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Reauthorizing the Elementary and Secondary Education Act of 1965: A New Approach for a New Century - Allegiance to the Children,

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WHERE WE ARE

Federal supervision of education, as embodied in the Elementary and Secondary Education Act of 1965, is a many-tentacled thing.

Adopted as the centerpiece of President Lyndon Johnson's War on Poverty, the ESEA had the noble objective of closing the achievement gap between privileged and underprivileged children. It was going to do that by directing billions of federal dollars in a dazzling array of special programs focused especially on the children of poverty. With a budget now approaching \$14 billion a year, the ESEA supports no fewer than five dozen major programs extending into virtually every area of school life.

Thirty-four years later, the government's own evaluations have shown that the ESEA -- particularly its major prong, Title I -- has fallen short of fulfilling the lofty hopes. After an expenditure of \$120 billion, the achievement gap has not narrowed; indeed by some measurements it has widened. In Fiscal 1999 another \$8 billion in Title I funds are expected to flow through local schools. And some of the aid programs under a dozen other ESEA titles have been as unproductive as Title I.

Seven times Congress has reauthorized ESEA, tinkering with it around the edges. In general, as disappointments have mounted, Washington has become steadily more prescriptive -- transforming the programs from one of compensatory education in which localities had considerable latitude to ones that must meet detailed federal requirements. Changes from the top have not helped pull low-achieving pupils up to par. In fact the two long-term studies paid for by the federal government, conducted in 1976-79 and again in 1991-94, reached sadly similar conclusions. Students receiving the array of special Title I services did not catch up with their more privileged peers. In fact, the more recent study showed that the Title I students themselves fared no worse in the years they lacked Title I help than in years they had it. (1)

In the 1994 reauthorization, the Clinton administration took federal direction to new heights by integrating the ESEA with the systemic blueprint of Goals 2000 -- i.e., states had to develop standards, with pupil assessments aligned with the standards. Despite administration claims, there is scant evidence

that this increased federal intervention has yielded higher achievement -- in fact, far from being first in the world in math and science, as Goals 2000 declared they should be by now, American high-school seniors in Spring, 1998, were perilously close to dead last in the Third International Mathematics and Science Study (TIMSS).

In presenting their proposals for the 1999 ESEA reauthorization, President Clinton and Secretary of Education Richard Riley cited reading gains in states such as Kentucky and Maryland -- exemplars of the brand of standards-based education favored by Washington -- as evidence of recent progress. However, the instrument used -- the National Assessment of Educational Progress (NAEP), a survey taken every two to five years -- is seriously flawed for state-by-state comparative purposes. One problem comes in the vastly differing practices of states in exempting disabled children from the testing. A study done by the Educational Testing Service -- and released May 14 to the National Assessment Governing Board (five days before release of the Clinton ESEA plan) -- found that Kentucky and Maryland did not in fact score statistically significant gains on the NAEP reading exam; instead, they excluded a much higher percentage of disabled pupils from the 1998 testing than they had in 1994 and 1992. That unfairly boosted their scores in comparison with other states -- and thus undermined the administration's chief claim to ESEA progress. (2)

It is also worthy of note that the insertion of the federal government into such local matters as shaping the curriculum and testing pupils raises serious constitutional and legal questions regarding federal overreach. But those are beyond the scope of this paper.

WHAT NOW?

As Congress and the White House vie over the eighth reauthorization of this Great Society program, it is time to consider taking the ESEA in a new direction -- one that serves children rather than servicing a gigantic bureaucratic system. The administration's 1999 version of reauthorization calls for even more federal intervention in everything from how teachers are hired to what kind of schoolwide reform plans prevail. But there is another way, one based on free-market principles of choice and competition. Put more dollars and authority in the classrooms so principals and teachers can reject fads and put proven practices to work.

Here, then, is a look at (1) major components of the ESEA, (2) the administration's proposals for augmenting the federal presence, and (3) an alternative market-oriented vision:

Title I

Current:

The 1965 enactment was intended to provide massive "compensatory" education for children of the poor enabling them to catch up academically with more privileged children. Funds have flowed through state

education agencies to local districts based on per-pupil poverty formulations. Title I money goes to teachers hired for special instruction, as well as for state and local bureaucrats administering the programs. In the 1994 reauthorization, the Clinton administration made Title I and the ESEA a key component of a national restructuring, under Goals 2000, obliging states to implement standards and aligned assessments.

Proposed:

The administration's plan for the 1999 reauthorization would ratchet up several notches the level of federal involvement in implementing so-called "standards-based reform." By the school year 2000-01 all states would have to have content standards, student performance standards, and assessments aligned to those standards in order to participate in Title I. As an extra "accountability" measure (built into Title XI, the Education Accountability Act), state and local school officials would have to identify their lowest-performing schools and intervene directly to correct their flaws. If such efforts did not bear fruit in two years, officials would have to take such corrective action as reconstituting the school or allowing its pupils to transfer to other public schools. Increased federal intervention is evident throughout the revamped Title I -- for instance, in a "comparability" provision, whereby local schools would have to prove by July, 2002, that their Title I schools were getting treatment comparable to all other schools in terms of staff, curriculum, course offerings, and condition of the physical plant.

At least one form of federal leadership does look promising, The Clinton administration endorses the 1998 Reading Excellence Act, which channels aid to the teaching of reading that is integrated with local reform and based on the findings of scientific research about reading. Specifically, the reauthorization endorses the importance of "phonemic awareness, systematic phonics, fluency, and reading comprehension," as established by extensive research. This commendable initiative could help lay to rest faddish notions of teaching the masses of children to reach without reference to letter-sound relationships or the alphabet.

Alternative:

Given clear evidence of the difficulty of fitting children to the Title I system, it is time to look at the potential benefits of a shake-up that turns this paradigm around: Start with the children, empower them and their families to make their own choices -- and let the system take shape as a result of the market forces that are thereby unleashed. This would be school reform from the ground up -- starting with the consumer, at the grassroots level.

The \$8.5 billion in Title I money could go, in part, in block grants to states. Some of the money could be used to help states set up robust charter schools offering a genuine variety of approaches to education consumers. Currently, ESEA provides only \$80 million -- a miserly sum in a \$14 billion budget -- to help states start charter schools. In addition, some of the block grant money could go to states that set up (as Florida has recently done) voucher or scholarship programs to offer K-12 pupils a choice of schools -- public, private, or parochial. The Title I portion could be a supplement of approximately \$500 for each

child meeting the poverty guidelines for qualification. Or as Senator Judd Gregg (R-NH) has suggested, the Title I funds could simply be a portable entitlement for each Title I child, following him or her to the school of choice. (3) Yet another approach would be to allow each Title I family to use per-child allotments to purchase special help -- such as math or reading tutoring -- from approved providers of educational services. There are many ways to advance choice and competition, forces that could improve education as they have many other aspects of American life.

Some skeptics assert that because these are low-income families, parents will not care what schools their children attend; they will not look for opportunities and seize upon them. But the experience of the Children's Scholarship Fund has exposed the fallacy behind such assumptions. New York financier Ted Forstmann and Wal-Mart's John Walton contributed \$100 million and raised another \$70 million to offer four-year scholarships to help children from low-income families go to K-8 private schools. Demand from families was so enormous that the Fund had to use a lottery to select 40,000 recipients from more than 1.25 million applicants nationwide. Large percentages of parents of eligible children applied in the nation's big cities, ranging up to 44 percent in Baltimore. These numbers are all the more remarkable because participating families would have to put up \$1,000 per child of their own money for that which they now receive "free" in the public schools. Former Atlanta Mayor and UN Ambassador Andrew Young, a member of the board of the Children's Scholarship Fund, has likened school choice to the civil-rights' movement. "I predict," he wrote in a newspaper column, "that we will one day look back on the 1.25 million who applied for educational emancipation -- for the chance to seek the light and oxygen of a nourishing education -- not as victims. but as unwitting heroes with whom a great awakening was begun." (4)

These numbers leave no doubt that many families struggling against poverty would transfer their children out of their assigned public schools if they could. If anything, these parents appreciate the value of a good education even more than do the affluent. They realize what a better chance can mean for their children.

Would school choice benefit Title I children academically? Although most choice programs tailored for the poor are too new to permit definitive conclusions, research being conducted by Paul E. Peterson of Harvard shows promising early results. Dr. Peterson is following former public-school students in New York City who were selected by a lottery to receive \$1,400 annual scholarships for at least three years to attend private schools, religious or secular, of their choice. He is comparing them with a control group of scholarship applicants who remained in public school. After just one year, the choice students were ringing up substantially higher scores in fourth and fifth grades -- 6 percentile points more in math., and 4 points more in reading. These gains already show more promise of helping impoverished children than anything coming out of ESEA -- 34 years and \$120 billion later. (5) Title II (and Title XI)

Current:

This section of the ESEA, better known as the Eisenhower Professional Development Program, was supposed to boost academic achievement in math and science by strengthening the skills and knowledge

of teachers of those subjects. The funds pay for workshops and in-service training, and thus go largely to trainers and bureaucrats. The low ranking of American students on international comparisons of math and science suggest the program has been less than a smashing success. In the 1994 reauthorization, the Clinton administration eliminated the exclusive focus on math and science and expanded the program into teacher training for all core subjects. The intent was to integrate the training with the Goals 2000 blueprint. One shortcoming of the Eisenhower program over the years is that typically it has put teachers in workshops of short duration (less than a day) unlikely to have a lasting impact.

Proposed:

In concert with the proposed new Title XI, dubbed the Education Accountability Act, Title II would become a tool for vastly increased federal influence over the hiring and certification of teachers. A Teaching to High Standards initiative would create a national teachers' job bank and encourage portability of teaching credentials from one state to another. There would be a federal requirement that all new teachers in Title I schools would have to be fully government-certified in the subjects they teach. But here is the real zinger: The federal government would require all states, within four years, to have at least 95 percent of their teachers (1) fully certified, or (2) working toward full certification through an alternative route, or (3) fully certified in another state and working toward meeting the home state's specific requirements.

The administration's proposed Title XI also mandates such goals -- worthy on their face -- as ending social promotions, implementing sound disciplinary policies, and issuing report cards on schools. But the question is whether local schools should have to spend their time filling out forms satisfying federal officials that they have acceptable policies -- or instead be answerable to parents and taxpayers.

Alternative:

To be government-certified to teach, a prospective teacher must jump through multiple hoops set up by state departments of education and collegiate schools of education. There is no evidence that such requirements -- which typically entail heavy doses of how-to-teach courses -- have elevated the quality of teaching in the U.S.. Furthermore, there is no reason to believe that adding the force of the federal government behind certification -- as proposed in the ESEA reauthorization -- will be any more fruitful. As a 1997 study by Public Agenda indicated, there is a "staggering disconnect" between the public's desire for well-ordered schools focused on academics and the mindset of those who train teachers to become certified -- the professors of education. The pros typically want schooling that is far less structured and devoted to academics than the public wants. (6) In addition, as J. E. Stone, a professor of education at East Tennessee State University has observed, the national accreditors of teacher education have geared their programs more to seeking social and attitudinal outcomes than measurable academic achievement. (7) Using the ESEA to augment their power would make accountability even harder to achieve.

There is an alternative: Deregulate entry to teaching. Under the state certification model, which the

administration wants to take national, a Nobel Prize winner in economics would be deemed "unqualified" to teach high school economics if he had not taken dozens of methodological courses such as "managing classroom diversity." There's a better way -- a market-oriented approach that will invite bright people into teaching, not discourage them from even inquiring about teaching jobs. "Instead of requiring a long list of courses and degrees," urges the Fordham Foundation in a 1999 manifesto, "test future teachers for their knowledge and skills. Allow principals to hire the teachers they need. Focus relentlessly on results, on whether students are learning." (8)

The \$400 million a year the Eisenhower program has steadily provided for "professional development" would be better used as competitive grants to the states enabling them to come up with their own ideas to broaden the pool of prospective teachers. States could devise ways to let liberal arts graduates, retired businessmen, military veterans, homemakers returning to the workforce, and others know that the door to teaching is open to them, if they can show that they are good at it. One proven way to evaluate teaching effectiveness is the value-added assessment developed by Dr. William Sanders of the University of Tennessee. Through a sophisticated analysis of test data, this system shows how effective teachers have been in leading their pupils to progress academically. This is far more meaningful than simply judging teachers on the basis of credentials and professional-education courses completed. (9) With the nation expected to require as many as two million new teachers over the next decade, it makes sense to break up the teacher-ed/union cartel that restricts access to teaching and drives up prices for consumers of education. National policy-makers ought to be on the side of aspiring teachers and local consumers, not the vested interests that are so powerful in American education.

OTHER ESEA PROGRAMS

Here is a rundown on other significant programs under the ESEA umbrella, and ideas as to how a forward-looking reauthorization might improve them:

* The Safe and Drug-Free Schools and Communities Act (Title IV):

This is another program with a noble purpose but a checkered past. A Michigan audit revealed that SDFS funds had paid for such dubious items as recording a "hokey pokey" song, preparing a lesson plan on "How We Feel About Sound," and buying bicycle pumps and oversized teeth and toothbrushes for a health display. The ballyhooed DARE (Drug Abuse Resistance Education) program -- despite taking an apparently sensible course in putting uniformed police officers in schools to talk to kids about the dangers of drugs -- has not been shown to be effective by any major study. Even President Clinton's anti-drug czar, Barry McCaffrey, has said of SDFS that the program simply "mails out checks" -- indeed, some \$6 billion worth of them since starting during the Reagan administration. (10)

The Clinton reauthorization commendably seeks to require recipients of grants to base their programs on research as to what works in preventing or reducing illegal drug use, violence, or disruptive student behavior, and to undergo periodic evaluations. Given the track record of the SDFS, however, there is reason to doubt such an approach will do much more than generate extra paperwork.

A better way would be to send the SDFS money to states in the form of a block grant and let the states and localities decide how best to spend it -- whether on shoring up discipline or strengthening counseling or other purposes -- but with the proviso that recipients would sign a contract agreeing to be accountable for results.

* Public School Choice (Title V):

This section of the ESEA continues federal support for magnet schools, a tool of desegregation begun in 1976. The idea is that racial isolation is reduced when children can choose from among public schools offering an enriched assortment of options. The success of magnet schools has been spotty at best. The administration also gives a little boost to charter schools -- which are, at their best, a more robust public-school choice that education consumers themselves may initiate -- by shifting them from Title X to Title V to emphasize their place among other public-school-choice programs. However, the administration misses an opportunity to put charter schools (independent public schools substantially freed of mindless bureaucratic controls) at center stage of school reform. School leaders could, as Senator John Kerry (D-MA) boldly suggested in a June, 1998, speech at Northeastern University, "make every public school in this country essentially a charter school . . ." He added: "Let's give every school the chance to quickly and easily put in place the best of what works in any other school -- private, parochial, or public -- with decentralized control, site-based management, parents engaged, and high levels of volunteerism." (11)

Were that done, there might be little clamor for vouchers. However, given current realities, why limit choice to public schools? Aiding individuals as opposed to perpetuating systems means opening up to families the broadest range of choices among education providers. Under the GI Bill and various state tuition-grant plans, college-goers enjoy just that sort of subsidized choice -- whether they go to Notre Dame or Southern Cal, Howard or Marymount -- and public higher education in America has not been destroyed. To the contrary, students flock to U.S. public universities from around the world. The diversity fostered by unfettered choice likewise could lift public elementary and secondary schools out of the morass of mediocrity.

* Reducing class size (Title VI)

The administration basically uses this section to showcase its signature initiative to "hire 100,000 new teachers" over seven years and reduce class sizes in the early grades. Last year, Congress made a down payment of \$1.2 billion for this purpose. The reauthorization would make specific the long-range purpose: to reduce class size in grades 1-3 to an average of 18 pupils per regular classroom, with the idea that this will help all children learn to read independently by the end of the third grade. In addition, it would require states to prepare detailed applications with details on how they will use their own funds for class-size reductions. And except for those with levels of child-poverty exceeding 50 percent, local districts would have to come up with a 35 percent local match of funding.

The idea of having fewer students in a classroom is popular with teachers and many parents. However, the administration touts research data selectively to support the heavy expenditures necessary to cut

class sizes significantly. It leans heavily on Tennessee's Project STAR, which did show achievement gains from a slash in kindergarten sizes. But it neglected to note that the STAR experiment entailed reductions all the way to 15. There are no data to indicate that a cut to 18 would have the same effect. In addition, the proposal completely overlooks the extensive research of University of Rochester economist Eric Hanushek, who found that with Project STAR in the mid-1980s, when pupils were randomly assigned to large or small classes, there were no statistically significant differences for any of the elementary grades -- with the sole exception of kindergarten. Hanushek also looked at 277 studies on class size and student achievement, and found that only 15 percent established a clear relationship, while 13 percent actually showed a negative relationship. The remaining studies produced results that were not statistically significant. (12) This is hardly the kind of batting average on which to base a multi-billion-dollar national initiative.

A better approach would give local districts the option of targeting grants to specific K-1 classes of disadvantaged children where that might make a difference, or, even better, using the money to hire capable teachers. Local districts might use their grants for recruitment of bright candidates and for teacher "signing bonuses," given that the quality of the teacher at the front of the classroom has more of an impact than the size of the class she is working with.

* The Bilingual Education Act (Title VII)

Today there are nearly four million Limited English Proficient students in American schools, a number that continues to rise. Many of these English learners are enrolled in bilingual education programs, and about 10 percent are in programs funded by Title VII. (13) Bilingual education programs are currently employed in all 50 states. While their methods vary widely, nearly all rely on segregating English learners in classrooms where they are taught in their native language rather than in English.

Bilingual advocates emphasize that children can learn English more effectively after they have already acquired fluency at speaking and writing in their native language. Subsequently, students often languish in bilingual programs for seven or eight years. But in general children in these programs learn English slower, later, and less effectively than their peers. And parents complain that not only are their children not learning English, but the Spanish they are acquiring is inferior Spanish.

California voters became the trailblazers for reform in this realm when last year they approved the "English for the Children" proposition and effectively ended 30 years of ineffective bilingual education programs. Early indications are that the new English immersion approach is working; children are learning much faster the English they need to function as students, citizens, and career-seekers. (14) Policymakers in Connecticut, Illinois, Massachusetts, and New York have taken steps to end their bilingual education programs, and Arizona activists are gathering signatures for a proposition modeled after California's that they hope to have on the ballot next year.

In its ESEA proposal, the Clinton administration stops well short of scrapping bilingual-ed in favor of immersion programs. There are, however, a few tentative steps toward reform. Under Title I is a new

and important requirement that all students who have attended U.S. public schools for at least three consecutive years be tested in English on their state's reading/language arts assessment. And under the Title XI accountability piece, schools would have to communicate objectives clearly to parents of Limited English Proficiency (LEP) children and inform them of their right to pull their children out of Title VII bilingual programs at any time. That's an improvement over LEP children being consigned for years to classes that value cultural maintenance over English, which is limited to as little as a half-hour a day. Moreover if a Title VII grantee fails to make progress by the end of the second year, it must draw up a new plan. If the new plan still failed to yield results, the Secretary of Education could terminate the grant. However, that measure of "accountability" still could leave a child in language limbo for years.

A much better approach is the proposed "Parents Know Best Act," introduced by Congressmen Tancredo and Salmon, which would require schools to give parents facts about their programs upfront -- including th

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To: Stand Watch Listen

Eliminate the Department of Education, and stop federal funding of education.

2 Posted on **06/22/1999 12:27:18 PDT** by **Hack**
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To: John Robinson

This article was set in its entirety in two previews, yet it is now cut in half now...what happened???

3 Posted on **06/22/1999 12:32:50 PDT** by **Stand Watch Listen**
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To: All

Here's the rest of the article...

A much better approach is the proposed "Parents Know Best Act," introduced by Congressmen Tancredo and Salmon, which would require schools to give parents facts about their programs upfront -- including their success rates for elevating children into mainstream classes. Parents would then sign a form if they wanted their child placed in a bilingual program, as opposed to having to run a bureaucratic

gauntlet to have a child removed. In short, Congress could strengthen the administration's first steps toward restoring the primacy of English for all students.

Finally, there's the piece de resistance of the reauthorization proposal. . .

Title XI (The Education Accountability Act)

As noted previously, this new feature of the Clinton education plan is integrated with other key sections of ESEA, such as Titles I, II, and VII. And not all of the new demands to be made of recipient schools are unreasonable. For instance, obliging schools to use proven methods to teach Title I children to read can be salutary, if valid research undergirds the requirement.

The cumulative effect of the EAA, however, raises questions about federal micromanagement. The act says relatively little about the specifics of academic achievement while dabbling heavily in process.

Consider just this sampling of what would be demanded of school districts: * Each state would have to "develop a statewide system" for holding local districts and schools accountable for student performance, including "a procedure" for identifying failing schools and intervening in them when necessary.

* Each state would have to have a plan to "ensure that students progress through school on a timely basis," while also -- perhaps incongruously -- ending social promotion and retention.

* Each state must have a "policy" to requires its local districts to implement "comprehensive educational interventions" to ensure that "all students" meet performance standards. (The Department of Education's Office for Civil Rights has circulated a draft policy declaring that all education tests are presumed discriminatory if there is "a significant disparate impact on members of any particular race, national origin, or sex" -- a formulation suggesting the administration favors alternative assessments that will achieve equal passing rates. That calls into question the level of commitment to truly rigorous academic standards.) (15)

* Each state would "be required to include in its accountability plan" a detailed description of its promotion policy. There would be "requirements for the dissemination and accessibility" of school report cards, including Internet posting.

* Each state, school district and school would be required within one year to produce report cards on the quality of their schools' performance. The administration's proposal dictates the content of these report cards to minute detail, mandating that they include statistics addressing student achievement, teacher professional qualifications, class size, school safety, and the academic achievement of ethnic, racial, and other subgroups.

* Each state would have to make a detailed accountability report to the U.S. Secretary of Education

annually and a whole range of punitive actions would be available to the Secretary were he dissatisfied with a state's response.

And so it goes with the many-tentacled ESEA.

There is, however, another way to bring about accountability -- one with far fewer strings and overhead. Make the schools accountable to their customers; to the families. Look at it this way: Should a local school be primarily accountable to the United States Department of Education or to the parents whose children go there?

Were subsidies like Title I to follow a child wherever he or she went to school, and were parents able to use those subsidies like a scholarship with which to choose the best school for their children (public, private, or parochial), there would be no need for bureaucratic plans for virtually every fact of a school's operation. The patrons would know if a school was failing or succeeding, and their ability to choose would powerfully motivate poor schools to shape up.

It's time to give choice a chance. Government has had 34 years to make the ESEA work.

ENDNOTES

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(5) Paul E. Peterson, *"Vouchers and Test Scores: What the Numbers Show," Policy Review (Jan/Feb 1999), pp 10-15.*

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(15) *Patrick Healy, "Proposed Federal Rules Would Sharply Limit Use of Test Scores in Admissions, Aid Decisions," The Chronicle of Higher Education (May 17, 1999).*

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