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# From Checker's Desk

*Chester E. Finn Jr.*

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*Recent and lasting columns on education by the president of the Thomas B. Fordham Foundation in Washington, D.C.*

## ***Pork or Tofu?***

Just before Christmas, the *New York Times* went off on a tear about “pork on the hill,” grouching over the omnibus 2004 federal appropriations bill because of its 7,000 “special interest provisions,” a.k.a. pork-barrel projects, totaling some \$23 billion, twice the figure five years earlier.

Just how acute is this problem—if it's a problem—considering that even this sizable figure is just 2.8 percent of total government spending and 7 percent of “discretionary” dollars? Moreover, since even the *Times* recognizes that this practice has been going on from time immemorial and now reaches into every state and nearly every Congressional district, one can plausibly view it as taxpayers getting back bits of the money they send to Washington and spending it on projects that hold particular interest for individual communities, but are too specialized to make it into nationwide federal programs. Thus, reports *Times* writer

Sheryl Gay Stolberg, Congress is paying for ventures as disparate as an indoor rain forest in Iowa, a traffic light installation in Briarcliff Manor, New York, and a bus terminal in Nevada. It's hard to picture a formula-grant program that would accommodate such diverse projects and there's no reason to think the executive branch is any wiser than the legislative in meting out discretionary dollars.

Yet executive branch agencies must administer these dollars and the task is spread across the entire government. The Department of Education's list of “pork” projects in 2004 consumes some twenty-four pages of Congressional-report language. At about twenty projects per page, that's nearly 500 separate undertakings. Some are tiny: \$25,000 to the Central Pennsylvania Youth Ballet for an “arts in education” program, \$30,000 to New Avenues for Youth (Portland, Ore.) for “educational services to homeless youth.” A bunch are middle-sized, such as \$400,000 for an education center in

Samoa “to support the use and application of basic English and math skills” and half a million to the Pinal County schools in Arizona for “teacher quality improvements.” A handful are sizable: \$2 million each to the Alaska Department of Education and the Atlanta Boys and Girls Clubs; \$3.5 million to an education technology program in New Orleans; \$4 million to the estimable KIPP charter-school organization; and a couple of \$20 million whoppers to expand Project GRAD and to underwrite sundry improvements in low-performing Pennsylvania schools.

Coming in third, at \$10 million in 2004, is a continuation grant to the Education Leaders Council’s “Following the Leaders” project, now operating in eleven states and hundreds of schools. The Thomas B. Fordham Institute and Hoover’s CREDO were once subcontractors to evaluate this project (that relationship has ended), so I can’t plead totally innocent to the charge of having held a scrap of education pork in my hand. But it’s a decent project that may do some kids and teachers some good. (Let’s hope it gets a proper evaluation so this can one day be known for sure.) And that seems generally to be the case with these hundreds of “earmark” projects insofar as one knows about them or can infer their gist from the brief descriptions in the appropriations report. They may or may not “succeed” but their prospects cannot be dimmer than those of Title I and other “formula” programs that, as myriad evaluations have shown, shovel out billions every year with no dis-

cernible impact on student achievement. At least the “pork” is going to places that want it for activities that they’re keen to undertake, rather than being sent unbidden from Washington according to arcane formulae and intricate regulations.

It’s in that context that one must read the November screed from People for the American Way (PFAW), charging the Education Department with channeling “more than \$75 million” over three years to “a handful of private, pro-voucher advocacy groups.” Even if that were true, at an average of \$25 million per year spread across eight groups (using PFAW’s dubious list), it’s dwarfed by the hundreds of projects qualifying for Congressional earmarks. Within the \$430 million appropriated to the “Fund for Improvement of Education” (once known as the “Secretary’s Discretionary Fund”), by my rough calculation \$245 million is intended for “authorized” programs (e.g. Star Schools, Parental Assistance Information Centers), leaving about \$185 million for the education “pork” projects beloved of individual congressmen and senators.

Note that even the authorized programs contain such ideologically freighted activities as WEEA (“Women’s Educational Equity Act,” \$3 million) and such piggish, local-interest ventures as “exchanges with historic whaling and trading partners” (\$8.5 million), which suddenly appeared in No Child Left Behind, evidently thanks to Senator Kennedy, and which purports to advance education exchange activities between Massachusetts and Alaska

and Hawaii. (No doubt PFAW loves that one.)

PFAW's hit list includes the aforementioned Education Leaders Council project, which has absolutely nothing to do with vouchers. It includes the American Board for Certification of Teaching Excellence (on whose executive committee I serve), which is controversial in ed-school circles but, again, has absolutely nothing to do with vouchers—and is dwarfed by Congress's multi-year earmark for the National Board for Professional Teaching Standards, now totaling some \$140 million since 1991. (In 2004, NBPTS gets \$10 million, ABCTE \$7 million. Though based on very different philosophies, both seek to improve teacher quality and credentialing, which just about everyone recognizes as an urgent thing to do.)

Two grants on the PFAW list do involve school choice, but both are for minority organizations (Black Alliance for Educational Options, the Hispanic Council for Reform and Educational Options) to help carry out the public-school choice and supplemental services provisions of NCLB. In other words, these "discretionary" grants seek to promote a bipartisan Congressional policy that's about school choice but not vouchers. And two more grants, to nonprofit organizations that use the services of the online education company K12, chaired by Bill Bennett (and on whose board I serve), pay for after-school tutoring for minority kids in inner-city Philadelphia and for a "virtual" option for Arkansas students via a

project run by that state's Department of Education.

In short, PFAW's "analysis" is ignorant muckraking and the *New York Times* version isn't much better. How do they think federal dollars ought to be disbursed if by neither elected branch of government? More tax cuts, anyone?

—January 15, 2004

### ***Is NCLB an "Unfunded Mandate"?***

Education and political circles are buzzing with talk of the unfair burdens that Congress has allegedly heaped upon states and districts via the No Child Left Behind Act. Such burdens are generally depicted in two categories: hassles and dollar costs.

Under the former heading, states grumble that NCLB is forcing them to do things differently than they were accustomed to doing, or planned to do, on their own: different tests, different ways of reporting on school and student success and failure, different teacher qualifications, different accountability interventions, new choice programs, and so on. These boil down to policy differences: the state had a policy that said "A," the feds now say to do "B." The result is conflict and confusion.

Some of these complaints have legs. NCLB is undeniably rigid in some respects (and lax in others). It does not, for example, allow a state with a well-developed testing-and-accountability system (e.g. Florida, Virginia) to

continue using its own system instead of the NCLB schema. Likewise with school-choice policies. Uncle Sam should allow states that have made great headway on these fronts to show that their homegrown systems are substantially equivalent and then use their own, perhaps with some tweaking. Another way to say this: the NCLB system should be the “default” for states that don’t have a satisfactory version of their own.

Dream on, you say. Yet there wouldn’t be such a backlash if that were possible.

Which brings us to NCLB’s alleged costs. Here one finds gallons of snake oil and plenty of politics. In case you hadn’t noticed, it’s an election year, and numerous Democrats have decided that one way to blunt the GOP’s education edge—and take some wind out of President Bush’s NCLB sails—is to say that the Republican Congress and White House aren’t spending nearly enough to meet the costs of NCLB.

Considering that several of Bush’s would-be challengers voted for NCLB in the Senate, they find it awkward to say the statute is wrongheaded (though Sen. John Edwards has said so). So they fault Bush for not adequately funding it. Note, though, that NCLB-related increases in the president’s 2005 budget total a couple of billion dollars, partly offset by the proposed scrapping of some lower-priority programs (a couple of which are dear to Senator Kennedy’s heart).

But it’s not just Democrats who are grumbling about spending levels. GOP legislators in Virginia, Ohio, and Utah are doing the same. And one state after

another is hiring consultants to estimate for them the costs of complying with NCLB.

That’s where the snake oil comes in. The slipperiest example I’ve seen is a recent “study” done for the Ohio Department of Education at the direction of the state Legislature. Written by analysts at a state-level “Beltway bandit” firm in Columbus, it purports to estimate Ohio’s marginal costs of NCLB “compliance” at about \$1.5 billion per year. Of which, they say, Washington can be expected to supply about \$44 million. The upshot, if you follow their reasoning, accept their assumptions, and believe their numbers: a 10 percent increase in the Buckeye State’s present K-12 education spending, at a time when state coffers are said to be empty despite recent tax hikes.

This sort of thing is catnip to politicians and they haven’t been shy about mewing loudly. Which gets amplified by press reports of a “growing backlash” against NCLB. I’m reminded of the old parlor game called “telephone” in which misstatements get exaggerated and errors compounded as a statement circulates.

Though the Ohio study has drawn much attention, few have noticed the rare and commendable thing that the state education department did: solicit peer reviews of the study results by other experts, including national heavy hitters, and transmit their comments, together with the study itself, to legislators along with a perceptive cover memo from state superintendent Susan Tave Zelman.

Bottom line: most of the outside experts eviscerate the state-hired experts who generated the numbers now appearing in all the newspapers! Here is Zelman's own summary of the reviewers' conclusions: "Two believe that the analysis and costs are basically accurate. Two believe that the analysis substantially understates the cost of implementing NCLB. Three believe that the analysis substantially overstates the cost. . . . Three believe that the assumptions and degree of speculation on which the report is based substantially undermine the accuracy of the cost estimates. . . . Eight of the ten experts believe that the analysis was hampered by the assumption that current revenue (state and federal) will continue to be used as it has been used in the past. . . . The estimated cost of providing individual student intervention represents 93 percent of the total identified. . . . Eight of the ten experts raised concerns about the appropriateness of this cost in light of the lack of research to support the efficacy of the identified intervention strategies. . . ."

Putting it more simply: more than nine-tenths of the cost of "compliance" is a guesstimate of what it would take to bring up to "proficiency" the quarter of Ohio youngsters who apparently wouldn't be expected to get there under the state's pre-existing accountability system. (Ohio was aiming for 75 percent proficiency; today, its performance is in the 55-65 percent range.) In making that calculation, however, analysts assumed that all current state (and federal and local) dollars would continue to be spent exactly as they've

always been spent, neither re-directed nor made more efficient, i.e. nothing really changing in the schools. That all costs of boosting proficiency would thus be add-on costs. And that the way to do this is via summer school, after-school programs, and suchlike for the lowest achieving students in the earliest grades. Then they devised a budget for these extra programs for a quarter of the children in the state.

To be sure, one must assume something when doing an analysis. But what a ridiculous and unfounded string of assumptions this is!

Moreover, it's wrong to term this the "cost of compliance" with NCLB. The peer review of the Ohio study by the Education Trust usefully reminds us that NCLB does not "mandate" 100 percent proficiency in the sense that Uncle Sam will penalize states that fail to achieve this. As EdTrust says: "So long as Ohio measures the achievement of all students against state standards, publicly reports disaggregated results, and commits to undertake improvement efforts in schools not making adequate yearly progress, Ohio will be in compliance with the student achievement provisions of the law" and won't be at risk of losing federal dollars, even if the students themselves are not achieving at the "proficient" level.

In fact, the true "mandate" parts of NCLB are relatively inexpensive. They involve such things as giving tests, analyzing and reporting data, and undertaking certain interventions (chosen from an extensive menu) in failing schools. Many, if not all of those expenses are covered by additional

ESEA money appropriated in the aftermath of NCLB and boosted in the president's new budget. Yet student achievement per se is not "mandated." It's highly desirable, all would agree. But it's not required by federal law and nothing (except embarrassment) befalls a state whose children fail to learn what they ought. Hence boosting pupil achievement cannot legitimately be termed an unfunded mandate. Merely a moral imperative.

—February 12, 2004

### ***The Discipline Paradox***

Just about everyone—principals, parents, students, the general public—knows that many U.S. schools have a discipline problem, that kids are often out of control, not to mention rude, inattentive, and sometimes violent. Nearly every survey of problems facing U.S. schools puts discipline near the top of the list. The No Child Left Behind act even has a provision (badly implemented, to be sure) that gives families the right to opt out of "persistently dangerous" schools, suggesting that this problem has even reached the corridors of Congress.

Yet a few weeks back, reports the *Philadelphia Inquirer*, "at Cramp Elementary School in West Kensington, . . . disciplinarian Fred Creel was removed from his post in part because he required children to write sentences 100 times as a form of punishment. School officials told Creel . . . that they considered such assignments a form of corporal punishment and detrimental to the education process."

Superintendent Paul Vallas does not agree. He thinks requiring disruptive students to write sentences repeatedly is an acceptable method of disciplining them. In fact, he rather likes it, noting that it was effective when he was a kid: "If you counted the lengths of the blackboards in miles, then I did about ten miles of repetitive writing in my lifetime. It used to have an effect on me. It also improved my handwriting."

Creel did not get his job back, however. It seems he had other "issues," as we say nowadays, so Vallas did not reverse the principal's decision. Creel "has been moved to a teaching assignment," which is apparently how school systems now discipline their disciplinarians. Curious.

Still, this was but one of a spate of recent accounts of discord and creativity on the school discipline front. A Mississippi high school trains cameras on teachers so that suspended students, sitting in detention hall elsewhere on campus, can keep up with their classwork via computer. *The Des Moines Register* reports that "Southeast Polk High School will spend up to \$80,000 this year to rent office space and hire private employees to work with students who otherwise would take five days off for out-of-school suspensions."

What's going on in the world of school discipline?

First and most important, schools are having to devise new (or reinstate ancient) discipline strategies because of severe limits on the most obvious methods. Corporal punishment is out. "Staying after school" is often impractical,

due to bus schedules, tutoring programs, and teacher contracts. Parents cannot be counted upon either to discipline their own kids or to support educators who try to. And “suspension” is out of favor because it reduces learning opportunities and rewards youngsters who cause trouble precisely because they don’t like being *in* school. Observes Kathy Christie of the Education Commission of the States, “I think there’s been an increasing understanding that suspending kids from school is a bit like giving them what they want.”

Looming over the entire topic are a spate of court orders and consent decrees, due process rights, and concerns about fairness in meting out punishments to minority students.

In other words, discipline has grown complicated and political, and today’s teachers and principals have limited options. So they’re trying to create new ones. The KIPP academies follow a sports model and send unruly youngsters to “the bench,” which is in the classroom but apart from other students and where they are permitted to speak only to the teacher. Federal grants are trickling into other Iowa high schools to put students who need discipline to work on community service projects “from walking dogs at the local animal shelter to fetching parts at auto repair shops.” Philadelphia has special “disciplinary schools,” and its high schools all have metal detectors that students must pass through.

A lot of these arrangements are pricey. The firm selling web-based teacher-filming systems to Mississippi high schools charges about \$250,000 per school. (Uncle Sam seems to be covering much of that.) Metal detectors cost money, as do the people who supervise them. Community service projects carry a price tag, too, if only for the staff members who supervise them. At a time of tight school budgets, one must ask how much money should be spent on discipline.

Vallas was onto something when he endorsed “repetitive writing,” a time-honored, low-cost method of making a disruptive kid sorry that he misbehaved. No, it’s not powerful enough to counter major-league violence like teen-age gangs and guns in school. But like the “broken windows” theory of law enforcement, i.e. creating a culture of decent behavior in which minor infractions do not go unpunished, such profoundly boring punishments seem like a fine place to begin with younger pupils and lesser infractions.

As for serious miscreants, sooner or later society must ask at what point does a young person forfeit the right to a public education by disrupting the education of others, terrorizing teachers, and wrecking the learning climate of a school? We want to leave no child behind, but what do we do with youngsters who refuse to be educated?

—March 25, 2004 ■

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