.” (At several locations where I spoke during the past year, Paige had preceded me, and I repeatedly heard that his sole message was, “Stop whining.”)

Paige’s comment produced what he might take as a status symbol: a website dedicated to getting him fired ([www.firepaige.org](http://www.firepaige.org)). Some 2,000 people had signed the petition by 10 March 2004.<sup>75</sup> As of 7 August 2004, over 265,000 people had signed it.

Paige’s most-often-repeated logical non sequitur came in his denials that NCLB is underfunded. On the op-ed page of the *Wall Street Journal*, Paige declared, “As a nation, we now spend 470 billion dollars a year on K-12 education locally and federally — more than on national defense. What is ‘underfunded’ about that?”<sup>76</sup> In Milwaukee, Paige put the figure at more than \$500 billion and asked, “Is it unreasonable to ask that a third-grade child read on a third-grade level after the citizens of this great nation pony up those kinds of dollars? What’s underfunded about that?”<sup>77</sup>

If one were to assemble eight pages of anti-school clichés, the result would closely approximate Paige’s 2003 “Back to School” speech at the National Press Club. Unfortunately, some “facts” contained in the clichés were wrong. Chiding the press for so many “good news” stories, Paige fumed, “Even as the headlines say ‘SAT Scores Rise,’ closer observation reveals that the scores for African American SAT

test-takers didn’t rise, they remained flat. And Hispanic students’ scores actually went down over previous years.”

Paige did not specify the period he was referring to as “previous years,” but from 1981 through 2002, SAT verbal scores of blacks rose by 19 points, and their math scores rose by 36. For Mexican American students, the figures are +8 and +10 points respectively. For Puerto Ricans, they are +18 and +23 points. How Paige found a score for “Hispanics” remains a mystery, as the College Board uses the separate categories noted above and recently added another, Latino, for students of Central or South American origin and others who don’t fit into the categories of Mexican or Puerto Rican.

## THE CHOICE CHARADE

If a school fails to make AYP for two consecutive years, it must offer all students in the school the option of transferring to a successful school. In early statements, Under Secretary of Education Eugene Hickok took a tough stance: he denied that receiving schools could use crowding as an excuse to refuse transfers (apparently he never heard of Project STAR). The receiving schools had to hire new teachers, build new classrooms, or bring in portables. Only if the arriving students so crowded the receiving school that they caused the school to violate health or fire codes could students be denied a transfer.

For most schools, test score disaggregation under NCLB produces 37 categories (in hyper-diverse California, 46). It doesn’t matter if a school fails in one category or in all 37 — the school must offer choice to all students in either case. A school could have one category fail in one year and a different category the next, but it’s all the same to the law: the school must offer choice to all students in both years.

Reality has made a mockery of the choice option. In urban areas, it is logistically silly on its face, and districts have been defying it in spite of Hickok’s threats. New York City, fielding complaints from principals in the schools that received some 6,000 to 8,000 students last year, will limit the transfers to 1,000 this year (New York City’s schools serve 1.2 million students).<sup>78</sup> Chicago says it has 457 spots for some 200,000<sup>79</sup> or 300,000<sup>80</sup> (depending on whom you read) students who are eligible. Washington, D.C., has not released any specific numbers, but 12 out of 15 (80%) of D.C.’s high schools are on the failing list.<sup>81</sup> In Hartford, Connecticut, it’s 22 of 29 elementary schools.<sup>82</sup>

At the other extreme, rural schools might have only one school in a district, and interdistrict transfers are not mentioned in the law. In some areas, exercising the choice op-

tion would mean a 100-mile drive, or in parts of Alaska and Hawaii, a plane trip.<sup>83</sup>

## THE FORUM

In late July 2004, Jack Jennings and his Center on Education Policy (CEP) held a “Forum on Ideas to Improve the NCLB Accountability Provisions,” and everyone came — about 200 people from across the spectrum of stakeholders. There were representatives from the Department of Education and other federal agencies, state education agencies, foundations, teacher unions, school districts, universities, education research organizations, education profession organizations, testing companies, and the media. Of course, you can take tinkering with the accountability provisions seriously only if you ignore the contention that the law is designed to do away with public schools.

To some in this Administration, NCLB must look like The Perfect Law. Replacing public schools with private ones transfers bundles of money from the public sector to the private sector. Keep in mind that this is an Administration that early on proposed to effect such a transfer of 750,000 federal jobs and an Administration in which, while the military still does most (but not all) of the shooting, other mercenaries do everything else. One Halliburton subsidiary alone, KBR, has 20,000 employees on the ground in Iraq. Shifting large sums of money out of the public sector means fewer public employees, another desideratum of “starve the beast” advocates. Finally, the reduction or elimination of public schools weakens or destroys a power base for Democrats: the teacher unions.

I know, I know, people will say, “But two card-carrying liberals, Rep. George Miller (D-Calif.) and Sen. Edward Kennedy (D-Mass.) championed the bill.” Well, I’ve attempted to talk with their offices about this with little success. Almost as soon as the law was passed, Sen. Kennedy accused the President of reneging on his promise to fully fund it. He has had nothing good to say about it since, and his office, contacted through both e-mail and the Postal Service, has had nothing to say about it to me at all.

Miller’s office responded that he still supported the law and hoped to get it fully funded. When I laid out my “Perfect Law” scenario, a staffer responded, “I certainly hope not.”<sup>84</sup>

To date, the only actions Rep. Miller and Sen. Kennedy have taken to change NCLB are lobbying for more funding and introducing a bill to force the Department of Education to apply retroactively its recently softened rules for testing special education students and English-language learners. They introduced the bill because ED refused to

take such action on its own. “In effect,” said an undated joint Miller/Kennedy press release, “the Department is admitting that it is going to continue to judge schools by a standard it no longer believes is fair.”

Anyway, at the forum, Robert Linn of CRESST (Center for Research on Evaluation, Standards, and Student Testing), Jim Popham of UCLA, and Allan Olson and Gage Kingsbury of the Northwest Evaluation Association presented more or less technical ideas on how to improve the AYP provision. Joel Packer of the NEA presented a general scenario of what AYP was likely to do, and Gavin Payne of the California Department of Education rendered Packer’s presentation in the concrete, showing what NCLB was actually doing to the Golden State.

Linn reprised a number of the points he made in his 2003 presidential address to the American Educational Research Association (summarized in the 13th Bracey Report and available in toto in the October 2003 issue of *Educational Researcher*), emphasizing that the wholly unrealistic expectations embedded in the accountability provisions of NCLB made it less likely that the stated goals of the law would be realized. Among several suggestions for making NCLB more rational and realistic: have each state identify the top 10% of the schools in terms of gains made over a period of years and then adopt the average gain for these schools as the goal for all schools in the state.

Linn pointed out that the proportion of students designated as “proficient” varies much more on state tests than on the NAEP, rendering impossible any meaningful defi-

inition of “proficient” using the states’ tests. (Linn actually overstated the variability of states on NAEP because he

California policy holds that parents can opt out of any testing system that they think detrimental to their children. API does not count the opt-outs against a school's API target. NCLB offers no such generosity. Any student who fails to take the test for whatever reason counts against the school's 95% target. Payne did say that NCLB had had one good effect in California. Prior to NCLB, the state had contained at least some critics of the API system. NCLB, said Payne, had cemented support for API. (All the forum papers can be found on CEP's website, [www.cep-dc.org](http://www.cep-dc.org).)

And so we come to the end of the 14th report in this series, not because there's nothing left to say but because, as usual, space is running out. I close by noting that far too many news stories this year began with sentences like these: "To give her third-graders an extra 50 minutes of reading daily, the principal has eliminated music, art, and gym."<sup>88</sup> "Raymond Park Middle School lost its two art teachers last year. Home economics was eliminated, along with most foreign language classes and some physical education classes."<sup>89</sup> "School districts around the nation have cut classroom time and funding for art and music."<sup>90</sup> In what might be considered its swan song, the Council for Basic Education conducted a survey and found NCLB producing "academic atrophy" in social studies, history, geography, civics, languages, and the arts.<sup>91</sup> A little more of this, and we can declare, "No Education Left."

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