



FIRST **100** DAYS

The path to **going bold** on
education innovation
& opportunity

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These recommendations carve into the federal education foundation **an authentic agenda for education opportunity**, redefining the lines of Washington's role and putting its imprimatur on innovations in schooling, teaching and learning at every level.

Introduction

It was Franklin D. Roosevelt's very first inaugural address in 1933 that gave life to the famous phrase: "...the only thing we have to fear is fear itself."



Roosevelt set the course for an aggressive set of legislative and

executive actions known as the 100 days. Since then, every incoming Administration has set ambitious goals for its first three months in office, and consequently, various players take to their pens, paper and technology and rattle off their recommendations.

It's our turn again. But this time we are bullish that what we have advanced and supported for 23 years may actually come to be. We have made recommendations to incoming administrations since CER was founded in 1993, and each time those ideas have fallen prey to a bevy of special interests, political moderation, or worse, downright dismissal.

A nation that educates less than half of all its children to proficiency can no longer afford to fail in education policy.

A nation that looks the other way at the fact that only 55 percent of students who start

college will graduate within six years—blaming only cost, and not the lack of purposeful, meaningful, non-politically correct offerings—will fail to correct such problems if it cannot understand and embrace policy change.

Thankfully, these and other issues are on the agenda of President-elect Donald Trump and Vice President-elect Mike Pence. They believe that school choice must be provided to those who cannot afford a great education on their own, that higher education needs to be improved and its costs balanced with quality, and that Washington should recognize the sovereignty of state and local prerogatives in education.

For 23 years, this is what we have believed. We believe that great education will stimulate greater well-being and economic prosperity for all Americans, and that to achieve success we must accept that learning is multi-dimensional and that it need not take place only in the traditional brick and mortar classroom, between the ages of 3 and 17 or between the hours of 8 and 3.

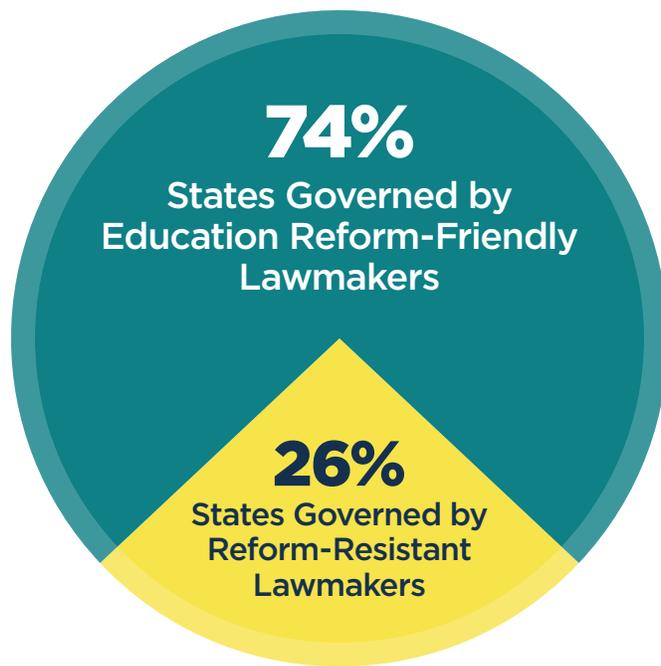
If we are to be bold about education reform, we must acknowledge that adults who can't read and write have been tragically underserved by our schools. We must acknowledge that not every 6 year old needs the confines of a traditional 1st grade classroom, that they may be advanced, or just a different kind of learner.

Our approach to education should not be shackled by the traditional segments of pre-K, K-12 and higher education. They are 19th Century divisions that began with Mann and Carnegie and were cemented into place under Presidents Kennedy and Johnson in the 1960s. They ignore the fact that the pace of learning occurs along a continuum that can vary widely from one student to another, whatever the education bureaucracy may attempt to decree.

Current Federal programs and money drive silo thinking and funding. If we really want an exceptional America we must have exceptional education, without conventional barriers to learning at one's own pace, in an environment that best suits the learner. That's what opportunity is all about in a world where information travels faster than almost anything save for the speed of light.

It's time to be bold and think about what's possible when you take control over a nearly \$70 billion agency, and have entered a nation where 37 of 50 states are governed by education reform friendly lawmakers. It's not just about a school choice program, or increased charter school funding, or little

innovation grants. It's about tearing up the very top-down mandates and arcane characterizations of schools that created the need for such micro schools, innovative charters, competency-based programs and online higher education offerings in the first place.



Thus the Trump Administration should use its first 100 days to launch major initiatives that pave the way to enormous, tangible returns on every education dollar spent and provide the basis for programs that provide students with access to truly exceptional education at all levels. We respectfully request a focus on four major interconnected areas where federal oversight meets national imperative:

- 1 Spending
- 2 Teaching
- 3 Higher Education
- 4 Educational Choice

Each item in the agenda that follows will require months beyond 100 days to realize in full. The key however is to set the four wheels in motion at once, and not one after the other as is typical of federal lawmakers. History can be made by moving rapidly and in unison on these four areas of focus.

FOCUS ON SPENDING

Federal spending needs to be redirected, repackaged, and re-permissioned across traditional program lines. To conduct a serious, publicly transparent review in a finite amount of time as to how every federal dollar can better meet the needs of schools and students, the Administration should establish a Commission, like the Reagan-era National Commission on Excellence in Education.

Call it the Make Education Great Again for Students Commission (Or, MEGAS Commission)

The chief goal would be to explore every existing statutory or legally permissible opportunity to send funds to states for them to spend on innovative, flexible learning arrangements.

The Commission, under the aegis of the Secretary of Education, would similarly identify for public review in real time, every barrier to opportunity. The Commission members—who would be existing education

Department staff would share the genesis of such barriers with the public.

For example, knowing that in the 1800s the equivalent of 8 men in a room created the Carnegie unit to standardize the number of instructional hours students have throughout the year might help schools and parents better understand the impetus behind the classroom and the hours that accompany it.

Similarly, they might be able to better decide themselves on what works, rather than be required by federal law to abide by an existing structure.

The Commission might also set an expectation that all states fund each kind of school that a student attends equitably, erasing the inequities between public schools, public charter schools, even to include federal funds to which private school students are entitled.

The Commission would finally be expected to review all federal regulations and the thousands of non-statutory guidelines that are essentially bureaucratic dictations accumulated over time, governing the distribution of state and local funds such that states might feel



more free to do as the law intended, but that federal policies were created to obscure. For example, because the federal public charter school grant program distributes funds to states, federal officials over time have created new expectations of states that were never intended by law. States are required to hold for-profit management companies to different standards including making these schools ineligible to apply for certain grants and requiring them to file multiple reports on their governance that no other school public or private must file. These regulations often discourage credible providers of instructional services.

Independent non-network schools started by community members are discouraged from federal funding with requirements to meet federal

criteria that supersede any state law requirements.

The administration should conduct a thorough review of all regulatory limitations imposed on spending in education regulations, as well as across other Departments from which schools and school districts benefit. Education funding and regulation is not limited to the Education Department. Departments like Labor and Agriculture often set criteria for education-related funding. USDA, for example, bars charter schools from receiving federal free and reduced cost lunch funds unless they employ certified food service workers. Charters which hire community members to provide food services to help their neighborhood economically are denied lunch funds to serve a political agenda.

Finally, the federal government should dedicate its resources to helping parents become informed consumers. School ratings are contentious and the track record of most schools is often difficult to assess for even the most informed among us. This is unfortunate for parents looking to improve their child's education career. It's time for parents to have accessible objective, current, and transparent data and information in an easy to

read and understandable format on the local neighborhood school or any school across the nation. Parents as consumers help the education market by making informed decisions on what school environment is best for their child and it starts with data. Our federal government has ample data

to support a comprehensive school reporting mechanism. Currently it's just that, data. The data must be organized and distributed to better inform parents, taxpayers, and legislators of the academic, financial and operational performance of every school.

FOCUS ON TEACHING

Solve the crisis in teaching, the shortage of individuals able to but precluded from teaching due to flawed certification mandates, by encouraging opening up of the profession to experienced subject matter experts, thought leaders and international experts.

Next to students and their families, teachers are the most important influence in the life of a student. While states deserve the lion's share of credit—or critique—for laws governing the hiring, management and care of the teacher profession, the federal funds that support and pay for teacher related programs and support come with thousands of

strings and barriers to change. The Administration should immediately review rules governing of Title II of the Every Student Succeeds Act, which covers the preparing, training, and recruiting high quality teachers, principals, and other school leaders. Like all things, there should be immediate attention paid to the Title II, Part A Non-regulatory guidance issued by the Department, which undermines the ability of states to enact or adopt truly meaningful alternative certification programs or spend funds to support and improve teaching. The Department has guidance defining “high quality professional development” and how much a state may spend from federal dollars on that, defines permissible state use of funds, mandates that staff must be involved in how funds are spent and on and on through dozens of pages of contrived oversight.

Consider the following example of guidance that from about 2006 until just this year guided state spending for teacher development. In this

example of allegedly incorrect use of funds the Department’s guidance imposes expectations that were not written in law.

EXAMPLE: INCORRECT USE OF FUNDS

Jefferson University, its College of Education, and its College of Arts and Sciences partner with the Lincoln high-need school district to provide professional development in instructional leadership for 20 principals. Jefferson University’s Grants Office receives 100 percent of the Title II, Part A funds for the partnership, giving:



to the college of Education to pay its faculty to deliver a professional development summer course in instructional leadership methodologies for 20 principals at Lincoln school district;



to the College of Arts and Sciences to pay its faculty to deliver a professional development summer course in instructional leadership content knowledge for 20 principals at Lincoln school district;



to the College of Arts and Sciences to pay its faculty to deliver a professional development summer course in instructional leadership content knowledge for 20 principals at Lincoln school district;



to Lincoln school district to pay stipends to the 20 principals attending the professional development summer courses.

In this example, one partner uses more than 50 percent of the funds for its own benefit.

As of September 2016, the guidance issued to help states implement the Every Student Succeeds Act, while less prescriptive, still imposes mandates not intended by law. The following language strongly encourages practices that school personnel most likely will take as a mandate, not a suggestion, because they perceive guidance to be the best antidote against loss of funding in the next round:

“State-level Activities and Optional Additional Funding Under Title II, Part A of the ESEA, SEAs have broad authority and flexibility in the use of State activities funds. SEAs may use some of these funds to improve the quality and retention of effective teachers. However, we strongly encourage each SEA to devote a significant portion of its State activities funds to improving school leadership; and in doing so consider its flexibility to reserve an additional 3 percent of Title II, Part A LEA subgrants for States activities that support principals or other school leaders. (ESEA section 2101(c)(3)).”

The section also talks about class sizes and how to measure effects.

There are so many requirements for evaluating whether and how a program should be implemented that districts and schools could spend most of their funds on the process and not the outcome. That indeed is the point of loosening the guidance, the restrictions and allowing individual schools to develop their own plans and programs without such subjective feedback from the federal government.

Such feedback also doesn't get to the biggest issue facing the education profession, and that is the teacher shortage, which is egregiously misunderstood. The impending shortage of 100,000 teachers by 2020 requires bold action to ensure every student has a qualified teacher. There is no shortage of people willing and able to teach except by bureaucratic standards.

Underemployed individuals are key to providing relief to the teacher shortage. As the manufacturing and technical jobs outlook sways with the economy, there is an abundance of individuals seeking employment in positions offering lower wages, fewer benefits, and less security as a means of survival. Often well trained and credentialed former manufacturing and technology workers would serve

our nation's schools were we to redraft teacher licensing requirements and permit wide latitude in how states spend their educator development funds. These individuals could serve as teachers and mentors. Today's students need an education rooted less on theory and more on hands-on experiential education. The gateway to a meaningful education for many students could be provided by a legion of former employees in technology and manufacturing fields.

With technology a key asset in schools, the question must also be asked: why we don't avail ourselves of teachers who may be off site in a different school, a university or even a different country? A great math teacher in Singapore could address a math teacher deficiency or absence via a cheap or free Zoom videoconference. But then such a course would not be considered a permissible use of federal funds and in many cases, state funds as well.

To increase the number of pathways or on ramps individuals can use to access schooling, we must allow states and communities to redefine 'qualified.'

Several years ago when alternative certification was first introduced (to many a union leader's chagrin), it allowed states to hire people who had qualifications in other fields to come teach, without having to go through certification requirements that were input, not output driven. Then NCLB pigeonholed that same concept into a strict definition of "highly qualified" that once again required even the innovative charter schools to have to hire a majority of teachers who were certified in traditional ways.

In fact, during that time, Title II was first amended to permit districts to spend money on multiple pathways to teaching, including non-traditional models. But a district only has a limited pool of funds to use to do just that, and they may not combine funds from other federal programs that may help them have the intended effect, or gather enough funding to rollout the program. It is not clear how much has changed since such programs started. What is clear is that the country will not be able to expose all students to exceptional education without teachers and school leaders with exceptional capabilities, no matter how they got there.

FOCUS ON HIGHER EDUCATION

Recast the federal role in higher education to create more opportunities for both the private and public sectors to serve the needs of students seeking a higher education at every level.

True opportunity requires not that federal funding dictate student choices but that it follow student choices. With less sixty percent of students graduating college who begin, and shockingly fewer than 30 percent of all students in public universities graduating in four years or less, college bound students are clearly telling us something. Their market test is *the* market test. If they stop going to school, decide not to finish, have trouble finishing or are not engaged, they are telling us that they want more opportunities in higher education than were available, or desired, by many who are long past those days. It's not because the cost is too high, though there is no question, the price of higher education is staggering. But even cheaper state and community colleges are losing markets. The one market increasing however is the non-

traditional education market – small and large, new kinds of on ground, online schools as well as competency based boot camps that teach specific skills have come into existence since the advent of technology or just innovative thinking. Students accepting Pell grants, etc. subject the college institution to federal mandates. The strings attached to these dollars often strangle the institutions. This view becomes dicey when you add protected status to the discussion, i.e., students with disabilities.

Yet rather than embrace new ways of implementing college education, the traditional higher ed cartel challenges new practices on all sorts of contrived bases. Most recently, critiques were based on corporate status-for-profit vs. non-profit, for example, as if one delivered superior results than the other. To be sure, there are laggards in both camps. But setting policy to make one must demonstrate more success than the other in often unmeasurable long-term methods, e.g., gainful employment, is no way to encourage innovation.

On top of that, hundreds of thousands of credible universities have created and offer online classes to students unable to afford college. Efforts to

award credit for proven mastery in those classes are often scoffed at, and federal funds do not flow to students who might take on numerous courses at once, but go instead to institutions that do not want to accept such classes for fear of losing money.

The reauthorization of the Higher Education Act this year provides an enormous opportunity for legislatures to change policy for the betterment of higher education for all. There should be ways by which the federal

government can recognize alternative higher education delivery and the accumulation of real coursework and mastery. Competency based education in higher education should also apply to learning from the very earliest days. Perhaps raising this issue during the deliberations of the federal government's investment in higher education this year would influence the entire conversation and policy direction in education, and could similarly be a focus of the MEGAS Commission.

FOCUS ON EDUCATIONAL CHOICE

The federal government should recognize whatever it is that states do to provide opportunities for students beyond the traditional public schools. Such programs—private school vouchers, tax credits, charter schools and the like—did not exist prior to 1990 in a substantial way and as a result, the federal government has continued to view them as anathema to the original definition of public education.

Public education is about educating our kids—and about educating the public. Federal education programs and services which predate the 1980s Department supplemented state and local services in ways that suited each particular Congress or administration along the way. The birth of federal education programs occurred before there was any concrete evidence that despite billions spent nationally the Nation was at risk, and that traditional education governance simply was not working for most students. Meanwhile, other nations with far fewer freedoms were beating us at just about everything.

When states began enacting

educational choice programs in the early 1990s, the federal government should have begun recognizing those programs and working to ensure that any federal funding would follow students to schools that were publicly sanctioned, even if they were new to the federal definition of education.

Despite 30 years of educational choice, the federal government still delivers funds and guidance based on a 20th century model of education, not on the one that exists today. That is why opponents can so easily thwart attempts to enact new choice programs or expand existing laws—because while the federal government does not create those laws, its imprimatur and practices discourage and in fact discriminate against such programs. Why else would children who receive state vouchers to attend private schools be unable to access funds that are allocated for their education simply because they do not attend a traditional district school?

It's time to elevate the issue of choice not as a mandate or a stick that states must follow, but as a recognized path that more and more Americans at every level of schooling are using. In Pre-K, high school and even adult education, people are choosing how and when to educate their kids

and themselves. Yet the federal government's programs have not kept pace with what we know about how children learn. Special education funds, for example, monies for English language learners, after school and before school programs and professional development programs are distributed to districts based on a litany of formulas, applications, prior use and all-encompassing rules and regulations. The real need is for districts and schools to be able to use funds for education practices that respond to the demands parents and needs of kids, and that happens to be something that cannot be determined prior to knowing who those kids are, what they need and where they attend school. These are the same programs that we funded nearly 40 years ago, and regardless of the differences in priority and implementation, their governance neither follows student needs nor respects state choices in how education is delivered or practiced.

The Trump administration must address this deliberate disconnect and ensure that educational choice is not only recognized but encouraged.

In *Zelman v. Simmons-Harris*, Justice Sandra Day O'Connor said in the ruling that parents were a proper

conduit for deciding where funds might be used to best to educate their kids. The public schools in many of the poorer parts of Cleveland were considered failures, resulting in the Cleveland Scholarship Program to provide tuition vouchers for students to attend participating public or private schools and the education establishment challenged them. The High Court rebuffed the opposition. That ratification of school choice's constitutionality in 2002 has paved the way for other programs around the country, and should be a foundation for new federal efforts. Billions of taxpayer's dollars are being spent foolishly on the old and failing education paradigm, leaving little to no funding to give states the incentive and drive to change the way they do business.

On the issue of charter schools, the federal government has overstepped its authority in dictating how states conduct business. Each of the 44 states with charter laws has vastly differently laws, while some are laws in name only. The original public charter grant program was basic and sought to do justice to the original constructs of the earliest

charter schools. To receive funds, states had to show that their charter schools were public schools on contract with an entity the state deemed qualified to authorize, that they were autonomous from the school district, and given authority over operations. Priority was given to states with a high cap or none on how many schools could open and which allowed authorizers other than only school boards. There was no prescription on how to spend the funds and states were permitted to dictate their delivery. That is, until federal guidance worked to make charters come under the very traditional government structures they were designed originally to escape. In the nearly 20 years since federal support for charter schools began, the program has grown into a major categorical program that picks winners and losers from the start and empowers Washington, not states, to set policy. This must change.

The promised school choice platform on which Donald Trump campaigned can sanction and encourage additional state efforts by following these basic ideas, among others:

Bundle Dollars

Combine dollars for choice as the new national MEGAS Commission would direct. Permitting the bundling of funds across a variety of programs would support state educational choice programs.

Charter Schools

Support charter schools' expansion and their facility infrastructure needs, starting by repealing all existing federal charter program guidance and going back to the basics of the original and intended state grant program, which encouraged strong state laws and limited regulatory overreach of a state's charter law. The program's expansion should be tied to smart management, and a roll back of the regulations, which also happen to cost money at the state level to implement, taking it from schools.

Course Choice

Permit federal funds to support a la carte choices of courses from all sorts of schools, from college, to other traditional schools, to private to online schools.

Digital Education

Broaden federal support for digital education, by removing any barriers in federal law, regulation or guidance that prevent or discourage digital delivery of education. Consider partnering with the federal agencies that oversee telecommunications and transportation to drive the digital super highway further into rural communities and thus permit them to access the best of education that currently escapes their remote areas, via technology.

Military Vouchers

Provide military families with the ability to use their allocated tax dollars to attend any school they choose, in any community, with no limitations. They, of all people should have not only unfettered opportunity to choose by a federal investment, but also to ensure that their service is rewarded by the nation's commitment to their children.

Postscript: *An Agenda for Advocates*

There are scores more issues to tackle. For starters:

Is the Department's Civil Rights agenda hampering or advancing substantive issues through U.S. education?

Do federal special education funds work as needed, and are they able to be evaluated for whether they encourage or discourage schools to address special needs in the most special of ways?

Can HBCUs, once upon a time the leaders in educating people of color, be supported and expanded in new ways?

What is the proper role of the federal government when it comes to limited learning language students?

Every new administration arrives with ambitious plans and ends up administering the same old, tired and worn programs that have been around no matter what their impact. An unprecedented and historic election might finally pave the way for an unprecedented and historic review and change in how the federal government does education. Without exceptional education for all Americans, our own nation will not prosper and will continue to fall

further and further behind the rest of the world. We can, and we must push for a better path forward for our children if we truly want to make America truly great.

How do we get there? The Center for Education Reform has carved an agenda for advocates everywhere whose intellect, passion, commitment and roll-up-your-sleeves mentality is necessary to make this work.

Boost Public Awareness & Transparency

It's not just the status quo, the establishment or the unions who stand in the way of progress. It's lack of information, which begets apathy. We hope to coalesce advocates nationwide—of any of the four major recommendations—from every political stripe—to engage in promoting what works in other communities, states and countries.

The Department will need you to identify all the data points it must post to educate the public, all the programs that are funded and how they work, where the challenges

are, the barriers, why and how federal funds might flow more comprehensively to thought leaders in states and towns.

Bolster State Ed Reform

There was a time when state Departments of education safeguarded and advanced local and regional districts' quest to be innovative and cutting edge. Slowly the edge dulled to a bureaucratic checklist destined to deflate any creative energies set in motion by well-intentioned teachers and administrations. What arose was an army of teachers often hiding behind the curtain of compliance and settling on a standard of mediocrity. State Departments of education must return to their birthplace as simple stewards of funds, carrier of the purse, bookkeeper, rule enforcer (not maker), technical assistance, sunshine on best practices. If Departments are hostile to parents, or state reform efforts legislatures enact, advocates must challenge them rather than assume it's a fait accompli.

Educate State Legislators

Even the most tenured or best do not have the time to be experts. They do not always know how to parse the many demands for what should

be in a choice-related law. Take charter school laws for example. The stranglehold of state and federal laws, rules and procedures have pushed charter schools to evolve to mirror the local public school down the street. Boilerplate legislation pushed by national groups and instituted by state-to-state collapses the uniqueness of each charter school. Charter school operators across the country see the negative impact of such control. They are looking for help to stop the push from big-government charter advocates whose well-intentioned efforts have paved the road to uniformity. Likewise, all supporters of education choice can come together to amplify one another's efforts.

Embrace Innovative School Districts

Many a school district leader wants to find new approaches to pursue flexible spending arrangements and program implementation. However, we cannot succeed until most school districts understand that they have been given renewed freedom over funds. Advocates for true opportunity must engage with school leaders at every level to arm and support their transformation from rule followers to innovators.

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