

# Thank God They're Gone

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They've finally gone home. Maybe the 105th Congress accomplished something good in another domain, but in education they've soiled all that they touched. Having adjourned for the year with a debacle on national testing, confusion on charter schools, and utter failure on myriad school choice initiatives, the prospects for reforming American education would, in truth, be brighter if Senate and House had never gone near the topic.

(Next year we get to see what damage they can wreak on higher education.)

Granted, when it came to real school choice, the centerpiece of the G.O.P. agenda, Bill Clinton's implacable hostility meant any gains would be difficult. Much the same was true of block grants. But when it came to charter schools and testing, Congress created its own messes. When it took up the fiscal '98 budget, both houses shamelessly lavished money on useless and harmful programs alike, often more money than the administration had sought. And when it came to educating disabled youngsters, the one big substantive measure enacted this year, no serious effort was made to reform this misguided and out-of-control program, one that even teachers say is a dead end for most kids who fall into it.

It's now painfully and repeatedly clear that, while repairing U.S. education is at the top of the public's agenda, the national Republicans are no better than the national Democrats in their capacity to address this issue productively. Every time they try, they end up making matters worse. At the state level, however, many G.O.P. governors (and some Democrats) continue to make solid progress with important reforms, as do anti-establishment education commissioners in Florida, Arizona and elsewhere.

The conclusion seems obvious: get education out of Washington, back to where the Tenth Amendment placed it.

## *Three Sorry Tales*

National standards and testing was an idea that started at the Clinton White House this time around, although in earlier incarnations it was a Republican proposal. As always, it turned out to be hugely controversial, partly because of the administration's arrogance--they thought they could proceed without Congressional assent--and partly because the Education Department bungled the project's launch so badly that even pro-testing conservatives had to wonder whether these would be tests worth having.

The House sought to halt the whole idea in its tracks. The Senate tried to repair it--and did a good job of crafting a structure in which an independent board could start afresh. The White House, as usual, threatened vetoes. Unwilling to shut down three Cabinet departments, Congressional leaders sought a compromise. Needing G.O.P. support for "fast track" legislation, Mr. Clinton was game to bargain. But the Senate shunned the marathon negotiating sessions that followed. And the deal that was finally struck between House opponents and White House

proponents resembles a camel designed by a committee. It contains the worst of everybody's ideas.

Two things will now happen. First, Clinton-style reading and math tests will continue to be developed, now under the aegis of the National Assessment Governing Board. It's a good group, but because negotiators scrapped the Senate's plan for strengthening it, it lacks the requisite independence and bipartisanship. It could become the fig leaf over the Administration's trendy tests.

Second, an absurd "study" will be undertaken by the National Academy of Sciences to see whether existing commercial tests can be calibrated to a single standard. All evidence suggests that this is a psychometric pipedream but, in any case, "the Academy" is the worst possible place to lodge such a project. It will spend many months and many millions. It will empanel countless committees of "experts" that will be exquisitely balanced in terms of race, gender, even age--the Science Academy having become the capital's epicenter of quotas and political correctness--but completely unbalanced in their views. These panels will be packed with ed school professors and psychologists who never met a test that was good enough to actually use and who don't cotton to standards-based tests or test-based accountability in the first place. They will come in with ponderous reports that will set back all future efforts to impose such accountability on U.S. schools. Why Republicans in Congress could not foresee this is beyond our ken.

That charter schools are a promising reform strategy with a semblance of bipartisan support does not mean they can't be choked to death by a bear hug from Uncle Sam. Both the executive and legislative branches are now doing their parts to turn this wonderfully messy, entrepreneurial, grassroots-style education innovation into a tidy, well-regulated Washington-style program.

A medium-sized pot of federal dollars has been available for several years now to offset the start-up costs of charter schools. It typically yields \$50,000 or so per school, not a big number but extremely welcome if you're trying to lease a building, buy computers and textbooks and train your teachers, particularly since state charter laws typically offer no help with such items.

While the White House proposed to double this program's budget, Congress began in earnest to seek ways to ensure that the money would flow only to states with "strong" charter programs. That, of course, opened Pandora's box and out flew everyone's favorite notion of what such a designed- in-Washington program ought to look like. After considerable arguing by friends of charter schools who understand why this reform should instead be allowed to bubble freely, Congressional sponsors eased back. Still, the measure that the House passed last week--the companion Senate bill will be debated next year--seeks to shape state charter programs to a single set of norms. That we happen to agree with them is beside the point. A bad precedent is being set. What happens when the other team gains control of the ball and chooses to favor state programs that, say, require every provision of the teachers union contract to be enforced in charter schools, too? What happens when the Education Department starts writing regulations to implement the new norms? Why can't Congress understand that sometimes the best way to help a fragile reform succeed is to leave it alone? (N.B. The pale arm of G.O.P. spin-doctor Frank Luntz has reached charter schools, too. The House renamed the program the "community-designed charter schools act" because focus groups reportedly warmed to the word "community". Never mind that the real world is content with "charter".)

As for the executive branch, its plans for charter schools are still more worrisome. The Education Department threw a big conference at a D.C. hotel the other week, attended by hundreds of energized charter people from all over the country--and dozens of representatives of the education Blob and the federal government. People like Education Secretary Dick Riley said splendid things about how much the Clinton administration loves these schools and wants to help them. Yet session after session was run by Education Department lawyers and enforcers who instructed charter school heads and wannabees as to how their schools must not actually differ from regular public schools when it comes to special education, bilingual education and all the rest. The administration, in short, loves charter schools so long as they're just like the other schools that they're being started as alternatives to! (The Department has also begun to dole out bits of the federal charter--whoops, "community- designed"-- money to the greediest vultures of the public school establishment, the "regional education laboratories", ostensibly to study charter schools and help them in various ways. This would be funny if it weren't outrageous.)

School choice was the big G.O.P. education reform enchilada this session, but despite Republicans' professed ardor for it they actually wound up doing more harm than good.

By our count, at least four different school choice measures were introduced in Congress--mostly by Republicans, but sometimes with the support of choice-minded Democrats such as Joe Lieberman and Floyd Flake. All of them died on Capitol Hill, or were put off until next year, except for a tiny program of "opportunity scholarships" for two thousand poor children trapped in the dismal District of Columbia schools. And what happened to it was, in a sense, worse than death. It became a triumph of the purest political cynicism, as G.O.P. leaders negotiated with President Clinton and Senator Kennedy to devise a scheme by which Congress could pass the program in a form that would make it easy for the President to veto without anyone being inconvenienced in the least.

Rather than hold hostage the annual aid bill to keep the D.C. government going (so to speak), Congress split off the scholarship program so that the White House could neatly dispose of it. This, of course, enabled Senators and Representatives to claim they had actually passed a school choice measure that the evil President kept from taking effect. It enabled the President to portray himself yet again as defender of public education--and protector of the capital city's dwindling "home rule". But it was all smoke; symbols and posturing for political gain. If Congress actually cared about the kids, it would have shut something down--like maybe the salaries of the White House and Education Department staff. But they don't care about the kids as much as they're scared of Clinton's skill at dubbing them anti-education and anti-government. So the kids become pawns in a cynical game that none of the grown-ups actually win but that all of them claim to be winning. And the thousands of low-income families that rallied and prayed for a better educational shake for their kids-- well, they're pawns, too.

As for the three other school choice measures, don't ask. There were press conferences and hearings, to be sure, but nothing real. In the end, choice was not advanced by anything Congress did. Instead, the country was treated to more media accounts of how Republicans hate public education.

## *Lessons*

Outside the Beltway, America has a robust and diverse school reform movement that celebrates high standards, freedom, choice, enterprise and accountability and that's slowly shifting power from education's producers to its consumers. Daffy educationist ideas are being sidetracked. Commonsensical alternatives are getting a chance. Defenders of the old order are retreating or, at least, changing their rhetoric. Avatars of change are winning elections.

Why, then, is Washington so messed up when it comes to the most urgent item on the country's domestic agenda?

Let's assign credit where it's due. Mr. Clinton has largely succeeded in maintaining the education status quo while impressing the impressionable as a great friend of reform. He's done that by coopting the former G.O.P. agenda, speaking deftly (and often) about education, and affixing the "anti-education" label to everything the national Republicans try. In reality, of course, his administration is doing great damage to the reform movement itself (witness the continuing depredations of the Office for Civil Rights). But he manages to sound as if he's head cheerleader of that movement rather than chief swinger of the bureaucratic wrecking ball.

For their part, the Republicans seem schizophrenic. Their philosophy properly calls for shifting power, decisions and control of resources out of Washington. But they also have an acute case of "programmitis", the illusion that only by creating (or reshaping) federal education programs can they possibly accomplish anything good--and rebut the Democrats' charge that they're cheap and uncaring. Worse, they lack the courage of their convictions. They're unwilling to confront Mr. Clinton on his follies or the school establishment on its self-interestedness. And they haven't figured out how to explain to the country that its education problems would actually be eased if Uncle Sam made fewer decisions and parents and governors made more.

Taken as a whole, the Congress's attempts to enact national education policies are so mired in politics, partisanship and interest group pandering that the results are either irrelevant or harmful to the reform effort. The President has held the upper hand on this issue since he took office. But, rather than crafting a viable, competing strategy, the G.O.P. has proffered only meager proposals, empty rhetoric, cynical schemes and more big-government manipulations.

Having messed up the first half of the 105th Congress, no doubt they'll return in January to do more. Will they have a better strategy then? Or will the White House again call the shots?

For now, let's just be glad they've left. May they stay home a long time, reading and fishing and talking with their constituents about education. When they return, let them try following three simple precepts: that Uncle Sam should butt out of virtually all education decisions; that Federal education money should flow to governors and mayors and parents; and that the dollars should follow kids to the schools of their choice. That's it. That's actually plenty. It would revolutionize thirty years of federal education policy--and give real education reform a huge boost.

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Founded in 1993 to bridge the gap between policy and practice, The Center for Education Reform is the pioneer and leading voice for substantive change that transforms learning opportunities and outcomes for America's children. Additional information about CER and its activities can be found at [www.edreform.com](http://www.edreform.com).