

# MICHIGAN EDUCATION REPORT

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News and analysis for parents, educators and policy-makers

Summer 2005

## SHORT SUBJECTS

A new state superintendent of public instruction has been chosen by the state Board of Education. Michael Flanagan, who headed the Michigan Association of School Administrators at the time of his appointment, beat out 29 applicants and earned the support of the board in May to be selected for the post. (see "State board hires new ed chief" cover article)

A March Wayne State University study highlighting Michigan's graduation rate says that the state ranks 37th in the nation in the number of residents with college degrees. A Detroit Free Press article citing the study revealed that 24.4 percent of Michigan residents over age 25 have at least a bachelor's degree. The nationwide average of residents with degrees, according to the study, is 27.7 percent. Border states Ohio and Wisconsin, as well as Illinois and Minnesota all have higher rates.

Education reformer, philanthropist and Wal-Mart heir John Walton was killed in June when the ultra-light plane he was piloting crashed near Jackson Hole, Wyo. The Walton Family Foundation, under John's leadership, has made major contributions to primary education since 1987 — building schools, and spearheading school voucher and charter school movements. In a 2004 Fortune Magazine profile, Walton said, "Our family has come to the conclusion that there is no other single area of activity that would have the breadth of impact that improving K-through-12 education in America would have." Walton was 58 years old.

Connecticut Attorney General Richard Blumenthal announced in April that the state of Connecticut was filing a lawsuit challenging the No Child Left Behind Act for allegedly requiring states to pay millions of their own dollars to meet federal testing requirements. Blumenthal accuses the federal government of not providing funds he says are guaranteed by the act. He is inviting other states to join the challenge. Michigan Attorney General Mike Cox's office told Gongwer News Service that Michigan was not involved in the suit.

SHORT SUBJECTS continued on Page 8

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# MEA sues state over Bay Mills charters

## Decision could shutter more than 30 schools

The Michigan Education Association has sued officials and departments of the state of Michigan, alleging that the state has violated the state constitution by financing

charter schools sponsored by Bay Mills Community College in Brimley, Mich. If the lawsuit succeeds, more than 30 schools chartered by the college could lose state

funding, and Bay Mills — a key player in the expansion of public school academies in Michigan — could have its ability to charter schools revoked altogether.

The lawsuit names the state superintendent of public instruction, the Department of Education, the state Board of Education, the state treasurer and the Department of Treasury

MEA SUES continued on Page 2



Demonstrators at a Capitol rally in June called for passage of state House and Senate bills that would effectively guarantee annual funding increases to education. Currently, the basic state per-pupil grant is \$6,700. (Related commentary appears on Page 9.)

# Grand Rapids board privatizes busing

## Union, governor object; projected savings of \$18 million over five years

The Grand Rapids Board of Education voted this spring to privatize its school bus services in a move that the district says will save \$18 million over the next five years.

The district faced an \$18 million budget deficit at the end of this year, which prompted the board and superintendent to look for ways to steer Grand Rapids Public Schools off the path to insolvency. Last March, plans for privatization of various district services were introduced as a means to stave off reductions in classroom-oriented expenses. School Board President David Allen said that Superintendent Bert Bleke was "looking at cuts and changes that ran 'from very radical to minor,'" according to The Grand Rapids Press.

In order to spare instructional cuts, the board agreed that measures would have to be considered, especially in light of a projected 800-student drop in enrollment next school year.

The Michigan Education Association came out against the proposed privatization plan, suggesting it would put students' safety at risk and that the Legislature has been underfunding the Grand Rapids district. Grand Rapids Educational Support

Professionals Association President Steve Spica, whose union is affiliated with the MEA and represents bus drivers and custodians, reportedly told The Press, "I'd rather see them run the district until we run out of money and then close the doors. That would send a message to the state."

As of June, no plans are being considered

GRAND RAPIDS continued on Page 4

# State board hires new ed chief

The state Board of Education selected Gov. Granholm's candidate for superintendent of public instruction in May to fill the vacancy left by former superintendent Thomas Watkins. The board chose Michael Flanagan after narrowing the field of 29 candidates to three finalists: Dr. Nicholas Fischer of Fairfax County Public Schools, Virginia; Dr. Thomas Jandris of Progress Education Corporation, Chicago; and Flanagan, who at the time of his appointment served as the executive director of the Michigan Association of School Administrators and the Michigan Association of Intermediate School Administrators.

A divided board chose Flanagan with a vote of five in favor, one against, and two abstaining.

He originally decided not to seek the position, but acquiesced at the request of the governor.

The 55-year-old Flanagan briefly served as Gov. Granholm's educational adviser at the outset of her administration. He has also been a school district superintendent at Wayne Regional Education Service Agency and Farmington Hills Public Schools. According to a May Gongwer News Service report, his supporters saw his Michigan ties and extensive relationships within the state's education community as an asset, quoting board member Reginald Turner, "Mike Flanagan not only has the

ED CHIEF continued on Page 5

## EDUCATION AT A GLANCE

### Foundation Allowances Since Initiation of Proposal A



"Foundation Allowances," which are the primary component of per-pupil school funding, have increased or remained constant every year since Proposal A took effect.

Source: Laurie Cummings, Mary Ann Cleary, House Fiscal Agency Memorandum "Explanation of Section 20," Feb. 17, 2004. Retrieved as a public document in .pdf at <http://www.house.mi.gov/hfa/pdfs/section20jmemo.pdf>

## MEA sues

continued from Page 1

as defendants. The defendants are accused in the suit of “the unconstitutional and/or illegal expenditures of state funds which jeopardizes the continued integrity and viability of Michigan’s system of public education.” The MEA claims standing to file the suit as an organization whose purpose is “the improvement of education,” and it requests court action to prevent “irreparable harm.”

Bay Mills, a 21-year-old community college, has been authorizing charter schools since 2001. The community college’s decision to charter schools far from its campus — beginning with schools in Bay City and Pontiac — was immediately controversial, since community colleges were typically restricted to authorizing schools in their immediate vicinity. This restriction, combined with a legal limit of 150 on the number of charter schools authorized by the state’s universities, had put a de facto “cap” in place.

But by 2001, Bay Mills had concluded that its status as a federal, tribally controlled community college would enable it to establish schools outside its neighborhood. The school, under the language of its charter, contends that the whole state of Michigan functions as its chartering “district.” Accordingly, Bay Mills has opened charter schools in Bay City, Pontiac, Hamtramck and even Detroit-area locations, far from its home on the shores of Lake Superior. The schools, like many other Michigan charter schools, are not unionized.

Controversy over Bay Mills’ “circumventing the cap” led six state representatives to request a 2001 state attorney general opinion on “whether a public school academy authorized by a federal tribally controlled community college is, under the Revised School Code, subject to any geographic limitations.” The opinion, written by then-Attorney General Jennifer Granholm, determined that federal tribally controlled community colleges like Bay Mills were subject to provision 502(2)(c) of the code, meaning that their ability to establish public school academies indeed was limited geographically by the boundaries of their district.

But Granholm also agreed that the standard for determining such boundaries would be found in the formal charter of the community college in question — in this case, Article XI of the “Charter of the Bay Mills Community College,” which plainly states, “The district for the Bay Mills Community College shall consist of the State of Michigan.”

Granholm’s opinion legitimized — at least temporarily — state funding of the Bay Mills charter schools. Bay Mills has even opened a charter school office and continued to establish new public school academies all over the state.

### The MEA complaint

The MEA lawsuit seeks to end this. Specifically, the MEA filing in the case makes four general allegations:

- That the attorney general’s opinion had failed to provide legal citation for its conclusion and that Bay Mills had indeed exceeded its authority by chartering schools outside its reservation;
- That Bay Mills’ use of private companies

to manage its charter schools “illegally delegated its oversight responsibility”;

- That Bay Mills was not a legitimate authorizer, and that its schools are not, in fact, public, because “most, if not all of the members of the Bay Mills College Board are privately appointed”;
- And that Bay Mills was also in technical violation of the school code “because there is not a mechanism for the removal of board members by the (state) Superintendent of Public Instruction.”

The suit requests state courts to redress Bay Mills’ alleged violations by, among other things, declaring “that public school academies authorized by Bay Mills are not public schools pursuant to Michigan law,” and “that all public school academies authorized by Bay Mills are not entitled to state funds.” As a matter of legal principle, the suit also requests the court to declare that Bay Mills is not empowered to authorize charter schools outside “its reservation’s boundaries.” The MEA did not respond to repeated requests for further comment.

### Bay Mills: No effect on plans

Despite the implicit threat to the existence of the schools, Bay Mills Charter School Office Director Patrick Shannon told Michigan Education Report that the lawsuit so far has not affected the office’s scheduled plans for next year or the rate at which they are chartering new schools. The community college was able to authorize 17 schools last year, and according to Shannon, the charter office predicts that three or four new charter schools will open next fall.

Shannon stated that the recent decrease in the rate of new schools is part of Bay Mills’ overall business plan, not a reaction to the legal challenges. He nevertheless characterized the lawsuit as “unfortunate litigation,” noting, “It will be very costly for all parties involved, and for all of the authorizers, but it will be aggressively defended.”

As noted above, however, state departments and officials — not Bay Mills or its charter schools — are the defendants in the case. To provide Bay Mills and its schools an opportunity to join the litigation in a case that directly affects them, the Bay Mills Board of Regents, the charter schools and the companies that manage the schools have formed the Coalition for Educational Choice. The coalition may seek to intervene in the case.

Lawyers for Bay Mills and the coalition have been reluctant to comment publicly on the MEA’s allegations in the suit. Nevertheless, LaRae G. Munk, attorney for a number of academies authorized by Bay Mills Community College, has reviewed the court filings and believes the legal issues in this case have been addressed not just in the 2001 attorney general opinion, but also when the Legislature had the opportunity to look at Bay Mills’ role as an authorizer. In both cases, Bay Mills was found to be in full compliance.

Munk makes several other points in rebuttal of the charges in the MEA’s complaint. She asserts that in order for the state Department of Education to approve a charter school, a departmental review must take place to make sure the school is in full compliance with the law. She notes that one Michigan statute summarily declares charter schools legal if they have been in operation for at least two years, as many of the Bay

Mills schools have. And according to Munk, public agencies have a right to contract with private entities as long as they maintain statutory oversight and the delegated tasks are carried out legally.

### Watkins declined request

The question of Bay Mills’ use of private management was allegedly discussed at a 2004 meeting between the MEA executive director, general counsel and former state superintendent Tom Watkins. As described in the lawsuit, the union alleged that Bay Mills was not fulfilling its school oversight responsibilities since it had delegated certain supervisory functions to private management companies. Watkins, however, did not exercise his authority as state superintendent to preclude the disbursement of Michigan Treasury monies to the Bay Mills schools. The MEA alleges that Watkins thus “failed to act” in accordance with the legal requirements of his office, despite “unconvertible (sic) evidence.”

# Momentum builds for tougher curriculum

## National and state task forces weigh in

A coalition of 13 states, one of them Michigan, has formed on the heels of February’s National Education Summit on High Schools for the purpose of improving the nation’s secondary schools.

### American Diploma Project

The bipartisan, nonprofit Achieve Inc. announced that it had succeeded in creating a network of states to undertake an initiative called the American Diploma Project. According to an Achieve press release, “Arkansas, Georgia, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island and Texas ... are committing to significantly raise the rigor of their high school standards, assessments, and curriculum to better align them with the demands of postsecondary education and work.”

In Michigan, Gov. Granholm has shown an inclination to take on the task of strengthening high school curriculum. She introduced a provision into the fiscal 2004-2005 budget known as the Michigan Scholar Curriculum, which would propose that students take four years of English, three years of math, three years of science, three-and-a-half years of social studies, and two years of a foreign language to be better prepared for college, according to a Lansing State Journal report.

Likewise, the Michigan Department of Labor and Economic Growth put together an “EduGuide” for Michigan eighth-graders suggesting that the prospective high-schoolers schedule four years each of math, English, science and social studies, and three years of a foreign language. The recommendations were put together in part by the Presidents Council, State Universities of Michigan.

The call for tougher curriculum has been led mainly by Achieve, Inc., an organization formed in 1996 by “the nation’s governors and business leaders.” Current Achieve Co-Chair Bob Taft, Ohio’s governor, explained in February that Achieve will undertake the role of coordinating the nationwide American Diploma Project effort to “restore the value of the high school diploma.”

Achieve officials see the ADP initiative as an important step in strengthening high school education. They report that they conducted a poll in which 40 percent of high school graduates said they were not adequately prepared for employment or postsecondary education, and that if they could repeat their high school experience, they would work harder.

Achieve network states serve about 35

The lawsuit now awaits action in the Ingham County Circuit Court, which will determine if Bay Mills’ actions as an authorizing body have violated the powers allotted to it under the Michigan School Code. Any decision by the court might well be appealed.

If the lawsuit is ultimately upheld, the real-life impact could be far-reaching. The 30-plus Bay Mills charter schools, which have enrolled more than 8,000 students, could be forced to close if state funds are withheld by the court’s decision. By law, charter schools are unable to levy local tax millages, so they must rely almost exclusively on the state-allocated operating funds that are threatened by the suit.

Bay County Public School Academy Principal William Ignatowski, who oversees a Bay Mills charter school of 340 students, says that his school could not survive without state funds and emphasizes, “We’re not really sure how this (lawsuit) is going to turn out.” He believes the case will be “wrapped up” in the courts for years.

percent of public high school students in the U.S., according to the Journal.

### The Cherry Report

In Michigan, the governor’s office seems to have been on the rigorous curriculum bandwagon since 2004, when Gov. Granholm charged Lt. Gov. John Cherry with heading up the Commission on Higher Education and Economic Growth. The commission was formed with the intent of “identifying strategies to double the number of Michigan residents with degrees and other postsecondary credentials of value within ten years.” In the commission’s final report, it recommended that the state Board of Education develop more rigorous curriculum, in line with “the competencies necessary for postsecondary success and readiness for the world of work,” and deferred to associations like the Presidents Council, State Universities of Michigan for recommending specific curriculum content.

Gongwer News Service reported in April that Lt. Gov. Cherry said in a presentation of his report to the Board of Education that the board should use “whatever means necessary” to “move ahead with graduation standards for Michigan high schools.” The Cherry Report draws a direct relationship between holding a degree and enjoying a higher standard of living (based on unemployment rates and median weekly earnings figures from the U.S. Bureau of Labor statistics). It conjectures that Michigan’s economy is in a period of transition from low-skilled manufacturing jobs to a work force that requires more skills, and connects the need for postsecondary success with the necessity for more rigorous high school curriculum if Michigan is to experience this transition smoothly. According to Gongwer, the lieutenant governor would be supportive of legislative proposals to require four years of science and math.

Many of the theoretical curriculum initiatives, however, are not without their detractors, according to Lansing State Journal reports. Some educators feel that tailoring a curriculum for college preparation would come at the expense of students who seek vocational and career training. Others, such as high school guidance counselors, say that they already recommend that their students pursue rigorous high school core classes.

At least for now, personal curriculum management, beyond school district-imposed graduation requirements, is up to Michigan’s high school students.

## MICHIGAN EDUCATION REPORT

Daniel A. Himebaugh  
Managing Editor

Ryan S. Olson  
Director of Education Policy

Daniel E. Montgomery  
Graphic Designer

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Michigan Education Report • 140 West Main Street • P.O. Box 568  
Midland, Michigan 48640  
(989) 631-0900 • Fax (989) 631-0964  
www.EducationReport.org • MER@EducationReport.org

# Utah challenges NCLB

## Feds threaten funding cuts

The state of Utah may risk losing federal education funds in a showdown with the U.S. Department of Education after passing legislation that rebuffs federal law and allows the state to discard federal programs mandated under the No Child Left Behind Act. The move may set a precedent in the administration of NCLB; a development which other states will surely notice.

House Bill 1001 passed both chambers of Utah's Legislature on April 19, and Gov. John Huntsman signed it into law in May.

The refrain of "unfunded mandate" has been heard in the Utah capital over the past year as the Legislature has been mulling over the idea of distancing their state from NCLB, culminating in the passage of the new legislation. The measure has been called the "sharpest denunciation (of NCLB) among 35 states" by the Associated Press, quoting the bill's sponsor, Republican Rep. Margaret Dayton. Effectively, the legislation will allow schools to eliminate federal education programs when federal funds for those programs are reduced or eliminated, according to the Utah Education Association. Also, the state could continue to use the Utah Performance Assessment System for Students as the basis for examining students under accompanying legislation House Joint Resolution 3.

The U.S. Department of Education has tentatively assented that the measure does not amount to Utah opting out of NCLB, and Utah state officials have generally indicated that the new guidelines would not endanger their chances of receiving federal education funds. According to figures provided to the Associated Press by Utah Superintendent Patti Harrington, the \$107 million in federal funds amounts to about 7 percent of the overall state education budget. In an April Washington Times article, state Sen. Thomas Hatch explained: "Nowhere in this legislation does it say we are opting out of NCLB. I don't think we're going to jeopardize federal funding."

However, the verdict is still out on whether U.S. Secretary of Education Margaret Spellings agrees with Hatch's assessment. In a letter sent in April to Utah's United States Sen. Orrin Hatch, Secretary Spellings warned that \$76 million in federal funds could be lost if Utah continued to pursue the proposed legislation. According to The Times, Spellings wrote, "While the enactment of the bill itself does not guarantee non-compliance with NCLB, the implementation of a number of its provisions is likely to cause

conflicts and trigger the consequences." The bill's supporters argue that NCLB is a federal intrusion, and are awaiting the U.S. Education Department's decision on whether federal funding will be withheld.

On April 20, a statement on "recent legislative action in Utah" was posted on the U.S. Department of Education's Web site. In this statement, Spellings says: "Since taking office, I have made a point of reaching out to state education leaders, and at every possible opportunity have signaled that I will be flexible and work with states to implement *No Child Left Behind*. But I will not do so at children's expense." The release points to the fact that Utah has the third largest achievement gap between "Hispanics and their peers," and, "Turning back the clock and returning to pre-NCLB days of fuzzy accountability and hiding children in averages will do nothing to help the students who are currently enrolled in Utah's schools."

As Utah begins to set up implementation procedures for its new legislation, other states around the nation will undoubtedly be keeping a close watch on the interplay between the Beehive State and the federal government. The Associated Press has reported that 15 states are currently considering legislation that could be at odds with NCLB.

Connecticut was the first to seek a remedy through the courts for NCLB's alleged unfunded mandates when the state's attorney general filed a lawsuit against the act in April, inviting other states to join in the suit.

In Michigan, the Pontiac school district is at the forefront of a national lawsuit against Secretary Spellings. Gongwer News Service reports that nine school districts in three states as well as the National Education Association are plaintiffs in the "unfunded mandate" lawsuit, filed in a U.S. District Court in Michigan. NEA chapters included in the suit are in Connecticut, Illinois, Indiana, New Hampshire, Ohio, Pennsylvania and Utah, according to the Associated Press. The plaintiffs contend that the federal government has promised money to implement programs, but has not provided sufficient funds.

Utah State Rep. Steve Mascaro may have captured the feeling in the Utah Legislature when he told The Salt Lake Tribune: "I'd just as soon they take the stinking money and go back to Washington with it. ... Let us resolve our education problems by ourselves. I will not be threatened by Washington over \$76 million."

## LEGISLATIVE ACTION

### Teacher tax credit

House Bill 4365, introduced in February by Rep. Paul Condino, D-Southfield, establishes a tax credit for teachers and other public school employees who spend their own money on classroom supplies. The credit would cover such items as books, videos, computer software, lab and art supplies, and awards that teachers from time to time purchase out-of-pocket. For a single tax return, the credit equals 50 percent of the cost paid by the teacher or employee and shall not exceed \$100. It shall not exceed \$200 for a return filed jointly. If passed, the law would take effect for tax years beginning after Dec. 31 of this year.

[www.michiganvotes.org/2005-HB-4365](http://www.michiganvotes.org/2005-HB-4365)

### School paper censorship ban

Senate Bill 156, introduced in February by Sen. Michael Switalski, D-Roseville, would make law the provision that a "school board, school administrator, or school employee shall not subject a pupil publication to prior review or prior restraint," in effect, banning censorship of student publications. The legislation offers some exceptions in the case that, among other requirements, the material is obscene, defamatory or incriminating under state or federal law. Responsibility for the publication would lie with a student editorial board.

[www.michiganvotes.org/2005-SB-156](http://www.michiganvotes.org/2005-SB-156)

### Claims history disclosure

A bill being considered by the House Committee on Education would stipulate that Third Party Administrators of school employee health insurance disclose their claims history upon request. Alledale Republican Rep. Barb Vander Veen's House Bill 4274 would require TPAs such as the Michigan Education Special Services Association to provide this information for school district use in selecting a health insurance plan. Under the proposed legislation, claims histories would have to include information such as total number of individuals covered, total number of claims paid, total number of pending claims and "any other health claims data necessary for the public school employer to obtain competitive bids for other Third Party Administrator services or other health care coverage."

[www.michiganvotes.org/2005-HB-4274](http://www.michiganvotes.org/2005-HB-4274)

### Athletic coach certification

Under Senate Bill 205, proposed by Sen. Beverly Hammerstrom, R-Temperance, coaches of interscholastic sports would be required to be certified by the state in "sport safety training." Certification could be granted upon completion of a state-sanctioned course in emergency procedures such as CPR and First Aid. However, the legislation does not "create a duty to act," nor make the holder of the certification liable in civil action.

[www.michiganvotes.org/2005-SB-205](http://www.michiganvotes.org/2005-SB-205)

### Working-student tax break

A change in the state income tax code would be implemented if House Bill 4043 passes. The bill, introduced by Lamar Lemmons, Jr., D-Detroit, would create a tax break for certain working students. Beginning with tax years after Dec. 31, 2004, "A person who is less than 18 years of age, lives with his or her parents or guardian, is

enrolled in a K-12 program at a public school or public school academy, and is employed at any time during the tax year may claim 1 exemption of \$2,000.00 in addition to any other exemption he or she is eligible to claim under this section." The bill was proposed in January, and is currently referred to the House Committee on Tax Policy.

[www.michiganvotes.org/2005-HB-4043](http://www.michiganvotes.org/2005-HB-4043)

### Community service repeal

Two House Bills introduced in February by Rep. Robert Gosselin, R-Troy, would abolish community service as a pre-requisite for either graduation or the Michigan Merit Award scholarship. House Bill 4277 would amend 1999 PA 94, the Michigan Merit Award Scholarship Act, by including the phrase, "A student is not required to complete volunteer or community service as a requirement for or condition of receiving a Michigan Merit Award Scholarship under this act." Likewise, House Bill 4278 prohibits public schools from requiring community service as a condition of graduation. Under current resolution of the Michigan Merit Award Board, beginning with the class of 2006 any student who qualifies for the award and who wishes to receive it must complete 40 hours of community service.

[www.michiganvotes.org/2005-HB-4277](http://www.michiganvotes.org/2005-HB-4277)

[www.michiganvotes.org/2005-HB-4278](http://www.michiganvotes.org/2005-HB-4278)

### Substance regulation

House Bill 4118, introduced Feb. 1 by Rep. Daniel Acciavatti, R-New Baltimore, would create a law ensuring that Michigan's high school athletes are not using performance-enhancing substances. The legislation would leave it to the discretion of the individual school boards to decide how an abuse of such substances would affect the eligibility of the athlete, but would force schools to have a rule governing such usage. In order to enforce the law, the Department of Community Health would have to provide and update a list of performance-enhancing substances based mainly on the list used by the National Collegiate Athletic Association.

[www.michiganvotes.org/2005-HB-4118](http://www.michiganvotes.org/2005-HB-4118)

### Kindergarten requirement

House Bill 4091, introduced by Rep. Virgil Smith, D-Detroit, would amend the Revised School Code, 1976 PA 451, to require all Michigan school districts to provide kindergarten. Children who are at least five years old on Dec. 1 of the school year of enrollment would be required to enroll in their district's kindergarten, should their parents opt for a public education. Currently, districts are not required by law to provide kindergarten.

[www.michiganvotes.org/2005-HB-4091](http://www.michiganvotes.org/2005-HB-4091)

### Bargaining finance regulation

Proposed legislation in the form of House Bill 4840, introduced by Rep. Robert Gosselin, R-Troy, stipulates that school districts, ISDs and public school academies are restricted from using school funds to pay any part of the salary of "a person who is employed to engage in collective bargaining on behalf of an employee organization or grievance procedures on behalf of an employee organization." The bill would also prohibit school employees from being "assigned to work on collective bargaining activities on behalf of an employee organization" as part of their employment with the school.

[www.michiganvotes.org/2005-HB-4840](http://www.michiganvotes.org/2005-HB-4840)

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# District shortfalls spark employee insurance debate

## Conflict erupts over benefits, classroom spending

In some of Michigan's largest cities — Lansing, Detroit, Grand Rapids — and even in villages like Vanderbilt in Otsego County, public schools are facing diverse challenges such as student emigration, job cuts and building closures.

Financial challenges come in different forms for different districts, but a comprehensive plan to create a state pool for school employee health insurance is being proposed in the state Senate, in hopes of relieving some financial pressure. Two education bills introduced in January, which would greatly alter how school district employee health insurance plans are administered, are at the center of a brewing school health insurance controversy. Proponents of the measures, among them Republican endorsers Sens. Shirley Johnson and Ken Sikkema, see Senate Bills 55 and 56 as tools to cut a substantial amount of excess spending on insurance administration from school district budgets.

### Disputed proposal

Under Senate Bill 55, a state school employee health care board consisting of two members nominated by the governor, two by the Senate majority leader and two by the speaker of the House of Representatives would be created. This panel would take on the responsibility of designing optimal and stable health insurance plans to be offered

to certain school and community college employees, similar to the plans covering other state workers. School districts or community colleges choosing to provide health insurance for their employees would be allowed to provide only the insurance plans determined by the new state board. All plan-providing districts would be required to transfer to the state plan after their current plans expire. The Department of Civil Service would "implement and administer a medical insurance plan for school employees and community college employees as determined by the board." Supporters of the revised approach note that the state spends substantially less to insure its employees for comparable levels of benefits than school districts typically do for their employees. By adding school employees into a state plan, school districts would be able to spend a smaller proportion of education funds on health insurance.

If Senate Bill 55 becomes law, Senate Bill 56 would amend 1947 PA 336 — Public Employment Relations Act — to stipulate that collective bargaining agreements involving a public school employer or board of a community college district are subject to the insurance plans administered by the Civil Service.

In July, a \$292,000 study commissioned by the state Senate and performed by the Virginia-based Hay Group projected that a health insurance pool for Michigan's 190,000

sions that included giving up vacation time, pay raises and health insurance for their families, totaling \$1.9 million in savings for the district. However, these savings were offered only for the remainder of the current year's contract. The board has said that contracting with privately run Dean Transportation would mean long-term, substantial savings of \$18 million and would free the district from paying rapidly escalating employee retirement expenses.

After the board vote, 225 Grand Rapids Public Schools bus drivers and mechanics learned their jobs will be outsourced to Dean next year. The transportation company says that 140 district drivers, who will be able to join a union representing Dean drivers, have since applied with the company.

A concession plan that included wage freezes, health insurance contributions, less vacation and sick time, and modifications to job descriptions was offered by custodians and accepted by the school board. The district could not provide exact savings figures for the concession plan, but according to an MEA representative, projected savings total several million dollars.

Gov. Granholm, giving a speech at Grand Rapids' Creston High School days after the board vote took place, declared that "Privatizing employees is not the way schools should be saving money," according to the Muskegon Chronicle, saying she thought the state has "done better bringing work inside instead of contracting it out." The report also indicated that Superintendent Bleke was not surprised by the comments, and asked if Granholm could generate a better solution.

Bleke, who will retire in June 2006, told The Press that he is optimistic about the future of the district now that one major budget hurdle has been cleared, "I honestly think this is the best finish to the school year we've had in a long time."

Grand Rapids' WOOD-TV reports that the lowest hourly wage for a GRPS bus driver was \$14.38. Dean Transportation pays drivers \$11.24 an hour.

According to Standard & Poor's, over the last five years Grand Rapids Public Schools have lost 2,650 students. The district was spending as much as \$10,634 per-pupil; however, only 47 percent of that figure was actually going "into the classroom."

public school employees could save the state between \$146 million and \$281 million in the 2005-2006 school year. According to Gongwer News Service, the study also concluded that health insurance benefits could improve for as many as 90 percent of the state's public school teachers.

### Benefits for salaries?

Senate Republicans believe these bills will allow school districts to spend more education funds in the classroom and not on the administration of employee benefits.

The opponents of the bills, however, see the issue differently. The Michigan Education Association — largely aligned with Democratic legislators — has criticized the proposal. MEA President Luigi Battaglieri made it a cornerstone of his Lansing Lobby Day speech in February. "It's time to stand up and proclaim that public school employees are not the cause of the education funding problem in this state, and raiding our benefits is not the solution," he said, urging union members to petition their legislators.

The MEA asserts that in the past teachers have accepted lower salaries in exchange for benefits, and that Michigan will not be able to recruit good teachers without providing appealing benefit packages. Battaglieri told Michigan Information and Research Service in March that he "can give ... names and places of where (education employees) took less salary in order to maintain the insurance."

Nonetheless, several data sources, including Education Week, the American Federation of Teachers, and the National Education Association indicate that Michigan ranks between second and fourth nationwide in average yearly teacher salary at around \$52,000-\$54,000.

Michigan Education Special Services Association, the MEA's health insurance administrator that manages health insurance services for the majority of Michigan school districts, has posted a link to a Web page called "stopthetakeover.net," a site that decries the proposed Senate action.

Still, MESSA has been under scrutiny for over a decade. In 1994, MESSA was ordered to return \$70 million of excess reserves to Blue Cross/Blue Shield by the Michigan Insurance Bureau. An influential 1993 Mackinac Center for Public Policy study called MESSA the MEA's "money machine" for using "unusually costly" health insurance to subsidize the union's basic operations.

More questions were raised when former Superintendent of Public Instruction Thomas Watkins projected in a report last December that 53 percent of Gov. Granholm's planned \$300 per-pupil funding increase would be spent on employee health care plans, greatly reducing the classroom impact of the proposed increase.

Former MESSA Executive Director Frank Webster has criticized the cost of the most common MESSA family plan, which, according to the Kaiser Family Foundation, is about 50 percent more expensive per year than a typical family plan purchased by employers across the nation. The price of this plan was scheduled to increase by 16 percent to \$18,464 in July, according to an Impact HealthCare summary earlier this year.

Also, unlike many typical insurance providers, MESSA will not provide school districts with certain claims histories that are a crucial requirement for shopping around for the optimal plan. Accordingly, some critics believe that part of the reason for the crisis is that many school districts have not been able to seek competitive bids on health insurance plans.

Questions over high costs and the percentage of education funds that many Michigan school districts spend on health insurance plans appear to have given impetus to the Senate's interest in the issue. On Lobby Day, Battaglieri had his own explanation, "No one in education denies that health insurance has been going up as a result of the national healthcare crisis." According to MIRS, Battaglieri maintains, "MESSA is good coverage at an affordable price. We are very competitive."

### Government oversight

Related considerations about public school financing may come to the fore as the Senate considers the legislation. On the Web site MichiganVotes.org, one anonymous school employee commented on the bill by asking, "My paycheck does not say 'State of Michigan' on it, why should the state dictate my insurance options?" The School Aid Fund, by far the largest source of state aid to schools, is financed by a combination of sales and use taxes, education taxes, income taxes, tobacco taxes, liquor taxes, real estate transfer taxes, lottery profits and other tax sources. Teacher salaries are tied directly to per-pupil "foundation grants," which are paid out partially from this fund. This government-to-school relationship will undoubtedly raise questions about the possible implications of government supervision of teacher benefits, which the Senate will consider when data from the commissioned analysis becomes available.

Alternatively, a bill introduced by Sen. Barb Vander Veen requiring claims history disclosure from Third Party Administrators to school districts upon request could become part of the dialogue.

### Insurance pooling explored

Senate Republicans believe their approach will save school districts money on health insurance so that available funds can be used for instructional activities; controlling spending and getting the most value out of every education dollar.

Opponents argue that the current system is fair, and that other sources are to blame.

In a May Battle Creek Enquirer interview, Olivet Community Schools Superintendent Dave Campbell explained that he believed the rising cost of education employee health insurance is hurting school districts across the state, telling the paper he could be using his time better by focusing on curriculum instead of worrying about how "to stretch state dollars when fixed costs are rising."

The National Center for Policy Analysis reports, "At least six other states are considering health insurance pooling plans for school districts as a way of holding down increasing health care costs," and that unions in Oregon and Minnesota are supporting plans on the basis that they limit medical costs which might otherwise cause other cuts to school district budgets.

### ATTENTION MER READERS

In the Spring 2005 issue of Michigan Education Report, the Page 8 story, "Study says benefit costs strangle districts," contained an error. The story quoted the study: "Over these ten years, (1992 – 2002) total U.S. spending on benefits increased by about 38 percent; however, for Michigan's school districts, benefits spending increased 119 percent, even though the number of school aged children was relatively unchanged." In an April 25 press release, the Mackinac Center for Public Policy stated that the numbers "38" and "119" are being revised; the misstatement was due to an unrecognized limitation in public U.S. Census Bureau data files on which the stated numbers were based. The Center plans to issue updated figures after a thorough review of the electronic Census raw data files and will continue to encourage rigorous critique of Mackinac Center research. An initial investigation suggests the growth rate in cost of Michigan public school employee benefits will remain above the national average.

## Grand Rapids

*continued from Page 1*

for a state bailout similar to the state's takeover of the Detroit Public Schools in 1999.

The Press reports that in response to sentiments like Spica's, Ari Adler of Sen. Ken Sikkema's office announced that any such "stunts" would not force structural change to Michigan's school funding system, and that school districts should be encouraged to make responsible budget decisions when finances become tight.

The school board voted in April to pass a privatization measure by a tally of 5-4.

Preliminary budget plans had included eliminating 200 district jobs and privatizing 400 others, including custodians, central office staff and teacher aides, with school closings phased in over the next few years. Bleke maintained that even employees who would be able to keep their jobs would likely be required to cut back in other areas, some having to pay portions of their health insurance or possibly forgo scheduled pay raises.

The MEA expressed displeasure over the possibility of privatization efforts taking root in Grand Rapids. The district is the largest in the state for the MEA, according to The Grand Rapids Press. MEA Communications Director Margaret Trimer-Hartley told the newspaper that the privatization issue was "critical," and, "If a large and high-profile district like Grand Rapids privatizes, it could hurt members all over."

Before the scheduled board vote, union members were given the opportunity to come up with their own package of concessions to offer as an alternative to privatization plans. Board President Allen expressed a willingness to review the concession package, but only if it came close to saving the district \$5 million, reported The Press.

Press research revealed that union employees received full dental, vision and health coverage through a union provider if they worked more than 16 hours a week. Their last contract included 10 to 20 paid vacation days, seven to 10 paid holidays, three personal days and 10 sick days.

In April, the bus drivers offered conces-

# States face education funding litigation

## Some legislators chafe under court orders

In a controversial move, the Kansas Supreme Court in June ordered increased spending on the state's education system. The decision resulted from a recent school finance equalization lawsuit that challenged the constitutionality of Kansas' educational finance provisions — a suit typical of litigation occurring throughout the country.

A trend in school finance litigation has been emerging since 1990, a development chronicled this spring by education writer David J. Hoff. Hoff cited not just the recent case in Kansas, but lawsuits in Montana, New York and Texas.

School finance equalization litigation often leaves state legislatures and state courts tangled in legal questions over how much money school systems should be receiving in state budgets. In most cases, the lawsuits are hotly contested, since ensuring that all districts receive equal amounts of money will usually require a tax increase or a shift in state budget priorities away from other high-profile state services. Lawsuits that demand that courts adjudicate state constitutional language to unravel school finance controversies have begun to emerge — and re-emerge — in a number of states, and some plaintiffs are finding favor in court.

In fact, school equalization lawsuits have a history that begins before 1990. Georgetown professor Douglas Reed traces such lawsuits back to the 1973 U.S. Supreme Court case *San Antonio Independent School District v. Rodriguez*, in which the court established that educational finance inequities do not violate the 14th Amendment to the U.S. Constitution. This decision forced subsequent lawsuits to deal with school funding on a state-by-state basis.

Reed also found that by 1996, 27 state supreme courts had ruled on school financing suits under provisions of their state constitutions. Including the years since 1996, all but seven states have had some sort of school finance litigation pass through their court systems in recent decades, according to the Center for Policy Research at Syracuse University. The National Center for Education Statistics has catalogued at least 73 school finance cases since 1970 in as many as 40 states, including Michigan.

### Kansas overhaul

In the Kansas case, *Montoy v. State*, the plaintiffs won a decision from the state Supreme Court that directed the state Legislature to “overhaul” how it pays for the

Kansas public schools. The court's decision hinged on a 2002 study commissioned by a Kansas state legislative committee in which the study's authors contended that Kansas' current system did not allocate enough money to meet its constitutional obligation to public education. Thus, the court issued a partial opinion in January that held that the Legislature had failed to meet the burden imposed by the Kansas Constitution, which states, “The legislature shall make suitable provision for finance of the educational interests of the state” (see nearby graphic). In June, when the court issued its full opinion, it noted that the Legislature had not yet adequately responded to the court's earlier order.

The court's decision in January stated specifically that it falls upon the Legislature, not the court, to come up with a solution — perhaps to address the state government's argument that the ruling could breach the constitutional separation of powers between the judicial and legislative branches. In other portions of the court's official opinion, it states that the decision will “require legislative action in the 2005 legislative session” and also stipulates, “It is clear increased funding will be required.” If the Legislature does not comply, “Its failure to act in the face of this opinion would require this court to direct action to be taken to carry out that responsibility.”

In response to the opinion, the Legislature has proposed a plan that allows districts to levy additional local property taxes — a policy still subject to court review. Hoff has reported, however, that an attorney for the plaintiffs in the Kansas case has suggested that these proposed changes will not be adequate to meet the constitutional requirement for a “suitable provision” of money. In a July special session, the Kansas Legislature passed a \$148 million spending bill for education pending the court's approval.

### Nationwide litigation

Courts have recently ordered changes in other states as well. Montana may increase school spending by 7.5 percent in the next two years in an effort to comply with the 2004 Montana Supreme Court ruling *Columbia Falls Elementary School District v. State*, which pronounced the state's funding of public schools deficient.

In the New York court case *Campaign for Fiscal Equity v. State*, the New York State Court of Appeals ordered the funding level

to “reflect the cost of a sound basic education” — phraseology that refers to the state Constitution's provision that, “The legislature shall provide for the maintenance and support of a system of free common schools,

legislature shall maintain and support a system of free public elementary and secondary schools as defined by law.”

The primary law to which this section currently refers is Public Act 451 of

### Snapshot of Select State Constitutions

As many as 40 states have been involved in school finance cases since 1970. Each state's constitution is a little different when it comes to education. Here are some excerpts from the constitutions of four states currently facing education funding litigation:

**Kansas: Article 6, Section 1: School and related institutions and activities.** *The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized in such manner as may be provided by law. ...*

**Article 6, Section 6: Finance.** ... *The legislature shall make suitable provision for finance of the educational interests of the state. ...*

**Montana: Article X, Section 1: Educational goals and duties.** (1) *It is the goal of the people to establish a system of education which will develop the full educational potential of each person. ... (3) The legislature shall provide a basic system of free quality public elementary and secondary schools. ...*

**Article X, Section 3: Public school fund inviolate.** *The public school fund shall forever remain inviolate, guaranteed by the state against loss or diversion.*

**New York: Article XI, Section 1:** *The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.*

**Texas: Article 7, Section 1:** *A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.*

Select language from Michigan's constitution:

**Michigan: Article VIII, Section 1:** *Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.*

**Article VIII, Section 2:** *The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. ...*

**Article IX, Section 11:** *There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education, and school employees' retirement systems, as provided by law.*

wherein all the children of this state may be educated.” As a remedy, Justice Leland DeGrasse ordered additional operating monies of \$5.63 billion per year — a 44 percent increase to the budget for New York City schools.

Similarly, in Texas the state Legislature has already begun reworking its school funding system to meet a judge's order for \$5 billion more in funding per year. Texas is reportedly pondering increases in payroll, sales and tobacco taxes to supplement the property taxes that currently finance the school system.

### Coming to Michigan?

No school equalization case has been heard by the Michigan Supreme Court since 1984, when *East Jackson Public Schools v. State* was dismissed on grounds that school districts lacked the right to sue the state because they were creations of the state. The state Constitution does not have a provision that implies a certain level of education money is necessary, as the Kansas Constitution does in its requirement for a “suitable provision for finance.”

The Michigan Constitution states in Article VIII that, “Schools and the means of education shall forever be encouraged” — a more general requirement that is often viewed as hortatory. Provision for the public education system is established in Section 2 of the same article with the clause, “The

1976. Part of this public act is the enabling legislation for Proposal A of 1994, which began increasing monies for lower-income school districts and slowly equalizing districts' operational spending. Although the proposal has not provided equal funding among districts, it was crafted by its proponents as an attempt to pre-empt school equalization lawsuits of the kind currently seen in other states.

### Drawing the line?

The equalization battles, however, appear likely to continue in other states. For example, according to the Lawrence (Kan.) *Journal-World*, some Republicans in the Kansas Senate are responding to the state Supreme Court's order by proposing a revision of the Kansas Constitution to curtail the state Supreme Court's ability to dictate education policy.

Other Kansas legislators are discussing noncompliance with the court's order. The *San Francisco Gate* has quoted Kansas state Rep. Frank Miller as saying, “I think it's high time we confronted the court,” adding, “One thing we could do is just refuse to obey.” The *Gate* even speculates that the Kansas schools may open late this year as a result of the dispute.

It is possible, then, that despite lengthy litigation, a state Supreme Court order could be the continuation — not the end — of school finance controversies.

## Ed chief

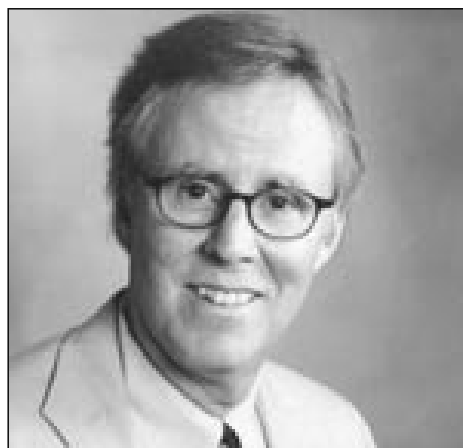
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technical knowledge, but in working with local superintendents and intermediate superintendents and as a superintendent himself, he has actually implemented change to improve priority schools.”

There are still questions however, as illustrated by board member Elizabeth Bauer. Gongwer reported that Bauer said, “It (the selection process) made me wonder whether the governor would be willing to work with anyone who wasn't already her selection.”

In a separate Gongwer report, Flanagan expressed his belief that higher education would produce higher standards of living for Michigan residents. He also stated that he thinks the state should do all it can to help poor children obtain the resources they need to succeed in school, especially in situations where parents are negligent.

Flanagan stressed the importance of community involvement in the education of children, telling Gongwer that he hopes to accomplish some of his goals to move ideas that have been on the table for years.



State superintendent Michael Flanagan

“If we all work together, as tough as it will be, it is doable. We don't have a choice. The future of the state is at stake,” said Flanagan at his board interview, according to the *Lansing State Journal*.

Mr. Flanagan is a resident of Delta Township, near Lansing. He is married with three children. He holds degrees from the University of Notre Dame and Eastern Michigan University, and has done graduate work at the University of Michigan, Michigan State University and Wayne State University.

# School choice develops in Michigan

## *Not universal, though school employees get a leg up*

Note to our readers:

MER received a detailed inquiry concerning Public Act 227 after we published a "short subject" about the law in our spring 2005 issue. The following article contains information about PA 227 and traces the precedents for school choice in Michigan.

In 2003, Senate Bill 599 was introduced by Sen. Ray Basham, D-Taylor, to allow a school to admit a nonresident student when the parent of that student is an employee of the school. It was the product of debate about whether it makes sense to allow a school to admit a particular nonresident student without participating in Schools of Choice, while still being able to collect the state foundation grant without the approval of the student's home district. The bill passed and on July 21, 2004 was signed into law by Gov. Granholm as Public Act 227 of 2004.

This means that under current law a school that does not participate in the Schools of Choice program may allow the nonresident child of an employee to attend, and it will receive the state foundation grant for that student even if the pupil's district of residence does not grant approval.

It is important to recognize that the law does not *require* a school district to allow a nonresident child of an employee to attend. However, if a district does allow an employee's nonresident child to attend,

which includes an adopted child or legal ward, then it will get the state foundation money for that student *even without the approval* of the child's geographically-assigned school district.

The bill passed the state Senate without opposition, although during House debate some legislators complained that the measure afforded school employees a special privilege not available to other parents. However, the measure still passed in the House, 80-23. The "no" voters included legislators who oppose any form of school choice, as well as those who favor unlimited choice and who believed the bill did not go far enough.

### Michigan's school choice precedents

In 1996, Michigan took a significant step in the direction of introducing competition in public schools. With little fanfare, the Legislature adopted an annual school budget bill that included a limited "public schools of choice" provision. This expanded the ability of a student to attend a public school in a district other than the one in which he or she lived. While there had previously been no absolute prohibition on a student attending a school in another district, the receiving school district could not get funding for the student unless his or her district of residence approved the transfer. Since districts were generally unwilling to

part with students and their state money except in extraordinary circumstances, students in practice were unable to attend public schools outside their district of residence.

Coming just two years after the passage of the Proposal A school finance referendum, which transferred the primary responsibility for funding school operation to the state, Public Act 300 of 1996 removed the requirement that the school district of residence approve a student's transfer to another district within the same Intermediate School District, *if* the receiving district agreed to participate in the Schools of Choice program. If it did so, then the student's state "foundation grant" followed him or her to the new district. The pupil's district of residence had no recourse in the matter — with a few exceptions, the money automatically followed the student. (The most significant exception was made for the Detroit Public Schools. Children there must still get permission from that district before they may take their foundation grant to a school outside the city.)

The concept was expanded with the passage of another budget bill, Public Act 119 of 1999, which allowed a student to take his or her foundation grant to a school of choice in a different ISD that is contiguous with the pupil's geographically assigned ISD.

The program has proven to be popu-

lar — in 2002, more than 30,000 students attended Schools of Choice outside their district of residence. To the extent this has exposed low-performing districts to the prospect of declining pupil counts, it has also increased the incentive for those districts to raise performance levels. Conversely, it provides a means by which they can boost pupil counts by offering superior programs and performance to families outside the district.

If a school district accepts students under either of the "intra-ISD" or "inter-ISD" Schools of Choice programs, it must follow very tightly drawn regulations. These govern the process by which notice is given to parents outside the district, the way that applications are accepted, how students are selected if more want to attend than the district can accommodate, special education students and more. A district can limit how many nonresident students it will accept in a given grade level, but otherwise participation in the Schools of Choice program is an all-or-nothing decision with respect to following these regulations and procedures.

As under the previous law, schools that do not participate in the Schools of Choice program may still allow a nonresident to attend, but unless that student's district of residence gives the approval, the receiving school will not get state funding for the pupil.

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## School Focus

# Detroit Catholic high school “sees God in the challenges”

Thomas O’Keefe says his school can do the impossible. “We bring suburban kids into the city,” O’Keefe observes with a degree of pride. This school, a vestige of a once-Catholic metropolis, is the University of Detroit Jesuit High School and Academy. Reaching its heyday in the late 1950s, the school has stood by as waves of Detroit’s Catholics left the city for the burgeoning suburbs; but resilience seems to be a trademark of U of D, even in the midst of a Catholic school crisis that will see at least eight Detroit Catholic high schools close in the upcoming school year.

The decline in Catholic school enrollment in Detroit has been pronounced: 47 percent in the last five years according to the Detroit Free Press. Even President Bush took notice of the situation while he was in the Vatican for Pope John Paul II’s funeral, pleading to Cardinal Adam Maida of the Detroit Archdiocese, “Somehow, there’s got to be a way to help those poor children,” reported the Free Press.

O’Keefe, who serves as vice president for institutional advancement at U of D is well aware of the recent history, noting that in 1965 there were 52 Catholic high schools in Detroit, Hamtramck and Highland Park. Of those original schools, most closed and some moved, leaving only U of D and Loyola High School, both all-boys schools. “This was a very Catholic city at one point,” recalls O’Keefe, “and that has changed.”

But amidst the city’s transformation, U of D has stood for consistency like the Rock of Gibraltar.

The school has existed, under the leadership of the Jesuits, since 1877. Its first location was Jefferson Avenue, but in 1927, it packed up and moved to its current campus on Seven Mile Road. An old school by many standards, O’Keefe recognizes that U of D is part of a brotherhood of thousands of Jesuit schools worldwide, in one sense able to trace its roots all the way back to St. Ignatius Loyola and his Messina,



Four University of Detroit Jesuit High School students are on their way to lacrosse practice. The school serves over 800 young men.

of Detroit-area parents are seeking this: “Parents look for academics, values, service and an ability to be educated in an environment that is heterogeneous ... (We are) a real world example of people living and working together.”

Obviously, with hot-button church-state considerations, public schools’ missions must necessarily be shaped by different standards than those of Catholic schools such as U of D. But it is this distinction and “teaching of values” that motivates the Jesuit high school. “We stand for something here, and we’re not constrained by the need to be politically correct,” says O’Keefe. Chris Polk, who works in Development at the school, agrees: “I think in our case here in terms of a Jesuit education, one of the standout points ... is seeing God in all things. And I think that translates to some of our students who are given the opportunity to see God’s face in the poor and needy, which is why (our) service component is so important. They see God in the challenges they face every day, in their success and downfalls, in their fellow students and fellow man and across their entire life.”

Service to others does play a large role in the life of a U of D Jesuit student. The school’s motto, “men for others,” is deeply rooted in Jesuit tradition, and according to O’Keefe and Polk, is the one standard that the school relishes most. Seniors at the high school do service projects once a week, and recently completed over 200 consecutive months of delivery to a local food bank. Students have even gone on extended trips to Honduras and Guatemala during the summertime, as well as helped on Habitat for Humanity projects in Detroit.

The emphasis on “giving back” has been

beneficial for the city, contend O’Keefe and Polk.

“We’re a training ground for leaders in business, politics, education and philanthropy. Our graduates are dispersed through all levels of the business community in the city of Detroit,” declares O’Keefe. Polk adds that, “Not only do they (U of D graduates) come back to Detroit, but they come back and participate in the school.” With a total alumni base of over 12,000, approximately 9,000 have Michigan addresses, which can actually be thought of as noteworthy, given the school’s success in preparing its students for post-secondary work that finds 50 percent of them at institutions outside of Michigan.

Academics have always been given priority at U of D, carrying on the Jesuit tradition since the early days when its Latin curriculum would outshine many Classics departments at some of America’s brightest colleges today. The commitment to academics is still evident with 99 percent of U of D’s graduates matriculating to four-year colleges and universities, and a quarter of them making it into “top 25” institutions last year. Even at schools like Harvard, Northwestern, Stanford and Notre Dame, U of D graduates outpace the national acceptance rates. “A comment we hear from graduates is that their first year of college was easier than their time here at U of D Jesuit,” remarks O’Keefe.

That’s not to say that the high school hasn’t had to face serious challenges in carrying out its mission. The school serves over 800 students on its high school campus today, but as recently as 1985, U of D only graduated 85 students annually.

O’Keefe explains: “I think probably one of the most difficult times for us was the late 1970s. There was a recommendation to move the school, which was turned down by the Jesuit hierarchy. As a result of that, a lot of our alumni who had gone here in the early ‘50s moved to the northern suburbs. They were counting on the school to move, and when that didn’t happen, there was a backlash and alumni chose to send their children to other schools.” Even today, the school operates at the tail end of an era in which Catholic education in the city of Detroit was more abundant; a period that has become history since large portions of the city’s Catholic residents have moved to the suburbs rather steadily over the last 50 years.

But as an alternative, U of D continues to offer something worthwhile to the young men of Detroit. O’Keefe told MER that, “It (Catholic education) is important because it offers parents an option and that’s why I feel very strongly about our position in the city. As a provider of an alternative, a values-based education, if we weren’t here it would be basically public schools. And there’s a certain number of parents that are looking for an alternative.”

According to U of D’s representatives, the school has a bright future even after an emigration that “killed” the Catholic schools. They believe there will always be a place for alternatives to public schools, which will call on them to continue to maintain

the quality and uniqueness of U of D “because people won’t pay if they don’t feel they’re getting something for their investment.” O’Keefe says that the school has a “strong board” that realizes that U of D is at once a school and a “small business.” “We can’t really run a deficit,” he says, “because we have nobody to turn to to borrow money ... we’ve really got to pay attention to our decisions.”

He explains that financial management may have been the main factor in the closing of almost all of the other Detroit Catholic high schools, but offers this sentiment: “We sympathize and feel really badly for the families and the students and faculty that were affected by the closures. We’d love to see those schools continue because we’re such strong believers in Catholic education as an alternative to public schools. I’d love to see those schools still here.” However, he says that those closures don’t affect the mission of U of D Jesuit. If anything, the school is reminded that it must be diligent in raising funds, advertising and making sound financial decisions in the absence of any real “safety net.”

The University of Detroit Jesuit High School and Academy is determined to weather the storms of emigration and closure, relying on the belief that providing an education of measurable results for a parent’s investment and producing “men for others” will always have a place among the education options in Detroit and its suburbs.



**“We’ve always educated a very diverse population; at first not so much racially, but economically.”**

**- Thomas O’Keefe,  
Vice President of  
Institutional Advancement,  
University of Detroit  
Jesuit High School**

Sicily school which opened in 1548. He explains that, “The Jesuits are a Catholic religious order with many missions, one of which is education ... (and educating) men regardless of their ability to pay.”

For that purpose, U of D continues to serve a broad cross-section of students in Detroit, a large percentage of whom still hail from inside the city limits. “We’ve always educated a very diverse population; at first not so much racially, but economically,” says O’Keefe. “And over the years as Detroit changed, the school became much more racially diverse.” He believes, as evidenced by the school’s continued vitality, that a critical mass

# Proliferating PACs target board elections

Many parents believe that their influence on their children's education is critical, and now a group in Bloomfield Hills has taken the idea of parental and community educational involvement to a new and very intensive level.

Emerging from the collective initiative of a cadre of concerned Bloomfield Hills district parents and community members a year-and-a-half ago, a political action committee of sorts has begun to support candidates for the school board whom its members believe will "ensure that our schools provide our children with the finest public education available in the country." The self-described grassroots group, Bloomfield 20/20, was successful in endorsing and electing three candidates to the Bloomfield Hills School Board in June 2004.

Originally, dissatisfied parents organized the group to oppose a high school consolidation plan proposed by the school board; a board which the parents felt was not listening to the community. "You had a rubberstamp school board that was unchecked," recalls Joanne Warner, one of 20/20's first activists.

The small group created an e-mail database, and its activity and community impact have grown rapidly during its short existence. The ability to raise significant amounts of money for school elections has put Bloomfield 20/20 in a position to affect the governance of their school district to a greater degree than is seen in many districts. They even filed as an official PAC in Oakland County.

In 2004, Bloomfield 20/20 raised

over \$100,000 to support the election of Jenny Greenwell, Michael Scadron and Carol Stencel, and to fund a campaign against the proposed plan to combine two district high schools. According to Warner, about \$20,000 was used to support 20/20 candidates, and between \$80,000 and \$85,000 went to the effort to oppose the high school consolidation. All three candidates were elected, and the high school plan never reached the ballot — a victory for 20/20.

The group's platform of fiscal responsibility includes the goal of finding "responsible solutions to ... budget challenges," and reaching out "to the private and public sectors to find creative ways to work within Prop A's funding environment." The PAC's mission and past successes have sparked the growth of similar 20/20s in neighboring districts. Already, Farmington, Royal Oak and Rochester chapters have come about with the desire to emulate Bloomfield's achievements.

But others have taken note of the election successes and the grassroots activism of 20/20, most specifically a group of citizens led in part by two former Bloomfield board members who have formed Bloomfield AWAKE to try to combat 20/20's influence.

According to The News, AWAKE has admitted that they cannot rival the \$20,000 that 20/20 contributed to candidates. However, it was AWAKE's candidates that came out on top in the last election cycle.

In May, two board openings had to be filled, and 20/20 endorsed and contributed to the campaigns of board member Jenny

Greenwell and newcomer Creighton Forester.

AWAKE endorsed Martin Brook and Mary Ellen Miller, who both won handily.

AWAKE referred Michigan Education Report to their Web site when we contacted them. According to the site, the group's mission is to "make sure the people elected to serve on the Bloomfield Hills School Board bring the skills, experiences, and approach necessary to make our exceptional district even better." They also say that they "reluctantly formed ... to counteract the negative tone and tactics of Bloomfield 20/20." According to AWAKE, "Politics do not belong in schools, we did not want to see a PAC in control of the Board of Education." They have offered to disband simultaneously with 20/20, but Warner gave no indication that 20/20 had any such plans.

The 20/20 spokeswoman believes that the lack of a big ballot question, like the high school consolidation plan of 2004, may have contributed to AWAKE candidates' victories this year, but the group believes there are still lingering problems with the district that can be addressed, especially in the improvement of high school facilities. Warner explained that the group was disappointed when Lahser High School received a new artificial turf football field before fixing leaky roofs; an inversion of priorities from 20/20's perspective.

But the group does pride itself on doing some good for the Bloomfield Hills community. "We have raised community awareness about school elections," says

Warner. "We got the vote out."

According to unofficial election results, May's school election turnout could have been as high as 9,400, or roughly 30% of the district's registered voters, which by school election standards is relatively high. Under the new election consolidation laws, voter turnout for school elections may be increasing due to absentee ballots, but overall, turnout remains lower than November state and national elections. However, The Detroit News reports that turnout in Oakland County, the home of Bloomfield Hills, Rochester, Royal Oak and Farmington, increased to about 15 percent this May, up from 9 percent last June.

## ask the debate coach

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## SHORT SUBJECTS

continued from Page 1

**A new Web site functioning as a school data repository is online,** according to Education Week. The site, [www.schoolmatters.com](http://www.schoolmatters.com), was developed by Standard & Poor's — the prominent stock and bond indexer — to allow for greater consolidation of American schools' statistical data. The data provided will include both academic and financial metrics on each public school district in the U.S., thus providing benchmarks by which districts may be compared.

**Chicago's Elementary School District 33 saved \$200,000 by switching health care providers,** according to the Chicago Tribune. A new Blue Cross Blue Shield plan costs the district \$1.5 million less than their prior annual estimate, leaving enough savings to cover a \$1.3 million budget deficit. School officials told the Tribune that with the new provider, they would be able to maintain their class sizes and all current programs and services.

**According to an Associated Press report, grading papers with red ink is becoming inappropriate** for the classroom in certain schools around the country. Parents in school districts nationwide began complaining that the color red was too negative and caused stress to students when teachers returned the marked-up homework. Leading pen manufacturers such as Bic have reported that they are producing more purple pens, as this color seems to be becoming the new favorite of teachers who are trying to create an impression of giving constructive criticism to students.

**Last February, the nation's governors held an education summit** in order to develop a plan to improve high schools. One of the guest speakers was Microsoft Founder & Chairman Bill Gates, who announced the creation of a \$42 million program to help raise high school graduation rates and prepare students for college, according to Education Week. Mr. Gates' announcement came during an address in which he stated that America's high

schools are "obsolete," saying that, "Training the workforce of tomorrow with today's high schools is like trying to teach kids about today's computers on a 50-year-old mainframe."

**The vast majority of college and university professors are left of the political center,** according to research spotlighted by The Seattle Times. The study, published in April and based on a survey of 183 schools and over 1,600 university faculty members, records that 72 percent of university instructors describe themselves as "liberal," and 15 percent as "conservative." Democrats accounted for 50 percent and Republicans 11 percent of total respondents. Robert Lichter, one of the study's authors told The Times, "There was no field we studied in which there were more conservatives than liberals or more Republicans than Democrats."

**A Harvard Study documenting high school graduation rates based on race** provides evidence of the continued existence of an "achievement gap." The study, produced by the Harvard Civil Rights Project and reported on by the Los Angeles Times, reports that only 68 percent of all students nationwide graduate on time. In one state, California, African Americans and Latinos displayed graduation rates of 57 and 60 percent respectively, whereas 78 percent of white students and 84 percent of Asians graduated on time in 2002.

**The newest version of the SAT raised the top possible score from 1600 to 2400** due to a new three-section format that replaces the traditional two-part exam. The updated test contains portions for writing, critical reading and math, each graded on a 200-800 point scale. According to The Dallas Morning News, some students are finding the approximately 4-hour test too long, indicating that their concentration waned as they completed the exam.

**Training programs for principals and superintendents are under fire** from a new Columbia University report. The Education School Project, a report written by Columbia Teachers College President Arthur E. Levine, concluded after four years of research covering 28 education

schools that administrator preparation programs are "inadequate" or even "appalling," reports Education Week. Training programs were evaluated on the basis of their content, policies, students and funding.

**A survey by Public Agenda reveals attitudes toward college** among young adults, reports the Associated Press. The survey group polled 1,000 adults ages 18 to 25 in random phone interviews in order to gather data about the general outlook of college-aged people regarding college. Overall, two out of three young adults will participate in some form of higher education, according to the U.S. Census. Most respondents said that they saw college "as a way to earn society's respect and ensure financial security."

**An analysis of inner-city teacher turnover is highlighting a severe problem,** according to the Chicago Tribune. The Association of Community Organizations for Reform Now studied 64 Chicago schools over the course of three years. They found that 39 percent of first-year teachers at these schools do not return for a second

year. According to the report, the national average is 15 percent.

**An EPIC-MRA opinion poll that asked parents about the value of education recently received attention** when media reports suggested that only 27 percent of Michigan parents believe a good education is essential for getting ahead in life. However, a comprehensive review of the full survey report shows that 98 percent of parents say that education is important for getting ahead in life — 78 percent labeled it either "important" or "essential." Also, the full report reveals that 87 percent of parents want their children to attend college.

**A Newsweek story indexing America's top 100 schools** ranked the International Academy in Bloomfield Hills number two in the country. The rankings were based on a ratio represented by "the number of Advanced Placement or International Baccalaureate tests taken by all students at a school in 2004 divided by the number of graduating seniors." Michigan placed 11 schools in the top 1000.

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## COMMENTARY

# K-12 spending guarantee ignores economics



**Brian Carpenter**

On the face of it, it sounds reasonable enough to tie state education spending to inflation as the K-16 Coalition wants to do. They point out that salaries are fixed costs of school payrolls, health care costs are increasing for everyone

— schools included — and schools' employee pension costs are projected to rise sharply in the next few years. But the assumption that these costs are no different from any other employer is an erroneous one. Spending on K-12 public schools is not tied to the market like other goods and services; the amount public schools spend on salaries, healthcare and pensions is a byproduct of political machinations that have little to do with true costs.

The problem with determining spending in this way is, regardless of what the state spends, schools will rise to meet it. This is very different than a regular labor market where costs are more a function of what someone is willing to pay for something. Public education's disconnectedness from the market is precisely what makes the automatic increases sought by public schools unsound policy — and in the end the seeds of its own destruction.

## Free economies reward performance

That teachers should be paid well and receive good benefits is not in dispute. Teaching is a demanding job whose work hours often extend beyond the workday with evening preps. Like many other

professions, it requires a college degree, certification and continuing education. Many teachers possess advanced degrees. A free economy generally rewards such preparation because with it, an individual creates value for someone else through his performance or accomplishments.

Unlike most other professions, however, teacher compensation (salary and benefits) is not based on performance or any kind of measurable value-added output. They may receive an added boost to their salary for a master's degree, but this is rewarding input rather than output. Teachers' labor unions vigorously resist rewarding output (such as through performance incentives) because their power and money come from keeping teachers employed at any cost, irrespective of output.

Instead, teacher salaries and benefits (which is essentially synonymous with school spending, since teachers are far and away where most education dollars go) is determined by how much political muscle unions can bring — usually directly — to bear on citizens, school boards, administrators and legislators.

## Unions and courts

Sometimes the union's muscle is applied indirectly by dunning the judiciary, as the "adequacy" litigation cases in New York City, Kansas and elsewhere illustrate. Within the past two decades, unions have hedged their bet so to speak, by seeking edicts from activist judges, thereby, strategically bypassing the taxpayer. As court-ordered largesse raises the level of state spending on education, compensation will rise to meet it. This in turn will cause further increases because a new spending baseline from which there

is no retreat has been established.

Such costs are not subject to the countervailing forces of supply and demand, the market forces that keep the prices of most goods and services stable. Thus, the costs of educating our children will rise in the absence of market restraint. Under our current system, it is the only thing they can do.

Some education writers, such as Alex Molnar in "Giving Kids the Business: The Commercialization of America's Schools," say that trying to apply market economics to education spending policies "threatens to turn every human relationship, inside and outside the classroom into a commercial transaction." Such criticisms, despite whatever feel-good quality they offer, overlook everything we know about incentives, performance, competition and economics, as if the nature of people who teach and administer public schools is somehow different from the rest of mankind. Andrew Coulson has written extensively about this in an authoritative volume, "Market Education: The Unknown History."

While the beneficiaries of court-ordered tax increases may revel in their newfound windfall, one can be sure of two things: Their plea for still more money will only be temporarily abated, and they are overreaching to the point where the taxpayer-funded buffet line to which they have so generously helped themselves will, sooner or later, run out of food. This is to say, the ability to fund costs which have no built-in containment mechanism is finite.

## An example from business

To illustrate this point, consider briefly the fate of the airlines industry.

With the big carriers struggling to control costs and stay competitive, they can no longer afford to pay the pensions and benefits of their retired employees which were previously negotiated with the unions.

Faced with the Hobson's choice of letting United Airlines go out of business and default on its obligations to retirees or go bankrupt and default on its obligations to retirees, a federal bankruptcy court in May allowed the company to stop paying its pension plans. According to The New York Times, "Greg Davidowitch, president of the Association of Flight Attendants, said the decision 'very well may have triggered the collapse of the defined benefit pension system nationwide.'"

With or without the passage of the K-16 Coalition's proposal, it's likely only a matter of time before Michigan too can no longer afford to make the obligations it is now making to its public school employees. With one of the highest average teacher salaries in the nation coupled with an expensive defined benefits pension plan (including health insurance premiums), the entire system will ultimately collapse under its own weight as many districts are now doing. Passing Senate Bill 246 as the K-16 Coalition wants will simply hasten the collapse.

This is not to say that we cannot afford to educate our children. We simply cannot continue educating them at a price that is not tied to the market.

*Brian L. Carpenter is director of leadership development for the Mackinac Center for Public Policy, a research and educational institute headquartered in Midland, Mich.*

## COMMENTARY

# Jen and the art of education



**Ryan Olson**

In June, I enjoyed a front-row spot among 11,000 people at a state Capitol rally sponsored by the K-16 Coalition for Michigan's Future. I saw and heard many people who were quite passionate about children and Michigan's future.

But for all the energy at the gathering, no one produced an argument that made a connection between the crowd and speakers' goal — better education for students — and the stated purpose of the rally, which was to support state Senate Bill 246 and state House Bill 4582. These two bills would guarantee minimum annual state funding increases for primary, secondary and higher education.

The participants included students, educators, administrators, school board members, parents and policy-makers. All

were visibly committed to the education of Michigan's K-12 and college students. They carried placards urging support for the two legislative bills, announcing the districts they represented or questioning whether students were worth "only \$6,700" (the current minimum state per-pupil grant). One sign pleaded to the governor, "Help us, Jen!"

The speakers were equally earnest about students' education. Tom White, executive director of Michigan School Business Officials and chair of the K-16 Coalition, insisted that supporters were not "tying legislators' hands," but were interested only in providing a "world-class education." Another speaker stressed the fact that policy-makers' abstract education figures in fact represent real students. She exhorted participants to exercise their "democratic right" by making legislators "work for" them, and trumpeted the importance of good public education in attracting businesses to the state. A bright student from Northern

Michigan University who had graduated from a public school in Detroit asked legislators to help secure Michigan's future by "fully funding" education.

Neither she nor any other speaker argued in any significant way that there is a connection between increased funding for education and improving the quality of education (typically measured by student performance). She, like most of the speakers, seemed to assume that quality education would follow if only legislators would provide "full funding" for it.

## Supported by data?

While this assertion may have seemed intuitive to participants, research does not support it. The Hoover Institution at Stanford University recently published a review of education research entitled "School Figures: The Data behind the Debate." In the fourth chapter, the book's authors, Hanna Skandera and Richard Sousa, note the following: "There is a common perception that the way to improve our failing public schools is simply to spend more money on them. According to many public school administrators, the amount we spend per pupil is an excellent way to predict student performance, yet a review of the data for the last 80 years shows clearly that there is not a strong correlation between increased spending and improvements in student performance. In fact, increases in per-pupil expenditures in the past have often not been matched by better student performance. In short, the evidence suggests that we cannot simply buy better schools."

Gov. Jennifer Granholm has broached this issue with K-16 Coalition

leaders. Although she stayed clear of it at the rally, deftly avoiding an endorsement of the bills and praising participants for forcing the Legislature to deal with education, the governor told K-16 Coalition leaders a day earlier in a news release that, "Investment (in education) ... must go hand-in-hand with getting the most out of every dollar we spend in education, which means reducing costs and realizing greater student achievement."

That is precisely the rub: More money doesn't guarantee better learning, in part because the money isn't always spent well.

Despite the governor's admonition and a body of established education research, the point of the event seemed to be calling for increased expenditures ("Support SB 246 and HB 4582!") and expressing a general desire for better schools ("Improve education now!"). By omitting a discussion of the connection between the two, the organizers and speakers of the K-16 Coalition rally did participants a disservice: They neglected a chance to provide substantive ideas for improving the quality of Michigan public education to an eager crowd. They therefore missed the opportunity to channel the collective voice of an impassioned throng toward more effective solutions for Michigan's schools.

The rally's attendees can regret that oversight.

*Ryan S. Olson is director of education policy at the Mackinac Center for Public Policy, a research and educational institute headquartered in Midland, Mich.*

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# Catholic schools and the common good



Andrew Coulson

The Roman Catholic Church has been much in the news this year, with the passing of Pope John Paul II and the appointment of his successor, Benedict XVI. Rightly so. John Paul II's part in hastening the liberation of Poland from totalitarian communism

was, by itself, a remarkable contribution to human freedom.

But as the world reflects on this transition within the church, the people of Michigan should not lose sight of another major shift taking place closer to home: the closing of many Catholic schools in and around Detroit.

When state-run public schooling was first championed in Massachusetts in the early 1800s, it was under the banner of "the common school," and it was touted more for its predicted social benefits than its impact on mathematical or literary skills. The leading common school reformer of the time, Horace Mann, promised, "Let the Common School be expanded to its capabilities, let it be worked with the efficiency of which it is susceptible, and nine tenths of the crimes in the penal code would become obsolete; the long catalogue of human ills would be abridged."

Having experienced more than a century-and-a-half of a vigorously expanding public school system, Americans are no longer quite as sanguine about the institution's capabilities. Nevertheless, there is still a widespread belief that government schools promote the common good in a way independent private schools never could.

Is that belief justified?

Scores of researchers have compared the social characteristics and effects of public and private schooling. They have found little evidence of any public-sector advantage. On the contrary, private schools almost always demonstrate comparable or superior contributions to political tolerance, civic knowledge and civic engagement. One group of private schools stands out as particularly effective in this regard: those run by the Catholic Church.

The late great sociologist James Coleman repeatedly found that when he compared Catholic schools to their public-sector counterparts, they were more effective in educating low-income and minority students, they engendered greater parental participation and sent far more of their graduates to college — all after controlling for differences in the characteristics of public and private school families.

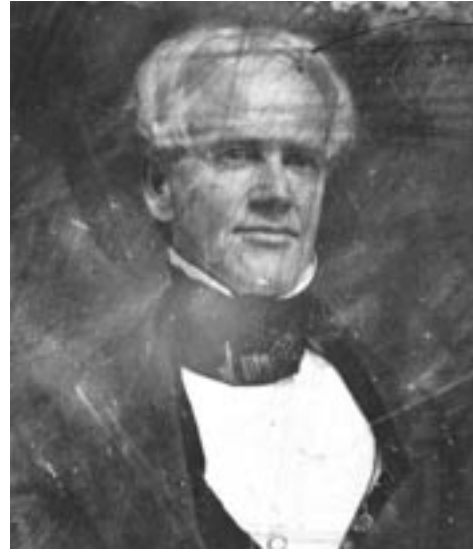
Coleman's findings were echoed by the team of Anthony Bryk, Valerie Lee and Peter Holland in their 1993 book, "Catholic Schools and the Common Good." Lee (a professor of education at the University of Michigan) and her colleagues concluded that Catholic schools outshine public schools in raising student achievement, diminishing racial and economic achievement gaps, sustaining teacher commitment and promoting student engagement.

More broadly, they noted, "Although the common school ideal inspired the formation of American public education for over one hundred years, it is now the Catholic school that focuses our attention on fostering human cooperation in the pursuit of the common good." More recent studies and journalistic investigations have further corroborated the Catholic school advantage, particularly for disadvantaged students. Given Catholic schools' superior social and academic effects, it would seem sensible to structure education policy so as

to make Catholic schooling more readily available — especially to the low-income and minority families whose children benefit disproportionately from the schools' services.

We have done the opposite.

Though parental-choice programs



Horace Mann, generally regarded as the father of American public education, once said, "Let the Common School ... be worked with the efficiency of which it is susceptible, and nine tenths of the crimes in the penal code would become obsolete; the long catalogue of human ills would be abridged."

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like education vouchers and universal education tax credits can bring Catholic schooling within reach of any family who seeks it, we have elected to make only a half-hearted nod in the direction of parental choice: charter schooling.

As state-owned enterprises, charter schools may not be religiously affiliated. That exclusion has not simply kept Catholic schooling beyond the reach of many

families; it has eroded the existing enrollments of Catholic schools with the lure of zero tuition and the promise of an education at least somewhat better than that of traditional public schools. Our current education policy gives many low-income families a Solomonian choice between the schooling they really want and the schooling they can really afford.

To be fair, charter schools *are* somewhat more effective than conventional public schools, but the magnitude of their effect pales in comparison to that of Catholic schools, and it raises the question: When did our commitment to the common good become a commitment to the common good-enough?

This is not strictly a religious issue. The majority of students at Detroit's soon-to-be shuttered St. Martin DePorres high school are not Catholic.

Nor is it a political issue. Which matters more — whether your political party supports education tax credits, or whether disadvantaged kids get a 50 percent better shot at graduating from high school and going to college?

It is an educational, a social, and ultimately a moral issue. Whatever one might think of the Catholic faith, Catholic schools are playing a liberating role for tens of thousands of underprivileged American children, just as Pope John Paul II played a liberating role for millions of victims of communist tyranny. Under a parental-choice program, they could be doing so for a lot more children. That, at any rate, is one non-Catholic's opinion.

Andrew J. Coulson is senior fellow in education policy for the Mackinac Center for Public Policy, a research and educational institute headquartered in Midland, Mich.



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## COMMENTARY

# Disabled students advance school choice



Clint Bolick

Opponents of school choice programs that would allow parents to use a share of their children's public education funds to pay for attendance at private schools often argue disabled children would be left behind by such a system.

But exactly the opposite is true: Disabled youngsters already enjoy greater school choice than other students, and their experience shows expanded school choice could benefit millions of children who need educational opportunities desperately.

Defenders of the educational status quo often contend one of the reasons many public schools perform poorly is they are forced to accept all students, even those with severe disabilities. Not so: For decades, private schools have provided an escape valve for students public schools cannot accommodate.

Under the federal Individuals with Disabilities Education Act, that escape valve became a right.

A pair of unanimous U.S. Supreme Court decisions interpreted the law to require that school districts that fail to provide a "free appropriate public education" for each child with a disability must do so at public expense in private schools.

This well-kept secret has quietly produced the largest school choice program in the United States. According to the National Association of Private Special Education Centers, school districts pay private school tuition for 83,000 children nationally, representing nearly 1.5 percent of all disabled children educated in part outside of regular classrooms. At least 48 states and the District of Columbia send at least some disabled children to private schools at public expense.

## Nondisabled needy denied choice

Ironically, many of the states that find private schools most useful for disabled students are the most hostile toward school choice programs for nondisabled students who face educational obstacles, such as the millions of economically disadvantaged students trapped in failing public schools. California, New Jersey and New York, for example, each send more than 10,000 disabled children to private schools at public expense, and Massachusetts sends nearly as many. Yet all four of those states, which are politically dominated by powerful teacher unions, adamantly resist broader school choice programs.

Florida recently added a new option for disabled youngsters. Its McKay scholarship program allows any child eligible for services under IDEA to use state funds in any private school. So far, 13,000 of the state's 375,000 disabled students have chosen private schools. And Utah just

passed the Carson Smith Scholarships for Students With Special Needs Act, which will allow hundreds of disabled students to attend a private school that might better suit their needs.

The results so far are promising. A study for the Manhattan Institute by Jay P. Greene and Greg Forster, released in June 2003, found that 97.2 percent of parents whose children participate in the McKay program are satisfied, compared to 32.7 percent who were satisfied in the public schools. Average class sizes have been cut in half, and incidents of violence against disabled students have been reduced by more than three-fourths.

## Few good schools available

The premise underlying school choice for disabled youngsters is that every disabled child has unique needs. Analysts note, however, that this is true of all children, and particularly for those not presently well-served by public schools.

Under the federal No Child Left Behind Act, public schools are required to demonstrate adequate yearly progress in increasing students' academic achievement. Over the past year, 24,000 public schools across the nation — roughly one-fourth of all public schools — failed to make adequate yearly progress. At least 12 million American schoolchildren are currently enrolled in failing schools.

Under NCLB, children in such schools are supposed to be offered the chance to transfer into better-performing public schools within the district. Trouble is, there aren't nearly enough seats in good public schools, especially in the inner cities. In 2002, for instance, 30,000 children in failing Baltimore public schools were eligible for transfers, but only 194 slots were available in better-performing public schools. In Chicago, 145,000 children were eligible to trans-

fer into only 1,170 available slots; in Los Angeles, 223,000 children were trapped in failing public schools, with zero seats available in better schools.

Unlike IDEA, NCLB currently has no legal mechanism for allowing students to enforce their rights and escape inadequate schools. As a result, at least 12 million children are being left behind. Once lost, educational opportunities often are never recovered, consigning many economically disadvantaged children to lives of poverty and despair.

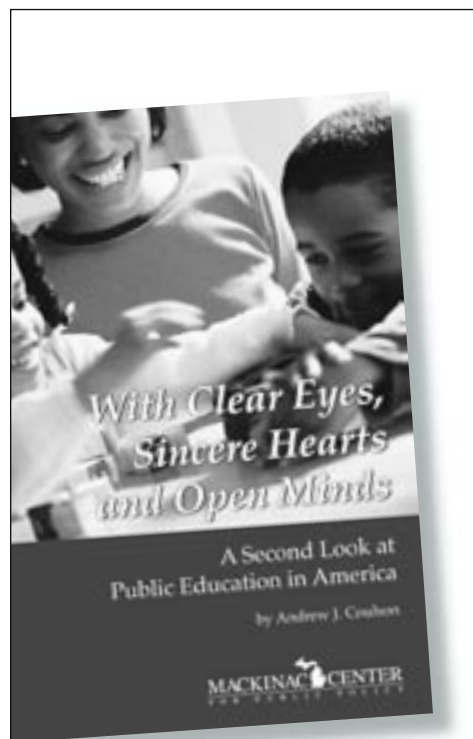
## Private education available, unused

But it doesn't have to be that way. States such as Florida, Ohio and Wisconsin have made school choice available to inner-city students and students in failing schools. Thousands of children in those states now attend private schools that have thrown them an educational life preserver. In Milwaukee, the high school graduation rate for school choice students is nearly double what it is for students in the public schools.

States do not have to wait for federal lawmakers to tell them the right thing to do. Following the lead of neighbors such as Florida, Ohio and Wisconsin, state lawmakers can act now to expand school choice for children not adequately served by public schools.

Every year they wait, their state's most vulnerable children miss the educational opportunities they need and deserve.

*This commentary originally appeared in "School Reform News," a publication of the Heartland Institute, Chicago. Clint Bolick is president and general counsel of the Alliance for School Choice in Phoenix, Ariz.*



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## COMMENTARY

# State laptop program erased



Megan Dwyer

As computer technology becomes integral to an ever-wider range of professions, lawmakers and educators have grappled with how to prepare students to compete in the modern workforce. Home computer and Internet use have continued to increase, but not every child lives in a household with computer and Internet access.

In response, the state has sought to bridge the technology gap by providing teachers and students with laptop computers. However, state officials have done so with little understanding of whether these programs will help students meet critical educational goals.

The state's track record thus far is dubious. In 2000, on the heels of the tech boom, Gov. John Engler set aside \$110 million to give laptop computers to Michigan's 91,000 public school teachers. While this may have been a nice perk for teachers, a survey conducted by Michigan Virtual University found that fewer than one in nine teachers felt they could use the laptops to enhance their lessons. Perhaps unsurprisingly, the program has resulted in no significant jump in student achievement.

A related program aimed at providing laptops to sixth-grade students was first approved in 2003, and it continues to limp along. Introduced in April 2003 by then-Speaker of the House Rick Johnson,

R-LeRoy, and signed into law as Public Act 158, the so-called "Freedom to Learn" laptop program originally earmarked \$22 million in state funds and \$17 million in federal funds, with an additional \$25 per laptop to be contributed by participating school districts. Following dubious media reviews and claims by numerous school districts that their actual costs would far exceed the \$25 per laptop price tag, Gov. Jennifer Granholm canceled state funding in October 2003.

Since 2003, Freedom to Learn has existed primarily on federal funding and school district contributions. In March 2005, Sen. Valde Garcia, R-Howell, introduced Senate Bill 299, which would appropriate \$3.7 million in state money and \$5 million in federal funds to continue the laptop program. Gov. Granholm did not include it in her fiscal 2006 budget recommendation.

Whatever its future, Freedom to Learn is a gimmicky program with no demonstrable results. A 2004 Michigan State University study found that while teachers "believe" that students are spending more time on homework and parents are becoming more engaged, "It's impossible to make any judgments about the program's long-term effects on student academic performance." And despite a requirement in the vendor's contract to "deliver ongoing professional development opportunities for teachers" (per State of Michigan Acquisition Services), the MSU study found that only 28 percent of teachers reported that instructional support was available all or most of the time.

The MSU study also found that districts might need to upgrade their technology infrastructures to support the sixth-grad-

ers' laptops. Traverse City, Oakland, Warren, Rochester and Kent are just a few of the districts that said they would not participate in the program due to its peripheral costs. Paul Soma, chief financial director for Traverse City Area Public Schools, said the district would spend far above \$25 per laptop.

Computer network configurations can vary between districts and even between schools. Connecting dozens of laptops to a school's network is not as simple as plugging in a cable or flipping a switch. There are support, security, bandwidth and data storage costs that are difficult to quantify, but very real nevertheless.

Another concern is that because of the inadequate teacher training, the laptop program may actually detract from traditional curricula. Technology education may be important, but there are many ways to accomplish it that do not require giving sixth-graders laptop computers.

The Freedom to Learn program may have allowed some politicians to appear to be leaders in cutting-edge education technology. But a hard look at the program's costs and its lack of quantifiable results suggests that Gov. Granholm was correct to pull the plug on the sixth-graders' laptops.

*Megan Dwyer is a senior project manager for a search engine marketing firm located in Lake Leelanau, Mich. This article is based on research by Dwyer that won an award from the Political Science Department at Central Michigan University.*

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## DIVERSE VIEWPOINTS

# Should students be required to complete 40 hours of community service to qualify for the Michigan Merit Award?

*Charity must be free and inspired*

John Adams, certainly one of the greatest of the American Founding Fathers and the first to call for full independence from Great Britain, argued that virtue was “a positive passion for the public good.” Further, it can serve as “the only Foundation of Republics.” Republics — ancient and modern — demand virtue. Indeed, without a virtuous citizenry, a republic (Latin: *res publica*, meaning the “good thing” or “common good”) will decline dramatically. In his own understanding, Adams followed the greats of the ancient world: Socrates, Plato, Aristotle and Cicero, all of whom noted the necessity of virtue for a properly-ordered community. More recently, Michigan’s most important political philosopher and cultural critic, Russell Kirk, believed that virtue is the “energy of (the) soul employed for the general good,” as he noted in his essay, “Can Virtue Be Taught?” For 2,500 years, the West has generally recognized prudence, justice, fortitude and temperance as the four classical or pagan virtues. St. Paul, in his first letter to the peoples of Corinth, added three more: faith, hope and charity. Charity, he wrote forcefully, is the highest of all virtues, and it is the willingness to give of one’s self — one’s time, one’s talent, one’s treasure and even one’s life — for another.

Last year, the state of Michigan’s Merit Award Board mandated that each recipient of the Michigan Merit Award scholarship must perform 40 hours of community service. The impetus behind their decision is a noble one. The board — at least on the surface of things — is employing the very foundation of the best of the western tradition, demanding virtue of its citizens. The problem, however, is that charity must be freely chosen for it to mean anything. Such “mandatory volunteerism” is, at best, a perplexing paradox, destructive of community norms, and, at its worst, a revelation that something is truly and deeply wrong with a culture that cannot inspire such volunteerism and charity freely from its citizens.

In his penetrating analysis of America in the 1830s, the French philosopher Alexis De Tocqueville observed:

“Americans of all ages, all stations in life, and all types of disposition are forever forming associations. ... Americans combine to give fêtes, found seminaries, build churches, distribute books, and send missionaries to the antipodes. Hospitals, prisons, and schools take shape in that way. ... In every case, as the head of any new undertaking, where in France you would find the government or in England some territorial magnate, in the United States you are sure to find an association.”

As for liberty, Tocqueville contended, the natural formation of voluntary associations allows Americans to do for themselves what governments in Europe might do for their citizenry. America, in this respect, was superior to Europe. Governments and bureaucracies, Tocqueville claimed, are neither organic nor subtle. They are unable to make nuanced or delicate decisions, as can voluntary associations in which “feelings and ideas are renewed, the heart enlarged.” Governments, try though they might, are incapable of changing the true morals or being of the individual. “Once (government) leaves the sphere of politics to launch out on this new track,” argued Tocqueville, “it will, even without intending this, exercise an intolerable tyranny.” Worse, the control of societal change and growth is a zero-sum game. If the citizenry controls the power to make decisions, the government must be necessarily and proportionately smaller. In a “vicious cycle,” the reverse is also true. “The more government takes the place of associations,” Tocqueville wrote in “Democracy in America,” “the more will individuals lose the idea of forming associations and need the government to come to their help.” Such, one must fear, will be the result of the well-intentioned community service requirement of the MMA.

Even more disturbing is the possibility that our culture has reached a point where such service *must* be made mandatory. America, like the West which gave it birth, has been built on acts of charity and love. One only has to think of the greatest moments of sacrifice in the history of this country to be reminded of what sacrifice is and means: the many, many Patriot-farmers in the local militias and Continental Army of the Revolution; the two million Union soldiers (94 percent of whom volunteered) who ultimately erased the scourge of slavery from the Republic; the numerous who died in the trenches of France in World War I or who liberated the Holocaust camps from the National Socialists in World War II; or, the three men who, on a beautiful September morning in the year 2001, overpowered Islamist terrorists who had hijacked a passenger airliner, thus preventing them from killing any more innocent civilians. Less dramatically, but equally important, one only has to think of the many reform movements in American history, from the demand for voting rights for women to the housing of the homeless to the feeding of the poor in the soup kitchens.

Should the State of Michigan really desire service and charity from its citizens it must not mandate them, thus diminishing — if not outright obliterating — the meaning, purpose and significance of the acts themselves. Instead, it should demand a proper education, an education rooted in the liberal arts that teaches, by its very nature, the meaning of the seven classical and Judeo-Christian virtues. It should teach the stories and histories and biographies that inspire. It should tell of King Leonidas and his 300 Spartans at Thermopylae; of Cicero, the last of the Roman republicans; of the many Christian martyrs in the Roman arenas, or of the many martyrs after — Thomas À Becket, Jan Hus, Sir Thomas More and St. John Fisher. It should tell the story of George Washington refusing to accept a dictatorship at Newburgh; of the 54th Massachusetts, the black regiment that volunteered to take Fort Wagner in 1863, losing its troops in roughly 20 minutes; of Tom Burnett, who on Sept. 11, 2001, said to his wife: “We’re all going to die but three of us are going to do something. I love you honey.”

Republican virtue. It is essential for vital and healthy society. But, it must be taught for it to inspire. To force it, is to ruin the thing itself.

Bradley J. Birzer, Ph.D., is Russell Amos Kirk Chair in history and director of American studies at Hillsdale College in Hillsdale, Mich.

## NO



Bradley J. Birzer

## YES



Penny Bailer

*Community service is a key component of merit*

“Volunteering is the rent I pay for the space I occupy on this earth.” If you “Google” this quote, you will find that it has been attributed to everyone from Muhammad Ali to Jane Deeter Rippin to Martin Luther King, Jr. Regardless of who uttered it first, it is one of my favorites.

So what on earth does volunteering and giving community service have to do with education, with academic achievement, with the mission of the schools?

Everything!

I believe that it is just as important to nurture and develop a young person’s sense of being a responsible “citizen of the earth” — member of the human race — as it is to achieve the “merit” recognized by A’s and B’s. I believe that true merit is achieving a life that is positive, productive, wholesome, contributing, self-sufficient,

meaningful and satisfying. As a former school board member in Detroit and as a parent who encouraged my children to always do their academic best, I enthusiastically believe that achieving high test scores and good grades is extremely important for many reasons. But just like making a huge income cannot by itself bring meaning to life — neither are A’s and B’s alone enough to achieve true merit.

Webster defines “merit” as, “**1a**: obsolete: reward or punishment due **b**: the qualities or actions that constitute the basis of one’s deserts **c**: a praiseworthy quality: virtue **d**: character or conduct deserving reward, honor, or esteem; also: achievement **2**: spiritual credit held to be earned by performance of righteous acts and to ensure future benefits.”

I believe that Webster gives us the missing link in our concept of merit, which is much broader than A’s and B’s. Achieving academic merit takes confidence as well as skill. I strongly believe that children should experience the liberation and self-affirming joy of giving service to others — the transformative power of making a difference — as a way of rounding out their growth and development, as well as empowering their confidence for academic success.

I have had the joy and great privilege of serving for almost 30 years in the leadership of nonprofit youth-serving agencies and educational institutions in Detroit. In doing so, I have learned more than I have led, and my life has been enriched far more than I have contributed. One of the great treasures I have discovered along the way is Search Institute — www.search-institute.org — an internationally renowned organization that has studied over a million young people to document what produces healthy children, youth and communities. Their mission statement says, “At the heart of the institute’s work is the framework of 40 Developmental Assets, which are positive experiences and personal qualities that young people need to grow up healthy, caring and responsible.”

Community service is ranked high among the “40 Developmental Assets” compiled for every age group studied. The 40 Assets for elementary age children include, “Service to others — children serve others in the community with their family or in other settings.” Among the 40 Assets for adolescents is, “Service to others — Young person serves in the community one hour or more per week.”

Wow! Adolescents are *middle* schoolers — and Search Institute, one of the most highly respected youth research organizations in the world, has found that doing 52 hours of service per year influences successful youth development. Surely we can justify requiring 40 hours of service from our *high* school students — a total of 40 hours over 4 years! Hopefully, some will become inspired to exceed this minimum standard. An average of ten hours per year barely scratches the surface of the positive transformation that our children could be experiencing, not to mention the benefit that our entire state would receive from the energy and hard work of Michigan’s young people.

I recently returned from my organization’s annual “national convention of idealism,” at which over 1000 young adult AmeriCorps volunteers serving full time with City Year come together from 15 cities nationwide for a week of service, education and inspiration. Our mission is that their lives will be forever transformed and that they will become lifetime community servants — regardless of their professional careers or life choices. Whether they become teachers or accountants or social workers or attorneys or artists or skilled tradespersons or CEOs, as well as homemakers and parents, we hope they will always give back to their communities. Not only will their service enrich their lives forever, but our entire country could be positively transformed.

Michigan can experience that same transformation if we can inspire and harness the energy and idealism of our young people. Even better, their lives will be enriched and transformed forever. They will learn to reach out to others beyond their own neighborhoods and communities; they will collaborate with nonprofit agencies and gain first-hand knowledge of what life is really like for people different from themselves. They will experience the absolute pride and joy of being responsible — of paying “rent” for the space they occupy on this earth. They will find a purpose for their academic success and a way to put it to great use.

Martin Luther King said, “Everybody can be great, because everybody can serve.” Being great by Dr. King’s standard can give our children a feeling of confidence and power that can only enhance their ability to succeed academically. Only then can they take that academic achievement and use it for good in the world. That’s what true merit is all about.

Penny Bailer has served the Detroit community for almost 30 years in various nonprofit and educational leadership roles, including as an elected school board member in 1990-94. Currently she serves as executive director of City Year Detroit and as a member of the Michigan Merit Award Board.

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Michigan Education Report • Letters to the Editor • c/o Mackinac Center for Public Policy  
140 West Main Street • P.O. Box 568 • Midland, Michigan 48640 • (989) 631-0900 • Fax (989) 631-0964  
www.EducationReport.org • Letters@EducationReport.org