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## Education Reforms to Make a Difference

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### Introduction: Oklahoma Public Education Still Needs Improvement

It has been said that if the education system of the 1950s in the United States had simply been left alone, we could have saved a lot of money and had basically the same educational performance we have today. Arguably, all education reform has accomplished in the United States for nigh-on 60 years is the growing of education bureaucracy and the expending of a great deal of treasure.

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More than once, it's been said that the U.S. education system produces exactly the results it's designed to produce. This is not to say its design has been entirely purposeful. Education systems across the states are basically all alike, but they have evolved, often on slightly different paths, with tweaks here and there, some more major than others, depending on politics of the time. Nevertheless, the basic system advocated by Horace Mann during the early 19<sup>th</sup> century is intact today, the principle difference being the increased prevalence of unions and other educator organizations acting to ossify the system.<sup>1</sup>

Oklahoma's teachers and students deserve better than the educational system they've inherited. They do not need the current system just made bigger with more funding. They do not need the current system just made more sclerotic by increased rules, regulations, and guidelines to implement the

latest fad (Adverse Childhood Experiences anyone?). They need a system that allows for innovation, one that organically holds all responsible parties accountable for student learning, or, in other words, one capable of real improvement.

Our schools badly need improvement, not just in Oklahoma, which lags the rest of the United States, but in the United States as a whole, an educational laggard in its own right. As pointed out by Heritage's Lindsey Burke, although The U.S. has managed to surpass some European nations' reading scores in the Program for International Student Assessment (PISA) comparison, it's really only because our results have been flat over time while the Europeans' have sunk, perhaps due to an increase in numbers of people whose second language is a European one. Meanwhile, our mathematics scores have been sinking for years.<sup>3</sup>

Decades of reform efforts intended, we are told, to produce real improvement, have only given us stagnant results.<sup>4</sup> Meanwhile, a rising international rival and national security threat, China, has students who are *4 grade levels* ahead of American students by the time they enter high school, according to PISA.<sup>5</sup> Oklahoma cannot even match America's overall pitiful performance, with Oklahoma 4<sup>th</sup> graders scoring 5 points below and 8<sup>th</sup> graders three points below the national averages in math, respectively. In reading, Oklahoma's 4<sup>th</sup> graders are four points and 8<sup>th</sup> graders three points below the national average.<sup>6</sup>

### Real Reform Requires Institutional Reform

Clearly, attempts to dictate the minute detail of what schools teach, how they teach it, testing it, giving pay raises, hiring more support personnel, and a host of other supposed reform measures, have failed to bring about real improvement. Supposed reforms have repeatedly been repackaged, often with more money accompanying them, only to see them crash against a solid

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wall of bureaucratic and ideological resistance made strong by the legal structure of the public education system that gives so much power to a few.

The real reforms needed in public education are those that weaken the solid wall of reactionary forces within public education that so effectively resist any measures that attempt to hold those same forces accountable for their lack of results. Another way to describe that set of interests is as an iron triangle, a triumvirate of interests locked together to form a tight and nearly inseparable bond. That triangle consists of the lobbyists representing special interests, elected officials whose prestige and election depends on support from the other sides of the triangle, and the government employees whose careers, and retirement pensions, are tied to the existing system.

The special interest lobbyists represent union interests, professional associations of education bureaucrats, and the many industries that make money from public education, including publishing, construction, technology, and sports equipment, among others. The government employees mainly include the administrators – superintendents, principals, and their close associates – who wield real power in the system. And of all the elected officials who are part of the triangle, school board members are the ones most closely tied to it.

Union lobbyists' own personal and organizational interests often run counter to teachers' interests even though teachers make up the largest number of individuals the unions claim to represent. Unions gain their power from membership and they represent employees in the schools who do not teach. In order to gain members, unions have an incentive to allow teacher salaries to stagnate as resources are redirected to hiring non-teaching employees. This has the advantage of keeping teachers militant over their own salaries. Unions regularly make common cause with administrator and school board associations at the state level in order to battle institutional reforms that could ultimately put more authority over the classroom into individual teachers' hands. And, unions use teachers' dues for political activities with which not every teacher agrees.

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## **We must empower teachers by closely defining what it is they need to teach and then allowing them to do it.**

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Only by weakening this triangle will we get anything like real, positive change in public education that leads to more knowledgeable students graduating from high school ready to succeed in other educational endeavors and the careers of tomorrow. We must empower teachers by closely defining what it is they need to teach and then allowing them to do it. We must empower students and their families to seek out the best situations for them, both within and across schools.

Each of the reforms listed and explained below is designed to weaken education's iron triangle of interests that are unaligned with the interests of students and teachers. In so doing, they will allow for an education system to arise that is more concerned with educational quality and attainment than pensions, facilities, and fads that only serve to aid in demanding more money,

showing little or no productive educational impact.

### **Allow for Teacher Charters**

A group of teachers should be allowed to independently establish a charter school without recourse to a "charter authorizer" by simply demonstrating they have the financial wherewithal to open and run the school. Other than checking the teachers' credentials, the only criteria for integrating such a school into Oklahoma's charter system would be to make sure the teachers have access to a minimum number of months of operating capital. They should also be required to post a bond to indemnify the state against expenses to remediate students should the school fail.

Teachers often chafe at the administrative bloat, excessive paperwork, and nitpicking tasks beyond just getting the job done in teaching students and holding them accountable for their learning. By instituting a path whereby experienced teachers, who are certified by the state to be well qualified, can take control of their own destiny and practice the art of teaching as true educational practitioners the legislature can put real teachers in the educational driver's seat. These entrepreneurial education practitioners, like doctors and attorneys, would select their own administrators to facilitate the practice of educating rather than allowing constant interference by politics, educational fads, and pedantic bureaucratic demands.

In an effort to make sure a plan for opening a charter school is sound, the state has created a charter system that requires someone wishing to open a charter to gain the approval of a local board or the state board to open that charter. But, a group of state-certified teachers, perhaps in partnership with an individual or company to perform administrative duties, ought to be able to start a charter school without necessity of going through an authorizer as long as the financial conditions specified above are met.

With the state facing no financial risk from the operation of such a charter school, it should be up to parents to determine any academic risks. In this way, such a charter school's teachers, curriculum, and practices, without teachers being held back by district practices and policies, can truly be independently determined as long as they comply with the subset of laws to which all charters are subject.

### **Move School Board Elections to November**

School board general elections in Oklahoma must occur, by law, on the first Tuesday of April each year. Primaries for school boards must occur the previous February. But, primaries are non-partisan, so if a candidate in a primary school board election in February gets a majority of the votes, state law says that person gains the office without need of an election in April, which makes February often the default general election date. Of course, this bait-and-switch election date nonsense simply adds to confusion on the part of voters. If there are only two candidates for a school board position, the election takes place in April. If there are three or more, an election occurs in February, but might or might not occur in April, except that it's not really clear that this law is strictly followed.<sup>7</sup>

Turnout in school board elections is notoriously low, with single-digit percentages of eligible voters commonly showing up. This means a very low proportion of voters can have an outsized

impact on the local school board. Those who are most motivated to vote are those who work in the schools. Indeed, education unions and professional associations heavily involve themselves in these elections. Thus, they often make the difference in who gets elected to school boards. In a very real sense, the employees of school systems are largely responsible for selecting their own direct employers. Consequently, school board members often feel, and are, more beholden to the employees of the school systems they oversee than to the voters who pay all the bills, much less the children who matriculate in the schools or their parents.

The solution to this perverse system is to consolidate school board elections with other more common ones. Preferably, school board elections should occur on the common election date in November of even-numbered years. Regardless of school board elections, there are too many election dates in Oklahoma.<sup>8</sup> Evidence is that that low voter turnout can be successfully addressed by consolidating election dates, especially with the national general election date in November of even-numbered years.<sup>9</sup> More importantly, there is evidence from California that when school board elections are held on standard election dates, voters punish school board members for poor school performance and schools improve.<sup>10</sup> With elections occurring at odd times when mainly education employees engage, the issues that dominate are work conditions such as less testing, smaller class sizes, and higher salaries.

### **Make Moving into Teaching Seamless**

Good teachers know their subject matter and believe it is important for others to know, they communicate well, and they show patience in communicating. Teachers have to be able to plan, manage a classroom, communicate expectations, and establish academic standards. And of course, as with most careers, an ability to collaborate is necessary. Not everyone has the patience to teach young people who are at school through no choice of their own or the ability to put up with overweening bureaucracy in public education. The traditional path for public school teacher certification supposedly leads to identifying and training good teachers, but in only six years 30,000 individuals so certified have not had the staying power to remain in the classroom.<sup>11</sup>

A life, or a significant part of a life, spent in a career such as engineering, government administration, medicine in some capacity, or another of the hard sciences is more than enough to see an individual deeply knowledgeable of a subject. It is not uncommon for someone who has retired early from a good career, or who has decided they would like to dedicate their life elsewhere, to leave their profession and express a desire to teach. The path to teaching in the public schools after having otherwise established one's self after college, however, can be a tough one. For example, even a program like Troops to Teachers, which provides federal funding for participants, requires six hours of college credit in order to gain certification.<sup>12</sup> While the training itself is not objectionable, and might even be necessary, doing college coursework on the college's schedule can be a daunting prospect. The process should be easier and more seamless.

Few who have already earned a college degree and enjoyed a career or even part of one have any desire to go back to the classroom as a student. Instead, there should be a path

whereby individuals are able to attend practical preparatory seminars, sessions, or one-on-one tutorials to teach them basic classroom planning, management, and pedagogy skills. This training can be provided almost seamlessly on the prospective future teacher's schedule and independent pace through online coursework. Basic counseling could occur simultaneously to help interested individuals discover if they have the wherewithal and temperament for teaching the specific age group they are targeting or to identify the student age group for whom they are best suited. Basic online preparation could occur any time of year and a newly-trained teacher prepared in this way could begin teaching and earning a paycheck right away with the support (mentoring) of experienced teachers with lightened teaching loads.

This very nearly describes the American Board for Certification of Teacher Excellence in which Oklahoma participates. However, an individual wishing to gain such certification has to come up with \$1,900 out of their own pocket to make it happen.<sup>13</sup> In cases where someone feels called to take a pay cut and otherwise sacrifice in order to enter the public school classroom to teach, this is practically an insult. Nevertheless, much more should be done to promote this alternative path to teaching in Oklahoma's public school classrooms. Universities should be directed to create online teacher training in basic pedagogy, classroom management, and basic child psychology for individuals who would like to transition to teaching. Such training could easily be offered at very low or no cost with existing resources.

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## **In enacting the emergency certification law, the legislature wisely chose to trust administrators to make sound judgements regarding someone's ability to teach.**

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In enacting the emergency certification law, the legislature wisely chose to trust administrators to make sound judgements regarding someone's ability to teach. Those who enter the classroom as a teacher through an emergency certification under Oklahoma law must be recommended by the district's superintendent. Under current law, that trust only extends for two years. After two years, the emergency certified individual must quit teaching, despite the two years of experience. It's as if the legislature would rather have someone entirely inexperienced in the classroom than someone with two years of experience.

Currently, newly-minted certified teachers are on a probationary contract in a district for three years and then gain tenure rights by virtue of the fact that their performance has been deemed acceptable by administration. Surely, emergency certified teachers, by virtue of their acceptable performance, should be able to keep their jobs after two years, even if they never enjoy tenure rights. In fact, Oklahoma's Senator Sharp has filed a bill, SB 1115, which would allow emergency certified teachers to continue with school board approval indefinitely, albeit always at the beginning-level salary.

## Provide State-funded Teacher Professional Liability Insurance

In 2002, the federal government passed the Paul D. Coverdell Teacher Protection Act of 2001 which, combined with state laws around the nation, greatly indemnified teachers from professional liability.<sup>14</sup> Yet, teachers seem to see a lawsuit hiding behind every corner. Consequently, teachers join teacher organizations and unions, to which they pay significant dues, just so they can get the liability insurance those organizations offer.<sup>15</sup> For a variety of reasons, whether it's scare tactics from unions, scare tactics by administrators, or just "urban legends" arising from the occasional story based in fact, teachers are excessively concerned about being sued.

Dues for the Oklahoma Education Association are over \$500 per year, with liability insurance included as one of the benefits.<sup>16</sup> In 2000, an American Federation of Teachers (AFT) representative revealed that the insurance benefit was a major tool for their organization to attract teachers and that it cost AFT only \$12 per year per member.<sup>17</sup> In other words, many teachers and other educators are paying dues costing them 10 to 20 times what it costs for the benefit they actually care about.

The liability insurance bought through teacher unions is cheap, of course. Fact is, it's very nearly pure profit for those who sell it since a teacher practically cannot lose a lawsuit over something that happened while performing official duties. Nevertheless, teachers want insurance, although it can be a troublesome proposition for a teacher to buy liability insurance on her own. The minimum that can be found online for this insurance bought individually is \$94 per year for \$1 million in coverage.<sup>18</sup>

Suppose that since the year 2000, the liability insurance benefit provided by AFT has doubled in price to \$24. That insurance could be provided to every full-time equivalent public school employee in Oklahoma for a mere \$2 million. If the cost were \$99 per year per employee, the total cost of providing liability insurance would be less than \$8 million. In fact, both of these estimates are likely too high because of the state's buying leverage. In 2015-2016, a statewide premium for Florida to provide \$2 million in liability coverage for teachers cost less than \$850,000.<sup>19</sup> When it comes to providing benefits to teachers, liability insurance is a bargain.

Regardless of how the state of Oklahoma might structure the provision of liability insurance for teachers, it would buy goodwill with the state's teachers and keep teachers from believing they have to join a union, needlessly paying dues in order to get liability insurance. Perhaps it would even prevent many teachers from feeling afraid of lawsuits for doing their jobs so that they feel freer to do their jobs well.

## Promote the Conversion School Option

Oklahoma law allows a school board to unilaterally designate all or part of an existing public school as a conversion school. All the rules and regulations that apply to charter schools apply to conversion schools. All the rules and regulations that do not apply to charter schools also do not apply to conversion schools. The biggest source of flexibility for charter schools and conversion schools is that they do not have to strictly adhere to teacher certification requirements. It is also possible for a conversion school campus to not have to adhere to collective bargaining agreements to which the district is otherwise subject. The conversion school designation allows the flexibility necessary for

quicker and fuller implementation of curriculum, discipline, and management changes necessary to turn failing and mediocre schools into excellent ones.

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Thus, Oklahoma's school boards now have a tool at the ready whereby they can unilaterally deregulate schools that they oversee. A local school district board can no longer hide behind state law or rules as a shield from criticism of school performance by blaming various mandates from the state for diverting resources away from the classroom and teacher salaries. School boards can make many of those mandates disappear for any school under their control. All they have to do is vote to do it, and maybe do a little work to make sure a conversion school under their authority is well-managed.

As noted in an earlier 1889 Institute publication, *Conversion Schools: Local Districts Have No Excuse*, there are many possible options for implementing a conversion school.<sup>20</sup> Teacher pay could be tied to performance and discipline; technology-based individualized learning models could be implemented; a school could focus on providing dual college credit or could focus on English language learners. These are a just a few possible options. The conversion school concept is really only limited by the imagination and, of course, politics, and the fear of taking any risk.

The legislature should require the Oklahoma State Department of Education to inform every school board member in school districts with failing school campuses of the conversion option. Additionally, the State Board of Education should be allowed to pre-emptively re-organize a campus as a conversion school any time it is designated as a failing campus for three out of four years when the local board has failed to do so.

## Reform the State's Education Funding Formula

A previous 1889 Institute publication, *Making Oklahoma's School Funding More Rational: Simplifying the WADM Calculation*,<sup>21</sup> pointed to the need to reform the state's funding formula. The extra funding weights for bilingual education, low-income students, gifted & talented, and even special education were especially criticized for the fact that it is clear that some school districts have over-identified students in these categories. The incentive to do so, that extra money is forthcoming, is obvious.

There are other problems with the formula. The transportation aid piece is obviously outdated. The foundation aid and salary incentive aid pieces are arbitrary and anachronistic. The small school district weight rewards smallness for no apparent good reason.

Incentives would significantly change if the basic amount of funding for each student were increased and any increases for special education services, gifted & talented activities, bilingual education efforts, and special programs for low-income students were funded on an auditable contact-hour basis. In other words,

schools would have to demonstrate that they actually gave special services for these classifications of students in order to receive additional funding.

### **Stop Requiring District Superintendent Education Certification**

The traditional path generally required for an individual to become a school district superintendent is that individual has to have taught for two years, must be additionally certified and have worked as a principal, and then must gain a superintendent certification. Each level of certification beyond the initial teacher certification requires additional coursework. Superintendents with master's and doctorate degrees are common. It is exceptional that someone who has not spent many years working in the public education system becomes a school superintendent, although the Western Heights school district currently has one such individual.<sup>22</sup>

The reality is that most of the responsibilities of a school district superintendent are best classified as business in nature. Facilities planning, handling personnel issues, contracting, and general management of adults are the day-to-day responsibilities of a superintendent. Another, perhaps regrettable, aspect of the job is pure politics. An elected school board must be dealt with, along with unions and other outside groups. This last is necessary given the fact that schools are tax-supported.

Nevertheless, there is no good reason that school district superintendents must have risen through the ranks of the education establishment. There is every reason to believe that someone with a strong business background is more than capable of administering the business processes of a school district, which is basically what a superintendent does.

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In fact, it is arguable that rising through the ranks of the education system is not necessarily the best preparation for dealing with the many business-oriented processes involved in a running a school district. By the time someone rises through the ranks to become a superintendent, they have had no real experience with contracting for construction projects, food services, or anything else. A new superintendent is thrown into a world of business dealing naïve and inexperienced, ripe for being taken advantage of, which means taxpayers lose for that lack of experience. Someone coming from the business world is far more likely to be wary, although school politics would certainly be a new experience.

### **Conclusion**

Each of the education reforms mentioned above is purposely intended to disrupt the current public education system. In this case, disruption is not the sort that is destructive or that interferes with progress; just the opposite. It is the sort of disruption that occurs in markets when new innovations arise. The sort of disruption needed in public education is that which will shake the system out of complacency, the sort of disruption that will lead to re-focusing back on high expectations, high standards, and the sort of accountability that does not shift blame from those truly responsible for failure or see some take credit for the efforts of others.

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