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A Better Answer for Education: Reviving State and Local Policymaking Authority

The Honorable John Cornyn and The Honorable Jim DeMint

MICHAEL FRANC: Today marks the fifth anniversary of the signing of the No Child Left Behind law. The law started out with a different intent in the legislative process than it ended up with on that day five years ago.

The following quote is from something that President Bush said in 2000 when he was running for President: “I do not want to be the national principal,” Bush said. “I believe in local control of schools.” And indeed, if you look at the first blueprint of his education reform plan that came to Capitol Hill within weeks of his inauguration, it actually had a lot of those elements in it. There was a lot of local control; there was an option for states to have a lot more flexibility and school choice.

But something happened on the way to that Rose Garden signing ceremony: Some liberals in Congress who became part of the negotiating process found ways to have the choice provisions to give parents options—both private and religious schools, as well as public—with some of the federal money fall to the floor. In their place there were some very minor choice provisions and very minor accountability provisions that to this day have not worked very well.

For example, there are 3.9 million students in schools eligible for limited public school choice, but because of roadblocks and bureaucratic hurdles put up by the schools, fewer than 1 percent of those children have actually managed to get those services. The regulatory burden has gone up in the absence of all

Talking Points

- For more than 40 years, Washington has been sending money to the states through hundreds of programs. In the last five years alone, federal K–12 spending has risen an unprecedented 25 percent. Yet America continues to fall behind, both competitively and academically, in our global economy and compared to other public education systems around the world.
- The A-PLUS Act of 2007 will revitalize education by allowing states flexibility in spending their federal education dollars while still requiring accountability to parents and taxpayers. The A-PLUS Act will restore the principles of federalism to public education.
- States should have the option to stay under the No Child Left Behind regime or choose to have the flexibility in policymaking while maintaining transparency for results.

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these choice revisions, and one study by the Office of Management and Budget in the White House found that the No Child Left Behind law has added an additional 6.7 million hours of paperwork, recordkeeping, and reporting requirements for state and local authorities.

So here we are today, five years later, and Congress is getting ready to reauthorize the No Child Left Behind law. We have on today's panel two very prominent, very distinguished Senators who will offer up an alternative. The alternative, as we have been calling it here at Heritage, is the charter state option.

Our first speaker will be Senator John Cornyn from Texas, who was elected to the Senate in 2002 and, as I understand, is the only first-term Senator in recent memory to be elected to the Republican Senate leadership team. He believes in low taxes, limited government, the power of individuals, and individual choice and opportunity. He serves on the Budget, Judiciary, Armed Services, and Ethics committees. We look forward to hearing his comments on this, especially given his role in Texas, where the Texas reforms were the inspiration for a lot of the ideas you will hear about today.

Our second speaker, Senator Jim DeMint from South Carolina, was elected in 2004. He served in the House of Representatives from 1998 until 2004, and he has been the author of a lot of major bills that we've commented on here at Heritage, relating to Social Security, patient-directed health care, a tax reform commission, and welfare reform. He serves on the following committees: Foreign Relations, Energy and Natural Resources, Commerce, and the Joint Economic Committee.

—Michael Franc is Vice President for Government Relations at The Heritage Foundation.

THE HONORABLE JOHN CORNYN: A federal, as opposed to national, government was deemed by our founding fathers to be more conducive to individual liberty and yet would allow the new nation the essential powers it needed to govern itself. What better way to secure individual rights than to divide political power between the executive, legislative, and judicial branches of the federal

government, and between the state and local governments as well. Even before a Bill of Rights was actually embraced by the founding generation, it was this system of checks and balances and divided powers upon which the Framers relied for the protection of individual liberties.

Then, of course, there was the added practical benefit, because as a commonsense notion, government that is closest to the people is far more likely to be responsive to the people's needs and desires. Thomas Jefferson put it this way:

The way to have safe government is not to trust it all to the one, but to divide it among the many, distributing to everyone exactly the functions in which he is competent... by placing under everyone what his own eye may superintend, that all will be done for the best.

I am delighted to be here at The Heritage Foundation once again. Let me publicly acknowledge Jim DeMint's leadership in this important issue, and particularly on the Academic Partnerships Lead Us to Success, or A-PLUS, Act of 2007, which we are talking about today. Jim, I'm very proud to be working with you on this important legislation.

Today, as Michael said, we mark the fifth anniversary of the No Child Left Behind Act. It is appropriate once again to focus on the issue of true educational reform, true to our founders' vision. That means moving the decision-making power out of Washington and closer to parents and teachers. It also means cutting the red tape and bureaucracy that, kudzu-like, seems to ensnarl the best of intentions by central planners. We must liberate parents and teachers in each of our states to achieve superior educational results while at the same time eliminating the regulatory burden that invariably attends Washington control.

For more than 40 years, Washington, D.C., has been sending money to the states through hundreds of Washington-based education programs. In the past five years alone, spending in K-12 out of Washington has risen an unprecedented 25 percent.

And yet America continues to fall behind, both competitively and academically, in our global economy and compared to other public education

systems around the world. This is not an indictment of our colleges and universities, which rate among the finest and most sought-after in the world; rather, it is our K–12 education system that all too often fails our children and risks consigning the next generation and beyond a diminished standard of living.

Consider the implications of this single statistic: China graduates four times as many engineers as we do, and within a few years, approximately 90 percent of all scientists and engineers in the world will live in Asia. We all know that countries that can educate and train the best and brightest have an advantage over other countries. In America, surely every child deserves the advantage achieved by a first-class education, which brings us here today.

Too often, what passes for educational reform results in mandated bureaucracy in education, thus creating a spider's web of federal regulations with which the states are required to contend. In Florida alone, former Governor Jeb Bush has observed, "Though the federal contribution to education in Florida is small—only about seven percent of total educational spending—it takes more than 40 percent of the state's education staff to oversee and administer federal dollars." In fact, he estimates that the federal regulatory requirements are so onerous that six times as many people are required to administer a federal education dollar as are required to administer a state dollar. "Imagine," he said, "what our states could do if we could spend more of our time and energy working to improve student achievement, rather than tediously complying with a dizzying array of federal rules."

By allowing the states the flexibility and freedom to establish their own guidelines, we open the door to greater innovation and creativity in educating the 50 million children in our public school system. It will allow the states to choose the programs that best serve their students' needs, and it will empower parents and teachers with greater influence in what happens in classrooms across America every day.

The A-PLUS Act of 2007 will revitalize our education system in America by wisely applying the lessons of federalism, this time in an education context. In other words, this legislation intends to

take the emphasis off process and place it where it belongs: on educational results.

My home state of Texas provides a good example of what the well-intended ideas of No Child Left Behind have resulted in: burgeoning bureaucracy and overlays on our state system. Texas—and this should come as no surprise, given our President's passion for education—became one of the first states to establish a standards-based system under then-Governor George W. Bush. So, before No Child Left Behind, Texas already had a strong accountability system. After No Child Left Behind passed, we're now requiring teachers and administrators in Texas to implement an entirely new set of regulations on top of their already successful state-mandated system. That's just one example.

Since its involvement began in K–12 education, the federal government has consistently mandated larger and more intricate bureaucracy in education. Of course, this is likely not what was intended, but if you think about it, increased bureaucracy and red tape are an inherent part of the package whenever Washington is in control rather than local folks—including parents. Now, on this fifth anniversary of No Child Left Behind, it is time to restore to the states the freedom and responsibility to achieve desired results without the Washington-mandated baggage of the status quo. That is where the responsibility belongs.

THE HONORABLE JIM DEMINT: I always feel a little freer when I'm at The Heritage Foundation. That's really what I want to talk about—freedom itself—because that's how we have to look at education and how it fits into the big picture of our country: how essential it is to everything else we believe in as a nation.

Freedom has external and internal components. We're very aware of the external components: of political freedom that comes with democracy, the economic freedom that comes with free enterprise and capitalism, tolerance of religion, our legal structure that recognizes and enforces contracts, and law enforcement. These things are critical to making freedom work.

But underneath all of that, the foundation is the individual: the individual who has the character and

the capabilities to operate successfully and responsibly within that external environment that we set up. As we try to spread democracy around the world, we see the need for that individual and those capabilities, and how none of it works unless that individual is prepared to operate in that free society.

So, given the importance of our belief in freedom, the commitment as a nation to develop those capabilities in the individual is a good thing. The commitment for an educated public is a good thing.

But that does not necessarily mean that we are committed to government-run and politically managed schools, particularly from the federal level, and I'm afraid that over the past several decades, our commitment has moved from developing the capabilities of the individual to a commitment toward government control of education at the federal level. When you talk about pulling that apart—as Senator Cornyn has talked about, moving toward a federalist approach—people say you are against public education because you are taking away some federal control.

If you look at the facts—and John has mentioned a lot of them—for over 40 years, the government has been involved in sending money. You can almost peg the beginning of the decline in our education system to when the federal government began to support it. We're losing ground to other countries, and we have been for a long time. We're spending now, if you add capital costs in just about every state, well over \$10,000 per student, and we continue to lose ground. It's affecting the college level as well, because our universities are having to "dumb down" to receive what's coming out of our public education system.

The research I've just read says that the average college graduate today knows what the average high school graduate did 50 years ago. Can you imagine that? So we've got a high school equivalency now at the college level. You can trace it all back to federal involvement. The way I see it, as someone who used to be not only in research, but in quality development in consulting companies for years, you can't have quality development with a top-down approach, particularly if decisions are made at multiple levels as we have with education at the local,

state, and federal levels. At every level, the interest now is not in developing the individual, but in controlling the process.

We are at the point where I was a number of times with some of my clients: where, after doing a complete assessment of their business, I told them, "It is time to do something different." It is time to change the way we are thinking about this, because it's not working.

The need is more urgent than it ever has been. If our high school and college graduates were just competing with themselves, then we could say at least they're all even, but they're not now. People all over the world want what we have, and they want to take it from us. They want our prosperity; they want our success; they want our freedom; and their students—if you talk to people who've come back from all parts of the world, particularly Asia and China and India—are working to take what we've got while our students continue to decline every year because we've lost scope of what the real mission is, and that is to develop the character and the capability of the individual.

As has already been pointed out, No Child Left Behind started with some good ideas, but what Congress didn't mess up, the bureaucracy has messed up. There is so much absurdity now within No Child Left Behind that it's going to be difficult to tweak it and fix it. We need to look at a way to allow states to get out of it in a way that would let them do it responsibly.

What has happened in No Child Left Behind is what every manager and leader dreads: to be given more responsibility and more accountability with less flexibility and authority to get it done. That's what has happened all over. A principal, a superintendent, a state does not have the flexibility and authority to do what we've asked them to do.

We can change that without lowering any standards, without lowering any accountability. Probably the best way to describe it is a charter state option. For those of you who have followed the charter school movement across the country, it's a public school idea where you allow people to set up a specialized school with a separate board with some autonomy. They have the same accountabili-

ty, but they can use ingenuity, innovativeness, and new ideas to try to do something better. Most of the good performance is coming out of some form of specialization within the public school umbrella at this point.

What we're asking is that states have the option to stay under the No Child Left Behind regime or choose to take the accountability and standards of that regimen but have the flexibility to accomplish the goals in a different way. This would do what welfare reform did. If you remember, welfare reform did not start at the federal level, but by giving states the flexibility to create laboratories for change. Then the federal government saw what was working, and we did some things to allow more states to do that, and we changed the system.

We need to do that for education, because, first of all, what we're doing is not working. I think we've made the point today that it is urgent—much more so than just a single federal program. Everything we value as Americans is sitting on top of our ability to develop the capabilities of our students better than

the rest of the world. It's not a one-year or a two-year fluke; it is decades of trends where we are losing ground to other nations, and we've got to stop it. The way we do it is to allow states the flexibility to create different models so they can compete, so other states get jealous and develop their own systems, and we get something working that we have seen work before.

So we are proposing—and with Heritage's help and help from governors all over the country, many of which have supported this idea before—to include in the No Child Left Behind reauthorization the key component of a charter state option, an option for states to take the accountability and everything we believe that is right about that but have the flexibility to fulfill it in a way that really works.

There is an urgent need. This country cannot afford to fail another generation of students. We have the opportunity to change it, and I think we could change it relatively quickly if we give states the opportunity to be creative.