

Jeb Bush's Florida Formula for Education

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When Jeb Bush first ran for Florida governor, he positioned himself not as the moderate republican he is today, but instead as a staunch conservative seeking drastic reforms. As a candidate in who, in 1994, campaigned on the abolition of the Florida Department of Education (*Orlando Sentinel*, 1994), Jeb Bush has evolved into a politician who now maintains his public presence through his Foundation for Excellence in Education. While today no mention is made of dismantling Departments of Education, many of the reforms touted in his 'Florida Formula' were foreshadowed in his first campaign when he said that he, "would create new charter schools that would expand public school options for parents [...], advocate minimum performance standards that would determine the success or failure of schools, [and instigate] scholarships or vouchers [that parents] could use to send their children to the school of their choice" (*Orlando Sentinel*, 1994).

Indeed during his two terms as Florida governor, Bush advanced these reforms that now are the platform for his Foundation for Excellence in Education. According to the foundation's website, their reform agenda includes: digital learning, K-3 reading, school choice, standards and accountability, college and career readiness, effective teachers and leaders, and outcome-based funding (Foundation for Excellence in Education, 2015b). More specifically, through the Florida A+ Plan for Education, Bush instigated grading of Florida schools based on student testing with bonuses for passing grades, expanded choice options with funding for charter, and private schools, expanded flexibility in teacher training and credentialing, increased requirements for passing 3rd grade and graduating, and provided funding and bonuses based on AP/IB exam results (Foundation for Excellence in Education, 2015a). Why did Bush shift from his 1994 hardline views and campaign focus on the capital punishment to mounting his platform on

education reform? In the next section, a discussion will be presented of both the Foundation for Excellence in Education's explanation of these reforms and those of critics who suspect political instead of altruistic motives spurring the focus on education. This will be followed by a review of the evidence supporting these policies and an analysis of the obstacles to their actualization. Lastly, we conclude with an evaluation of the long-term effects of the Florida Formula.

Reform Origins

The Foundation for Excellence in Education emphasizes the failing state of Florida schools prior to Bush taking office in 1999 as the driver for Bush's reform efforts. Each of the reforms in some way promoted competition in order to instigate improvement. Their rationale was that choice, accountability and tying funding to outcomes improve system quality by motivating schools and teachers, and by pushing the closure of underperformers. Further, recognizing the role of teachers, the loosening of credentialing and licensing was justified as a way to recruit highly talented individuals without traditional teacher training. Lastly, increased requirements for 3rd and 12th grade completion is touted as 'tough love' that provides students with more time to learn skills prior to promotion and increase college and career readiness. Interestingly, the Foundation, while listing a 'history' link on their website, provides little information on the origins of these reforms other than the policy justifications listed above.

Others suspect that Bush took up an education platform for more strategic reasons. After his 1994 defeat, he would need a more "palatable" agenda that would appeal to the general population in order to run again (Macgillis, 2015; Mencimer, 2011). The education reforms he championed are also viewed as part of a larger effort to privatize public sector services. These

reform efforts are accused of “siphon[ing] money from public institutions into for-profit companies” (Mencimer, 2011). Many of the efforts are in direct opposition to unions and thus, further improved the perception of Bush by conservatives (Macgillis, 2015; Mencimer, 2011). Even seemingly evenhanded reforms such as 3rd grade retention can be viewed as an effort to inflate 4th grade test scores to pad the perceived improvements from Bush’s reforms (Mathis, 2011). Some of the reforms were able to skirt regulations that would have prevented for-profit charters and vouchers. For-profits were able to sidestep legislative requirements for charters to be founded by non-profits through the establishment of foundations, which in turn contracted out operations to the companies in question (Macgillis 2015). Moreover, while Bush’s original voucher initiative was ruled unconstitutional in 2006, a substitute voucher-type choice system was funded through tax incentives offered to donors of student scholarships to charter and private schools. Additionally, Bush now advocates for virtual schools, which mirror voucher principles and present similar challenges to public schools (Mencimer, 2011).

Further criticisms have been levied against the Foundation itself. At the most innocuous, the Foundation is viewed as a means through which Bush can maintain a public profile (Beaumont, 2015), and more severely, it is suspected of being a vehicle that affords donors connections to sell products to political influencers and push policies that promote their bottom line (Layton, 2015). Large donors get access to key state-education politicians, referred to in the Foundation as ‘Chiefs of Change’ through meetings at the Foundation’s annual conference (Layton, 2015), and through promotion sent by email from the Foundation (Macgillis, 2015).

Bush partnered strategically in pursuing his education agenda. Firstly, donating to the Urban League after his 1994 defeat and ultimately partnering with Miami Urban League’s CEO,

T. Willard Fair, may be seen as an attempt to correct for a 1994 campaign misstep when he responded that he would “probably [do] nothing” for the African American community (Mencimer, 2015). T. Willard is the self-described “Muhammad Ali of black Dade County,” and was the youngest CEO of an Urban League branch (Fair, 2013), an organization which promotes equality for African Americans and marginalized groups (Urban League Broward County 2015). Fair was further involved by helping Bush move forward a state charter school law and subsequently co-founding with him the first charter in Florida, Liberty City Charter School (Macgillis, 2015). Bush also served on the board of the Heritage Foundation, a conservative think tank, prior to his second gubernatorial run, which shared, and perhaps informed, his views on competition in the education sector through choice and vouchers (Macgillis, 2015). Bush’s running mate in 1998 was Florida’s former education commissioner, Frank Brogan, though it is suggested that he only “nominally” led the education platform once in office; nevertheless, he did first draft a bill regarding school grading (Macgillis, 2015). Instead, according to a recent New Yorker article (Macgillis, 2015), Patricia Levesque, who served in the Florida House Speaker’s office covering education policy prior joining the governor’s staff in 2002 (In.gov, n.d.), was a more significant advisor, and she still maintains a major role in the leadership of the Foundation. When discussing Bush’s education contacts, it is worth noting, as does Macgillis in his recent New Yorker article, that while Bush did not benefit financially from the charter boom he instigated, some of his contacts did (2015).

Supporting Evidence

Prior to Jeb Bush’s 1994 run for governor, there was a limited amount of research to provide evidence-based support for his educational reforms. His policy focus of school choice,

accountability, and attaching funding to outcomes had limited information available through the research on nascent school choice initiatives and research in areas of standardized testing. Therefore, most policy decisions were being supported by perception data collected from administration, teachers, and parents.

Choice

School choice was a relatively new answer to the perceived prevalence of failing schools. In theory, the potential benefits from creating competition through allowing parents to choose their child's school are numerous. There is a body of research that claims improvement in student achievement and parental involvement, but the studies failed to take into account other reform movements happening within the building that may have confounded the results. The majority of the studies are survey data focused on staff and parental perception of the choice experience; very little data has yet been collected on the design or implementation processes employed (Larson et al, 1990).

Proponents viewed the choice reform movement as a vehicle to empower the parents of students who are not receiving a proper education from the current public school system. It is believed that the dismantling of the current power structure will allow competition to force low performing public schools to improve or close. Parents who live in poverty and are predominantly minority "have never been able to take ownership of anything until this point. So being able to choose their own school is a very powerful thing" (Ruenzel, 1995, p. 33) and increased the perception that their children were now being held to a high standard not previously seen in the public system. Likewise, Witte from the University of Wisconsin

conducted an annual review of the choice program in Milwaukee from 1991 to 1995 and showed high levels of parent satisfaction and involvement (Molnar & Farrell, 1996).

Despite the perceptions of increased standards and academic improvements, researchers could not statistically prove that school choice increased student academic outcomes. In the same study showing increased parental involvement, Witte showed that there was only a negligible difference in choice versus non-choice student outcomes on standardized tests (Ruenzel, 1995). Epple and Romano (1998) showed that increases in student outcomes were more likely tied to income and student level attributes than to the school that was chosen.

However, 1995 was the year the courts were to weigh in on Milwaukee's choice program and supporters could not sit idle after Witte's report. On August 12, three days before the court hearing, Greene, Peterson, and Du released a report stating that Witte's statistics were not sound and that any student who had participated in choice for three years had "substantially outperformed a group of students who had applied for but were not admitted to the program" (Molnar & Farrell, 1996, p. 241). Molnar and Farrell responded the next year with debunking the analysis of Greene and associates, which left both supporters and adversaries plenty of ammunition in the fight around choice.

Accountability

Accountability is closely linked with Jeb Bush's push for school choice and his scheme for attaching outcomes to funding. Accountability, as measured by standardized tests, is necessary to prove that there are chronically failing schools, which logically leads to the idea that money should be funneled into schools that are creating the best outcomes with students and

there is a need to increase potential school choices for parents. As a result, standardized testing is placed at the center of this educational reform platform.

The early 1990s saw a few large scale surveys gathering perceptions around standardized testing. Teachers and administrators who responded to these surveys perceived testing to have “substantial effects on schools and the teaching and learning process with them” (Herman & Golan, 1993, p, 24). The effects were prevalent in almost all areas of schooling: curriculum, instruction, scheduling, and evaluation.

Overwhelmingly, teacher's survey responses indicated that standardized testing affected their classroom decisions. Teachers increased focus on basic skills instruction and test preparation activities in response to pressure from school and district administration to increase test scores. They also reported an overall decrease in projects and higher-order thinking behaviors to allow extra time to prepare students on tested content and testing methodologies. These classroom level changes do not address the amount of class time lost for the actual test administration, which was typically one or two full weeks (Shepard & Dougherty, 1991).

High stakes were newly becoming attached to tested outcomes, so many of the possible results had not been researched. However, Holmes (1989) comprehensively reviewed the literature on the effects of grade level retention programs which was one of the proposed results for the tests administered under Bush's new plan. Holmes showed that the majority of the current research shows that grade level retention is harmful to student achievement outcomes later in their career. The idea of using student test data to evaluate teachers and schools was not readily addressed in the literature at that time.

Even with the data presented in the early 90s, it can still be argued that standardized testing is valuable and a worthy investment for a state department of education. This argument would be predicated upon the belief that the tests are educationally valid, measure meaningful learning and instruction, and are a beneficial policy tool. Instructional changes and utilization for evaluation within a school would then be based upon a solid foundation of unbiased data that could potentially create an ideal learning environment for every student (Herman & Golan, 1993).

Challenges to the Law

Throughout the lifetime of the law, the Florida A+ Plan for Education experienced opposition through three avenues – public debate, the electoral process, and the legal system – from various agents – individual teachers, teachers unions, Board of Education members, civil rights groups, and entire school districts. As will be seen, there is a trade-off between time and effectiveness in each avenue of opposition.

Public Debate

The A+ Plan was put into law in June, 1999. Later that year, in a December Florida Board of Education meeting, a four hour debate was held to debate how the law was to be implemented, especially how the schools would be graded. At this public debate, the president of the Florida Education Association, the local teachers union, Pat Tornillo, said the law was “inherently flawed,” and that debating its finer points was like “asking a death penalty opponent which form of execution he prefers – electrocution or lethal injection.” A group of teachers protested by returning bonus money they had received for their schools high performance, stating, “Our schools have become centers for test preparation.” In response to this Governor

Bush said, "Five or six teachers are making a big grandstand play. The fact that they want to give it back -- I'll take it, but it really won't change anything about this." (Hegarty, 1999)

While Mr. Bush was correct about the effect of the teachers returning their money, the day's hearing did lead to two small changes to the law. An expert representative of the Pinellas County School District, James Popham, argued that language impaired students should not be included in the calculation of a school's grade, a suggestion that was included in the law. He also argued that the effects of poverty should be taken into account when calculating a school's grade, stating that, "What [test scores are] measuring is what kids come to school with, not what happens in school." Bush replied, "We're not going to create expectations different for one group." Consideration of poverty in grading was not included in the final implementation of the law. In addition to the voice of Pinellas County, teachers spoke of the issue of being graded based on a mobile student population. Many of their students, they argued, are highly mobile, likely to change schools during a school year, which creates issues when attributing a student's test score to one school. The board agreed and incorporated a stipulation into the law that for a student's score to be counted for a school, the student had to be on the school's roster in October and on the day of the test in February. (Hegarty, 1999)

At the end of four hours of debate, the Board of Education voted 4 to 2 to move forward with the A – F school grading law, excluding mobile language impaired students' scores, and with successful schools receiving bonuses. One of the dissenting Board members, now-Senator Bill Nelson, said of the rewards stipulated by the law, "We started with a reverse Robin Hood philosophy; taking from the poor and giving to the rich." Despite this, and similar, protestations, the law moved forward with some modification.

Electoral Process

In contrast to the immediacy of the changes brought about from the public debate, the challenges to the law through the courts and the electoral process required a longer timeframe to see results. In the case of the electoral process, it is simply the rate at which elections happen that determines the rate at which change can happen. With Governor Bush as the champion of the A+ plan, each gubernatorial election is a challenge to the law. In 1998, when Bush first won office, his opponent, Buddy MacKay, opposed school vouchers (Griffin, 1998). Since MacKay lost the race, the A+ plan had a chance to become law, with Bush as its champion. Four years later, in the 2002 election, Bush's opponent, Bill McBride, emphasized the importance of teacher pay raises and reduced class sizes (Fuchsia, 2002). Given this perspective, one can envision that a McBride governorship would have challenged some or all of the A+ law. In that same election, there was also a ballot referendum to force the state to provide funding to lower class sizes by 2010. Governor Bush opposed the referendum, claiming it would cost \$27 billion, while Mr. McBride favored the referendum (Canedy, 2002). While this referendum was not a direct opposition to the A+ plan, it represents a competing measure not backed by Governor Bush, and theoretically competed for funds with the A+ Plan. When the voters spoke, Bush was reelected and the class size referendum was passed. Any further challenges through elections would have to wait for the next election.

Legal System

The final challenge to the A+ plan began in 1999, the year of the law's inception, and was resolved in 2006 at the end of a lengthy court battle that moved from one court to the next and back. In response to the passage of the law, the American Federation of Teachers, and the

National Education Association, the two largest teachers unions in the country, the American Civil Liberties Union, and the National Association for the Advancement of Colored People, assisted several parents in bringing suit against the state of Florida and the A+ law (Dillon, 2006). The initial suits claimed the laws' voucher system, the Opportunity Scholarship Program (OSP), which gave students in failing schools the opportunity to receive a voucher to attend a private or charter school. The lawyers for the plaintiffs argued that the OSP violated the Establishment Clause of the First Amendment of the United States Constitution, which states that the United States will not establish a national religion. Since private schools are often religious, using public funds for these schools, the suits claimed, was unconstitutional. The suits also claimed that the law violated elements of the Florida State Constitution.

As these cases moved through the courts, the plaintiffs narrowed their claims against the law. A U.S. Supreme Court ruling established that vouchers were not a violation of the Establishment Clause (Dillon, 2006). In Florida, in the case *Bush v. Holmes*, the trial court ruled in favor of the plaintiffs, who argued that the OSP violated the Florida State constitution. The trial court pointed to the Florida Constitution, which states that:

“[i]t is . . . a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for uniform, efficient, safe, secure, and high quality system of free public schools.”

The law, according to the trial court's ruling, describes free public schooling as the only option for state education. The defendants appealed, and the appellate court reversed the trial court's decision (Gelb, 2001). The case was appealed once more, moving to the Florida Supreme Court. In 2006, the Supreme Court ruled that the voucher program violated the Florida Constitution

because private schools do not have the same regulations and requirements as public schools, and were therefore not “uniform” as stipulated in the Florida Constitution. This ruling resulted in the elimination of a private school as an option for students taking advantage of the OSP, which totaled about 730 children at that point (Dillon, 2006). The legal process took time, seven years, but a portion of the law was permanently changed because of the ruling of Florida Supreme Court.

Perceived Impact

More than 15 years later, Jeb Bush's A+ Plan for Education still has a notable impact, both positive and negative, on the state's education system. It naturally divides public opinion into two extremes and has led to heated policy debates. In order to evaluate how successful his reforms in Florida were, one needs to understand both sides of the argument.

Choice

One of the main education policies Jeb Bush promoted was providing parents with school choice in accordance with the notion of the “free market” in economic theory. Competition created by choice would lead to general improvement in quality, not only in schools of choice (i.e. charter schools, vouchers, and private schools), but also in traditional public schools (TPS). As a research brief from the *Foundation of Excellence in Education* suggests, school choice allows parents to match their children's needs with schools that are capable of meeting them. Parental choice holds the ultimate school accountability, with parents having options to make decisions based upon their individual needs and expectations.

According to the brief, in the academic year of 2012–13, over 206,000 Florida students were registered in a total of 578 charter schools, which marks Florida as having the second highest number of charter schools in the nation and the third highest charter school enrollment. In the voucher programs, more than 26,000 eligible students with disabilities participated in the McKay Scholarship program at 1,163 participating private schools in 2012–13. Ninety-two percent of participants were satisfied or very satisfied with their McKay Scholarship schools, based on the research conducted by the Manhattan Institute. Additionally, Voluntary Pre-Kindergarten (VPK), which is another voucher program in Florida, was used by over 180,000 prekindergarten students to attend public and private preschools in 2012–13. Further, the Florida Tax Credit Scholarship Program, a program that allows corporations to make a donation to nonprofit organizations providing scholarships to low-income students, allowed 51,075 students to attend 1,338 participating private schools under the program. A research study from the *Foundation* credited the program with larger gains for low-income students in private schools.

Although the *Foundation* itself boasts “impressive and staggering” performance of the students in these choice schools, questions still remain as to whether charter school students perform better compared to their TPS counterparts. Results from various research studies have been generally mixed. For example, studies such as Hoxby (1998, 2001) and Greene & Winters (2013) argued that promoting free-market competition between schools improved quality and efficiency for both schools of choice and public schools. In this regard, advocates claim that school choice and voucher programs allow access to superior quality education for low-income, minority, or ELL students, thereby closing the achievement gap among student groups. On the

other hand, critics argue that voucher and tax credit scholarship programs drain resources and funding from public schools. For instance, NEA claims that there are public concerns about the potential for privatization of public services, and inequality issues regarding “unlucky” students who fail to get a space in schools of choice due to the lottery system. Further, a number of studies found that schools of choice, particularly charter schools, have an insignificant effect on student outcomes (Mathematica Policy Research, 2011 & 2012). In terms of the Tax Credit Scholarship program, there still remains an issue of funding being inequitably distributed to students who already attend private schools, rather than actual low-income students.

School Grading

Another key state policy that Jeb Bush introduced was the school grading system, in which schools are assigned a letter grade, A through F, based on the Florida Comprehensive Assessment Test (FCAT). From the advocates’ perspective, the school grading system is considered to have placed the state of Florida “front and center in the educational reform movement”, with “the strongest accountability system in the country” (Mazzei, 2009). Numerically, it achieved some accomplishments. For example, a research brief from Bush’s foundation claims that the percentage of schools receiving A’s and B’s has dramatically increased, from 21% in 1999 to 72% in 2012, whereas the percentage of schools receiving D’s and F’s has plummeted from 28% in 1999 to 9% in 2012. These results indicate substantive improvement in students’ standardized test scores, and also a possibility of closing the gap between white and minority students. However, critics, including parents, teachers, principals and students are against the school grading system, because the “scarlet letter” effect, or stigma put on schools receiving D’s and F’s, “scar[s] neighborhoods and disillusion[s] parents and

students” (Mazzei, 2009). There is also a lack of consideration of school demographics when assigning the letter grade to schools, which makes it more challenging for schools serving low-income urban students, who tend to historically underperform their peers on standardized assessments. Thus, the punitive measures for “F schools” might exacerbate the challenges and fail to provide a long-term incentive for teachers to stay, particularly in urban, low-performing schools. Additionally, although improvement in school grades may indicate better grades on the FCAT, it does not necessarily translate into enhanced student learning. (Mazzei, 2009)

Accountability

Further, as governor, Jeb Bush put significant emphasis on testing and accountability, which led to both positive and negative results at the school level. On one hand, the pressure of testing and school grades forced the schools to shift their focus and attention to low-performing, minority students, which had not been the case before the reform (Mezzei, 2009). Thus, Bush and his policy advocates argue that his test-based policies led to higher test scores among all student groups, closing the achievement gap in Florida. Bush's *Foundation* highlights the data from the National Center for Education Statistics at the U.S. Department of Education that shows Florida as one of three states in 2009 to shrink the gap between white and black fourth-graders in reading. Similarly, a conservative think tank, the Heritage Foundation, and the more liberal Urban Institute, both suggested that Florida's reforms resulted in increased student gains particularly among blacks and Hispanics in low-performing schools (Mezzei, 2009).

However, according to Sherman Dorn, a professor at the University of South Florida, National Assessment of Educational Progress (NAEP) officials point out that Florida's change is

similar to the national trend, and that one cannot conclude Florida's shrink in the achievement gap is significantly greater than the national average (Strauss, 2015). More important, critics argue that too much emphasis on high-stakes testing and accountability narrowed the scope of instruction. Subjects not covered in the FCAT, such as social studies, science, music, art, and drama, are not appropriately covered in the curriculum and more likely to fall victim to budget cuts. The accountability system under Bush's reforms also put pressure on teachers to focus solely on the FCAT testing skills. In other words, teachers have been pushed to teach students to the test itself, rather than applying knowledge at a deeper level. Mezzei (2009) states in her article that fourth-graders in some schools used similar phrases in the writing section of the FCAT, alluding that some teachers might have been forced to simply rely on the "template writing" instruction to boost the scores. Teaching to the FCAT causes additional problems in that the test has little consideration for minority or ELL students.

Particular Emphasis on Reading and Gradation Rates

Lastly, Bush also put his reform efforts into improving reading instruction and chronic graduation rates. First, it is interesting to note that when Bush and his advocates exult Florida students' achievement, they often refer to NAEP, particularly pointing to fourth grade reading scores as the most important accomplishment (Strauss, 2015). The NAEP results indicate that 70% of Florida fourth-graders read at grade level in 2007, placing Florida 22nd nationally, compared to the results in 1998, when only 53% of Florida fourth-grade students read at grade level, ranking 35th nationwide (Mezzei, 2009; Research Brief from the *Foundation on Excellence in Education*). However, critics point out that the results are less impressive in math and 8th grade reading. The notable improvement in fourth-grade reading may also be due to the retention

of low-performing third-grade students, purportedly leading to an increase in the fourth-grade reading scores.

On the other hand, almost 15 years after Bush's reforms, the graduation rate steadily improved through 2013-14, reaching a historic high of 76%, while dropout rates reached a historic low. However, Mezzei (2009) quotes that around 2006, which is directly after the reform, the high school graduation rate still remained among the lowest in the nation (63.6%) compared to the national average (73.4%). This implies that Bush's reform itself may not have been the main reason for the improvement in graduation rate. For example, during the reform period, the graduation rates still remained low due to the discouraging effect of the FCAT, forcing students to drop out after repeatedly failing the tenth grade test (Mezzei, 2009). A recent rise in the graduation rate could potentially be explained by the fact that students are now more encouraged to move to alternative programs, rather than to drop out from schools, which then can ostensibly improve the graduation rate.

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