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A Chance, Not a Choice

BY WILLIAM MCGURN

CLEVELAND—In her bedroom hangs a poster of Scooby Doo. Her favorite class is math. And when she grows up, she says, she wants to be a doctor—"to help people get well."

In most ways all this only makes 11-year-old Toshika Bacon indistinguishable from any ordinary fifth-grader. Except for one thing. Here in the Collinwood section of Cleveland, an ordinary fifth-grader is someone who's beaten the odds. For a child who isn't scoring at grade level by Toshika's age probably never will—and at the public school in this neighborhood, that's the vast majority of schoolchildren. The only reason Toshika has escaped that fate is that she's escaped the city's public schools, courtesy of the Cleveland Scholarship and Tutoring Program.

Like most 11-year-old girls, Toshika's interests incline more to ice-skating or "Annie" reruns than the Supreme Court. But tomorrow morning the court hears arguments in a case that will decide whether her lifeline is to be cut. And viewed from the perspective of her home here on Olympia Road, the fundamental question looks remarkably unchanged from the one *Brown v. Board of Education* was thought to have settled nearly 50 years ago: whether African-American schoolchildren are condemned to second-class citizenship in the public schools.

"People say to be patient, that the system will get better," says Toshika's mother, Roberta Kitchen, sitting at her dining room table. She gestures to her children in the next room, watching a football game. "But you tell me which of my babies I'm supposed to sacrifice—because it won't be in time for them."

Miss Kitchen never set out to be a mom. With a college degree and a job with the Eaton Corp., a Cleveland-based manufacturing giant, she looked set for a comfortable life. But when a family friend strung out on drugs and alcohol came knocking at her door with three kids in tow, Miss Kitchen took them in: Tiffany, DeAntye, Tiara. Only a few years later there were two more babies. Would she take them in too, social services asked? And so she made room for Tatiana, who had spent almost all of her two years on the streets, and 13-day-old Toshika, a crack baby who in her early years would spend many nights in the emergency room.

So don't tell Miss Kitchen anything about trying to raise decent kids in an iffy neighborhood, or think about surprising her with statistics showing that nearly three out of four children in the predominantly African-American public school system here drop out before they get their high-school diplomas. Her own eldest daughter, Tiffany, dropped out before mom pushed her back into an adult-education program as a condition of staying at home. She points out her front window to the corner of Olympia and Burgess, saying she knows the faces of the young men selling drugs from when they were boys going to school with Tiffany.

One block up from this corner is the public school where Toshika would be assigned should the Cleveland program be shot down: Euclid Park Elementary. An imposing, 50-year-old brick building, it sits on a section of Euclid Avenue that at dusk becomes a parade ground for hookers. Immediately across the street, a sign on the front door of a foot doctor suggests the tenor of the environs. "This office has no cash and no drugs," it pleads.

The Euclid Park Web site indicates the odds against children like Toshika. Though writing-proficiency levels have recently pushed past the halfway mark, only a quarter of fourth-graders there read at level, only a fifth can do math and science. In every testing category, moreover, the Euclid Park scores are worse than those for the district, whose rotten performance provoked a state takeover in the first place. Last year, 37 Euclid Park kids were suspended, more than double the number from the previous year. And yet the pass rates read like a Soviet election, with 91.3% of students promoted.

Miss Kitchen hasn't had to read some think-tank report to know these figures; she lives them. When daughter Tiffany was at Euclid Park, a teacher had her arm broken by a boy, no more than 14, who went on to threaten rape. And when Tiffany was in sixth grade and couldn't read and Miss Kitchen begged the teacher to hold Tiffany back, the teacher threw up her hands: There was, she explained, a strict quota on how many children could be failed. It was, says Miss Kitchen, one of her most heartbreaking moments, watching her daughter skip home believing her mother wrong because she had a report card full of B's and C's in her hand.

"I met a lot of teachers who cared when my kids were in the public schools," Miss Kitchen says. "The problem is that they're in a system that doesn't let them care."

St. John Nottingham is a place that does care. Though only a few miles from Euclid Park in distance, in the areas that matter to Toshika Bacon and her mom, it's another world. The principal knows the names and faces of all her charges, and she's accessible to parents; Miss Kitchen says this was not her experience with public schools. Though a majority of the 4,195 Cleveland children in the scholarship program have opted for Catholic schools, St. John Nottingham happens to be Lutheran.

Inside the front door is a picture of Jesus opposite a poster that reads: Triumph . . . "umph" added to "try." The school has taken in about 65

(continued on next page)

students from the Cleveland program, a third of the total enrollment. In the class Toshika likes so much—most of whose students are African-American—Dorothy Neugebauer leads her through an exercise designed to show whether 7,536 is divisible by 3. From the children's answers it's pretty clear something wonderful is going on: The kids are actually learning math.

But there's no getting around the Christian imagery that defines the environment in which they are learning. This is, after all, a Lutheran school. Principal Sue Ophardt makes no apologies. "We don't proselytize," she says. "But we are who we are."

Roberta Kitchen and daughter Toshika. School vouchers are their lifeline.

Who they are is precisely what has landed the Cleveland scholarship program in the Supreme Court. The charge is that because the overwhelming majority of parents who get the $2,250 vouchers have chosen to use them at religious schools, Ohio is guilty of an unconstitutional establishment of religion. Miss Kitchen pulls out a clip from a local columnist who writes the "whole point" of the choice program is to to "provide a cash stream" for religious institutions. It's the kind of thing that makes her blood boil.

"Why is it these people worry more about a cross on the wall than the drug dealers on the block or the prostitutes up the road?" she asks. "Am I supposed to be angry at the religious schools which have opened the doors to my children? What about the public schools in the suburbs that have kept their doors closed?" And she notes with bitter irony that notwithstanding the opposition to religion, when the state was voting on a supplemental funding bill, the public school teachers and administrators held . . . a prayer rally.

Nor is Miss Kitchen shy about voicing her disenchantment with groups such as the American Civil Liberties Union and National Association for the Advancement of Colored People, the organizations you might expect to come to the aid of a single African-American woman struggling against a system defrauding her children of a future. "They have no grassroots efforts," she says. "They're not down here fighting for my kids." In fact, the Institute for Justice is representing parents like Roberta before the high court—while the ACLU and NAACP contribute briefs for the other side.

In Toshika's little world, of course, school isn't a constitutional battleground; the basketball team and the annual skating party are more important. For mom, however, it's different. For most American kids, graduations are little more than a rite of passage. But the grade-school diplomas of Toshika's brothers and sisters proudly displayed on the family mantelpiece are hard-won victory markers in Miss Kitchen's war to prevent her children from becoming statistics of black failure.

The lawyers tell her that the Cleveland case looks good, that the law is on their side, that the scholarship program that gives Toshika Bacon a shot at a decent education will be upheld and perhaps expanded. But Miss Kitchen doesn't have the luxury of relaxing. Always in her mind is something seldom reported in the heated debates over vouchers: There's no Plan B. If the Cleveland program is thrown overboard, her little girl is set adrift.

She glances over at Toshika with a look that is equal parts love and apprehension. "It isn't about a choice," she says. "It's about a chance."

The Institute for Justice defends the Cleveland school choice case that recently went to the Supreme Court.