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A Case for choice in education

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A Case For Choice in Education

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Introduction

School choice is the ability, some say the right, for a parent to choose an educational institution that best fits the needs of their child.

For years, the standardized test scores for American students has been dismal at best, ranking 19th or 20th among industrialized nations, in spite of being the most advanced country on Earth. Are Americans putting their children's future at risk by supporting a sub-standard public school system, laden with bureaucracy and an acceptance of mediocrity?

David Boaz, Executive Vice President of the Cato Institute and editor of Liberating Schools: Education in the Inner City, states,

It is increasingly understood that America's education crisis is one of school structure, not per pupil expenditures. Simply put, American schools are failing because they are organized according to a bureaucratic, monopolistic model; their organizing principle is basically the same as that of a socialist economy. For the same reason that socialist economies around the world have failed and continue to fail, America's centrally planned schools are failing.¹

On February 20, 2002, the United States Supreme Court listened to arguments concerning the tax-funded school voucher program in Cleveland, Ohio. The program is designed to help economically challenged families with children in schools that do not meet minimum academic standards. It gives these parents the ability to choose a school that will help their children academically and socially. Using taxpayer monies, parents

could choose a private school, including schools with religious affiliation. This raises the issue of separation of church and state.

Many thought that the Court's recent trend toward individual rights might favor the Cleveland voucher program. The Court had already refused to review a similar case in Milwaukee, Wisconsin, upholding choice, giving choice proponents hope of victory.

Opponents to school choice argued against the plan, citing the draining of needed resources i.e. dollars for public education, academic skimming, and violation of the Establishment Clause of the Constitution.

On June 27, 2002, the Supreme Court upheld the voucher program. In a 5-4 split decision, the court concluded vouchers did not violate the separation of church and state as long as there were options (a menu of public, private and religious schools) from which parents could choose.

This is an advocacy that paper outlines a history of the battle for school choice, key court decisions concerning school choice, arguments for and against school choice, alternative measures such as charter schools, and attempts to answer the question of "Should Nevada consider vouchers as a means to improve education?"

Literature Review

It seems that once I became a father, things like education, safety, and making the world a better place, became more important to me. I preface this with the fact that I have worked in the Clark County School District as a substitute teacher and have some insight concerning education at the elementary and secondary levels.

One of the more credible authors concerning School Choice is Jay P. Greene of the Manhattan Institute. His research tends to find reliable, valid, and consistent conclusions. In Lessons From the Cleveland Scholarship Program, Greene, Howell, and Peterson , in conjunction with Harvard's Program on Educational Policy and Governance (PEGP) conducted a study of the Cleveland Scholarship and Tutoring Program (CSTP), which began in the fall of 1996. The research consisted of a survey of 2,020 voucher applicants to find out who participated, who did not, and how satisfied they were with the schools their children attended.

There were five main conclusions:

First, parents reported that their decision to apply for a scholarship (voucher) was largely motivated by academic concerns. Previously, their children were attending schools that could not meet the state minimum academic requirements. The other factor was family economic status (low income).

Second, the research concluded that some non-recipient families decided not to participate because they could not get into the school of their choice.

Third, parents of scholarship recipients were much more satisfied with every

aspect of their choice school than applicants who did not receive scholarships and stayed in public schools.

Fourth, choice schools did extremely well in retaining students. Again, satisfaction with overall quality of education kept students at choice schools. And fifth, preliminary test scores in math and reading showed large gains for CSTP students.²

Greene and his colleagues restate similar findings in “The Surprising Consensus on School Choice”, written for the Public Interest. They expand findings to include that choice programs do in fact help low income families and give non-choosers more information on how their school is performing. And choice programs do not “cream”, that is to take the best students from public schools. Other findings include better racial integration and tolerance at choice schools, better attendance, higher test scores, and parents much more satisfied with their child’s education.³

Greene found similar results with Florida’s A+ Plan Accountability and School Choice Program. A 1998-2000 study of Florida’s school choice initiative also concluded that competition from choice sparks widespread public school reform. The study, “Competing to Win: How Florida’s A+ Plan Has Triggered Public School Reform,” describes the steps public schools took to improve instruction and teacher training after the nation’s statewide choice program was instituted. Schools that had received a grade of “F” for the 1998-1999 school year showed a greater increase in test scores for 1999-2000 (over twice as large) than schools that had not received a failing grade.⁴

When the schools with a high performing F grade, based on the Florida Comprehensive Assessment Test (FCAT), similar to the Stanford 9, were compared to the schools with a low performing D grade, the F level schools improved significantly. The statistically significant difference was the possibility of a school losing students to vouchers (comparable to a market situation where customers would be lost if improvements were not made). The study concluded that meaningful public school reform is unlikely without the competitive market forces that accompany school choice.

Holt's Not Yet "Free at Last" The Unfinished Business Of The Civil Rights Movement, Our Battle for School Choice, is an excellent chronological history of the Milwaukee school choice struggle. Told through the perspective of an admitted Black activist, the book gives a detailed account of the struggles, perceptions, and attitudes toward getting a better education for black children.⁵

Extremely dissatisfied with busing to integrate schools, in 1969 a group of Black families came together and pushed for more choices with education. They felt that Black children were still second-class citizens and in the early 70's it was realized that Black children were scoring much worse than their white counterparts.

Holt's book outlines the considerable efforts of Polly Williams, whose work within the state political system eventually led to Wisconsin Governor Tommy Thompson signing Wisconsin's first voucher plan into law in 1988. Williams' quest

began as a disgruntled parent who helped organize actions at the local level and went on to become a powerful force in state politics, especially with education issues. Williams is a strong proponent of school choice.

The second key figure of Holt's book is Howard Fuller, founder of many Black oriented schools, Malcolm X College, and a proponent of charter schools in Milwaukee. Fuller is considerably more radical with his rhetoric and organizations, but continues to push for choice in education.

Holt's book outlines the significant battles in the courtroom, among politicians, within the National Association for the Advancement of Colored People (NAACP), the National Education Association (NEA), and showed the perseverance and reward of concerned, motivated, parents.

In The Market Approach to Education, an Analysis of America's First Voucher Program, Witte examines Milwaukee's program from the basic court arguments, the initial start of the plan, who actually benefits, parental involvement, and comes to an inconclusive, somewhat pessimistic conclusion.⁶

He does, however, cover several topics relevant to my paper. Witte conducted studies of test scores using a complicated control system, much different that Greene (above). He did find that test scores for choice students were higher but disclaimed the procedure later.

Witte's findings also included a high satisfaction rate among parents of choice schools and the fact that the program helped many disadvantaged, minority children who

would have never achieved the results in public schools that they achieved in choice schools.

His findings to the market approach (competition), is that it is not the answer. He feels that misinformation, cost, politics, and inflated scores will devalue education in the long run. But, he said that the status quo is unacceptable and that even though vouchers are not the answer, it may be the “bomb that wakes education up”.

In a controversial but thought provoking book written in the late 1980’s, Politics, Markets and America’s Schools, Chubb and Moe give a broader theory of problems within schools. Instead of concentrating on a local problem, they argue that the problem with education is the institution itself, the bureaucracy, the politics, and the lack of control.⁷

Their study cited Minnesota and Cambridge, Massachusetts with having innovative school programs that gave parents and students choice, which in turn related to better scores and “happier” customers. They conducted exhaustive research with some basic findings:

The better performing schools had parents and students with a higher socioeconomic status (SES) than other schools. This translated into parents who were more interested in the outcome of their child’s education and who had the means to effect a change in that outcome. These students also had lower incidents of behavior problems.

Schools with less influence from superintendents and school boards and that accepted more teacher and parent input tended to do better in academics, teacher

satisfaction, and parental satisfaction. On the other hand, schools that spent more per pupil and that had a smaller student-teacher ratio did not have more effective organizations.

Finally, magnet schools, which have a specialized curriculum and more teacher/parent involvement tended to have qualities that choice schools have. Teachers said they were happier, they had better, newer equipment. Teachers had more autonomy and because of these characteristics, the teachers with better credentials applied for positions at these schools, leaving other schools with the mediocre staff. Parents were more satisfied and students test scores were improved. Sadly, there were not enough of these schools to make a difference.

Chub and Moe call for dynamic change, letting public schools compete for students, allowing private and religious schools to become part of the public system. They suggest a central office that can forward education money to the school of choice and letting these schools pick their students, discipline their students, and decide if they want them next year. They want parents to make well informed decisions. And mostly, they want to break the bureaucracy that they feel is damaging public education.

To accomplish these goals, they offer an almost unrealizable scenario. Where the government has no control over schools other than financing, and even then, limited involvement. Schools, parents, and to some extent local politicians would set the charter for the educational programs and be responsible for the outcome. Each school (parents and teachers) would have the ability to choose its own destiny. The Federal Government,

states, and local government would have little or no influence. They did provide an extensive amount of data, research, and findings. Of course, most of the findings support their argument for change.

Chapter One

For the first time in history, school choice helped define the candidate's agendas during the 2000 presidential election campaign. Nominees Al Gore, Democrat, and George W. Bush, Republican, took opposing stands concerning education in America: Gore, more public education oriented and Bush, pushing the school choice argument.

Vice President Gore, strongly supported by the National Education Association (NEA) and the American Federation of Teachers (AFT), the nation's two largest teachers unions, never endorsed a voucher plan. He supports the public education system even though he acknowledges long existing problems. He began campaigning in late 1998 and proposed two alternatives, one needing no explanation, the other never fully explained.

His first proposal included an increase in funding for failing schools by at least 50%. He feels that vouchers would take money away from public schools and that if the federal government could require accountability and make competition within the public school system a reality, schools would improve.

His plan includes funding to triple the amount of charter schools and would support voluntary testing for 4th and 8th graders in math and reading.

His second proposal would be to close the failing school, literally shut the doors. He would then reopen it "with a new administration, full peer review, intensive training for those who need it and fair ways to improve or remove low performing teachers, and more local control for school boards."⁸

Gore did not offer any further plans for education reform. Nevertheless, his selection for vice president, Senator Joseph Lieberman, has been a voucher supporter in some

cases. During a press conference where both Gore and Lieberman appeared, a teacher asked them what they would do about education vouchers. Gore said: “Our administration will be opposed to private school vouchers. “Al Gore and I stand shoulder to shoulder,” Lieberman piped in. While the two men may disagree in private, “ When President Gore decides, believe me, Vice President Lieberman will support.”⁹

Gore did not state a time frame for closing a school and then reopening it. It is believed to be roughly two years. There is no mention of where the new staff will come from, what differences in teaching will be applied, nor to what standards, or how much local control of the transition will be allowed. He gives no plan on where the students attending the closed school will go in the interim. He also does not explain where the money for these fixes will come from. I think a 50% increase in spending is purely rhetoric.

President Bush’s main point in the pro voucher issue has been accountability. He feels that if a district or school is receiving money from the federal government, there must be some way of measuring the outcome (learning). If a school continues to fail its children, then after three years, the money that goes to the school becomes portable. This means that the parents can take tax dollars (average of \$1,500) spent at the failing school and choose a school for their child. These dollars would come from Title I funds, already earmarked for poor performing schools.

Another key difference was that Bush, in contrast to Gore, is for state control of the education of its citizens. He approves of charter schools, tutorial programs, and if a

parent chooses to send a child to a religious school, it is all right as long as the child is learning.

Bush endorsed charter schools and “charter states”. He would allow states (as opposed to schools) to become “charter states”: in return for a promise to improve the achievements of poor children, they will have more freedom from regulation.¹⁰

Bush also campaigned for testing every child, every year, in grades 3 through 8 to ensure learning is taking place. Opponents charge that teachers will then teach to the test; meaning children will learn how to test, not get a broad based education.

The Bush Administration signaled that it was going to defend school choice in the nation’s courts. Solicitor General Ted Olson filed a friend-of-the-court brief, urging the United State Supreme Court to hear one of the three remaining cases about Cleveland, Ohio’s voucher program.¹¹

The move is a bold one, and a court victory would be certain to expand the nation’s growing voucher programs. Cleveland allows parents to use vouchers to send their children to private, even religious schools. Liberals have objected, calling such choice measures violations of Constitution and an unlawful promotion of religion.¹²

The Bush administration eventually capitulated on the voucher issue in order to get the 2002 budget passed. Even Senator Lieberman had a choice proposal included in the Democrat’s Education budget.

Bush’s only hope for a voucher program at this point relied on the outcome of the Cleveland case. On February 20th, 2002, U.S. Secretary of Education, Rod Paige, issued a public statement supporting the Cleveland voucher program.

“As a nation, we must focus squarely on the needs of children and parents, not on perpetuating the status quo, especially in those areas where the system has failed to adequately serve its students. If I have to choose between protecting the system and educating the children, I’ll choose the children every time. We must help those children who need it most, especially in our competitive global economy. The outcome of this case will lift the constitutional cloud hanging over school-choice programs and may well determine the educational destiny of millions of American children. I will continue to be a steadfast advocate for improving all our schools and for empowering parents to select the best possible education for their children.”¹³

Chapter Two

The U.S. Supreme Court has visited the issue of school choice several times in the past 75 years. They have also examined tax dollars funding private and/or religious schools, and violations of the Establishment Clause concerning state supported religion. The following cases represent some of the most related, and still debated, arguments in the current battle for school choice.

In 1925, the U.S. Supreme Court heard *Pierce vs. Society of the Sisters of the Holy Names of Jesus*. The Society of Sisters was a private, Catholic school in Oregon that appealed the lower Courts decision regarding the 1922 Compulsory Education Act. This act required Oregon children between the ages of 8 and 16 to attend public school.

The Sisters argued “that the enactment conflicts with right of parents to choose schools where their children will receive appropriate mental and religious training, the right of the child to influence the parents’ choice of a school, the right of schools and teachers therein to engage in a useful business or profession, and is accordingly repugnant to the Constitution and void.”¹⁴

The court ruled in favor of the Sisters, asserting that parents did have the right to send their children to a private school with the written approval of the county superintendent and meet certain academic requirements.

Ironically, it is the academic requirements that have bolstered school choice advocates in their push for school choice in the past decade. The majority of school systems with a choice program in place cannot meet the minimum academic standards set

by the state. These schools receive a “failing” grade, therefore parents can elect to go elsewhere if accepted.

In 1947, *Everson v. Board of Education*, the New Jersey legislature allowed for the reimbursement to parents for expenses incurred for busing their children to parochial schools. The U.S. Supreme Court (5 to 4) held that the reimbursement did not violate the Establishment Clause because the Constitution does not prevent a state from extending the benefits of state laws to all citizens without regard for their religious affiliation and does not prohibit “New Jersey from spending tax-raised funds to pay the bus fares of parochial school pupils as a part of a general program under which it pays the fares of pupils attending public and other schools.”¹⁵

A key point is that the Supreme Court let the state decide on how to spend tax dollars and still allowed the parents to be the beneficiary of the state, not the church. This decision to allow state funds to go to parents who chose to send their children to parochial schools set the stage for the next Establishment Clause case, *Board of Education v. Allen* (1968).

This case stems from the New York Education Law, which required local public schools to lend textbooks, free of charge, to all students in grades 7-12, including those in private and religious schools.

Citing *Everson v. Board of Education*, Justice White delivered the Courts opinion.

“The express purpose of the statute was the furtherance of educational opportunities for the young, and the law merely makes available to all children the benefits of a general program to lend school books free of charge. Books are furnished at

the request of the pupil and ownership remains, at least technically, in the State. Thus no funds or books are furnished to parochial schools, and the financial benefit is to parents and children, not to schools”.¹⁶

In his opinion he cited similar case from 1930, Cochran v. Louisiana State Board of Education, “where appellants said that a statute requiring school books to be furnished without charge to all students, whether they attended public or private schools, did not serve a “public purpose,” and so offended the Fourteenth Amendment. Speaking through Chief Justice Hughes, the Court summarized as follows its conclusion that Louisiana’s interest in the secular education being provided by private schools made provision of textbooks to students in those schools a properly public concern “[The State’s] interest is education, broadly; its method, comprehensive. Individual interests are aided only as the common interest is safeguarded.”¹⁷

Again, a case that was argued to violate the Establishment Clause was decided in favor of the State. But more important to my paper is the statement from the Court that a state is responsible for the education of its children. Allowing attendance to private schools is acceptable if attendees meet state educational requirements. The state must not legislate any action that would promote or inhibit religion.

In 1969, Rhode Island attempted to supplement salaries of teachers in nonpublic schools. A three-judge district court found that this violated the Establishment Clause because the salaries were paid directly to the teachers and that approximately 250 teachers at Roman Catholic schools benefited from this act.

On appeal, the United States Supreme Court, in Lemon v. Kurtzman (1971),

established a tripartite test to determine “excessive entanglement” and became the principle in *Committee for Public Education v. Nyquist* (1973). The tripartite test to determine excessive entanglement is as follows:

1. The action must promote a secular legislative purpose.
2. Its primary effect must neither advance nor inhibit religion.
3. There must be no excessive entanglement between the state and religion.¹⁸

The third part leaves an opening for vouchers. Many arguments will be based upon interpretation of “excessive entanglement.” Political ideology, Conservatism and Liberalism will surely create a divided court on this issue. I am sure that when the Court refused to hear the Minnesota tax credit law case *Mueller v. Allen* (1983), this played a part. The court ruled that the benefit was to the parents, not to the schools.

Opponents of school choice use the Establishment Clause of the First Amendment and cite a U.S. Supreme Court case, *Committee for Public Education v. Nyquist* (1973), as their legal standpoint.

In the *Nyquist* case, the New York Legislature proposed a five-part recommendation concerning public money and private schools.

The first section provided direct money grants to “qualifying” nonpublic schools to be used for “maintenance and repair” of facilities and equipment to ensure the students’ “health, welfare and safety.”¹⁹

“Section 2 establishes a tuition reimbursement plan for parents of children attending nonpublic elementary or secondary schools.”²⁰

In order for parents to qualify, their annual taxable income must be less than \$5,000.

“The third program, contained in sections 3, 4, and 5 of the challenged law, is designed to give tax relief to parents failing to qualify for tuition reimbursement. Each eligible taxpayer-parent is entitled to deduct a stipulated sum from his adjusted gross income for each child attending a nonpublic school. The amount of the deduction is unrelated to the amount of tuition actually paid and decreases as the amount of taxable income increases. These sections are also prefaced by a series of legislative findings similar to those accompanying the previous sections. Almost 20% of the State’s students, some 700,000 to 800,000, attend nonpublic schools, approximately 85% of which are church affiliated.”²¹

Part of Justice Powell’s opinion (vote was 6-3 with various judges dissenting in different parts of the findings) in the *Committee for Public Education v. Nyquist* contained the following ‘James Madison, in his Memorial and Remonstrance Against Religious Assessments, admonished that a “prudent jealousy” for religious freedoms required that they never become “entangled...in precedents.” His strongly held convictions, coupled with those of Thomas Jefferson and others among the Founders, are reflected in the first Clauses of the First Amendment of the Bill of Rights, which state that ‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof’.²²

Using this argument the Supreme Court found all 5 sections of the proposed legislation did violate the Establishment Clause, therefore were unconstitutional.

Opponents of vouchers or tax relief use this decision for their argument and it does seem to have validity based on the Nyquist case. That is, if a voucher plan or tax relief is found to go directly to, or benefit the school, then it is unconstitutional. Interestingly, in all of these cases the state has found that these benefits do not promote or benefit religion.

Another argument espoused by opponents is that by allowing funds to follow the student, it will drain the public schools of needed money and skim the “best” students from attendance at the poorer schools.

The National Education Association (NEA), the largest education related union in the country, is the choice plan’s strongest opponent. Along with the above arguments, the NEA suggests smaller class size, improved technology, and pay increases for teachers.

The NEA is one of the principal parties in the Cleveland voucher program case.

In his opening argument, NEA general counsel Robert Chanin stated, “the program is a charade in which millions in tax money is funneled in the name of parental choice into the coffers of religious schools. Parents play little more than a ‘ritualistic role in the transmission process’ because religious school tuition is the only use for the vouchers in the nearly complete absence of private nonreligious schools.”²³

Chanin argues “the only schools generally available under choice programs are religious schools, because they are the only schools that will accept vouchers as full payment for tuition. So, vouchers are simply giving government money to religious school, and not providing real choice.”²⁴

“In reality, the Cleveland program has offered parents fewer choices than its backers

had envisioned. The suburban schools refused to open their doors to transfers from the city, and exclusive private schools were not interested in taking on students who could only pay \$2,500. As a result, nearly all of the Cleveland students who take advantage of the stated voucher – 99% in the most recent tally – go to religious schools.”²⁵

Others argue that vouchers or a choice system would lead to “creaming”, that is taking the cream (best) students from the public schools, substantially draining talent and resources from the public system.

This argument does not have the statistical data to support it because the majority of choice programs to date have targeted low income producing families in areas that are economically depressed. In fact, “creaming” was not part of Chanin’s address to the Supreme Court.

Jay P. Greene, a professor at the University of Texas at Austin and co-author of the article Lessons From the Cleveland Scholarship Program, 1997, has evaluated the major choice programs in the country to date. He authored an article in the Public Interest, summer 2001, titled “The Surprising Consensus on School Choice” in which he finds: “evaluations of the Milwaukee and Cleveland programs have concluded that the programs successfully targeted very low-income families, offering them opportunities they would otherwise lack. The average income of families participating in the Milwaukee program was \$10,860. In Cleveland, the mean family income was \$18,750; in New York, \$10,540; in Washington, D.C., \$17,774; and in Dayton, \$17,681.

In Milwaukee, 76 percent of choice students were from single, female-headed households. In Cleveland, the figure was 70 percent. In Washington it was 77 percent, and in Dayton it was 76 percent.

The standardization tests scored of choice students before they began private school averaged below the 31st percentile in Milwaukee, below the 27th percentile in New York, below the 33rd percentile in D.C., and below the 26th percentile in Dayton. In other words, choice students were generally performing at the bottom third academically. If this is cream, then none of us need go on a diet.”²⁶

You can see why this argument is slowly going away. In 1999, the Florida Legislature passed the McKay Scholarship program (named for Republican Florida State Senator John McKay, who is a parent of a disabled child). It was an experimental choice program for students with physical and mental disabilities in a few select communities.

“In 2000, it opened the program to all disabled students statewide, as long as their parents could demonstrate that the children were not improving in the local public school. Then, in May, Florida Governor Jeb Bush signed a bill expanding the program to all disabled students statewide and opening the program to all parents who decided they were dissatisfied for any reason with the local public school.”²⁷

This program has not garnered much attention outside of Florida. It was not part of the arguments during the recent Supreme Court meeting. Opponents have not said much, even though parents can send their child to any school, even religious schools.

“The scholarships were expanded and streamlined after a lopsided and bipartisan vote: 33 to 4 in the Senate and 76 to 39 in the House. Even the Florida’s teachers unions were wary of openly opposing the bill. It went through quietly because no politician, really no one, wants to stand in the way of a disabled person,” stated Patrick Heffernan, Ph.D., president of Floridians for School Choice.²⁸

It seems that the pro-voucher crowd may have found a way to gain a foothold with the McKay program. “Teacher unions have long warned that school choice would ‘cream’ the best students from the public schools, leaving behind only the most difficult and most expensive to teach. McKay Scholarships do just the opposite. They allow parents to find schools, including private religious schools, that cater to children with special needs. This relieves the factory-like government schools of the expense and the challenge of meeting these students extraordinary needs.”²⁹

Because public schools are mandated to educate special needs students, it requires the staffing of specialized talent i.e. physical therapist, occupational therapists, speech therapists, parent advocates, special education school facilitators, lawyers, teachers with specialty degrees, and resource teachers to aid the specialist, and the bureaucracy to support this staff.

Again, parents send their child to a particular school because they are “zoned” (location) for it, not because it has a program that might benefit their child.

Chapter Three

One argument the NEA and others seem to be winning is the fight for more dollars. Based on the data for the U.S. Department of Education, National Center for Education Statistics, for the 1998-1999 school year, an average of \$6,508 was spent on every student enrolled in public schools. That includes the 50 states and the District of Columbia. As of April, 2003, this data is the most current non-estimated dollars.

“This represents a 5.2 % increase in current expenditures per student from the previous school year (\$6,189 in unadjusted dollars). Three states, New Jersey (\$10,145), New York (\$9,344), and Connecticut (\$9,318), expended more than \$9,000 per pupil. The District of Columbia, which comprises a single urban district, spent \$9,650 per pupil. Only one state, Utah, had expenditures of less than \$4,500 for each pupil in membership (\$4,210). The median per pupil expenditure was \$6,110, indicating that one-half of all states educated students at a cost of less than \$6,110 per student.”³⁰

More significantly, at least for this paper, is how the revenues for these expenditures were acquired.

Again, using the 1998-1999 school year, “over \$347 billion were collected for public elementary and secondary education for school year 1998-1999 in the 50 states and the District of Columbia. Total revenues ranged from a high of around \$40 billion in California, which serves about 1 out of every 8 students in the nation, to a low of about \$709 million in North Dakota, which serves about 1 out of every 405 students in the nation. Nationally, revenues increased an average of 6.6 percent over previous year’s revenues of \$326 billion.”³¹

The increase in revenues is important for two reasons. One, 93% of this revenue comes from the states. The remaining 7 % comes from the federal government. “By far, the greatest part of education revenues came from nonfederal sources (state, intermediate, and local governments), which together provided about \$323 billion, or 92.9 percent of all revenues. The federal government made up the remaining \$25 billion. The relative contributions from these levels of government can be expressed as portions of the typical education dollar. For school year 1998-1999, local and intermediate sources made up 44 cents every dollar in revenue; state revenues comprised 49 cents; and the remaining 7 cents came from federal sources.”³²

The second reason I think this data is relevant to the school choice debate is President Bush’s request for \$56.6 billion for the Department of Education’s FY 2003 budget, that “builds on recent growth in the Department’s budget, which has more than doubled since 1996.”³³

There are four choice elements included in this request. They are:

1. \$200 million for Charter Schools to stimulate continued growth in the number of charter schools nationwide.
2. \$100 million for a new Credit Enhancement for Charter School Facilities program to assist charter schools in acquiring, leasing and renovating through competitive grants.
3. \$50 million for a new Choice Demonstration Fund to support research projects that develop, implement, and evaluate innovative approaches to Providing parents with expanded school options, including both private

and public school choice.

4. \$25 million for Voluntary Public School Choice grants to encourage states and school districts to establish or expand public school choice programs by providing financial support for planning, tuition transfer payments, and efforts to increase the capacity of participating schools.³⁴

In the end, the President compromised on some of the school choice issues to get the budget passed. Still, the amount of money spent yearly continues to increase.

It gives advocates of choice an argument since most programs to date have been in the \$2500 to \$3000 dollar range. In Florida, the average expenditure per pupil was \$5,436. “The McKay scholarship gives parents either the cost of educating their child in a public school or the cost of private school tuition, whichever is less.”³⁵

In Cleveland, Ohio, the school choice plan just reviewed by the U.S. Supreme Court, allows up to \$2,250 per pupil. Families with income below 200 percent of the poverty line receives vouchers worth 90 percent of the private school tuition or \$2,250, whichever is less. All other students receive vouchers worth 75 percent of tuition.

A significant advantage for the Cleveland public schools is they get to keep 55 percent of the state aid per-pupil for each child that takes advantage of a voucher. So, if they lose a child to a voucher, they still get paid to not teach a student.

For the 2001-2002 school year the Milwaukee Parental Choice Program (MPCP) program allows up to \$5,553 or the private school’s operating and debt service cost per student, whichever is less.

According to The Heritage Foundation, a conservative think tank that has been tracking the choice initiatives, as of 2001, “38 states, compared to 21 last year, have considered legislation to create charter schools or voucher programs for low-income families to choose schools. 37 states and the District of Columbia have enacted a charter school law and 31 states, compared to 18 last year, have considered tax credits or deductions for educational expenses.”³⁶

Legislators are finding that parents who can have a say in their child’s education are a formidable force. As stated above, more and more states are looking for alternatives to education.

The Milwaukee Parental Choice Program (MPCP), a voucher program signed into law in the fall of 1990, began taking shape in the late 1960’s as a local educational issue. Black families were frustrated with the public education. Forced bussing to accommodate integration laws produced “white flight” from the city schools and along with it, money. Catholic schools attempted to pick up the slack but also ran out of funds. Polly Williams and Howard Fuller, two community leaders who continued to fight for better education and choice after many years of political losses, infighting, and being accused of appeasing whites to win in the political battles, saw their efforts for choice rewarded when Governor Tommy Thompson signed the bill in October of 1990. Both Williams and Fuller continue to push for a nation wide choice program.

Chapter Four

Because vouchers are so controversial, an alternative education system with characteristics desirable by most was given a chance. Charter schools, or schools with specific goals and requirements and less controlled by school boards, politicians, and bureaucracy, may be an alternative to the voucher proposal.

In 1991, Minnesota enacted legislation to create the first charter schools in an effort to help parents with children attending struggling public schools. Charter schools are public schools, funded by public school funds, but with “autonomy for accountability” criteria. State and local government, along with the school district, determines the structure, curriculum, and educational emphasis of each school. For the increase in autonomy, each school is held accountable for the academic achievement and faces suspension or closure if it fails to meet its intended objectives.

Charter schools are usually petitioned for by parents who have children attending and/or teachers who work at schools that have difficulty in meeting academic requirements, safety standards, overcrowding, or to remedy racial imbalance. Pressure on state lawmakers to educate the children of the state usually results in some study or inquiry. Charter schools are a way to use public funds, a public forum, with parental involvement to address education.

Charter school proposals may be introduced by community groups, parent/teacher groups, Universities and colleges, and for profit entities. Each proposal must contain the following: clearly defined mission and goals, solid administrative and financial structure, comprehensive curricular plans, an assessment plan to measure result/achievement.

Since a charter school is usually limited in size and scope, issues can be addressed more readily than say in a large, more complex, school district like here in Clark County.

During the mid 1990's Nevada experienced tremendous population growth, particularly Clark County, and the Las Vegas valley. Schools could not be built fast enough. Classrooms were shared on a split daily basis. That is one school would use the classrooms, buses, lunchroom, and administrative offices during the morning hours and another school would use the same facilities during the afternoon hours.

One could understand the frustration of the parents, teachers, administrators, etc. And since the Nevada State Legislature meets only every other year, some problems had time to compound before they could be addressed.

In the 1997 Legislation session, Nevada State Lawmakers addressed the issue of restructuring school districts. Republican Senators Jon Porter (Henderson) and Maurice Washington (Sparks) worked closely with Democratic Senators Ernie Alder (Carson City) and Valerie Wiener (Las Vegas) to create a bipartisan version of an education bill (Senate Bill 220 Chapter 480, Statutes of Nevada) that included charter school provisions. This bill quickly and unanimously passed the Senate but was held up in the House by Wendell Williams (Democrat, Las Vegas) who was Chairman of the Assembly Committee on Education.

Williams' concern was limiting the number of charter schools. He felt that all "at risk" children in the state should have access to charter schools. Defining "at risk", and

funding issues, with differences usually defined by political affiliation i.e. democrat vs. republican, resulted in four attempts to pass the full House. Finally, Senate Bill 220 passed both houses by a voice vote on July 7, 1997.

There are nine charter schools currently operating in Nevada. It is still too early to evaluate their effectiveness in academic achievement. Funding issues are still controversial. Several of Nevada's charter schools are run by Edison, a for-profit education instruction/management corporation, (Co-founder is John E. Chubb) which has recently been under question for financial misdeeds.

I attempted to contact Assemblyman Wendell Williams (D-Las Vegas), Chair of the Assembly on Education, Congressman Elect Jon Porter (R-Henderson), State Senator Valerie Wiener (D-Las Vegas), and State Senator Maurice Washington (R-Sparks). Senator Washington is very pro-voucher, has introduced voucher plans in each of the last two sessions, and intends to do so in the 2003 session. These officials were on the committees to establish charter schools in Nevada.

Through my research I have come to believe that in most cases political parties determine educational issues. Democrats prefer public schools, more funding, and are supported by the two major teacher unions, the National Education Association and the American Federation of Teachers.

Republicans tend to favor alternative measures to education such as vouchers and want more accountability with spending.

My attempts resulted in two interviews. The first interview was with Democratic

Senator Valerie Wiener. The other was with Maureen Schafer, the Political Director for Congressman-elect Jon Porter. Porter was in Washington D.C. attending a newly elected official class, setting up his Washington office, and coordinating his new staff.

I asked the following questions:

Question. In the 1997 Legislature, the issue of reconfiguring school districts was address. Why reconfigure the school districts and what was the window of opportunity for introducing charter schools in Nevada?

Wiener. “There was tremendous pressure on the school system with growth, overcrowding, funding, and such a large district. Parents were very unsatisfied with education. School Board meetings were just awful. Charter schools were seen as a way to let parents be more involved with their children’s education. I thought that we should allow charter schools, but start with just one at a time. We were all unsure of their effectiveness and I thought that if the idea failed, it would fail in a small way. I did have a problem with allowing Edison to run the pilot program, being a for profit organization.”

V. Wiener (personal communication, October 31, 2002)

Schafer. “Jon wanted more choice for education. There were a lot of unhappy parents. Charter schools were new but were not as controversial as vouchers. This was a perfect time to get an alternative education system in place.” M. Schafer (personal communication, November 7, 2002)

Question. “The first proposal originated in the Senate and passed quickly with both parties agreeing readily. Wendell Williams immediately held it up in the Assembly.

Why was the bipartisan effort so effective in the Senate and was politics the delay in the Assembly, especially with Assemblyman Williams?”

Wiener. “This was a bill we worked on for Nevada. Challenges to education are usually a republican issue. I was a young democrat who was kind of sticking my neck out on this issue but I thought this was the right thing to do. Brian Cram (then Superintendent of Education, Clark County) really chastised me, in public, for voting for this bill. I told him it was the right thing to do, especially allowing parents to be more involved. Wendell held this bill up for personal reasons. He wanted to limit the number of charter schools but wanted an unlimited number available for ‘at risk’ children. Defining ‘at risk’ really became a problem.”

Schafer. “Nevada is a conservative state. We have liberal democrats but they are not like liberal democrats, say on the East coast. Everyone wanted better education. Nevada is not far from the bottom on spending and achievement. And at that time, we were growing faster than we could keep up. There was no alternative except parochial schools. This was a pretty good bill to get an alternative going. Mr. Williams stopped this bill for personal and political reasons. He had a problem with ‘at risk’ children and getting Edison to run a school in his district.” M. Schafer (personal communication, November 7,2002)

Question. “The Supreme Court ruled vouchers constitutional. Do you see vouchers as an alternative to education in Nevada?”

Wiener. “I am unsure. We started charter schools with good faith. I don’t know

the evolution of vouchers and how we would fund them. We need to do something to help our kids. I still think what ever we do, we should start out on small scale. That way we could measure the success and if we needed to fix something, we could concentrate on the problem a little better. I am starting a nutritional program at Wiener elementary. We need to do something that will help develop the whole child.”

Schafer. “I am sure Maurice (Washington) will introduce vouchers in the 2003 session. Vouchers are a Republican issue. I don’t know how we would fund vouchers and if there are enough places for kids with vouchers to go. I would hope that it would still be a bipartisan effort. Right now, education is still not a big priority for Nevada. It has to be.” M. Schafer (personal communication, November 7, 2002)

Chapter Five

Among some of the most compelling arguments in the current debate is the one for a competitive education system. Even though there are 15,000 school districts nationwide, governments still collectively have a monopoly on education. The term “monopoly” literally means “single seller”.

John Merrifield, Research Associate, Education Policy Institute and Associate Professor of Economics, University of Texas, stated in an abstract of The School Choice Wars,

“Monopolies lack direct, intense competition, which leads to higher prices and inefficiencies, and the public school monopoly does charge tax payers a high and everising sum. The government has an 88 % market share of K-12 education. That market share is much closer to the single seller case than virtually every alleged monopoly; 88 percent far exceeds the level that usually triggers a U.S. Justice Department anti-trust lawsuit.”³⁷

The ‘public’ schools system’s administrative overhead is one example of inefficiency. According to an international comparison by the Organization for Economic Co-operation and Development (OECD), the U.S. is the only country with fewer teachers than non-teaching staff (a 3:4 ratio compared to a 5:2 average ratio for the other countries in the OECD study).³⁸

Since the implementation of charter schools in Arizona, research has shown that the public schools have made improvements in order to retain students. That is, they had to compete for them. Some of the significant changes were:

- Districts reformed school curricula, in particular by increasing the number of back-to-basics programs.

- Districts made greater attempts to inform parents about school programs and options.
- Districts placed greater emphasis on professional development for teachers and staff
- School principals increased consultations with their teaching staff.
- Districts replaced school principals that had losses to charter schools.³⁹

It seems that once schools understand that the status quo is no longer the only option, several things happen. One, communication is increased. School Administrators talk to staff, and more importantly, schools tend to communicate with parents more. In the 10 or so major studies, some of which have not been in favor of vouchers, all conclude in one way or another that parents are happier if they feel they have a role in their child's education.

Having to compete also forces one to look at where you are at compared with the competition. Along with improved communication, public schools now look at curriculum, spending, teacher performance, and improving academic performance among the students.

More credible evidence of improved public schools:

According to "School Choice and School Productivity," a February 2001 study by Harvard University economist Caroline Hoxby, Milwaukee's public elementary schools have improved as a result of the private school choice program. She found that performance improved faster at schools whose students could use vouchers to leave.

Hoxby first compared test scores of the National Assessment of Educational Progress (NEAP) between the 1970 – 71 and 1998 – 99 schools years. After adjusting for demographics i.e. increased numbers of African-American and Hispanic students, income of parents, marital and job status of parents, neighborhoods, etc., she found that some schools still could not perform. As per pupil expenditures increased, productivity remained the same.

As a result of this continued poor performance, school choice became available. Now the focus was squarely on the poor performing schools because students could leave and take money with them.⁴⁰

Chapter Six

Throughout this paper I have made reference to parental involvement and the fact that parents who are involved, have a choice, and participate in choice programs are more likely to be pleased with their child's education. Even the term "school choice" indicates that the parent will be involved, that someone will be "choosing". The Milwaukee Parental Choice Program (MPCP), as most choice/voucher plans, started with dissatisfied parents who unite and began a push for better education.

Keep in mind that these programs to date have been targeted to low income families in poor performing schools. These parents would not have had the ability to move to another school without these programs. The McKay Scholarship Program in Florida is a godsend for parents with handicapped children. By giving parents a choice we have seen improvements in public schools and the opening of competitive private schools.

Personally speaking, my oldest son attends a religious (different from my religion) affiliated private school. The school has 3 to 4 parent/teacher meetings within a 9-month school year. During registration parents agree to attend these meetings with the understanding that failure to attend will result in a monetary fine, usually \$50.00. All homework, which is nightly and weekends, must be signed by a parent. These are just a few of the similar characteristics of private schools. This school has more registrants than room available.

Of all the arguments for school choice I believe parental involvement is the most

compelling. It holds schools accountable. It holds students accountable. Parents see their child progress and prepare for the future and know they have played an integral role in this development.

Everyone concerned anxiously waited for the Supreme Court to decide the Cleveland voucher case. Many see the approval of vouchers by the Court as the fix for education in America. I think the makeup of the court was the deciding factor. In a 5-4 split decision, divided along party lines, Democrat vs. Republican, liberal vs. conservative, with conservatives winning the vote, the Court stated that vouchers were constitutional. Arguments attempting to separate choice programs from the Establishment Clause were crucial and in the end were the decisive factor.

Opponents think that the approval will be used to weaken public education, increase segregation, and most importantly, reduce the amount of money spent on the public system. Because a new way of educating is allowed, the lobbying effect of the two unions, the American Federation of Teachers (AFT), which has about 1 million members and the NEA with about 2.5 million members, may not be as strong.

Charter schools will continue to grow. They are a reasonable alternative to public education but are still limited by funding, facilities, and evaluations of effectiveness.

Conclusion

We have choices in life. We choose what to eat, where to work, to vote, political affiliation, religion, marriage, what car to drive, etc. We have choice in major issues that affect many, are extremely controversial, and can divide families. Some see these issues as just plain wrong or right i.e. abortion, sexual orientation, and whether a lie is a lie. Others claim they have an inherent right to do something, even at the expense of others.

I see choice/voucher programs not as an answer to today's education problems, but a start of a long process to bring quality education to our children. If a poor parent can send their child to the same school as an affluent parent, it is good. If public schools communicate and respond to parents because of competition, it is good. If handicapped children can get a quality education in a school that can meet all of their needs, it is good. And since education is mandated by government and financed by taxpayers, why not give some say to the ones that are paying for it.

Even though choice programs have been around for some time, there has not been a national outcry. In some areas, public schools perform admirably. To parents who can afford it, sending their child to a private school and paying for public education at the same time is just the cost of getting a good education, sort of like buying a nice car.

Public schools cannot be everything to everybody. Differences in opinion on where education is headed to include national standards, bilingual education, special needs mainstreaming, teacher testing, student testing, graduation rates, and the continuing

rise in cost are focusing attention away from the purpose of schools. Add a couple of more non-education related subjects, drugs and violence, and you have more to think about, deal with, prepare for, hope for, than teaching.

I have discussed several Supreme Court cases. All of the decisions were split, mainly along political party lines. The important part of all these cases is that the state realized it had the responsibility of educating all of its children. Even in the Nyquist case, the state was attempting to help schools. It was repeatedly acknowledged that the state had the charter to educate and was given some latitude, and some controversial plans were benefits to the parents, not religion.

As more credible evidence comes in from states with choice programs, other states should be able to develop their own program that meets the needs of its citizens. I reiterate that parents who have a choice in their child's education are happier with the school their child attends. Even if choice programs are expanded, poor families will still benefit.

As choice expands, competition for students will increase. Information flow will follow. I am sure some enterprising individuals will start a business to help families filter through the information to pick a quality institution for their child's education. And there will be federal dollars to help pay for the services.

I certainly feel that competition will make each school look within, to see where it can improve. There are many excellent public schools. Why do they outperform others? There has to be a few similar, but distinct differences in better schools. I think that

parental involvement is probably the biggest factor. If parents are involved, asking questions, volunteering, donating, making sure their child does his work, understanding that education will lead to opportunity, etc., schools have to be better.

States have been given the responsibility of educating its future leaders. I think it should be left up to the state to decide how it carries out this function. Private schools, even private religious schools have to meet state/federal requirements. And is it wrong for a child to be affiliated with his/her religion and free to not to be ashamed or punished for acting on their beliefs?

It seems that since September 11, 2001, people are waving the flag, schools are back to saying the Pledge of Allegiance, and prayer is being said at sporting events. We should strive to see that education in America will once again be respected, as our military, our flag, and our freedom.

I think I have shown enough evidence to conclude that vouchers are positive for education in America. The United States Supreme Court ruled that choice/vouchers are not unconstitutional. They are not a Religious Right ploy to convert America to Christianity. It is a matter of states getting the best education for the dollar and giving parents a chance to participate in developing their children into productive, responsible, self supporting citizens.

Public education will still be funded at ever increasing costs. I will continue to pay taxes in that cause, but I will continue to send my child to a private school because I believe he is getting a better overall education there. Until parents unite like in

Milwaukee or, if we can ever think far enough out of the box as Chubb and Moe suggests, children, parents, schools, will still be searching for a better way to educate. Are vouchers the next step for Nevada education? I am sure State Senator Washington will introduce a voucher bill in the 2003 session. I don't think there is a positive way to pay for a voucher program with purely state funds without seriously hurting public schools. And if we are to embrace charter schools, we have to make sure they are effective.

Where we go with education in Nevada is still a big question. My interviews reaffirm that education ideas are and will be fought along political party lines. I admire Senator Wiener's courage to fight for an alternative to education, but having options such as a charter school and vouchers should benefit all concerned.

Glossary

Charter school: A public or government run school that agrees to meet certain performance standards in exchange for exemptions from public school regulations (other than those governing health, safety, and civil rights); it accepts accountability for results in exchange for autonomy in the choice of methods for achieving those results. States determine further specificity of the law. Depending on the state law, parents, a group of teachers, universities, or a business may charter a school and design the curriculum.

Controlled choice: Choice of school is limited by court-ordered desegregation guidelines. In Missouri, for example, Kansas City and St. Louis must observe strict racial guidelines for the enrollment of students in city schools. Parents are limited to choices that will not upset the racial balance of a particular school.

Full choice: Choice that includes public (including charter), private, and parochial or religious schools. Also known as “publicly funded private school choice.”

Inter-district choice: Choice that allows students to cross district lines. Some states, such as Alabama, allow inter-district choice among only a limited number of districts.

Intra-district choice: Open enrollment among schools within a particular district.
Also known as transfers.

Magnet schools: Public schools that offer specialized programs. Sometimes used as a voluntary method to achieve racial balance when districts are under court order to desegregate. Magnet schools offer students an option or a substitute for their own location-based school assignments.

Open enrollment: System that allows parents to decide which public school their children will attend in the state, rather than assigning each child a school based on home location. With voluntary open enrollment, the district is not required to offer a choice, but may allow parents to choose the schools their children attend. With mandatory open enrollment, the district must allow this option.

Private voucher programs: Programs supported by individuals, businesses, and other groups that give vouchers or scholarships directly to low-income children to enable them to attend private schools of choice. Programs differ by the types of support they give to families, the types of schools that are eligible, and the K-12 grades that are eligible. Also known as “privately funded school choice.”

Publicly funded private school choice: Choice that includes state funded vouchers or scholarships to be applied toward tuition fees at a public, private, parochial, or religious school, or a charter school of the parent's choice. Additionally includes tax credits and deductions that help defray the cost of tuition expenses at a school of choice.

Public school choice: Choice only among public and charter schools. Includes open-enrollment policies, such as inter-district and intra-district transfers.

Scholarships: Certificates with a designated dollar value that may be applied toward tuition or fees at a public or private school of the parent's choice. Also called as "vouchers," "tuition scholarships," or "opportunity scholarships."

Tax credits and/or deductions: Funding method that facilitates choice by empowering parents to claim a credit or deduction against their state income or property taxes for approved educational expenses, including private school tuition, books, tutors, or transportation. Tax credits are a dollar-for-dollar refund for approved educational expenses. Most programs include income caps, which vary from state to state, and restrictions on the amount a parent can claim. The U.S. Supreme Court has ruled that education tax credits and deductions are constitutional.

Vouchers: Certificates with a designated dollar value that may be applied toward tuition or fees at the public or private educational institution of the parent's choice. Used in

much the same way that food stamps are used to buy food and housing vouchers are used to defray the cost of rent. Similar to Pell Grants, in which the government provides a student with a designated dollar amount in the form of a scholarship, to apply toward tuition at a public, private, or religious college or university of choice. In effect, this separates the government financing of education from the government operation of schools.

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