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# MICHIGAN EDUCATION REPORT

$3.00 | News and analysis for educators, parents, and policy makers | Summer 2004

## SHORT SUBJECTS

**The International Academy of Bloomfield Hills** is the top public school in America, according to Newsweek magazine. The magazine listed 739 U.S. high schools that encourage collegiate-level learning, and 12 Metro Detroit schools and two schools outside Metro Detroit were among them. Rankings were based on a National Challenge Index that ranks public schools based on college-level coursework.

**Michigan will receive a $21 million grant** over three years from the federal Department of Education to help new and existing charter schools with start-up costs. The grant, which is only given to 10 states, will be distributed through a competitive process to new and existing charter schools, though new charters will receive the bulk of the money. Michigan received a similar federal grant during the last three years.

**School board members voted unanimously** to close Walter French Academy high school in Lansing after failing to find an organization willing to re-charter the school. Lansing's first charter high school lost its charter with Central Michigan University at the end of this school year after accusations of financial mismanagement and poor academic success. Earlier this year, Grand Valley State University decided to close the Detroit Advantage Academy charter school within one year, citing chronic poor performance since the school opened in 2000. Charter schools that failed to meet the expectations of parents have closed previously in Michigan, while traditional public schools rarely close when they fail to meet standards.

**Few Michigan students have taken advantage of a Bush administration rule** that allows them to transfer from a poorly-performing school since the rule took effect last spring. According to the Washington, D.C.-based Center on Education Policy, only two percent of students eligible to transfer actually did so this school year. The statistic was derived from a survey of 402 school districts across the nation, of which about two-thirds responded.

**A study of graduation rates around the country labels Michigan as one of the 10 worst states** in terms of the percentage of minorities earning a high school diploma. The study, a joint effort between the Civil Rights Project at Harvard University and Washing-

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# Education Department accuses states of not using $6 billion in federal funds

## *States say almost no federal dollars left behind*

Since states began implementing the No Child Left Behind Act (NCLB), many officials have complained that the act constitutes an unfunded mandate that leaves them with insufficient funds to comply with the act's accountability provisions. The U.S. Department of Education has responded by accusing states of sitting on nearly $6 billion in unspent federal funds.

The Department of Education reported that states currently have nearly $6 billion in unspent federal education funds that were acquired between 2000 and 2002. Around $2 billion of this is Title I money designated for the most disadvantaged students.

**$6 BILLION** *continued on page 4*

*Questioned by Mackinac Center attorneys, MEA President Luigi Battaglieri admitted to using without permission the Mackinac Center's and professional athletes' names for union-related fundraising. His lawsuit maintained the Mackinac Center needed his permission to similarly use his name.*

# Court rejects MEA lawsuit against think tank

## *Union President Praised Mackinac Center Before Filing "Don't Quote Me" Lawsuit*

A Michigan court has dismissed a lawsuit brought by the Michigan Education Association (MEA) and its president against the Mackinac Center for Public Policy, ending a case that drew nationwide attention to free-speech rights and embarrassment to top union officials for nearly two years.

A three-judge panel unanimously ruled that the Mackinac Center acted "squarely within the protection of the First Amendment" when it quoted MEA President Lu Battaglieri telling reporters, "Frankly, I admire what the Mackinac Center has done."

Battaglieri said he admired what the nonpartisan policy institute had done when he convened a news conference in September 2001 to tell reporters of his union's plans to counter the influence of Mackinac Center reports and studies. The Mackinac Center included the quote in a fundraising letter, noting that the MEA is generally at odds with Mackinac Center research. [Disclosure: The Mackinac Center publishes Michigan Education Report.]

The union never denied that Battaglieri told reporters he admired what the Mackinac Center had done, and Battaglieri affirmed

**LAWSUIT** *continued on page 2*

# Thousands unnecessarily assigned to special-ed

## *Michigan has financial incentive to label kids disabled*

Over the past 10 years, Michigan has enrolled more than 22,000 additional students in special-education programs who should not have been classified that way, according to a study from the Manhattan Institute. Those additional students cost local, state and federal government nearly $131 million extra per year.

Drs. Jay P. Greene and Greg Forster argue that the "bounty system" Michigan has in place, which pays school districts for every additional student enrolled in special education, is the reason for the additional cost of the program. Michigan has had such a system in place since 1991.

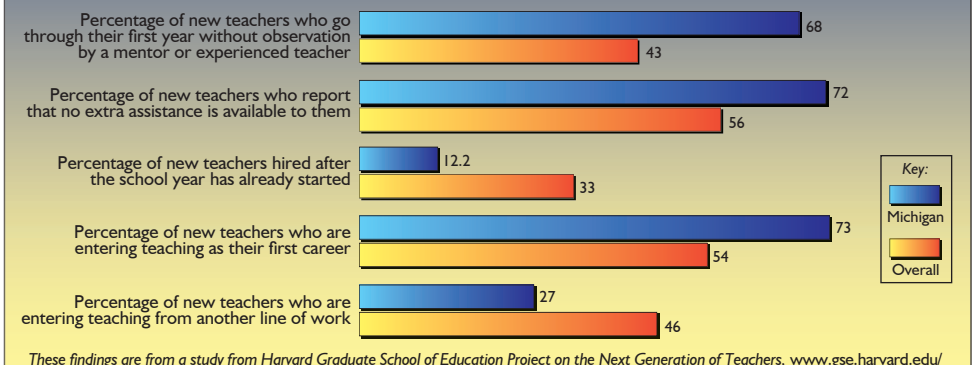
"In states where schools had a financial incentive to identify more students as disabled and place them in special education, the percentage of all students enrolled in special education grew significantly more rapidly over the past decade," say the authors. Nationwide, the percentage of students enrolled in special education grew from 10.6 percent to 12.3 percent between 1991 and 2000.

In Michigan alone, the number of children served by the Individuals with Disabilities Education Act (IDEA), the federal special-education law, jumped 27 percent between 1991 and 2000. Currently, more than 12 percent of Michi-

**SPECIAL-ED** *continued on page 4*

### Education at a Glance

**Michigan teacher hiring practices and the professional culture where they work**




*These findings are from a study from Harvard Graduate School of Education Project on the Next Generation of Teachers, www.gse.harvard.edu/~ngt/ directed by Pforzheimer Professor Susan Moore Johnson. hugse9.harvard.edu/gsedata/Resource_pkg.profile?vperson_id=178*
*Researchers Susan M. Kardos and Edward Liu surveyed a random sample of 486 new (first- and second-year) teachers in California, Florida, Massachusetts, and Michigan to learn about the hiring practices and the professional culture of the schools where they work.*

# Lawsuit

*continued from page 1*

under oath that the Mackinac Center's letter did not misquote him.

The dismissal of the MEA's lawsuit is seen by First Amendment defenders as a clear-cut legal victory for free speech that left observers wondering why the union would risk its resources and reputation to try to stop the Mackinac Center from accurately quoting its president's public remarks.

### Challenge to Free Speech

The Mackinac Center published the letter containing Battaglieri's quote in November 2001. According to court documents, Battaglieri said his quote "became a source of embarrassment" when some legislators and MEA staff members learned he had praised the Mackinac Center and began to ask him "tongue-in-cheek," "when did you become the poster boy for the Mackinac Center?" The MEA had been an outspoken critic of Mackinac Center research.

In December the MEA contacted the Mackinac Center and demanded that it refrain from using Battaglieri's or the union's name in solicitations, and also demanded the names and addresses of people whom the Mackinac Center had asked for financial support. The Mackinac Center rejected the demands, maintaining that the First Amendment protected its right to repeat Battaglieri's public remarks.

In March 2002, Battaglieri and his union sued, claiming the Mackinac Center should have obtained Battaglieri's permission to repeat the words he told television, radio, and newspaper reporters at his news conference.

With its lawsuit the union renewed demands for the Mackinac Center's mailing list, a permanent gag order to restrict the Center from using Battaglieri's name and the word "MEA," and added a new demand for an undetermined sum of money from the Mackinac Center.

Within days the Mackinac Center secured an offer of free legal counsel from the public-interest law firm, Institute for Justice. The Washington, D.C.-based institute, which specializes in defending constitutional liberties, told the Mackinac Center it wanted to "… make clear that a private party like the MEA may not use the courts to silence speech that it finds disagreeable."

The court case between two of the most influential entities in Michigan education policy – one a $700 million union conglomerate and the other a $3 million nonprofit research institute – went unnoticed by the news media until the Mackinac Center and the Institute for Justice called their own news conference in May to announce that the Center would not accede to the union's demands, but would defend itself against the union's "attack on free speech."

### Free-Speech Threat Brings National Attention

Journalists around the country took a keen interest in the case once they realized the lawsuit posed a potential threat to free speech, the bulwark of the media. The Detroit News opined on its editorial page, "If the courts follow the MEA's logic, free speech would be squashed."

Others weighed in while waiting for the Ingham County Circuit Court, where the lawsuit was filed, to act. George Will, writing for the Washington Post, warned of the danger of using the courts to suppress dissent but predicted the Mackinac Center would "… easily defeat the MEA's frivolous claim…."

John Fund, Wall Street Journal editorial writer, wrote that the Mackinac Center "plainly [was] exercising its constitutionally protected right of free speech" when it quoted Battaglieri, adding that the MEA's lawsuit merited "the prize for intimidation."

Syndicated Boston Globe columnist Jeff Jacoby wrote that the MEA sued because of the union's "bitter resentment" of the Mackinac Center's success in advancing education reform, or simply to drain the Center of money with a "meritless" lawsuit. He compared the union's demands to segregationists' attempts to intimidate civil rights advocates through the courts in the 1960s.

Michigan news outlets carried the story statewide, ultimately prompting even newspaper letters to the editor from MEA members who questioned the union's use of their dues dollars. Nearly every article repeated the quote that Battaglieri said required his permission to use.

No newspapers or commentators were found supporting the MEA's position. The Lansing State Journal editorialized that the union gave "new meaning to the term 'frivolous lawsuit.'" The MEA, while maintaining it was the aggrieved party taking reasonable legal action to protect its interests, made no mention of the lawsuit to its 150,000 members on its Web site or in its monthly magazine, "MEA Voice."

An Associated Press story described MEA spokeswoman Margaret Trimer-Hartley as "angrily deny[ing] the Mackinac Center's charge that the MEA is trying to stifle free speech." The story quoted Trimer-Hartley defending the union's lawsuit, saying, "We simply want to stop the Mackinac Center from using our organization to make money for their cause."

### MEA Raises Money Using Mackinac Center's and Celebrities' Names

But Battaglieri's statements under oath revealed that he and his union had used the names of the Mackinac Center and sports celebrities for union fundraising – precisely what his lawsuit attempted to prohibit the Mackinac Center from doing.


*Mackinac Center Senior Vice President Joseph Overton (center, now deceased) tells reporters, "The Mackinac Center will not be intimidated by the MEA's frivolous lawsuit."*

Battaglieri told the court he sued because the Mackinac Center "used me, my name, and the association's name for their [the Mackinac Center's] solicitation purposes." He added, "And I believe and have been led to believe, understand, that there's case law that prevents people from doing that."

But when questioned about whether he had ever used the name of the Mackinac Center in connection with raising funds for MEA-PAC, the union's political action committee, Battaglieri responded, "I'm sure that I have…" and added that he has not said the Mackinac Center supports the MEA. MEA-PAC raised more than $1.4 million for the 2002 election cycle, making it the state's third-largest PAC.

The union also used sports celebrities' names without permission in 2001 to promote a fundraising golf tournament. Part of the solicitation for that event read "And, because Palmer, Nicklaus, and Woods aren't available to play in MEA's Scholarship Fund golf outing … Battaglieri is looking for three players to fill out his foursome."

Court documents have Battaglieri admitting the union made no effort to secure the permission of those well-known professional athletes before using their names to promote the union's fundraiser. Nevertheless, Battaglieri called it "appropriate" to use those golfers' names to promote his golf outing without obtaining their permission.

It remains unclear how Battaglieri distinguished between the Mackinac Center's use of his name in its fundraising letter, over which he sued, and his use of the Mackinac Center's and professional athletes' names to raise money for the union's political and other purposes.

Battaglieri's lawsuit also contended that the act of quoting Battaglieri's words of admiration had made it seem as if he admired, or endorsed, the Mackinac Center in some way other than the way he actually admired it.

The paragraph of the Mackinac Center letter that quoted Battaglieri reads

"This fall Luigi Battaglieri, president of the Michigan Education Association, stated 'Frankly, I admire what the Mackinac Center has done.' Mr. Battaglieri, whose union is generally at odds with the Mackinac Center, said this with respect to how Mackinac Center research has shaped education reform in Michigan and around the nation."

Questioned by the Mackinac Center's attorney as to whether he believed he had been misquoted, Battaglieri said, "No."

Asked by the attorney to recall the context in which he spoke at his news conference, Battaglieri said, "… it was my recollection that I was answering it as, you know, who wouldn't admire what the Mackinac Center has been able to do in terms of being able to get their positions to the legislature uncontested?"

Asked by the attorney whether he believed the Mackinac Center had shaped education reform, Battaglieri said the Center was influential. "I think they've [the Mackinac Center] been very influential with legislators, they've been influential in policymaking. They were influential with the current governor [Engler]…. So clearly the influence has been there for the last twelve years," Battaglieri said.

MEA maintained that its lawsuit was legitimate. At one point the union indicatd it would settle the case if the Mackinac Center would pay it $75,000. The Mackinac Center declined, saying it had a strong case.

After a circuit court judge in late 2002 set a date for trial, the Mackinac Center argued that the MEA's complaint was meritless and asked the Michigan Court of Appeals to intervene. The appeals court placed a stay on trial proceedings while it considered whether the MEA should be allowed to move forward with its lawsuit.

### Judges Unanimously Toss MEA Lawsuit

By the time the appeals court heard oral arguments in February 2003, news reports called the case a "high profile free speech feud." Joel Kurth of the Detroit News noted years of disagreement between the MEA and Mackinac Center, writing, "Research from the Mackinac Center repeatedly has been cited by lawmakers while approving laws the MEA opposes."

In March, a three-judge panel of the appeals court ruled that the circuit court judge had erred in not dismissing the case outright. In an opinion signed by all three, the judges said

"… we conclude that the publication [Mackinac Center's letter] falls squarely within the protection of the First Amendment for discourse on matters of public interest,"

and

"… plaintiffs [MEA] have simply come forward with no such circumstantial evidence that Mackinac intended or knew that its publication would be interpreted by its readers in the manner plaintiffs argue."

Media reaction was sharp and decisively in accord with the court's finding.

News stories around the state again repeated Battaglieri's original quote expressing his admiration for what the Mackinac Center had done. While the MEA's Trimer-Hartley said union officials were "disappointed" to have their case rejected, the Associated Press quoted Clark Neily, the Institute for Justice's lead attorney in the case, saying, "We have said from day one that this was a totally frivolous lawsuit. It had no merit."

Editorials representing the positions of the Detroit Free Press, Detroit News, Lansing State Journal, Oakland Press, and other daily newspapers condemned the union's lawsuit and praised the court's decision protecting the right to quote. The editors called the MEA's decision to sue an "intimidation tactic," "questionable use of the union's resources," "frivolous," "frantic recklessness," and an "assault on freedom of speech."

The Detroit Free Press called the ruling against the MEA "an unqualified victory for free speech." An Oakland Press headline read, "Suit against think tank leaves MEA looking defensive, foolish."

MEA's subsequent decision not to appeal the court's dismissal of the lawsuit ended the case. The union must pay the Mackinac Center's court costs, even though the Institute for Justice defended the Center for free.

In an interview after the Mackinac Center's victory, Executive Vice President Joseph Lehman said, "There's nothing wrong with calling a news conference to criticize the Mackinac Center or anybody else. There is something very wrong with suing the people who accurately repeat what you actually say."

Mackinac Center President Lawrence Reed said, "Teachers deserve better leadership at MEA headquarters. We have helped many teachers over the years exercise their rights when their union mistreats them or misuses their compulsory dues. This lawsuit was just one more reminder of why we have been effective, and why we are needed."

### Excerpt of Battaglieri Remarks

*The following is a partial transcript of remarks made to reporters by Michigan Education Association President Luigi Battaglieri at his news conference September 27, 2001.*

"I know what's in your minds - I think I've worked with the media enough that I expect the headline is going to be that the MEA takes on the Mackinac Center. . . . I guess I expect their reaction to be one where they will welcome us as new kids on the block to enter into the field that they've been into for a number of years now, and I assume they're going to scrutinize our research just as much as we've scrutinized theirs. And so, **quite frankly, I admire what they have done** over the last couple of years entering into the field as they have and being pretty much the sole provider of research to the community, to the public, to our members, to legislators, and so on. . . . [T]hose of us in the educational community, for being in the business of educating, we've done a poor job in my opinion in the past of educating the public about all the good things that are going on in public education."

*For full details, visit www.mackinac.org/4356*


# Michigan Education Report

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*Michigan Education Report* is a news and analysis quarterly published by the Mackinac Center for Public Policy, a nonprofit, nonpartisan research and educational institute devoted to analyzing Michigan public policy issues. *Michigan Education Report* is received by over 130,000 Michigan teachers, administrators, school board members, policy experts, and elected officials.



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# Schools hire private staffing firm to find substitute teachers

## *Some administrators and union officials say only school personnel should find subs*

Nationwide, 10 percent of some 2.75 million permanent teachers are absent on any given day for professional or personal reasons, according to Utah State University's Substitute Teaching Institute. Finding competent substitute teachers to fill those absences has proved difficult for school administrators. Some schools are using temporary staffing firms to lighten their loads and find the best subs.

In December 2002 then-Gov. John Engler signed a bill permitting schools to use private staffing firms to find qualified substitute teachers, a job handled solely by the schools themselves before the law was passed.

Prior to enactment of the law, firms like Troy-based Kelly Services, a temporary employment firm, offered Michigan schools a limited menu of substitute staffing, amounting to scheduling and recruiting but not actual hiring of staff. After the law's enactment, the company formed Kelly Educational Staffing, which is the first private-sector firm to provide substitute teachers nationwide.

The company now provides substitute teachers to 41 Michigan schools in Detroit, Inkster, Algonac, New Haven and Port Huron. In total, Kelly serves 1,400 schools in the United States and the United Kingdom.

The 2002 substitute teacher bill required contracting companies to perform criminal background and certification checks on new hires. "Because our expertise is staffing, we can find and manage more eligible candidates than schools can alone," Robert Doetsch, Public Relation manager for Kelly Educational Services, told MER. "We meet or exceed state employment requirements" for substitute teachers, he added.

Kelly assumes all employer obligations related to a school's substitute teacher program, including payroll taxes, worker's compensation and unemployment compensation. Substitute teachers provided by Kelly must meet state and local certification requirements for any K-12 teaching situation in a public or private school.

To attract and retain quality substitute teachers, Kelly provides a range of benefits, including weekly pay, direct deposit, free software training, vacation/holiday bonus pay, and access to health benefits and a 401(k) program. Substitutes hired directly by the schools rarely, if ever, received these benefits in the past.

To train substitutes, Kelly utilizes an orientation/training session, as well as comprehensive grade-appropriate handbooks developed by Utah's Substitute Teaching Institute. Doetsch claims that continual surveys of permanent teachers and administrators indicate a 99 percent satisfaction rating for the performance of Kelly substitute teachers.

Doetsch says Kelly's substitute teachers receive greater benefit under the program as well, because they have more assurance of employment from Kelly's large customer base. Substitutes may get to select where they work, and they are also eligible for non-teaching jobs during summer months or off periods, if they desire. Kelly says these features combine to attract more highly qualified substitute teachers for schools.

While the 2002 substitute teacher bill did not require schools to use outside firms, some school officials as well as school employee unions opposed the bill, and with it the ability of any school to use a firm. "We have good success with subs in our own system," Susan Tinney of the Ingham Intermediate School District told the Lansing State Journal while the bill was under deliberation.

The state and national school employees' unions remain at odds with contracting out for substitute teachers. When a bill similar to the one that passed was referred to the Michigan House Committee on Education in 2000, it garnered no votes. In a 2001 newsletter, the Michigan Education Association reported that "No action on [that] bill was taken by the House Committee on Education because of the telephone calls and e-mails from MEA members opposing the legislation."

Schools that take referrals from Kelly must enter into a contract with the agency as well as pay an administrative fee for each substitute that Kelly locates for them. And schools may not always realize a direct dollar cost savings from the program, though it can free resources spent seeking and maintaining a ready pool of qualified substitutes. Kim Osborne, another spokesperson for Kelly, told the Detroit News that "Initially, it will cost the districts more. But in the long run, they will see savings."

But Bill Foster, Assistant Superintendent of Algonac Community Schools, said that the cost of using Kelly Services to provide substitute teachers "has been a wash." "But the rate that they have been able to fill substitute positions has been much higher than we were able to do it before. And it has allowed our personnel to concentrate on doing the job of educating children."



# Innovative construction saves charter schools time, money

## *Critics say more costly construction is safer*

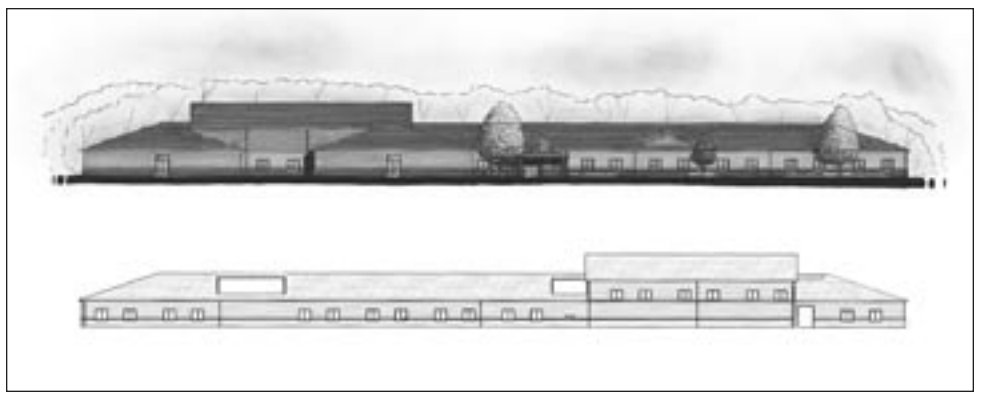
Charter schools were adopted in Michigan as a way to allow innovation to occur outside the regulatory bureaucracy of traditional public schools. While creativity was generally expected to come from inside the classroom, a Michigan firm is gaining attention for new ideas in the construction of charter school buildings.

Jason Pater, real estate projects manager for National Heritage Academies (NHA), a charter school company based in Grand Rapids, says his company is saving charter schools significant time and money by using alternative construction methods.

Pater says his company is constructing schools for $65 per square foot and $7500 per student. American School & University magazine's 29th annual Official Education Construction Report reported that construction of traditional public schools in the Midwest in 2002 typically cost about $144 per square foot and $17,083 per student. The national average for high school construction, according to the report's sample of 400 school districts, was $158 per square foot and $23,409 per student.

NHA's cost of building a charter school compares even more favorably with two of Michigan's flagship school construction projects, Cass Technical High School and The Detroit High School for the Fine, Performing & Communication Arts, which have been noted for being among the most expensive in the country. Cass Technical High School, which was scheduled to open in 2004 but has now been delayed until 2005, will cost $262 per square foot and about $47,000 per student. The Detroit High School for the Fine, Performing & Communication Arts will have a price tag of about $391 per square foot and $80,600 per student.

While traditional public schools in Michigan receive an average of $681 annually per student for capital funding, charter schools receive no government money for construction or maintenance. Pater says this disparity led NHA president J.C. Huizenga to seek ways to build charter schools at lower cost. In 1995, Huizenga approached builder Doug Bouma of the Bouma Corporation about cutting the cost and time needed to complete a charter school.



*Design drawings from one of National Heritage Academies' charter school buildings in Grand Rapids.*

Bouma submitted a proposal with a cost per square foot of $65 ($100 per square foot when furnishings and land acquisition are included) — far lower than the average cost for traditional public school construction.

While traditional public schools typically allow a minimum of 18 months for a school construction project, charters often have only a few months between receiving their operating charter and the start of the school year. Pater says the average time to completion for NHA schools, from groundbreaking to opening, is about 16 weeks, or approximately one-fifth the time of traditional schools. This allows parents to quickly enjoy the benefits of the schools their parents have chosen.

Doug Bouma says his company uses a "modified post-frame construction," eliminating the need for expensive masonry and steel. This type of construction, according to Bouma, can be completed much more quickly, and allows for easy and inexpensive expansion should additional classrooms be needed. Moreover, the method avoids the much-criticized traditional public school practice of adding trailers as classrooms.

Critics have charged that school buildings need the more costly masonry and steel to assure children's safety. But Pater disagrees. "Charters have to meet the same codes and standards as are required of all schools. We just do it more economically," he said.

Joe Agron, editor-in-chief of American School & University, stated that he was not familiar enough with the modified post-frame type of construction, but he confirmed that $65 per square foot is much lower than the national median for all types of new school building construction (elementary, middle and high) completed in 2003. He said, "just 'building' a school does not make it an environment appropriate for learning. The construction of a school building should evolve based on the academic program, teaching and learning styles, and goals of the community."

# Special-ed

continued from page 1

gan youths below age 21 are enrolled in IDEA.

Part of the reason for the special-education population growth in Michigan and nationwide is the placement of children classified as learning disabled on the rolls. In 1976-77, there were fewer than 800,000 IDEA children — those categorized with specific learning disabilities — in the entire country. That number nearly doubled by 1980-81, making it the largest single IDEA category that year.

Over the ensuing 20 years, an increasing number of children have been diagnosed with learning disabilities, until today more than 45 percent of all IDEA students have such a designation.

Some argue that this increase is the product of a greater understanding of what constitutes a learning disability. Others say the label of "learning disability" is simply used as a catch-all category for students who are not performing well in school by the time they reach the mid-elementary grades or higher.

Lisa Snell of the Los Angeles-based Reason Public Policy Institute points out that the label may indeed be overused, because the criteria for determining severe learning disability (SLD) leave a great deal of room for interpretation. She writes, "An SLD diagnosis remains subjective. In addition to the federal standard, there are 50 different state definitions of learning disability."

Other research has documented this subjectivity. Last year, the President's Commission on Special Education estimated that as much as 80 percent of students who are classified as having a severe learning disability are there "simply because they haven't learned how to read." The National Institute of Child Health and Human Development in 2001 concluded that there is no way to distinguish between a child diagnosed with a severe learning disability from one who simply has low reading achievement.

Andrew J. Coulson, senior fellow in education policy with the Mackinac Center for Public Policy, stated in his book "Market Education: The Unknown History," "SLD diagnosis is often reduced to a devastatingly simple formula: If a child is smart but cannot read or do math, he is disabled."

The alternative to the "bounty" approach of funding special education is a "lump-sum" or "block-grant" formula. Under this arrangement, school districts are given special-education funding based on three factors: the size of the overall student population; on prior numbers of disabled students; and on local poverty rates. Sixteen states currently use the lump-sum system.

While the special-education population has grown in both lump-sum and bounty states, the Manhattan Institute study notes that growth has been faster in the bounty states.

Greene and Forster suggest that if all states nationwide had adopted the lump-sum or block-grant approach to funding special education, some 258,000 students might not have been classified as learning disabled — saving them from the negative stigma associated with the classification, as well as saving governments at all levels in excess of $1.5 billion per year. Nationwide, the average cost to school a special-education student is slightly more than double the cost of schooling a typical non-special education student.

The Manhattan Institute study has not been without its critics. Tom Lombard, assistant commissioner for special education at the Minnesota Department of Children, Families and Learning, dismissed the study's findings, characterizing them as "baloney" in remarks to the St. Paul Pioneer Press. He asked why schools would raise special-education expenses just to get reimbursed for them. "Our funding systems are not creating overplacement," he said. Minnesota uses the "bounty" approach to determine the amount of federal special-education money the state receives.

Richard Robison, executive director of the Boston-based Federation for Children with Special Needs, another critic of the study, told the Washington Times, "It's hard for me to believe that there's a lot of truth to that," referring to the idea that the bounty system creates incentives to classify children as needing special-education. "It's been a chronic complaint, but the federal criteria for enrollment is stringent, very specific, so it's difficult for me to believe that."

# $6 Billion

continued from page 1

In response to this claim, many states have reviewed their books and are accusing the federal government of spreading inaccurate and misleading information. The National Conference of State Legislatures (NCSL) disputed the federal government's claims in an eight-point memo, noting that federal appropriations are "forward funded," that is, that states have more than two years to spend the funds, and that they obligate these funds far in advance. The NCSL stated that the money is already budgeted, consistent with federal rules.

The NCSL noted that Congress is often late in passing spending bills, as it was this year by nearly three months. The NCSL memo further stated, "In the most recent closeout of funds, the U.S. Department of Education reports about one-half of 1 percent (0.5 percent) of K-12 funds available that fiscal year was returned to the U.S. Treasury ($150 million of $30 billion on federal K-12 appropriations)."

The Iowa Department of Education sent a letter to Secretary of Education Rod Paige disputing the claim that Iowa has $39 million in unused education funds. Listing the millions Iowa has obligated to various programs such as Title I and IDEA (the federal special education program), Iowa's DOE says its records indicate an unspent balance of just $600,000 — not $39 million. The letter goes on to point out that funding already obligated to schools is not legally available to cover additional NCLB costs.

Ted Stilwill, director of Iowa's Department of Education, wrote, "In light of your knowledge of these facts, your accusations regarding states' use of federal funds are unwarranted and misleading, and surely will erode the progress you have made to date in partnering with states to improve student achievement."

The Michigan Department of Education disputed federal government claims that it had returned almost $225 million in unused funds. "We haven't been able to get an answer from the federal government yet as to how and why it used the figures it did, but it certainly doesn't reflect what we do here in Michigan," the state's education budget director, Rick Floria, stated in a press release. Checking its own numbers and using the programs cited by the U.S. Department of Education, Michigan claims that it spent fully 99.22 percent of its federal school dollars.

The department's budget office said the federal statement that Michigan has returned nearly $225 million for the funding years 2000 through 2002 includes funds the state still is allowed to allocate. The budget office points out that most of these federally funded programs allow states to spend grant money over multiple years.

The state of Michigan says its analysis used the same programs the U.S. Department of Education chose to use in its report. This analysis showed that Michigan returned $13.4 million — or less than 1 percent of funding that can no longer be allocated to future uses.

Of those federal education funds that still can be allocated, Michigan says it has not used $53 million — or 2.13 percent. Many of those program dollars can be expended through 2005, Floria stated.

The Department of Education disagreed, stating "On September 30, 2003, the federal government 'cancelled' the outstanding funds made available to all Michigan agencies for U.S. Department of Education funds originally made available in 1998 and 1999. On that date, Michigan lost $5,093,607 in formula funds, not $225 million," said C. Todd Jones, Associate Deputy Secretary for Budget and Strategic Accountability.

Jones said that the $5 million in lost formula funds was exceeded only by three states and Puerto Rico, and that as of June 4, 2004, Michigan agencies currently had available $132,346,070 in fiscal year 2000-2002 funds, over 5% of the original appropriations.

Michigan's 2003 money has been available for nearly eleven months, yet $560,867,923 remains (52% of the originally available funds), including $247 million (52%) for educating disadvantaged students, $145 million (45%) for special education, $137 million (69%) for teacher training and school improvement programs, $28 million (46%) vocational and adult education, and $4.6 million (72%) for educating English language learners.

Although states can access funds any time during the 27-month period in which they can be used, every dollar not drawn down from federal accounts is potentially one that is being offset by local or state tax dollars in the meantime.

"There may be perfectly legitimate reasons for this," said Jones, "but all taxpayers have a right to know whether their state is accessing funds quickly or not, and the reasons why. Sitting on uncashed federal checks is a fair matter for public discussion."

Jones advised that while the Michigan Department of Education disputes some of these figures, the funds data can be reviewed at any time using GAPS, the U.S. Department of Education's federal grant payment system, the same system states use to access the funds every week.

# Legislative Action

A five-bill, bi-partisan package to do away with the high school portion of the Michigan Education Assessment Program (MEAP) has been introduced by Sen. Wayne Kuipers, R-Holland, chair of the Senate Education Committee, and other legislators. The Michigan Education Alliance recently submitted a report to Kuipers on the pros and cons of switching to the widely used ACT achievement test. The legislation does not name a specific replacement test, but most observers believe its language makes it likely that the ACT would be selected. Gov. Granholm said recently she was listening to the debate and had not made a final decision. The state board of education recommends maintaining the MEAP as the state test.

The legislation is now pending before the Senate Education Committee. **www.michiganvotes.org/2004-SB-1153**

A bill that would allow residents to recall intermediate school district (ISD) board members for failing to meet expectations is on its way to the governor for signature or veto. The legislation, introduced by Rep. Ruth Johnson, R-Holly, would also have required popular elections for all ISD board members, rather than having them chosen by local school board officials. However, opposition to that clause forced sponsors to substitute language that would allow popular election of ISD officials only if 25 percent of registered voters in that district sign a petition to place the issue on a local ballot. A provision for a 12-year term limit on ISD board members was stripped out, as well. The bill is one of many introduced by Rep. Johnson and others aimed at reforming ISDs.
**www.michiganvotes.org/2003-HB-4338**

A state Senate panel is looking into the Department of Education's decision to base one-third of its school report card grade on a school's own self-evaluation after news reports revealed that most Detroit-area schools gave themselves to preserve their state accreditation status. Sen. Wayne Kuipers, R-Holland, chairman of the Senate Education Committee, said the committee will hold hearings, and that his initial reaction is that self-grading should be eliminated.

Michigan's Superintendent of Public Instruction must evaluate every felony and serious misdemeanor conviction of a teacher under legislation recently signed into law by Gov. Jennifer Granholm. The law gives the state greater authority to suspend the teaching certificate of a person who has been convicted of certain specified felonies or misdemeanors, and places that authority with the state superintendent rather than with the state board of education. The superintendent is prohibited from reinstating a teaching certificate without first declaring that the teacher was fit to serve in a school. The law establishes an expedited timetable for certain procedural actions prior to suspension, and requires quarterly reports to the Legislature informing lawmakers how many teacher suspensions have occurred.
**www.michiganvotes.org/2004-HB-5476**

Legislation has passed the state House to authorize a refundable tax credit of up to $100 for classroom supplies that public or private elementary school teachers and administrators purchase out of their own pockets. House Bill 4261, introduced by Rep. Paul Condino, D-Southfield, grants the tax credit to teachers and administrators in secondary schools, and a companion bill, HB 4525 grants it to educators in elementary schools. In debate over the bill, some lawmakers argued that it would be better to adequately fund schools so teachers wouldn't need to spend their own money. Those who won the day pointed to the discovery of Detroit school district warehouses that were full of supplies that never made it to schools.

After passage, the bills were referred to the Senate Finance Committee. **www.michiganvotes.org/2003-HB-4261** ***and*** **www.michiganvotes.org/2003-HB-4525**

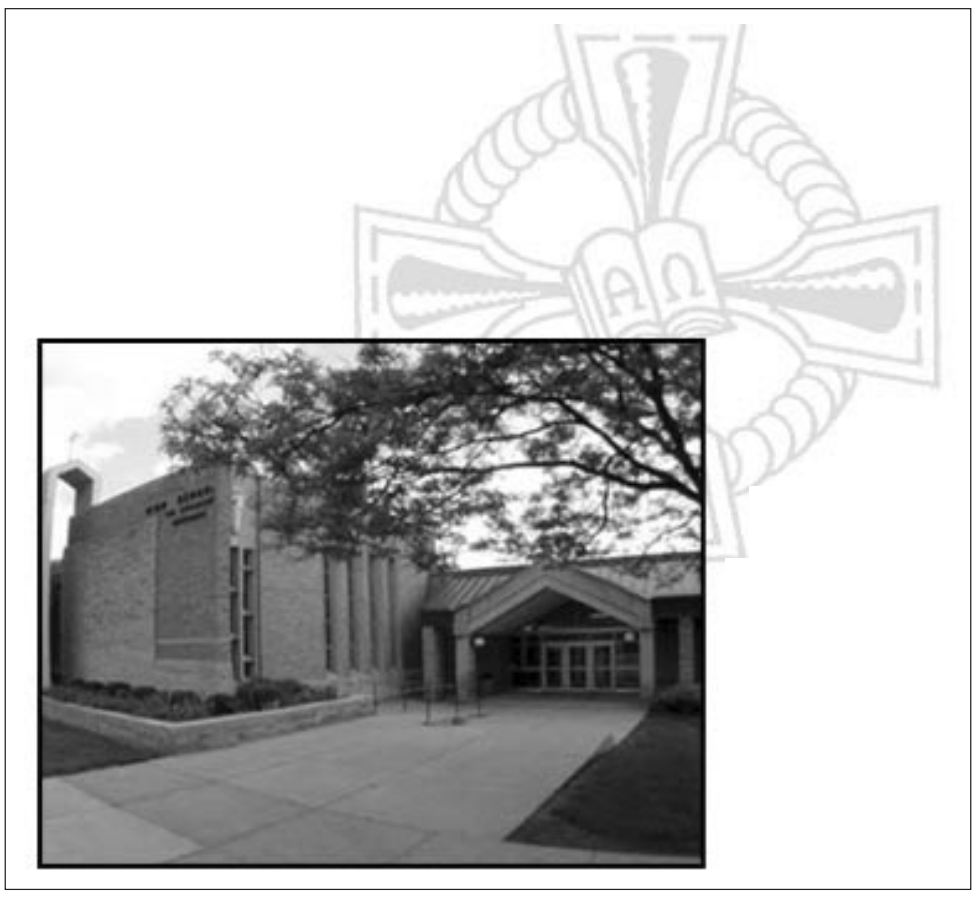
# Commission rules Catholic school must hold union vote

## *School says unionization would infringe religious liberties*

The Michigan Employment Relations Commission (MERC), the state agency that resolves labor disputes, decided that Brother Rice High School was subject to its jurisdiction under the little-used Michigan Labor Relations and Mediation Act, and ordered that a vote be held on August 20, 2004 to determine whether or not teachers at the school will be represented by the Michigan Education Association (MEA). In doing so, MERC concluded that state regulation of the Roman Catholic school's labor relations did not violate religious establishment clauses of the US and Michigan state constitutions.

The Commission's decision, and possible future litigation, centers on the application of the US Supreme Court's 1979 decision involving Catholic Schools in Chicago. In that case, the Supreme Court declined to extend the primary federal labor law, the National Labor Relations Act, to cover religious schools, citing concerns about possible entanglement of government in religious affairs.

The Supreme Court did not, however, categorically rule out future government intervention in the labor relations of religious schools. From this, the Commission concluded that it had the authority to order a union certification election at Brother Rice High School.



*Brother Rice High School faces union vote.*

The dispute began in 2003, when 30 of the 42 teachers working at the all-boys Catholic school requested an election to determine whether the school workforce should join the MEA. The attempt was strongly opposed by the board of the school, which cited the 1979 Supreme Court case and said that mandatory collective bargaining would violate the school's right to constitutionally protected freedom of expression.

Former Brother Rice Head of School Edward Kowalchick said he was concerned that the MEA might try to restrict the school from fulfilling its religious mission. Kowalchick has since accepted the position of Headmaster at Georgetown Preparatory School in Bethesda, Maryland. John Birney, a 1976 graduate of Brother Rice High School and a member of the faculty for many years, replaces Kowalchick.

Union officials deny that the MEA has plans to interfere with the high school's religious teachings. David Crim, a spokesman for the MEA, told reporters "We have made it clear that our union understands that it's a Catholic school providing a faith-based education, and we have no intention of changing that. We only seek to represent them as employees."

Some have questioned why the MEA would be courting teachers in a private Catholic school. But after facing a $10 million budget deficit and membership that has fallen short of projections, the MEA may be seeking alternative sources for new members. Last year, the MEA eliminated 47 staff positions at its headquarters and levied the maximum allowable dues increase on its members. Income from members' compulsory dues did not reach budgeted amounts in the union's 2002-2003 year.

The MEA also has been largely unsuccessful in organizing Michigan charter school teachers. Teachers at Island City Academy, a charter school in Eaton Rapids, actually decertified their MEA local by a vote of 92% shortly after the union was formed.

Others have questioned the legal route that the MEA has taken in using MERC as the venue for its legal case. Ordinarily, a bid to have the MEA represent teachers at a private school would be filed under federal law with the National Labor Relations Board (NLRB), which has regulatory control over the labor relations of most private employers. The legal obstacle that the MEA would have faced if it went the normal route is that the 1979 U.S. Supreme Court ruling placed schools off limits to union organizing if they are operated by a church and teach both religious and secular subjects.

In June of 2003, Kowalchick told his staff in a two-page letter that he was only following church teachings in opposing a union, a viewpoint "rooted in the foundation of independent Catholic education." Brother Rice High School is not directly controlled by the Archdiocese of Detroit, but by the Christian Brothers Institute of Michigan, a board comprised of lay people as well as members of the Congregation of Christian Brothers, a Catholic religious order.

School officials cite conflicts between Catholic teachings and the official positions of the National Education Association (NEA), with which the MEA is affiliated and which MEA-unionized teachers must support through their dues. For example, an NEA resolution supports abortion rights and the teacher's union is a cosponsor of abortion marches.

In 2002 the Equal Employment Opportunity Commission determined that the NEA discriminates against teachers who object on religious grounds to joining or supporting a union. The MEA is alone among NEA affiliates in requiring its religious objectors to answer questions about their religious beliefs in a union hearing.

The teachers who initiated the unionization effort had mostly criticized Kowalchick for cuts in teachers' compensation and in the budgets of award-winning programs such as the debate team.

Kowalchick said that because the school's funding is tuition driven, he proposed freezing salaries to keep jobs. "To the best of my knowledge, that is the best way we could do it," he said, adding that if enrollment increased, the school would issue bonuses instead. Traditional union-negotiated rules tightly control the size and type of teacher bonuses.

One Brother Rice teacher who joined the unionization effort but did not want to be identified stated that most of the teachers did not want the union involved, but felt that this was their only option to save their program budgets and their jobs.

Although enrollment at the high school was declining when the unionization effort began, Kowalchik said that enrollment was now increasing. "We have a much improved environment now. We maintained a wonderful academic year, both sides have handled the situation extremely well, and it has allowed us to focus on our purpose, educating young people."

The unionization of Brother Rice teachers is far from settled. The employer has asked the Michigan Court of Appeals to intervene and consider the constitutional religious liberty questions, which it says have been wrongly decided by MERC.

Even if a union election goes forward, it is not a given that the MEA will be selected to act for the teachers in light of the improved financial and labor climate which exists at the school today. The case is being followed closely by the rest of Michigan's private religious schools and their teachers to see whether they may also face the possibility of unionization.

SCHOOL FOCUS

# Civics commission gets students involved in the legislative process

Getting students interested, much less involved, in politics and government has always been difficult. But an earnest effort is being waged by the Michigan House Civics Commission (MHCC), a bipartisan commission that encourages students to make proposals that can actually be submitted to the Michigan Legislature.

Since December 2002, the Civics Commission has held monthly public hearings within Michigan's K-12 schools and students have responded with proposals that have ranged from the prosaic to the partisan.

For example, a hearing at Forest Hills Middle School in Grand Rapids produced House Resolution 28, recently signed by Governor Jennifer Granholm, proclaiming October as "Student Backpack Safety Month." Students cited scientific evidence


*Students from Charlevoix High School testifying to members of the MHCC that the Michigan Educational Assessment Program (MEAP) test should be replaced with the Michigan Merit Exam to monitor a student's progress. Left to Right: Rachel Wyniawskyj with Amanda Boss and Jessica Pettis looking on.*

from a study by the United States Consumer Product Safety Commission showing that more than 3,400 pupils between the ages 5 and 14 sought treatment in hospital emergency rooms for injuries related to backpacks and book bags in 1999.

Some student proposals have carried a more partisan tone. Erin Moylan, of Heritage High School in Saginaw, submitted the "Academic Bill of Rights," a controversial idea first proposed by conservative firebrand David Horowitz of the Center for the Study of Popular Culture in Los Angeles, Calif.

The idea was modeled after the 1967 American Association of University Professors' Joint Statement on Rights and Freedoms of Students, which stated that "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion."

While the proposal has caused controversy in academia, Moylan said her motivation for the proposal was much more benign. "I'm a Republican, but the purpose of my idea was just to try to prevent conservative college students from being punished academically for voicing their opinions in class." Moylan says her friends don't pay much attention to politics, but said "I hope things like this [the MHCC hearings] will get more young people involved."

The war in Iraq spurred students from Lake City High School to come up with a proposal that resulted in a budget line item amendment being added to Senate Bill 266, an appropriations bill, in 2003. The proposal encouraged the State Family Program Office to "promote and inform private individuals, businesses and organizations regarding the distribution of prepaid phone cards and other services to National Guard members and military reservists deployed overseas on active duty."

During an MHCC hearing at Traverse City Central High School, Liz Norton, a freshman at Traverse City East Junior High School, proposed that "yooper," a dialect spoken in Michigan's Upper Peninsula, be made the "official state dialect." Norton testified that, "in order to save this endangered dialect, the state must pass a resolution to preserve it."

*Students from Eastern Michigan University testifying to members of the MHCC that every citizen has the right to a civil marriage. Back table left to right: Rep. Alexander Lipsey, Senator Liz Brater, Rep. Doug Hart, Rep. Ruth Ann Jamnick, Rep. Brenda Clack. Front left to right: Sarah Armstrong, Kate Brindle.*

"Yooper," is a unique blend of accents that originated around 1840, during the height of iron and copper mining in the Upper Peninsula. It contains elements of Finnish, Swedish, Cornish, German, French, Irish, Italian, Russian, English, and Native American dialects.

Drew Buchholz, Coordinator of the MHCC, says the response from both politicians and the public to holding hearings in the schools has been overwhelmingly positive. "I have been very pleased with the students' passion and enthusiasm for being involved in the legislative process," said Buchholz. "When you consider that the Michigan House Civics Commission has only been in existence for a few months, it is simply amazing to have witnessed the initiative and effort put forth by our students."

*Students from Charlevoix High School testifying to members of the Michigan House Civics Commission (MHCC) that people should be admitted to college and hired for jobs based on their qualifications and achievements, not on their ethnic background. Left to Right: John Wilkinson, Anna Kate Trubilowicz, Mike DuPuis, and Josh Fassett.*

Besides making it possible for students to testify before the commission, the MHCC offers other student resources that can be accessed from its Website, civicscommission.com. These resources include the Capitol Speakers Bureau, Tips for Testifying, and Legislative Updates. Students can also participate in polls on various political issues via the Website.

MichiganVotes.org gives users instant access to concise, plain language and objective descriptions of every single bill, amendment, and vote that takes place in the Michigan legislature. It is searchable by legislator, keyword, and 50 subject categories, so users can create their own custom "voting record guide."

COMMENTARY

# MESSA: Keeping school districts from saving money on health care

Paul Kersey

Michigan school districts in a tight financial situation should consider every realistic opportunity for savings, especially those that can be pursued without reducing the quality of education.

Health care benefits for teachers and other public school employees have been made far more expensive than necessary due to the Michigan Education Association (MEA), and the political and economic power of its insurance arm, the Michigan Education Special Services Association (MESSA). This makes health care costs a prime candidate for savings, as school boards consider how to save a significant amount of money without dismissing teachers.

Unfortunately, there are formidable obstacles to overcome. With an income last year of as much as $900 million, and an implacable determination to protect its market niche through strikes and other methods, the combination of the MEA and MESSA utterly dominates the health-insurance landscape when it comes to public school employees.

MESSA is a "third-party administrator", meaning that it does not provide insurance itself — it merely repackages benefits that are actually provided by Blue Cross/Blue Shield of Michigan. MESSA acts as a go-between, selling health care plans to school districts, collecting premiums, and administering benefits.

MESSA coverage is extremely generous but also very expensive. While it thus makes perfect sense for school districts to look at savings in this area, any school board that considers other insurance must be prepared to face at least the threat of an employee strike. And it must also deal with the fact that it cannot provide a prospective insurer with the claims data the insurer needs to make an accurate assessment of costs.

The claims history — a summary of what health care services were actually used by the client's employees under the current insurance plan, — is what allows a new insurance provider to estimate the actual health care needs of the people they will be covering, and in turn frequently allows them to lower their premiums. Almost all insurers provide such claims data to their clients.

But MESSA, alone among Michigan health insurers or third-party administrators, provides only "regional" — instead of employer specific — claims information. MESSA's refusal to provide claims histories for individual school districts makes it much more difficult for insurers to put together bids that can compete with MESSA. By offering only regional claims data, MESSA managed to subvert 1994 legislation that was intended to secure each school district's right to this information and open up health insurance to competition. Without competitive bids, school districts are all but forced to stay with insurance they know to be a budget buster.

Every now and then, some school districts try to escape. In July of this year, Clare public schools contacted Bailey Insurance of Royal Oak to discuss alternatives to MESSA. Not possessing the data typically used to assemble a traditional insurance plan, Bailey was able nevertheless to make an arrangement, also through Blue Cross/Blue Shield, that would have saved the district nearly $500 per employee annually, while maintaining modest deductibles and full coverage, including vision, dental, and mental health care.

Unfortunately, although contract negotiations are continuing, sources close to the talks indicate that the district is unlikely to adopt the Bailey health care program. Yet, if Clare and other school districts were able to break MESSA's hold on their pocketbooks, and if they tried to match the coverage and terms typically found in private sector employment — rather than attempting to match MESSA's coverage — they could achieve savings of as much as 20 percent.

The MEA, for its part, has indicated that it is willing to go to extreme measures, including going on strike, to maintain the status quo on health care. The most recent example involves four Grand Rapids-area school districts that have taken the modest step of proposing that teachers contribute a portion of the cost of health care. If this proposal were adopted, teachers in these districts would have an incentive to consider lower-cost alternatives. In order to protect MESSA from that economic pressure, MEA officials have already begun laying preparations for illegal teacher strikes in the four districts.

In short, the MEA and MESSA have set up an obstacle course that all but prevents public schools from introducing competition for teachers' health care coverage. Coverage, copays, and other terms of a health care benefit program, like all terms of employment, are a legitimate subject of collective bargaining. The MEA, however, has no right to dictate that schools purchase health insurance from the union's own preferred provider, especially in the difficult economic condition that many school districts face.

The Michigan Legislature would do teachers, school districts, and children a huge favor by crafting legislation dictating that school districts must solicit bids on health care coverage, and that district-specific claims histories must be made available to them.

By finishing the job they started in 1994, when they attempted to ensure that school districts would get appropriate claims histories, and opening the door to a competitive market in health care for Michigan schools, lawmakers would enable school districts to overcome the obstacles placed in front of them by the school employees' union, and to save teachers' jobs.

*Paul Kersey is labor research associate for the Mackinac Center for Public Policy and Bradley Visiting Fellow in Labor Policy at the Heritage Foundation, in Washington, D.C.*

## Short Subjects

*continued from page 1*

ton-based Urban Institute, says Michigan is the worst for Hispanic students, and refers to a "hidden crisis" for minorities nationwide. The study found that 68 percent of the nation's ninth-graders graduate within four years, but half of all minority students will drop out before graduation. In Michigan, only one-third of Hispanic students graduate from high school, while the overall graduation rate is around 74 percent.

**U.S. Secretary of Education Rod Paige promoted school vouchers, tuition tax credits and charter schools** at a luncheon in Ann Arbor hosted by the Mackinac Center for Public Policy, yet said he is still an advocate of traditional public school systems. Paige praised the Mackinac Center and similar research institutes for helping "blaze a trail of education reform in Michigan and across the nation." Paige, former superintendent of Houston Public Schools, said that vouchers and charter schools are instrumental in narrowing the academic achievement gap between minority and majority students.

**A rebellion against the federal No Child Left Behind Act** in more than half the states' legislatures has fizzled out, for now, with only a handful of Vermont school districts following through on threats to ignore the new education law. This year, 27 state legislatures drafted 54 bills to protest the act. But in the end, only the governors of Maine, Utah and Vermont signed bills critical of the act. The National Education Association had threatened to file suit challenging the law and set out to recruit states to join in. No state answered the call.

**More and more organized laborers, especially teachers, are exercising their right to apply their union dues to charities,** according to legal experts. The National Education Association estimates about 900 of its 2.5 million members have exercised their right to divert their dues by Title VII of the 1964 Civil Rights Act, which requires employers and unions to accommodate employees' religious beliefs. Unions must also accommodate those who disagree with their organization's political stances, but political objectors are forced to pay part of their dues to the union to fund bargaining services, while religious objectors can divert the full amount of dues to a charity.

**Federal money to educate poor children is increasing,** but 10 states and more than half of the nation's school districts will receive less money for poor children in the next school year. According to a report released by the Center on Education Policy, an independent education advocacy organization in Washington, D.C., Michigan, Kansas, Maine, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, North Dakota, and Pennsylvania will get up to 10 percent less in federal funds because of declining numbers of low-income students in some areas and a new federal formula that awards more money to districts with higher concentrations of poverty. While 40 states will get a share of next year's $647 million increase in so-called Title I funds for low-income students, many school districts even in those states will see cuts.

**"High-stakes tests" like Michigan's MEAP are reliable indicators of academic proficiency,** according to a newly published peer-reviewed study by New York's Manhattan Institute. The study says that if teachers are changing their curriculum and classroom techniques in response to high-stakes tests, they are doing so in ways that convey real skills to students. The study adds evidence to the debate over the costs and benefits of high-stakes testing, which all states must implement in order to comply with the No Child Left Behind Act. Michigan will receive a $21 million grant over three years from the federal Department of Education to help new and existing charter schools with start-up costs. The grant, which is only given to 10 states, will be distributed through a competitive process to new and existing charter schools, though new charters will receive the bulk of the money. Michigan received a similar federal grant during the last three years.

**The No Child Left Behind law has already had a positive impact on student achievement** in the nation's inner-city schools, according to urban school officials. A report released by the Council of the Great City Schools in June told members of the Committee on Education & the Workforce that during the period since NCLB was implemented, the percentage of urban 4th graders scoring at or above proficiency levels on their respective state reading tests increased from 42.9 percent to 47.8 percent, and proficiency levels on state math tests increased from 44.2 percent to 51.0 percent.

**Teach For America is pulling out of Detroit** after failing to get a commitment to hire a new crop of its members from the school district. Pointing to deep financial woes and looming teacher layoffs, the district acknowledged that it hadn't been able to make a commitment to the program. Teach for America places recent college graduates that were not education majors in some of the nation's neediest schools. The shutdown at the end of this school year marks the first time in a decade that the program has left a district.

**The SAT will change next year,** most notably by adding a written essay, and the nearly as-popular ACT will include an optional essay. Besides the essay, the new SAT is making other changes to emphasize grammar over vocabulary and advanced math over quantitative comparisons. The 25-minute essay will have comparatively little effect on students' scores, and the expanded grammar section will count twice as much.

**Livonia, Michigan's third-largest school district, is getting its first charter school.** The American Montessori Academy will open in September and will serve students in grades K-3. Chartered by Bay Mills Community College of Brimley, the charter school plans to add one new grade per year until it includes a 12th grade. Livonia Public Schools get approximately $8,100 per student from the state. Seventy of the 180 spots have been filled, according to Trenton-based Helicon Associates, which manages the school.

COMMENTARY

# National board teacher certification little benefit for the money

George C. Leef

A recent study of the results of teacher certification by the National Board for Professional Teaching Standards (NBPTS), written by Dan Goldhaber and Emily Anthony of the Urban Institute, has generated a lot of cheering among politicians and leaders in the education establishment. North Carolina Gov. Mike Easley, for example, said in a press release, "This study reaffirms my belief in National Board Certification for our teachers, scientifically proving the success we have already seen in our schools." Roy Barnes, Chairman of NBPTS, stated that "the study provides state and national policy-makers with proof that National Board Certification is a smart investment."

Let's hold off on the cheering. A careful reading of the Goldhaber/Anthony study shows that it gives only slight praise for the program as a means of identifying those who are the more effective teachers. It does not conclude that the NBPTS program has the effect of causing teachers to improve, and it also questions whether it is a cost-effective means of raising student performance.

Goldhaber and Anthony analyzed student test results in North Carolina for third, fourth, and fifth graders from 1996-1999, looking at their progress in reading and math. What they found was a small but statistically significant correlation between student learning gains and having been taught by a National Board certified teacher (NBCT). On average, students taught by an NBCT improved somewhat more than did students taught by teachers who had not attempted to obtain certification, or who had tried and failed.

But does that indicate that the NBPTS program is responsible for those teachers being better? Goldhaber and Anthony think not. Their paper states, "Going through the NBPTS certification process does not appear to make a teacher more effective." In other words, the costly and time-consuming certification process helps to identify teachers who are already better than average, but it does not improve those who aren't.

That is a conclusion that should cause shudders at NBPTS, which makes much ado about its supposedly rigorous teaching standards and leads people to believe that it has laid out the true path to becoming a master teacher. But its standards consist of about equal parts of ideas that are elementary common sense and ideas that call for "progressive" teaching methods. Someone might be a superb teacher without ever having read the NBPTS standards. Conversely, someone might have completely absorbed those standards and yet failed to impart much knowledge to his or her students.

Furthermore, the NBPTS process of certifying some teachers and not others is very shaky. It is not, as Gov. Easley's press release says, "an extensive series of performance-based assessments." What it entails is the creation of a video that shows the teacher at work (carefully staged by the teacher), the submission of several "portfolios" with some examples of student work and "reflective commentary" by the teacher, along with the writing of several essays. All of that is subjectively graded by other teachers. How much students actually learn from the teacher is irrelevant.

One Atlanta-area high school teacher who obtained certification wrote in the Atlanta Journal/Constitution last year, "Though picky and frustrating, the national certification process is not as difficult as people claim it is. More important, I doubt it is going to improve student achievement." Rather than looking for solid evidence of teaching excellence, he said that it's "really a process where teachers tell the Board what it wants to hear."

Knowing one's subject very well is a necessary (though not sufficient) condition for excellence in teaching. Yet, there is no subject matter exam that teachers must pass in order to qualify for certification. The essay questions that candidates must write often have some subject matter knowledge included, but that is a far cry from teachers having to demonstrate a depth of knowledge of their particular fields.

The Goldhaber/Anthony study finds that, on average, students taught by nationally certified teachers progress somewhat faster. But it is also true that there are many cases where certified teachers produced only average, or even below average, results. A 2002 study by Prof. John Stone of East Tennessee State University concluded that not all of those rewarded with the NBCT stamp are really excellent teachers. Some mediocre teachers receive certification, while some good ones don't.

Additionally, it is telling that hardly any private schools have chosen to reward their teachers who obtain National Board certification. Private schools need highly competent teachers in order to compete with "free" government schools, but there is no evidence that they see the NBPTS program as an effective way of getting better teachers.

Given the high cost of paying for the NBPTS certification process ($2,300 per teacher), Goldhaber correctly points out that "Whether there might be other ways to identify highly effective teachers is another particularly important policy question." If the goal is to identify the best teachers, it should be done for the lowest cost possible. And National Board certification is both costly and unreliable.

Michigan is among the states that have done little to encourage teachers to seek National Board certification. Despite the hoopla over the recent study, Michigan policy-makers should continue to refrain from subsidizing it.

*George C. Leef is the Director of the John William Pope Center for Higher Education Policy in Raleigh, N.C., and was an aide to Michigan State Senator David Honigman in the 1990s.*

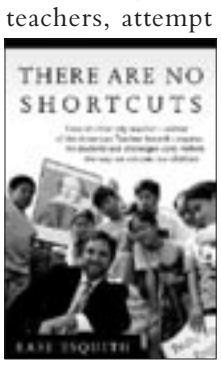
COMMENTARY

# Teach the teachers, test the students

## *A review of "There Are No Shortcuts," by Rafe Esquith, and "The $100,000 Teacher" by Brian Crosby*

By Lance T. Izumi

Common sense and empirical research tell us that teacher quality is one of the most important factors affecting student achievement. But what makes for good teachers and good teaching? Two books, both by Los Angeles-based teachers, attempt to address these difficult questions.




Rafe Esquith is a famed elementary school teacher who has earned international acclaim for taking low-income, often non-English-speaking students, and turning them into high-achieving standouts. His students not only learn to read and appreciate Shakespeare, they perform the Bard's plays so well that Sir Ian McKellen has become one of Esquith's biggest boosters. How does he do it? Esquith's book, "There Are No Shortcuts," provides an interesting, informative, but at times frustratingly incomplete answer.

Esquith uses personal anecdotes and observations to make his points, many of which are incisive and courageous. When his class was studying the Declaration of Independence, it struck him that Jefferson's phrase "life, liberty, and the pursuit of happiness" described the essential problem he and other teachers face. Students want a good life, love liberty, and want to be happy. But, he observes, "What happened to pursuit? We aren't handed happiness. We're given an opportunity to pursue it."

It was world-renowned cellist Lynn Harrell who helped him see the solution to the problem. After a concert the class had attended, one of Esquith's students asked Harrell how he made such beautiful music. The cellist answered, "Well, there are no shortcuts." From that, Esquith got not only the title of his book, but his philosophy of teaching.

Esquith subsequently laid out a strategy for increasing his students' learning. He set high expectations: "Successful classrooms are run by teachers who have an unshakeable belief that the students can accomplish amazing things and who create the expectation that they will." The responsibility lies squarely with the teacher: "Someone has to raise the bar, and that person is the teacher … Someone has to tell children if they are behind, and lay out a plan of attack to help them catch up."

Esquith's eight laws of learning are: "… explanation, demonstration, imitation, repetition, repetition, repetition, repetition, and repetition." He effectively lengthened the school day by setting up study sessions before and after school, on Saturdays, and during vacation periods. His students received 500 hours of reading instruction per year, compared to an average of 200 hours for students at other schools. Esquith's success is no surprise, given research showing that extensive practice is the key to true competence.

One wishes, however, that Esquith were a bit more specific about how he puts his laws into practice. For example, regarding reading instruction, he says, "Teaching reading is not rocket science." True enough, but he offers no details about how he actually teaches it, apart from putting in long hours, reading to students, and getting his young charges interested in great literature through his own enthusiasm. He does not say, however, if he favors a phonics-based method, the whole-language approach, or something else. Perhaps Esquith wished to avoid being drawn into the "reading wars," but it would have been useful to know what methods he uses to bring his students' reading skills up to grade level.

Esquith does say he opposes Open Court, the structured, phonics-based reading program used by the Los Angeles Unified School District. His opposition has more to do with the program's supposedly rigid structure than with its phonics approach. As an energetic, enthusiastic, and independent-minded teacher, he bristles at being straitjacketed by this structure. Yet for all his emphasis on student achievement, he fails to address honestly the fact that reading scores shot up, especially among black and Latino students, after Los Angeles implemented Open Court.

To his credit, Esquith is unafraid to criticize political correctness. He decries the inordinate amount of time allocated to celebrating ethnic cultures when "many of the children who participate in these activities cannot read and write well in any language." What's more, Esquith rejects the philosophy of the bilingual education establishment and teaches entirely in English, even though many of his students are non-English-speakers. "Looking down the road," he writes, "how in the world can a child who isn't fluent in English do well on college entrance exams? Students who don't speak English will have no chance; this is why I teach in English."

Esquith is clearly a great teacher. Critics no doubt will gripe that the extra-long hours he puts in, the large amounts of his own money he spends on his classes, and the cross-country trips he arranges for his students can't be replicated by other teachers. But any teacher can replicate Esquith's high expectations, his emphasis on practice and drill, and his use of great literature to excite his students about reading. Esquith has something to teach other teachers. But the fact that many of his own colleagues hate him for his accomplishments should tell us that his lessons won't be easily learned.


Also interesting, but more seriously flawed, is Brian Crosby's "The $100,000 Teacher." Despite the title, the book is not a teacher-union screed about pumping more tax dollars into teachers' pockets.

A high school English teacher, Crosby wants to professionalize teaching and believes that the way to reach this goal is to offer higher salaries to attract better-qualified people into the field. While making some useful criticisms of the teachers' unions, suggesting interesting ways to finance his proposal without increasing taxes, and taking his teacher colleagues to task for an assortment of shortcomings, he fails to provide a reliable mechanism to ensure that good teachers under his system would really be worth the high salary he envisions for them.

Currently, most teachers are paid uniform wages based on years of service and other factors, such as whether they have earned an advanced degree. Therefore, all teachers with 10 years of service and a master's degree earn the same salary, regardless of their subject field or competence.

Crosby's proposed wage structure is based on four principles: (1) Pay more to secondary school teachers than to elementary school teachers, since specialized knowledge is worth more than general knowledge; (2) Pay more to teachers in high-demand fields such as math and science if they majored in those areas; (3) Pay more to teachers who have more paperwork, such as English teachers who have to grade dozens of composition papers; and (4) Pay more to teachers working in hard-to-staff places, such as inner-city schools.

Based on these criteria, Crosby would establish a teacher career ladder with five different classifications, ranging from an "instructor," a teacher-in-training with a starting salary of $50,000, to a "master teacher," who has 15 years of experience and earns $100,000.

Parts of his proposal have merit. Differentiated pay for teachers makes good economic sense. A math major can get a better-paying job in the private sector, so why not pay him more than someone who can't?

Crosby wants to pay teachers based on performance, which is an excellent idea. Under his plan, teachers would be evaluated periodically by administrators and fellow teachers, based on certain standards, e.g., demonstrating mastery of content. Pay raises (or reductions) would be tied to these evaluations. The trouble is that even if teachers meet these standards, there is no guarantee that student achievement will improve. J.E. Stone, an education psychology professor at East Tennessee State University, studied how teachers certified by the National Board for Professional Teaching Standards (one of the organizations Crosby cites approvingly) affected their students' performance. He found that certified teachers "cannot be considered exceptionally effective in terms of their ability to bring about [higher] student achievement." Further, Stone writes that "… the achievement gains made by their students are no greater than those made by students who had other teachers." The California State Legislative Analyst's Office reached similar conclusions in 2000.

If there is little correlation between such teacher standards and student achievement, then what about linking teachers' pay to an objective measure of student performance, such as student test scores? Crosby fanatically opposes standardized tests. "State testing is the biggest public education scam," he writes. Without citing any specific studies, he declares that multiple-choice standardized exams are "an assessment tool unanimously frowned on in education research literature."

This claim is patently false. Michigan State University professor Susan Phillips, one of the nation's top experts on standards and testing, says that multiple-choice exams allow for the testing of breadth of knowledge, are better than essay tests in generalizing results, and can be better than other tests in measuring "higher-order thinking skills."

Unfortunately, Crosby's zeal against standardized testing leads him to make emotional and preposterous statements. He thunders: "If students can't read English, they will do poorly on the test. If students come from a home where education holds little value, they will do poorly on the test." In addition to being an accountability tool, standardized tests serve a diagnostic purpose. Poor performance gives teachers and principals valuable information about what areas they need to focus on in order to improve student achievement. Principals at high-performing, high-poverty schools strongly support testing for precisely this reason. By asserting that a student's family background determines his or her performance, Crosby consigns legions of students to automatic failure and ignores the impact of good teachers like Rafe Esquith.

So it goes in Crosby's book. There definitely is a strong case to be made for higher pay for teachers, but someone besides Crosby will have to make it.

*Lance T. Izumi is director of education studies at the Pacific Research Institute in San Francisco, California. This article appeared in the Spring 2004 issue of the Claremont Review of Books, published by the Claremont Institute, and is reprinted here by permission. On the web: www.claremont.org.*

COMMENTARY

# Reform efforts can bring budget solutions

**John Hansen, Ph.D.**

*By John Hansen, Ph.D. Trustee, Alief (Texas) Independent School District*

*(Editor's Note: We provide this commentary to our Michigan readers because Mr. Hansen's experiences in Texas may be helpful and inspirational in fostering school improvements here. Readers interested in more detail may access a longer document from which this commentary is condensed, at www.EducationReport.org/6705)*

My district, the Alief Independent School District (AISD), represents the southwest side of the city of Houston and the unincorporated sections of Harris County, Texas.

I was first elected to the AISD board in November of 1993. A decline in property values during the mid-1980's attracted a much poorer population that could not previously afford to live in the area. One result of that migration was that student enrollment went from 21,000 in 1984 to 31,000 in 1992.

The administration and board of that period did not see fit to scale back any district expenditures and the tax rate subsequently soared. Student performance in the school district plummeted far below what it had been. By the time I was elected, over half of the students were failing the state TAAS exam and public confidence in the schools had evaporated.

The combination of rising tax rates and falling student achievement occurred at the same time as the national revolt that turned the Congress over to the GOP. Somewhat presaging the national "Contract with America," the local Republican precinct chairmen got together and endorsed a slate of candidates. The pitch to the voters was "give us a chance to reverse the rise in tax rates and the decline in student achievement – if we fail, throw us out too." Public dissatisfaction was so intense that the effort became somewhat bipartisan, as some of the Democratic precinct chairs assisted. Coupled with two incumbent Board Members who shared our goals for change, we reformers had in six months gained five of the seven Board positions and achieved control of the Board.

Just as in Michigan, voter turnout for School Board elections is extremely low. In our area, turnouts under 1% are common. Because of this and because of their low visibility, School Board elections are typically controlled by the employee vote. Prior to our reformist revolution every single incumbent Board Member had won because of the endorsement of the local National Education Association (NEA) affiliate. How can a Board be truly independent and focused on getting the best job done at the lowest cost under those conditions? It can't, but by bringing in a substantial non-employee vote for the first time, we ended that monopoly control.

When the new Board took over and demanded serious improvements in instructional effectiveness, the then-Superintendent told us that substantial increases in taxes would be needed. We informed her that we had already had substantial increases in taxes and the improvements would need to happen with the money already available.

The biggest key to this has been controlling the numbers of non-teaching personnel. The typical school district has more than one non-instructional employee per teacher. We have lowered our ratio down to .85 non-instructional employees per teacher. Other important changes have been lowering the use of substitutes by getting teachers to have fewer absences, eliminating redundant administrators, negotiating better purchasing contracts, lowering architectural fees by reusing school designs, and using utility deregulation to lower electricity costs.

Excessive non-teaching personnel is part of the reason some of Michigan's larger public school districts are seemingly unable to control costs. For example: As Andrew Coulson has pointed out, "Back in 1996/97, Detroit Public Schools enrolled 183,447 students, and employed 22,077 staff. Enrollment has fallen every year since, averaging 147,808 during the 2003/04 school year. Employment in the District has not fallen. It has risen to 23,800. So the Detroit Public School system is now employing 1,723 more people to teach an estimated 35,000 fewer children."

Rather than take an adversarial or hostile stance toward district employees, we worked to convince them that important changes were in their interests as taxpayers and parents too. Often with their support, we implemented structural reforms that greatly assisted in cost reductions. The first of these was a move to decentralized management. Previously, the District was very centralized and campus budgets were completely controlled from the administration building. Frequently, campuses had more money than they wanted in some budget categories and not enough in others. So, the campus administrators would spend everything in the over-budgeted categories (under the use-it-or-lose-it rule) and then complain about a lack of funds in the under-budgeted categories. We went to a block grant system so they could use the available money where it was needed. Overnight the alleged shortages largely disappeared.

A major problem of all legislative bodies is the pressure from special interest groups. I worked out with the District Superintendent and CFO a program of block grants (we allocate $25 per student) to meet special resource needs. Staff and parents write up funding applications for projects or resources they believe their campus requires. The campus Shared Decision Making Council (SDMC) votes on which proposals to fund in a given year. These cannot be standard classroom resources or computers as there are separate campus allocations for those. This induces the campus staff and parents to prioritize needs for us. As soon as we implemented this, we stopped having a problem getting staff to serve on the SDMCs. After the second year of this program the Superintendent made the astonishing statement that it was the first time in his 20+ years as a superintendent that not a single administrator, teacher, or parent complained about a lack of instructional resources. How many school districts—whether in Texas or Michigan or any other state—can claim that?

I believe our experience gives hope to reform-minded school boards, teachers and parents still trying to win these battles in states like Michigan. Permanent change requires getting the staff to buy into the changes and thereby avoiding nasty, unnecessary, turf-protecting in-fighting. This only happens when their interests as parents and taxpayers are aligned with the community's — which means working amicably on behalf of sensible efficiencies and cost restraint, implementing business-style management and giving parents more options.

If we can do these things in Texas, they could and should be done in Michigan as well.

# Michigan Education Report welcomes Jon Perdue as managing editor

## *Continues family tradition in education*

The Mackinac Center for Public Policy, publisher of this newspaper, is pleased to introduce its new staff member, Jon Perdue. He will be assuming the responsibilities of education policy research associate, and will be the new managing editor of Michigan Education Report.

Perdue has wide experience in writing, publishing, technical consulting, and entrepreneurship. His articles on economic policy have been published by Investor's Business Daily, and his articles on education and environmental issues have been published in the Atlanta Journal-Constitution and other publications. He is the former editor and publisher of Georgia Politics Report. Perdue's commentaries on teacher certification have been published in newspapers throughout Michigan.

Perdue has traveled to Cuba to write about the underground capitalist economy in that communist nation, to Costa Rica to interview a presidential candidate, and to work with the international charitable foundation Salud Sin Fronteras (Health Care Without Borders) to set up indigent care medical clinics.

Perdue has been a consultant to various Fortune 500 companies, including Sears, IBM and AT&T, in curriculum development and employee education and training. He holds a degree in finance from North Georgia College and State University, and worked during college as a substitute teacher in the public school system where his parents worked as teachers.

Please feel free to contact Perdue with story ideas or comments on Michigan Education Report.

DIVERSE VIEWPOINTS

# Should teachers be paid based on merit?

## NO

*The verdict is still out on charter performance, innovation*

*Virgina Cantrell*

There are those who believe that one method of improving student achievement in our public schools is to pay teachers' salaries based upon merit, i.e., raise their salaries based upon the success of their students.

Proponents of this initiative believe that if teachers know their salaries will increase as the success of their students improves, they will be motivated to work harder and do more to insure that our children master the skills that are necessary to lead productive lives as adults.

Advocates of merit pay make the incorrect assumption that many of our teachers are not already giving their best effort to effectively teach the children in our public schools. There are several reasons why the idea of merit pay has no merit — not when you are talking about educating children.

*Teaching is not an exact science:* Children are not like cars, computers, cosmetics or other products that are marketed in our culture. Children each have their individual abilities, thought patterns, personalities, and ambitions. Children cannot be re-programmed, re-configured, altered, and improved to meet the desires of a manufacturer or marketer. Children are generally grouped together with diverse abilities, diverse backgrounds, and diverse personalities.

It is important for teachers to establish an educational balance within the classroom, making sure that students of lesser ability are not left behind by students with accelerated learning abilities. By the same token, students who grasp and retain concepts and are able to effectively apply them must not be allowed to become bored with learning because the teacher is focusing on bringing up the performance of students who do not learn as fast or retain knowledge as well.

*Home environments are not always conducive to learning:* Many of the students in public schools, particularly in densely populated areas, come from families where educational opportunities have not been capitalized upon. In Detroit, for example, 47 percent of the adult population is functionally illiterate. This has a profound effect upon a child's ability to learn because there is too often no one at home to help reinforce what is taught in school. In addition, many parents are intimidated by the school environment due to their own lack of educational success.

The child, who hears disparaging remarks made by the parent toward the teacher and the school in general, absorbs that attitude. When the child knows that the parents have little or no regard for the school and the teachers, the child is more likely to adopt that same attitude.

*Stability and nutrition:* Sixty percent of our students in large urban areas come from families who live at or below the poverty level. Many qualify for free or reduced lunches. Many children do not receive adequate health care, thus preventing mental, emotional, or physical problems from being properly and effectively diagnosed and treated. Too many children are not adequately fed on a daily basis, may not have heat and lights or adequate clothing at home, or may suffer from other adverse conditions affecting their ability to focus on learning.

Many students, because of their family conditions, have a high transience rate, moving from one place and one school to another. Programs like Open Court reading that address this concern by attempting to establish a learning schedule only relieve one of these concerns; it does not eliminate them.

*Attendance:* One of the most chronic problems public educators face is poor attendance. There is a direct correlation between high academic achievement and student attendance. Generally, the child who is in school every day is more inclined to achieve academic success. Their progress is easier to monitor, deficiencies are easier to address, and continuity of instruction is maintained. Attendance problems have now filtered down even to the early elementary levels of education. This has a long-term effect: A high school student who has had poor attendance throughout his/her educational life, and has not mastered the basic educational skills, will continue to struggle academically and will often lose interest and be more inclined to disrupt the educational environment in school.

*Substance abuse issues:* An increasing number of students are now coming into our school systems from homes where substance abuse is a fact of life. Alcohol/drug fetal syndrome children are now of school age, and their problems physically and mentally have not been adequately addressed. The proliferation of drugs in our communities further compounds the academic challenges students face.

There are other issues — such as what would be the benchmarks that determine merit? Who will be the evaluator of a teacher performance? How do you measure the effectiveness of a teacher working with an accelerated learning group, against a teacher who was given classes of students with limited skills, poor attendance and persistent behavior problems — and who received no parental support?

Is it reasonable to evaluate the performance of a teacher when he or she does not have adequate supplies and facilities and equipment to meet the educational needs of the students?

Before the discussion moves to paying teachers based upon merit, we need to look at addressing the social ills that are inhibiting our children's ability to learn. We need to make sure that every child is receiving the nutrition, health care, and social support they need to enhance their opportunity to learn.

Education budgets must be increased so that there is equity between poor urban and rural communities, and their wealthier suburbs. When these strategies are in place, then and only then should the possibility of merit pay even enter any discussion on the future of education.

*Virginia Cantrell is the Executive Vice President of the Detroit Federation of Teachers.*

## YES

*Charters take more difficult students, improve faster than public schools*

*Cynthia Mahar*

First, we have to ask a few questions. For example:

Do we really want to bring about educational reform in Michigan, or do we just want to talk about it?

If the answer is yes, then it is time to sit down and do what teachers have been telling their students to do for eons: put on that thinking cap.

What is the single most important element in education? If you are thinking about buildings, budgets, textbooks, boards of education, parents or even students, you better pull that cap down a little tighter … because you are forgetting the formative years you spent in the classroom. The correct answer, Johnny, is the Teacher, and that is spelled with a capital "T".

Teachers form the backbone of education in any society under any conditions. Our job as guardians of the young is to find some way to encourage able teachers to keep on doing those things that bring about classroom success, and we must discourage unsuccessful teaching performance.

The current system rewards teachers for accumulating educational credits and degrees and time on the job. In short, we pay teachers not so much for teaching but for displaying the outward accoutrements of education — in other words, for showing up. In order to attract higher wages, the teacher is asked to apply time and valuable energy not to the education of students but to the re-education and indoctrination of themselves.

This saps energy. De-energized teachers lack the time and strength for class preparation and lack the energy to cope with the myriad problems presented by a classroom filled with average students.

In spite of these problems, school administrators try to provide an environment for quality education. Most of the time, it is like pulling a rabbit out of a hat. After a while, everyone can see it is the same rabbit and even the same hat, both looking a little worse for wear after so much thwarted effort. Pep talks, team teaching concepts, evaluations, assessment testing, and more are trotted out from time to time. Classroom results, however, have not changed.

The surest way to reinvigorate Michigan's education system is not a secret — not to managers of modern businesses and not to the educators in the nine states that already have adopted some form of merit pay for teachers.

A merit pay system should be based on an evaluation system that is made up of frequent, meaningful evaluations. These should focus on improvement and growth, and promote introspection and continual improvement of the teacher.

Research on merit pay programs in Kentucky, Maryland, North Carolina and Texas found a correlation between school-based award programs and student performance. In these programs, teachers valued monetary bonuses, but they also thought that the $1,000 a year bonus was insufficient. Private sector research has shown that in order to affect a worker's motivation, annual bonuses should be at least 5 to 8 percent of salary, or about $2,000 for the average teacher.

"We know good teachers make a difference," said John Forsyth of Des Moines-based Wellmark Blue Cross and Blue Shield, who volunteered his time to help the state build a new system. The state of Ohio put up some $40 million for wage increases, with the stipulation that it must go to better-performing teachers. The old system, one that rewarded teachers just for showing up, was replaced with a skill-based system that allows teachers to reach higher pay levels years earlier than allowed by the old system.

In Denver, the teachers' union is working closely with school officials to develop a merit system tied to test scores. In Ladue, Mo., near St. Louis, the school district links pay to performance. The district has seen a drastic decline in its teacher turnover rate (and lower turnover rates have been linked to higher student performance), and teachers there say the system has made them better teachers.

Merit pay is an idea that is finding its place in America. It is coming like some swift messenger carried on the winds of change, and Michigan's educational leaders would do well to avoid the appearance of obstructionism.

Recent experiments in Cincinnati's public school system were so successful that a ten-school pilot study was expanded to the entire system and adopted by the teachers' union in 2000. Yet, despite its success, the teachers union decided to end the program. Cincinnati Federation of Teachers President Rick Beck, who championed the performance pay plan, was ousted in the next election, and the plan was ultimately voted down by more than 96 percent of the union membership.

Some teachers do not enter the teaching profession for the money, but for the true desire to help others through teaching. Granted, others join for job stability. Teaching offers tenure, a solid middle-class income, and plenty of vacation time. Teachers may not enter the profession to become rich, but they certainly do not plan a life of financial frustration in the company of unmotivated but equally paid teachers.

Hard working, high quality teachers will thrive under a merit-pay system, while the teachers who don't strive for continual improvement will find other jobs. Money is not just a means of supporting families but is a measurement of who and what we are. By providing this simple method of motivating our teachers, we can move them toward their full potential — and in the process begin a whole new era of education, one in which it will once again be fun to teach.

And guess who the real winners are going to be? Our kids.

*Cynthia Mahar is a teacher at the Saginaw (Michigan) Arts and Sciences Academy in Saginaw, a public magnet school.*

Diverse Viewpoints are the opinions of the authors and not those of *Michigan Education Report*.
Tell us what you think: "Should teachers be paid based on merit?" Send your comments to

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