

## **Empowerment or Enticement? The Trojan Horse**

Constitutional Home Educators Alliance must OPPOSE bills that negatively impact home education. The School Choice voucher bill by Senator Greg Treat, SB 1647 - The Oklahoma Empowerment Account Program; House Bill 3482 by Rep Martinez; and Senator Casey Murdock's bill, SB 1509, a "Tim Tebow" bill. We also oppose "voucher" programs SB 1420 and SB 1135, which would take public funds to private schools. Here are many concerns.

### **Expanding Government Reach**

Government-funded school choice advocates proclaim parents are the best suited to decide where their child receives their government funded education, but concede that with tax-payer funding a minimal level of "accountability" is necessary. Private schools and homeschooling families that participate in this government expansion are concerned they will lose their autonomy and constitutional freedom to educate as they see fit. The restrictions are not applied right away, but will come in the future, risking the freedom of our children and grandchildren to be taught or to teach their own children without government intrusion.

Self-funding independent home educators have the legal right and responsibility to direct the education of their child "by other means" and free from government control. Currently, home education in Oklahoma is completely separate from institutional education programs. Parents are solely responsible for expenses and implementation. *This is their choice.* We believe SB1647 blurs those lines by allowing taxpayer dollars into homes. This ultimately turns homeschools, private schools, cooperative homeschools, learning pods, etc into public schools and subject to government regulation.

The introduction of government money endangers educational liberty. Government money always comes with strings. In fact, allowing the government funding to follow the student only increases the monopoly the government has on education, it does not decrease it. Whether it is called Public, Magnet, Charter, Virtual, ESA Enrolled, or any other name, if it receives government funds, it is government controlled. All must adhere to the government standards. Moreover, all of these options will put children into a database collecting information on each child.

Public schools nationwide are pushing problematic, struggling learners, and even athletes out of their schools (this is so they can grow in size for a year and then come back as if they sat out a year) and into other education options including home education. These public "push-outs" who do not have parental support at home, can end up in the juvenile system or at the very least, uneducated. Educational Savings Accounts have the potential to not only continue the practice, but to incentivize it.

As for the students who the school choice advocates claim will be helped most, those in struggling inner cities schools or rural schools, are they really going to be helped by a bill that would require a family to have two cars and a stay-at-home parent to transport them to another school in another district? This may skim a little cream off the top of a school, but for those students left behind in a school with even less money, what will become of them? Is it just too bad their parents couldn't or wouldn't utilize the voucher program and they have to continue in an underperforming school? The real problem of a failing school remains unsolved.

**The solution for letting parents keep their money is to actually let them keep their money in the first place with a per child educational tax credit. Lonnie Paxton's SB 1471.**

## Line by Line Concerns with SB1647

***Line 7: “Agency” means the Office of the State Treasurer***

***Line 11: The Agency may contract with a private financial management firm or other private organization to administer in full or in part the Oklahoma Empowerment Account Program.***

The Department of Treasury rather than the Department of Education approves applicants and sets standards for educational vendors, and determines qualified expenses for parents. (Sounds very similar to third-party management that EPIC used to run their programs and approve vendors, which ended up with the management company repaying the taxpayers millions of dollars. It is important to listen to the results of the State Auditor’s audit of EPIC before increasing the opportunity for more problems.) Who and how many people will have to be hired to “approve” curricula and companies that provide services? What will their standards be?

Note: it is not the parents determining the approved vendors/schools, but the government or a government-approved third-party management firm (that will also have to be paid...).

If the DOE cannot provide a quality education, how can the Department of Treasury do better?

***Line 8: A provider of qualified expenses shall not share, refund, or rebate any amount of an Oklahoma Empowerment Account with the parent or empowerment student. A refund or rebate for goods or services purchased with an Oklahoma Empowerment Account shall be credited to the Oklahoma Empowerment Account.***

Any law that is unenforceable is a bad law. How will “Line 8” be enforced? Through an audit of every vendor? Who will conduct the audit and how often? Can a parent pay themselves to teach their children math if they are getting paid by other parents to teach their children, why or why not? Will parents be audited to make sure they are using goods and services they claim to be using? Will they be required to show receipts, if so, how often and to whom?

***Line 9: The Agency shall provide parents of empowerment students a written explanation of qualified expenses for which an Oklahoma Empowerment Account may be used, the responsibilities of parents, the duty of the Agency and the role of any financial management firm or other private organization with which the Agency may contract to administer the Oklahoma Empowerment Act.***

What if the parents are home educators, are their curriculum choices going to be government approved now? Will their learning pods or cooperatives have to be government approved and therefore teach what the Agency wants taught? What are the standards and when will they be available for review? What is the process to challenge rulings?

***Line 12: The Agency shall have the authority to refer suspected cases of intentional and substantial misuse of Oklahoma Empowerment Account funds to the Attorney General for investigation if evidence of fraudulent use of funds is obtained.***

What protections are there for small private schools and parents from bureaucrats, armed with the power to audit and intimidate? What is the oversight on the audit? How much will the management of this program actually end up growing the government?

## Further Questions

- Wouldn't this be easier and better managed as a tax credit for all families regardless of their location/method of schooling?
- Wouldn't true Parent Empowerment be to NOT use state funds?
- Would "homeschoolers register with the state" as in other states?
- Will the Treasury department promulgate the rules regulate types of curriculum? Religious texts, Faith based Private schools or programs? Materials promoting muslim, wiccan, communism, etc. What about those which are being outlawed currently by Republicans (CRT, SEL, LGBTQ books, or similar concerns, common core)?
- How do you prevent blurring of the lines for those who choose to educate "by other means" and this new Empowerment Fund Account student?
- Won't this create a conflict of interest or a breeding ground for potential fraud, as has happened with the microcosm of this experiment in EPIC?
- How is this a Republican, conservative bill when it is expanding government and giving government funds to private entities?
- How will students be protected from being added to a state and federal longitudinal data mining program?
- What becomes of the rural and inner city students that cannot utilize the voucher program, and their schools? Will the punitive nature of the bill really improve failing schools? Other programs have proven that most of the students who participate come from upper-class families, with less than 10 percent from low-income households.  
<http://www.rgj.com/story/news/education/2015/10/29/many-wealthy-few-poor-apply-private-school-money/74783380/>
- What happens when Private school and Home educated families who have never been enrolled in publicly funded schools decide to utilize this fund, they've never been counted in the per capita formula. Where will this funding come from?
- Will Federal dollars that local schools receive for per capita students be lowered when a percentage of students withdraw to use OEA?
- Will this bill be using taxpayer money, sidestepping the representative elected-boards of school districts/public schools, building new processes to distribute funds, allocate and approve vendors, and sending money to businesses in the interest of the children?
- Is that expanding or creating a new government system? Will it be still overseen by a government agency or contracted firm which will have overhead to manage? are the rules not even created yet which will become law?

### **OCPA online article quote:**

*"Homeschoolers are right to be worried about the government taking away their control of their own education. But that's not a reason to oppose Education Savings Accounts that recognize homeschooling as a legitimate choice. It's a rock-solid reason to support it. That would give these families the thing they most need to protect themselves from the state: political power."*

### **CHEA Responses**

Belcher:

How can you state that you are going protect homeschoolers and private schools with this? You welcome the trojan horse into the arenas of private schools and private homeschool, unleash new regulations that aren't even established yet and then claim you will be there to defend our constitutional freedoms? The best defense is to not cross the line. It's been blurred already with charter schools. Our state constitution defends our right to educate our children at home ourselves.

To say we are overprotective, well, it's virtue signaling.

Also, telling constitutional home educators 'you don't have to take the money' is like saying 'if you like your provider you can keep your provider' with Obamacare. Every existing vendor or newly created ones will drive up the cost of private pay, pushing homeschoolers out of the very programs we fought to create out of sacrifice and desire to maintain freedoms. The homeschool band, sports and other extracurricular activities have already been affected by the use of Epic charter learning funds. This empowerment act is only empowering businesses to take state money, and raise their prices accordingly. (Reminds me of the effect of the government on college tuition.) Someone will be marketing to families to get a piece of the pie. The state will still control who they do business with and leave parents with a smorgasbord of the same old government rubbish. You can dip it with a different ladle but when it comes from the same stew it digests the same.

Montgomery response:

So the argument in this article is to allow the government to have say so in our homeschooling (that right now they have no say so in whatsoever) so that we can then lobby and petition the government to stay out of homeschooling. That looks like backwards thinking to me.

Crabtree response :

So let the legislature pass a law where the government gives us money in exchange for agency rules that are not yet written (and the bill is authored by a legislator that is not a strong proponent of parental rights), then be thankful people will fight to keep government funding so that makes us feel like we got a good deal? That sounds like a liberal play!

And our constitutional homeschooling right is written in our constitution. We shouldn't have to be bribed to stand up for the state to protect it. Our republican supermajority shouldn't be threatening it to begin with.

# **Senate Bill 1509**

## **A “Tim Tebow” bill; Equal Access Bill**

### **Why Are Constitutional Home Educators NOT For Equal Access?**

As always, CHEA is supportive of parental choice and does not deny anyone the choice to enroll their children in or participate with the public school. However, as a state organization designed to protect the homeschool freedom we currently enjoy, we must oppose any legislation that would threaten, now or in the future, to regulate homeschooling statewide.

While equal access may seem to innocently blanket every child in the state, we all know that the main population that it would affect would be homeschool students and some private school students. These types of laws may work well in other states, but those states already have invasive regulations on homeschools and one more regulation really doesn't mean anything to those participating. The question we need to ask is do we in Oklahoma want to open the door to any type of regulation for any reason? Once a door is opened, it cannot be closed back.

It is not the seemingly innocence of this type bill that concerns us, it is the underlying current and interpretation that will cause the problems. Nothing is ever as it seems. The problem with this bill is that it leaves too many questions unanswered.

CHEA fully supports Education Liberty, a parent having the right to choose the method or venue in which they educate their children, but we do not support equal access for homeschoolers to utilize the public school activities for reasons listed below.

SB1509 Murdock:

*“Requiring district boards of education to adopt policy allowing certain students who are educated by other means to participate in activities”*

Who defines “students who are educated by others means”?

This will vary from district to district? Onerous in one district and barely there in another? Are online students of another school district educated allowed? Can private school students and charter school students participate? Who pays for the insurance for these students to participate?

Once these regulations are in place, what will prevent all students who educate by other means, such as constitutional home educators, from getting swept up in them and suddenly being regulated by the government?

Will private schools be forced to accept homeschoolers? If so, will the voucher program from SB1647 cover the costs of the uniforms, etc? Then shouldn't all students statewide get a voucher to cover uniforms etc? It will definitely bump up against any school choice outcome.

Well-meaning legislators who sincerely believe they have the best interest of homeschoolers at heart interest will continue to file these and many other types of bills. This is why it is vitally important that we continue our vigilance in educating our legislators about true, parent-led, parent-funded constitutional home education, that is not commingled with government funded institutions of learning.

## **Further education bills that CHEA follows:**

### **Senate Bill 1420 - Fund Students, Not Systems Scholarship Act**

This bill would allow the parents of any student who is entitled to enroll in a public school between Pre-K to 12th grade to enroll them in a private school in Oklahoma. Under this bill the private school would receive a check for the prorated weighted amount that a public school would receive for a student. The check would be made out to the parent of the child and they would have to sign the check to be deposited into the account of the private school. In order for a private school to participate in this scholarship, they have to notify the State Department of Education of their desire to participate and 1) meet accreditation standards set by the State Board of Education; 2) been in operation at least one year; and 3) meet state and local health/safety laws and codes.

#### **Opinion:**

This bill would fund all private school education in Oklahoma with taxpayer money; the Department of Education is required to reserve/retain from the total amount appropriated to the State Board of Education the total cost of all scholarship payments. Since the DOE is supposed to calculate the total costs of all scholarships for all eligible students in this state we take this to mean the total enrollment capacity of all accredited private schools in the state that have been in operation one or more years. It doesn't seem like the teacher's union will be very supportive.

### **SB 1135 - The Wellness Scholarship Program Act**

Provide scholarships to attend a private school of choice for students who have concerns related to vaccine and mask requirements. Beginning in the 2023-24 school year, the scholarship can be awarded to a student if his or her parent or legal guardian objects to a requirement adopted by the school district board of education or district administration to require a vaccination or vaccine passport for enrollment and attendance, or the parent or legal guardian objects to a requirement adopted by a district board of education or district administration to require the wearing of a mask or other face covering to attend. The bill provides for calculation of the scholarship amount and establishes eligibility criteria for private schools to participate.

#### **Opinion:**

This bill could put private schools at risk of government regulation if they accept students who are funded by a taxpayer funded program.

### **HB 3482 - Digital Wallet Program**

Gives low-income families a digital wallet to use for educational expenses.

#### **Opinion:**

This bill has the same potential problems as SB 1647. However, HB 3482 with some changes could possibly be a bill to parallel the above income tax credit bill if it is for the same amount and only for those in public school who do not meet the income threshold to get their tax credit. It would not be suitable for students outside the public school system.

# Tax Credit is the Solution

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1471 By: Lonnie Paxton

AS INTRODUCED

An Act relating to income tax credit; providing income tax credit for certain qualifying educational expenses; limiting amount of credit claimed; providing for carryover and specifying carryover period; prohibiting itemized deductions of expenses claimed as credit; defining terms; authorizing Oklahoma Tax Commission to require certain documentation; requiring promulgation of rules; prohibiting requirement that certain schools or organizations provide documents; requiring Tax Commission to submit report by certain date; requiring cabinet secretary to submit report to certain committee chairs by within certain time period; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.207 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For tax year 2023 and subsequent tax years, there shall be allowed for any taxpayer a credit against the tax imposed by Section 2355 of Title 68 of the Oklahoma Statutes for qualifying educational expenses incurred during the tax year for any family with a child who is eligible to be enrolled in a public school in this state and who qualifies as the taxpayer's dependent for federal tax purposes.

B. The maximum education expenses tax credit allowable for each taxable year including carryover credits allowed by subsection C of this section, shall be Two Thousand Five Hundred Dollars (\$2,500.00).

C. If the amount of the allowable credit pursuant to subsection A of this section exceeds the maximum allowable credit pursuant to subsection B of this section, such excess may be carried over, in order, to each of the two (2) subsequent taxable years.

D. Amounts claimed under this section shall not be itemized as deductions for the same tax year when computing Oklahoma taxable income.

E. As used in this section:

1. "Academic instruction" means instruction in reading, writing, mathematics, science, history, art, music, geography, civics, economics, literature, philosophy, religion, foreign languages, and related subjects;
2. "Close relatives" refers to a person's children, grandchildren, mother, father, brothers, sisters, aunts, or uncles whether by blood, marriage, or adoption;
3. "Qualifying educational expenses" include:
  - a. tuition and fees for concurrent enrollment as described in Section 628.13 of Title 70 of the Oklahoma Statutes for a student who meets the requirements set forth in subsection C of that section,

- b. tuition and other instructional fees charged by a qualified school,
  - c. costs associated with activities at a qualified school including the cost of fees, clothing, and equipment required to participate in athletic teams, musical groups, clubs, or similar school activities,
  - d. tuition and other instructional fees charged for tutoring, private instruction, or remedial education services for the purposes of academic instruction and not provided by a close relative,
  - e. costs associated with the provision of instruction by other means in prekindergarten through grade twelve directed by the parent or guardian including the cost of computer equipment, software, online instruction, cooperative educational programs, textbooks, workbooks, curricula, and other written materials used primarily for academic instruction, and
  - f. costs associated with activities comparable to those defined in subparagraph c of this paragraph for a student being educated by other means in prekindergarten through grade twelve directed by the parent or guardian; and
4. "Qualified school" means either a public elementary or secondary school or a private educational program that can be used to satisfy the state's compulsory school attendance requirements.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.208 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tax Commission may require the taxpayer to submit with the tax return copies of such receipts or similar financial documentation as may be necessary to confirm the taxpayer's statement of the allowable credit.

B. The Tax Commission shall promulgate rules and develop tax forms, directions, and worksheets as necessary to implement the provisions of this act. The rules shall modify the state tax forms, directions, and worksheets to provide a reasonably convenient way for taxpayers to claim a credit under this act.

C. The Tax Commission shall not require any school or other organization to provide documentation or otherwise act to verify claims for a credit under this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.209 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tax Commission shall determine the total amount of credits claimed under this act on all state income tax returns and the type and amount of expenses for the credits claimed for each tax year and shall report the same to the cabinet secretary with applicable authority. The report shall be submitted to the cabinet secretary by the end of the calendar year following the tax year.

B. Within sixty (60) days prior to the start of each legislative session, the cabinet secretary with applicable authority shall present a report to the Chair of the Senate Finance Committee and the Chair of the House Appropriations and Budget Committee projecting the total dollar amount of credits expected to be claimed under this act on returns for the current tax year and the following tax year as of the date of the report.

SECTION 4. This act shall become effective November 1, 2022.



# Educational Liberty instead of Educational Choice

**SELF-FUNDED EDUCATION SAVINGS ACCOUNTS (SFESA)** - Accounts that should be available to anyone regardless of what type of school they attend. Let employers contribute matching funds. Let grandparents, aunts, uncles, etc. contribute up to a certain amount per year.

**Give SFESAs broad definitions for how the funds can be used.** SFESA funds should be able to be used for any core curricula or enrichment classes, including but not limited to: robotics, band, choir, dance, art, drama, music camp, sports leagues, private tutors, museum classes, YMCA, homeschool co-ops. There would be no need for an Agency to approve vendors, parents will truly have free choice.

Furthermore, funds should be able to be used to purchase a wide variety of learning materials at the cheapest price available - not just approved curriculum from approved price-controlled vendors. Including any type of curriculum the parent chooses: religious, secular, classical, Waldorf or even Common Core.

**Allow non-profits, grant makers and private businesses to contribute** scholarships into these SFESAs for disadvantaged youth; or into SFESAs based on academic performance.

**Give teachers the same budget to run their classrooms** that we are willing to give parents through vouchers. Teachers could do great things in their classrooms if they had control of how the funds were spent.

**Don't focus on testing.** The push for more and more testing and "accountability" is what got us into this mess.

**Don't hand out funds to people in the form of EdChoice reform,** let them keep the funds they already have, allowing them to save it and grow it by contributions for the purpose of educating their children. Giving people funds from the state is just another entitlement program that takes from one group of people and gives to another. It will have to come with strings attached for accountability purposes. End the end, this isn't EdChoice.

# Unintended Consequences on Oklahoma

## Increase Cost of Education

SB 1647 would increase costs of programs, services, and curriculum due to the influx of “state” money. When the government throws money at education, costs rise exponentially. We’ve already seen this in college with the expansion of “student aid.” Tuition is increased because there are new funding streams available to more students. Administration costs rise to manage the new funding requirements. Cost of curricula increases because it is subsidized. Costs are never lowered because of government intervention. The same scenario will play out in private schools and homeschool co-ops that participate in the proposed funding scheme, raising costs for all Oklahoma families.

## Creeping Socialism

Advocates of SB 1647 claim this is a good, conservative bill. It isn’t. It is creeping socialism! Free-market capitalism equally empowers individuals to improve themselves through opportunity and risk taking, whereas socialism through managed economies and programs promise to “even the playing field” but inevitably lower quality and standards of goods and services. Advocates for vouchers attack homeschool and private school families as being unconcerned with the good of all children. The reality is socialists are attacking homeschool and private school families who have risked much to provide an exceptional opportunity to their children by creating an intrusive government program in the name of educational equity. We already have a socialist educational system that is managed by the state of Oklahoma—we don’t need another. Furthermore, the students who need help the most are the ones whose parents are least likely to utilize the subsidy.

## Government Over-Promises and Under-Delivers

Many Oklahoma conservatives still believe the nine most dangerous words in the English language are, “I’m from the government and I’m here to help.” Terrific promises are pledged in the promotion of a new government program, but rarely do politicians bother to reconcile them with results. There is no correlation between government spending and quality of education. Private schools and homeschools have a high quality of education because there is oversight and accountability by the ones paying for it! It is their hard earned money being spent, so quality is obligatory. This is the result of the free market, not government spending.

## Damage to Small Private Schools and Cooperatives

SB1647 will damage programs that choose to remain independent of government intrusion. Many programs and curriculum providers will not want to submit themselves or their materials for inspection by the OK Treasury Department, nor face mandatory audits by the agency. These programs have been built and maintained by private donors and volunteers for decades without the aid of government. Advocates claim the scheme won’t harm anyone because it is voluntary, but the reality is that some of the largest co-ops are composed of only a few families; the same is true of many rural private schools. These programs would be decimated by the loss of even one family. You won’t win supporters by steamrolling these leaders in education with big government handouts.

Articles start  
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# CATO AT LIBERTY

APRIL 21, 2011 3:04PM

## Education ‘Savings’ Accounts Have Same Problems as Regular Vouchers

By [ADAM B. SCHAEFFER](#)

I really hate to disagree with people that I both like and have tremendous respect for, but a new voucher program that passed recently in Arizona has been getting a lot of [attention](#), and a few points need to be addressed.

The program is referred to as an Education “Savings” Account, although the accounts are *not* filled with [personal](#) savings but with [government funds](#) collected from state taxpayers.

Unfortunately, as Andrew Coulson has [noted](#) before, these ESAs retain the most important problems of regular voucher programs and add new ones as well:

- This is still a third-party-payer system that uses government funds. These ESAs aren't like HSAs. HSAs and education savings programs like Coverdell accounts are filled by the person who [earned](#) the money in the first place. This is a government education account filled with public funds, accessible to eligible families.
- If the ultimate goal for ESA proponents is to have [broad-based choice](#), why not let families who can afford it pay for education out of their earnings? Tax credits can accomplish this. ESAs make all families dependent on government funds sitting in accounts that the government controls.
- Because these are still government funds, the [legal threats](#) to vouchers will not be significantly mitigated. Each [ruling](#) striking down vouchers, including in Arizona, has relied on the fact that government funds carry restrictions on their use in education – even if there is an intervening choice on the part of parents. The Arizona program is unlikely to survive another challenge.
- Because these are still government funds, they are more likely than credits to bring serious new regulatory burdens. Andrew Coulson’s historical evidence and recent [statistical analysis](#) of existing credit and voucher programs demonstrates what common-sense tells us: government money brings regulations. Citizens and politicians think that all institutions taking government funds should be accountable to the government, not just parents. Education tax credits provide for direct accountability to both parents and the taxpayers who earned the funds being expended. Educational freedom is more easily retained within a fully civil society system which doesn’t require government action or legislation to address every problem.
- Only tax credits [respect](#) the values and preferences of the taxpayers who earned the money being spent on education. ESAs still compel all taxpayers to support, in some small measure, the educational choices of all families. This compelled support increases the pressure to regulate and restrict choices. Interest groups and citizens attempt to ensure that their tax dollars are spent according to their values and preferences, using the only means possible in the public sphere: rules and regulations. Credits confer on each taxpayer the means to affirmatively support the kinds of education with which they are comfortable.
- Long-term complications and problems are likely to arise with the use of third-party ESAs. Because unused funds revert at some point to the state (as they are not personal savings), individuals will not manage the accounts as they would HSAs and actual education savings accounts. Many families will likely spend out each year rather than shopping for value as promoters of HSAs suggest will occur. Alternatively, if some families do save excess funds from early years, they will likely over-consume in late high school or college because the money will otherwise revert to the state. It is not difficult to imagine all manner of problems this scenario could produce, from simple waste to various kickback schemes through which a person can cash out their government education accounts. Management of fraud and abuse will be extremely difficult in a large-scale, fully developed ESA system that relies on government, third-party funding.

# Does School Choice Work?

Frederick Moss in National Affairs Winter 2022

*Reprinted from fall 2010*

These would seem to be dark days for the school-choice movement, as several early champions of choice have publicly expressed their disillusionment. A few years ago, the Manhattan Institute's Sol Stern — author of [Breaking Free: Public School Lessons and the Imperative of School Choice](#) — caused a stir when he backed away from his once-ardent support. Howard Fuller, an architect of Milwaukee's school-voucher plan and the godfather of the school-choice movement, has wryly observed, "I think that any honest assessment would have to say that there hasn't been the deep, wholesale improvement in [Milwaukee Public Schools] that we would have thought." Earlier this year, historian Diane Ravitch made waves when she retracted her once staunch support for school choice in [The Death and Life of The Great American School System](#). "I just wish that choice proponents would stop promising that charters and vouchers will bring us closer to that date when 100 percent of all children reach proficiency," she opined in her blog. "If evidence mattered, they would tone down their rhetoric." Harvard professor and iconic school-voucher proponent Paul Peterson has characterized the voucher movement as "stalled," in part by the fact that many "new voucher schools were badly run, both fiscally and educationally," and in part because results in Milwaukee were not "as startlingly positive as advocates originally hoped." Likewise, Peterson argues, "the jury on charter schools is still out."

To many who hold out hope that choice can help fix what ails America's schools, these hedges and reversals have been startling. And yet, looking back, it is hard to see how they were not inevitable. For decades, school-choice advocates have seemed bent on producing this hour of disappointment.

There has been, for instance, a tendency to vastly overpromise. In 1990, the same year that Milwaukee's tiny voucher program launched the school-choice debate, scholars John Chubb and Terry Moe argued in their seminal volume, [Politics, Markets, and America's Schools](#): "Without being too literal about it, we think reformers would do well to entertain the notion that choice is a panacea...It has the capacity all by itself to bring about the kind of transformation that, for years, reformers have been seeking to engineer in myriad other ways." Chubb and Moe are gifted thinkers, and their book was a tour de force, but this may have been some of the worst advice that school reformers ever got.

The search for that panacea, and the insistence that it must be just around the corner, have been destructive distractions. They have led champions of market-oriented reforms — and so also allowed skeptics — to adopt a ludicrous standard for judging whether school choice "works." Since reformers have suggested that the mere presence of choice will bring about dramatic improvement in schools, the expectation has been that the simple fact of having an alternative — even inadequately funded vouchers, or charter schools hog-tied by regulation — should yield demonstrable gains in academic achievement. And so, for the past 20 years, the question of whether school choice "works" has been understood to mean simply whether a school-choice program boosted reading and math test scores in a given year.

The need to answer this question with an unequivocal "yes" has forced choice advocates into bizarre contortions and short-sighted thinking. The same can be said of opponents, whose insistence, in the face of all evidence, that school choice is harmful has led them to ignore its real achievements.

Particularly problematic is how this way of thinking has caused school-choice proponents to ignore crucial questions of market design and implementation — especially the extent to which reforms have, or have not, created a real market dynamic in education. The chief promise of choice, after all, was that it would displace ossified, monopolistic school bureaucracies or at least inject into them a degree of flexibility, competition, and quality control. The question education reformers should be asking, then, is not simply whether choice "works" — because choice is neither the sole end of nor a sufficient means for bringing about successful market-based reform.

The questions to focus on are when, how, and why deregulation and monopoly-busting improve the quality and cost effectiveness of goods and services — and whether they can do the same for K-12 schooling. What would a vibrant market in K-12 education look like? To what degree has it really been tried? What needs to change in order to bring about such a market, and how would we assess whether it is in fact improving the education received by children in America's schools?

Before answering these crucial questions, however, it is important to understand how reformers came to paint themselves into a corner.

### ***A LEGACY OF OVERPROMISING***

Educational choice is hardly a modern innovation. In some ways, it dates back at least as far as ancient Athens with its marketplace of sophists and philosophers. In the Anglo-American context, explicit proposals for state-funded arrangements that would let parents choose how their children would be educated can be traced to the writings of Thomas Paine in the late 18th century, and of John Stuart Mill in the 19th century. Both men thought it appropriate for the state to ensure that young people were given at least a basic level of education — but both also felt that this aim should be advanced through private arrangements, rejecting the notion of state educational monopolies.

School choice as we think of it today originated with an essay penned in 1955 by economist Milton Friedman. Friedman's argument was that a voucher system of education — one in which the government's role would be limited to providing funding and setting basic standards for "approved" educational institutions, while parents would retain the right to determine which of these institutions could best educate their children — would promote both equitable and efficient schooling. The first substantial effort to translate the concept into policy took shape in President Lyndon Johnson's Office of Economic Opportunity, where a cluster of social scientists toyed with vouchers as a politically viable and promising alternative to school busing. The efforts of the OEO wonks resulted in a tiny, dead-end "school voucher" pilot program in Alum Rock, California; the experiment, which ultimately looked a lot more like a magnet-school program than anything we would today call a "voucher" system, resulted in little besides a mammoth-yet-banal study by the RAND Corporation.

The modern school-choice movement did not begin in earnest until the 1980s, when it grew out of the overlapping efforts of four distinct champions. One was Ronald Reagan, who had reached out in 1979 and 1980 to disaffected Catholics who were dismayed by judicial assaults on school prayer, and were seeking assistance with parochial-school tuition. Another was an ascendant Republican Party, seeking a proactive, market-friendly agenda. The third was legendary American Federation of Teachers president Al Shanker — who was pitching "charter" schools as a way for teachers to establish schools in which they would have heightened autonomy, and in which they could insulate themselves from district bureaucracy. And the fourth was a group of frustrated African-American leaders seeking good, safe schools for urban children stuck in horrendously mismanaged districts.

The most politically marketable of these advocates were the urban black leaders — and so, before long, the various parties found common ground in emphasizing the language of empathy and rights. The case for school

choice was thus not argued in terms of efficiency or deregulation, but instead presented as a moral imperative — an obligation to give poor, black inner-city parents the kinds of educational choices taken for granted by suburban home owners. This "social justice" rhetoric was the mantra of the school-choice movement when Wisconsin enacted the Milwaukee voucher program in 1990; it has been the reigning justification ever since.

This approach helps explain why choice advocates — inclined to approach choice-based reform not as a regulatory question, but as one of justice and rights — have spent so much less time considering the dynamics of deregulation than have pro-market reformers in sectors like transportation, telecommunications, and cable television. Because education reformers have approached choice not as a matter of political economy but as a moral crusade, they have favored grand, sweeping claims over empirical reality.

For example, in a celebrated 1999 article in the *New Republic*, author and former Al Gore advisor David Osborne boldly declared, "Those who invented charter schools...wanted to improve all 88,000 public schools in the country [and]...empirical studies have demonstrated that, indeed, competition works just as the reformers predicted." In remarks that proved unduly optimistic, Wisconsin governor Tommy Thompson declared in his 2001 "State of the State" address: "Nowhere in America does a parent have more choices than in Milwaukee, Wisconsin. And it's making all the difference...There is no doubt in my mind that Milwaukee will become the national model for renewing urban education in America within a few years." Such rosy assessments ensured that more realistic appraisals would inevitably disappoint.

Another consequence of the empathy-and-rights approach has been that the few education economists sympathetic to market-based reforms have felt compelled to devote their energies to demonstrating the superiority of choice-based systems, rather than to exploring and explaining the complexities of market-based reform. They have devoted limited attention to studying the political economy of K-12 education or potential sources of market failure.

Meanwhile, with a few exceptions — most notably the NewSchools Venture Fund and the Center for Reinventing Public Education — earnest reform advocates focus on selling the appealing promise that choice "works" rather than on the more arduous task of tackling K-12 education as a serious deregulatory project.

As a result, crucial questions have received scant attention — including regulatory and licensure chokepoints; the tendency of successful non-profit charter organizations to grow slowly; the dearth of information regarding the quality of providers; a third-party financing system that gives consumers no reason to weigh cost considerations; when and why private schools add new capacity in response to voucher programs; and the way in which statutes and collective-bargaining agreements limit how school districts respond to competition.

In any other deregulation project, such questions would be front and center. But in the effort to establish a genuine marketplace in education, they have been largely ignored.

### ***THE DATA ON CHOICE***

This is not to say, of course, that straightforward evaluations of student achievement should not play a central role in assessing market-oriented reforms. But it is unwise to interpret these data without a broader appreciation of how markets work.

To a frustrating degree, the conclusions one draws from the educational-performance evidence depend on which experts one trusts. And different credentialed, respected scholars have offered very different takes. For instance, Jay Greene — chair of the University of Arkansas's Department of Education Reform, and a widely recognized authority on school choice — argues that research shows unambiguously that "vouchers have positive effects for students who receive them." The only question, Greene adds, "is in regard to the magnitude of vouchers' benefits." On the other hand, Princeton economist Cecilia Rouse and Chicago Federal Reserve economist Lisa Barrow

characterize the evidence rather differently; last year, they concluded that most of the small gains made by voucher students "are not statistically significant from zero."

More recent studies have mostly added to the ambiguity. In 2009, the Center for Research on Educational Outcomes (CREDO) — generally regarded as a pro-school-choice organization — issued a controversial study of charter-school performance in 15 states and the District of Columbia. The study found that 17% of charter schools outperformed local district schools, 46% performed similarly, and 37% performed worse than local district schools. CREDO's conclusion was that the overall picture shows "wide variation in performance."

Earlier this year, University of Arkansas professor Patrick Wolf — principal investigator on a major study of school-voucher effects in Milwaukee — reported that there were no significant differences in achievement between students who received vouchers and those who did not. Wolf summarized, "At this point the voucher students are showing average rates of achievement gain similar to their public school peers."

And this summer, two long-awaited studies on school vouchers and charter schooling issued their final analyses. In July, the Institute of Education Sciences released the multi-year "Evaluation of Charter School Impacts" study, which examined student performance in 36 charter middle schools across 15 states. The study found that, on average, the charter schools were "neither more nor less successful than traditional public schools in improving student achievement, behavior, and school progress" (though admission to a charter did "consistently improve both students' and parents' satisfaction with school"). The study also found that "charter schools serving more low income or low achieving students had statistically significant positive effects on math test scores, while charter schools serving more advantaged students — those with higher income and prior achievement — had significant negative effects on math test scores." It is worth noting, too, that in order to participate in the study, the charter schools needed to have enough excess demand to require an admissions lottery — meaning that the charters evaluated were those that parents most wanted their children to attend. If oversubscribed schools are typically better than charters with available seats — which seems a perfectly plausible assumption — then the study may actually overstate charter-school quality.

In June, the federally mandated study of the Washington, D.C., Opportunity Scholarship Program — another evaluation led by Patrick Wolf — also issued its final report. Established in 2004, the Washington scholarship program provided vouchers for up to \$7,500 per child per year, which could be applied to tuition, transportation, and other fees required to attend the participating private school of a family's choice. Supporting between 1,700 and 2,000 low-income D.C. children a year, this was the first federally funded voucher program in the nation.

Wolf's team tracked educational outcomes over four or five years for 2,300 public-school students who applied for the scholarships, which were awarded by lottery. The researchers found that the reading and math scores of lottery winners were not statistically different from those of the control group at the conventionally recognized 95% confidence level (though their reading scores were higher at a 94% confidence level). As Wolf has explained, "A reasonable person would conclude that the voucher students made small gains in reading due to the program...[even if the] gains were modest and somewhat fragile." On a more upbeat note, students who won the lottery and used the vouchers to attend private schools were more likely — by 21 percentage points — to receive a high-school diploma than were students who lost the lottery.

The mixed findings suggest that simply legislating "school choice" programs, or enrolling a child in a charter school, will have no obvious short-term impact on achievement. But choice does consistently increase parental satisfaction, and there is evidence that carefully designed choice programs — like Washington's voucher program — may modestly bolster achievement and substantially boost graduation rates. Indeed, a fair-minded observer could read the middle-school and D.C. studies and conclude that choice "works" — almost by definition — if the goal is to get low-income children out of terrible urban school systems and into high-quality private schools where



they can learn safely and increase their odds of getting high-school diplomas. Even the most determined choice skeptic should be able to acknowledge this as an improvement over the status quo.

This case was laid out most forcefully by Paul Peterson, the University of Chicago's William Howell, and two colleagues in their invaluable 2002 book [The Education Gap](#). Reporting findings from randomized-control trials in New York City, Washington, D.C., and Dayton, Ohio, the authors found that attending a private school through a voucher program had a significant positive effect on the achievement scores of African-American students (though not on those of other students). Families who won the lotteries to attend these schools were also much more satisfied with their schools, and found them far safer, than families who lost the lotteries. While Princeton economist Alan Krueger later made the case that the achievement effects in New York City could be washed away with enough data manipulation, the straightforward and plausible conclusion is that students stuck in failing urban schools often benefit from moving to high-quality private schools.

More recent research has similarly found clear academic benefits for students attending choice schools. In 2009, Stanford University economist Caroline Hoxby examined the gains made by New York City students who won admission to charter schools from 2000 to 2007, and compared them to those of students who did not. Hoxby found that a student who attended a charter school from kindergarten through eighth grade would substantially outperform his district-school counterparts; on average, African-American students who enrolled in charters closed 86% of the black-white achievement gap in math and 66% in reading. And in another 2009 study, Harvard University economist Thomas Kane found "large positive effects for charter schools" for Boston students in both middle school and high school. Charter students, Kane discovered, had larger gains in reading and much larger gains in math than their peers in district schools. The largest observed gains were in middle-school math, where the effects of charter-school enrollment amounted to half of a standard deviation. These effects were large enough to lift a student from the 50th percentile of performance to the 69th percentile in a single year.

In a 2010 study, Mathematica Policy Research examined student achievement in the nation's most prominent charter-school network: the Knowledge Is Power Program, or KIPP. A non-profit founded in 1994, KIPP operates a national network of 99 schools serving mostly low-income children. KIPP schools feature strict discipline, high expectations, a longer school year, and a school day that runs from 7:30 a.m. until 5 p.m. (typically including Saturday classes). KIPP middle schools begin in fifth grade — and the Mathematica study showed that, by seventh grade, half of the KIPP schools evaluated showed growth in math scores equal to an additional 1.2 years of schooling. KIPP reading gains reflected an additional three-quarters of a year of growth. In general, Mathematica reported that middle-school students in KIPP academies significantly outperformed similar public-school students in both reading and math.

The positive findings from New York, Boston, and KIPP should not be too surprising. Students who switch from troubled schools to high-quality charter alternatives are likely to benefit — especially in cities like Boston and New York, where caps on charter schooling and an abundance of talented charter operators have produced a rich crop of terrific schools. By the same token, however, proponents of market-based school reform should not be surprised that the results may look very different in other environments. Only by stepping back from the notion that "choice" itself is a panacea, and instead embracing the contingent nature of choice's impact, can we make sense of when and why choice "works."

### ***THE COMPETITION QUESTION***

A key feature of genuine markets is, of course, competition. In evaluating whether choice "works," what matters is not only whether escape routes to private or charter schools offer some students better educational alternatives, but also whether school-choice programs make traditional district schools better.

Any observer who takes market theory seriously would probably respond, "Of course they do." But because of the peculiarities of American education, the answer is hardly so obvious. After all, market dynamics depend upon consumer behavior, regulatory frameworks, labor-market considerations, and incentives and consequences for producers and consumers. Competition matters only when it pinches, and the reality is that competition in K-12 education has not yet been given a robust test.

Still, there is some evidence that districts and schools may respond to even the mild competitive pressures that choice currently exerts. In 2003, Jay Greene examined Florida's A+ voucher program and reported that those low-performing schools that risked having their students granted vouchers to attend private alternatives were improving "in direct proportion to the challenge they face[d] from voucher competition." In 2005, scholars Paul Peterson and Martin West reported similar findings. Under the accountability standards imposed by Florida in 2002, students at public schools that received "F" performance grades became subject to the threat of vouchers if they continued to perform poorly; Peterson and West concluded that students at schools put under the gun "performed at a higher level in the subsequent year than did students at similar schools not so threatened."

More recent research confirms the same patterns. After the Florida Supreme Court ruled in 2006 that the portion of the A+ program that funded private-school vouchers was unconstitutional, the state created an alternative program (which relies on private funding incentivized by tax credits to corporations). In June of this year, economist David Figlio released a study of the new voucher program reporting that students in Florida public schools with a diverse array of private schools in close proximity showed slightly larger achievement gains than students in public schools with fewer nearby alternatives. Figlio also determined that student gains were larger in those schools at risk of losing state funds tied to the proportion of low-income students they enroll. Figlio concluded that the public schools' response to competition was real, although limited: "What we find is certainly positive and statistically strong," he explained, "but it's not like public schools are revolutionizing overnight because of this."

One challenge in interpreting these results is gauging whether the market-induced improvements reflect attempts to fundamentally rethink or re-engineer a school or district, or merely a re-allocation of effort and resources from untested activities to tested ones. This matters a lot, because quick-fix measures — like, say, shifting time from science or art to reading instruction — may improve student test performance (and thus answer a competitive threat) without signifying any attempt to boost productivity or overhaul cost structures, staffing, operations, or management. Moreover, in most cases, district responses to choice-induced competition have primarily been changes in marketing and outreach — such as the distribution of t-shirts and ads on local billboards intended to persuade parents to keep their children in their local public schools. Choice advocates have historically erred in reading these developments as signs of bigger changes to come.

It has been a mistake, in other words, to expect public schools to behave like the private sector — where competition, investor demand, and personal consequences for success or failure drive executives to press on productivity and the bottom line, and where executives have substantial leeway to remove, reward, and otherwise recognize employees based on their contributions to organizational improvement. In systems choked by politics, bureaucracy, collective-bargaining agreements, and institutionalized timidity, there is little incentive or opportunity to react to competition in these ways.

To get schools to respond more meaningfully to competitive pressure, incentives and rules must be changed in order to ensure that the competitive pressure is actually felt. Consider that today's charter schools get about 75 cents for every dollar that district schools receive, and that the per-pupil funding levels of the voucher programs in Washington, D.C., and Milwaukee amount to less than 50% of district per-pupil spending. This funding disparity prevents public-school alternatives from mounting serious challenges to traditional district schools.

Moreover, the D.C. voucher program capped enrollment at about 3% of the District of Columbia's student population, and there was no risk of monetary loss to the school district if students departed for private schools. Indeed, the compromise that allowed the voucher-program legislation to pass required that D.C. public schools receive additional funding, even as they would no longer bear the expense of educating the voucher students. The initial sum was an extra \$13 million a year; this figure was eventually boosted to \$40 million per year after Democrats took control of Congress in 2007.

Milwaukee's public schools have been similarly insulated from the consequences of losing students to the Milwaukee Parental Choice Program: Even as the tiny pilot grew from 337 participants in 1990 into a program that enrolls 20,000 students today, the Milwaukee public-school system has remained largely unscathed. Since 1990, while enrollment has dipped, the district has boosted per-pupil spending by more than 80% (from \$6,200 to more than \$11,700), and increased the teacher work force (from 5,554 to 5,768). This is choice without consequences — competition as soft political slogan rather than hard economic reality.

As a result, despite hopes that school choice could "all by itself" bring about the other changes reformers have battled for, choice has not necessarily changed incentives or dynamics. Imagine a private-sector manager who knows that gaining or losing customers will have little or no impact on his salary, performance evaluations, or job security. Bizarre as it seems, this is exactly how "competition" generally works in K-12 education today. When a principal loses dozens of students, her evaluations, job prospects, and salary remain unaffected. And a principal who competes successfully is typically rewarded with nothing more than the joys of a more crowded cafeteria. Of course, none of this is an indictment of school choice or of market-oriented reforms; rather, it suggests that much of our policymaking to date has tended to reflect impassioned hopes instead of cool calculations. If every dollar spent on a student followed him when he changed schools — a state of affairs that exists nowhere in this country today — the verdict on choice-inspired competition would likely be quite different. That difference would be sharper still if the laws and contracts that protect teacher and administrator jobs and salaries, and that handcuff managers, were changed — or if changes in school enrollment became a significant criterion for evaluating superintendents and principals.

The fiscal crunch in which many state and local governments now find themselves, or the moves in some jurisdictions to reform teacher tenure and pay, may make it possible to remove some of the insulation that has protected educators for so long. And because school districts are political entities, an exodus of students has the potential to spur useful change by altering the local political calculus. The departure of one-third of students to charter schools over the previous decade, for instance, helped create the conditions that led Washington, D.C., mayor Adrian Fenty to appoint the hard-charging Michelle Rhee as schools chancellor in 2007. For now, however, competition does not appear to much perturb most public-school administrators — especially as many superintendents and school boards seem perfectly content to run slightly smaller districts with proportionally fewer dollars.

The biggest mistake pro-market school reformers have made can thus be put simply: They have mistaken choice for competition. The conviction that school choice constitutes, by itself, a market solution has too often led reformers to skip past the hard work necessary to take advantage of the opportunities that choice-based reform can provide. Choice is merely part of the market equation; equally crucial are the requirements that market conditions permit high-quality or cost-effective suppliers to flourish, that regulation not smother new entrants, and that rules not require inefficient practices or subsidize also-rans.

Note that reformers rarely focus on "choice" when promoting market-based improvements to other sectors; in earlier decades, reformers didn't speak of "telecommunications choice" or "airline choice." Rather, they talked of "deregulation." Implicit was the understanding that deregulation involves more than the mere proliferation of options, that dynamic markets require much more than customers' choosing among government-operated

programs and a handful of non-profits, and that vacuums in a particular sector will not naturally or necessarily be filled by competent or virtuous actors. Whether dealing with nascent markets in Eastern Europe in the 1990s or the vagaries of energy deregulation, reformers have struggled to nurture the institutions, incentives, and practices that characterize healthy markets. Markets are a product of laws, norms, talent, information, and capital, and the absence of these can readily yield market failures — not because markets do not work, but because markets are not a magical salve.

Just as school improvement does not miraculously happen without attention to instruction, curriculum, and school leadership, so a rule-laden, risk-averse sector dominated by entrenched bureaucracies, industrial-style collective-bargaining agreements, and hoary colleges of education will not casually remake itself just because students have the right to switch schools. Happily, in recent years, a growing number of thoughtful scholars — like Andrew Coulson, John Merrifield, Terry Moe, Jay Greene, Patrick Wolf, and Paul Hill — have paid increasing attention to these questions of market structure and design. But such thinking remains the exception, not the rule.

### ***MAKING CHOICE WORK***

So, taking account of all of this, does school choice "work"? The question needs to be answered in three parts. First, for poor parents trapped in dangerous and underperforming urban school systems, it is pretty clear that school choice works. The evidence is reasonably persuasive that access to private schools and charter schools increases the likelihood that their children will fare well on reading and math tests or graduate from high school. And even if those results do not materialize, the parents are more likely to be satisfied with their children's schools and to regard them as safe.

Second, school choice can help make possible more coherent, focused schools. When families and teachers are assigned to schools based upon geography or bureaucratic formulas, it becomes difficult to forge the kind of agreement needed to establish strong discipline or clear expectations. The opportunities that choice creates for school leaders to recruit like-minded teachers and families — and then to set clear norms around conduct, learning, and pedagogy — can be a powerful tool. Still, their impact ultimately depends on effective use by savvy school leaders — as these opportunities in themselves surely will not automatically yield better schools.

Third, it is far from clear that school choice will necessarily offer broad, systemic benefits. Choice has not inspired hordes of charter-school operators to develop outstanding alternatives; there is no evidence that charter schools, on average across the nation, are better than district schools. Moreover, there is (at best) only very modest evidence that choice programs, in and of themselves, prompt school districts to become more productive or cost effective. There is, however, fairly clear evidence that school districts do respond under sufficient duress and that high-quality charter schools will emerge under the right conditions.

The path forward requires that choice advocates overcome the legacy of their inflated expectations and promises. The insistence that school choice simply "works" helped put a saleable, amiable face on the tough medicine that champions of school reforms sought to deliver — but often at the cost of silencing discussion about how to make choice-based reform work well. In fact, to even question the claim that "choice works" has frequently been deemed a betrayal by choice advocates; this has left the field to a coterie of enthusiasts eager to talk about moral urgency, but disinclined to address incentives or market dynamics.

On one level, the benefits of such smiley-face advocacy are plain to see. One need only look at the raft of strong-willed, pro-charter-school Democrats — figures like New York City schools chancellor Joel Klein or Colorado state senator Michael Johnston — to see how the choice mantra has helped to broaden and deepen the support for transformative change. It is also true that there has not been a major pull-back in any place where choice has gained a foothold. Outside of the Obama administration's move to end the D.C. voucher program — a

change imposed on the school district from the outside — nowhere have charter schooling, school-voucher programs, or tuition tax credits been implemented and then lost favor.

At the same time, however, there has been little attention paid to the innate limitations of the "social justice" case for choice, even as a political strategy. For one thing, this approach immediately signals to the three-fourths of American parents whose children are not enrolled in inner-city schools that this debate is not about them. And given that only about one household in five even contains school-age children, choice proponents are pushing an agenda sure to seem disconnected from or even threatening to the vast majority of Americans.

Like the architects of the Great Society nearly half a century ago, choice advocates have an unfortunate habit of dismissing or denigrating middle-class voters who do not share their moral zeal. They ignore the genuine, practical worry that choice-based measures may adversely affect the property values of suburbanites who paid a premium to purchase homes in good districts or school zones, and the concerns of these homeowners that their children may find themselves crowded out of popular schools.

Perhaps not coincidentally, in roughly two dozen referenda across the country over the past few decades, voucher advocates have yet to record a single win. In fact, the annual poll in the Hoover Institution's choice-friendly journal *Education Next* has shown that popular support for vouchers declined by a third, from 45% to 31%, between 2007 and 2010.

Proponents can (and do) rightfully place much of the blame for this track record on ferocious opposition from teachers' unions, but they have also blithely ignored basic political reality and prudence. They need to stop hectoring suburbanites, ease up on the moral indignation, and start promoting reform that will credibly improve the quality and cost effectiveness of American education for more than a small slice of households. If advocates of market-oriented school reform accept this diagnosis, they can take a number of steps to improve their practical and political prospects.

First, they should get serious about markets as a way to promote cost efficiency. Given the fiscal straits school systems now face — and given that the country has just been through a monumental health-care debate that focused on the problems with third-party purchasing and the lack of incentives for consumers to think about costs — it is peculiar that the power of markets to engender price competition remains so unexplored in education. School spending entails no direct contribution from parents, and parents currently gain nothing from choosing a more cost-effective school; as a result, administrators in charter, district, and private schools have less reason to take tough steps to adopt cost-saving technologies or practices. And yet the choice agenda neglects mechanisms that could reward price-conscious parents by permitting them to save dollars for other educational expenditures (such as college or tutoring) if they chose lower-cost school options.

Second, reformers should broaden the educational-choice discussion beyond "school" choice. The narrow vocabulary of school choice made more sense 20 years ago, when online tutoring and virtual schooling were the stuff of science fiction, and when home schooling was still a curiosity. But in 2010, this language is profoundly limiting. In the health-care debate, even the most ardent single-payer enthusiasts believed that patients should be free to make a series of choices among physicians and providers of care. Yet in education, the most expansive vision of choice asks parents to decide among schools A, B, and C. This kind of choice may appeal to urban parents eager to escape awful schools; it does little, however, for suburban parents who generally like their schools but would like to take advantage of customized or higher-quality math or foreign-language instruction. A promising solution would be to permit families to redirect a portion of the dollars spent on their children through the educational equivalent of a health savings account. Such a mechanism would help families address children's unmet needs (such as extra tutoring in difficult subjects, or advanced instruction in areas of particular aptitude); it

would also allow niche providers to emerge, would foster price competition for particular services, and would make educational choice relevant to many more families.

Third, champions of market-based reform should stop downplaying the role of for-profit educators. The Obama administration has been particularly guilty on this count, enthusiastically championing charter-school expansion even as its Department of Education radiates hostility toward for-profits in K-12 and higher education. The result is entrenched funding arrangements, policies, and political currents that stifle for-profit operators — organizations such as National Heritage Academies, which operates 67 charter schools in eight states, or EdisonLearning, which operates schools and provides supplemental education services across the United States and overseas. If choice-based reform is to yield more than boutique solutions, for-profits are a critical piece of the puzzle.

Consider that it has taken the celebrated KIPP program — an organization lauded for its aggressive expansion — 16 years to grow to 99 schools serving fewer than 27,000 students. This is longer than it took Microsoft, Subway, and Amazon to grow from start-ups to global brands. For-profits find it easier to tap private equity; they have self-interested reasons to aggressively seek cost efficiencies and to grow rapidly; and their focus on the bottom line can make them more willing to re-allocate resources when circumstances warrant a change. Of course, these same incentives can translate into corner-cutting and compromising quality; still, no one should imagine that non-profits can readily match the dexterity, capacity for rapid growth and massive scale, and aggressive cost-cutting that are hallmarks of the for-profit sector.

Fourth, reformers should foster genuine competition by arranging markets so that there are real consequences for competitive failure or success. One simple step would be to ensure that all of the dollars spent on students follow children when they change schools (the notion implicit in efforts to promote "weighted student funding" systems). Such a reform would entail stripping school districts of their hefty subsidies and of their monopolies over local school facilities. It would mean overhauling contracts and statutes that protect teacher jobs and seniority-driven pay scales — practices that leave school and district leaders without the tools needed to reward good teachers and penalize mediocrity. Real consequences for enrollment loss could help push educational leaders to start taking enrollment and parental preferences seriously when evaluating employees and doling out bonuses. And, because school districts are politically governed entities, it would enable reformers to leverage student flight — as they have in Washington, D.C. — to create the pressure and political cover that public officials need to pursue painful, but essential, reforms.

Fifth, markets are predicated on the assumption that consumers have the ability to make informed choices. It is not essential for every single consumer to have the knowledge or inclination to make savvy decisions — but providers do need to expect that the quality of their performance will be known, and will matter. Today, unfortunately, it is enormously difficult for parents in most communities to get useful information on school quality. Simple test scores generally tell parents at least as much about the students attending the school in question as they do about the quality of instruction. Reliable measures of how much students learn during a year (i.e., the school's "value added") are infinitely more useful, but they are as yet available in only a handful of places for a limited number of schools, grades, and subjects. Similarly, it is difficult for parents to find comparable or trustworthy data on school safety, arts instruction, programs for high achievers, or the fate of former students. There is a gaping need for third parties to step up and play the role of a Zagat's guide or Consumer Reports, providing accessible, independent information on K-12 schools. As these examples make clear, there is absolutely value in having multiple providers, perhaps focusing on different educational concerns or kinds of schools. This area presents a vast opportunity for philanthropists or civic-minded enterprises, especially as promising but primitive information-distribution efforts already exist in cities like New Orleans, Milwaukee, and New Haven, Connecticut.

Finally, reformers should recognize that dynamic markets require vibrant entrepreneurial ecosystems. What has made Silicon Valley a locus of entrepreneurship is not that it has a "freer" marketplace than other American cities, but that it has attracted over decades the investors, researchers, and networked expertise necessary to develop and sustain high-quality ventures. Experience has made clear that such ecosystems don't necessarily spring into being unbidden, and that they sometimes need to be consciously cultivated. Even in choice hotbeds like Milwaukee and Washington, we still do not see many growth-oriented providers or savvy investors screening potential new entrants and nurturing those with the most promise. Meanwhile, too little is being done to help new education providers find facilities, negotiate political obstacles, or leverage labor-saving technologies. Ventures like New Schools for New Orleans and The Mind Trust in Indianapolis represent pioneering efforts to clear bureaucratic obstacles, attract talent, and cultivate networks. Such efforts are multiplying across the land, spurred by supporters like the Gates Foundation and the NewSchools Venture Fund, and aided by federal policies like the Race to the Top program. These are promising developments — and they deserve more attention and care from reformers.

### ***MAKING MARKETS***

It would seem, then, that school choice "works" in some respects and in some instances — but that choice alone could never work as well as many of its champions have expected, and promised. It is time for those who would like to transform America's schools to let go of the dream that choice by itself is any kind of "solution." The goal ought to be a much more serious agenda of school deregulation and re-invention.

Choice advocates still routinely invoke iconic market thinkers, particularly Milton Friedman, in asserting that "school choice works." It might be time for them to take another look at their Friedman, and their Friedrich Hayek. It was Friedman who admonished that the market "is not a cow to be milked." And it was Hayek who, in collecting his Nobel Prize, encouraged policymakers to think of themselves as gardeners — creating the conditions in which enterprise could flourish. Neither Friedman nor Hayek believed that markets were self-sustaining or failsafe. Their approach to market-based reform was not the enthusiastic cheerleading of the choice movement; it was a far sterner, grittier charge. And as school choice now enters its third decade, its champions would be wise to take the counsel of Friedman and Hayek to heart.

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## Free Your Children

Folks, THIS is an example of why homeschoolers MUST actively OPPOSE "school choice" initiatives as generally proposed. Alabama is a very "conservative" state and it basically leaves homeschoolers alone right now - yet the bureaucrats there are actively pursuing gross regulation of homeschoolers in the name of "school choice." And that should not surprise us, as anytime someone uses money that has been given to government coffers, its use should rightfully be regulated. BUT as homeschoolers, you should literally recoil at the thought of being tracked like this. And if this is what a "conservative" state proposes, can you imagine what the more "liberal" ones (i.e., the ones that tend to want to regulate even more) will do? Oh, and lest you think this only applies if you take the money, note two things: 1. that is not specified in this article so it could be an automatic switch for all homeschoolers; 2. once the bureaucrats get tracking on those who take money, they WILL extend it to all.

Now, in case you're sitting there fretting over the "it's my money I put into the system that I want back" idea, please note two things as well: 1. ANY money above the precise dollar amount you actually pay in for SCHOOL taxes each year is NOT your money (i.e., it belongs to OTHER taxpayers). We are very sure that very few Alabamians pay in excess of \$5K in SCHOOL taxes in a year but the proposal would give \$5K PER child, and that excess money is someone else's, NOT yours. Using someone else's money DOES give the government the right to regulate its use; 2. REAL educational reform is NOT this "money follows the child" (to "approved" schools and learning programs) business, where we pay in and then let government "give back" (with regulatory chains attached). No. Lobby (hard) instead for TAX REFORM wherein only those who actually USE the public/government schools pay in; in that case, if you don't use the schools, you'd get to KEEP your money and that would prevent the government from regulating its use (because it would be ONLY your own).

This whole "school choice" thing is a terrifyingly dangerous TROJAN HORSE that will ROB homeschoolers (and private schools) of academic freedom. DON'T fall for it. Instead of letting them play us for FOOLS by playing to everyone's tendency to want "free" stuff, we need to THINK and respond with WISDOM.

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2/8/22 UPDATE: Alabama homeschoolers pushed back and - despite the clear jerkiness of the bill's sponsor (demonstrated in a quote in this new article) - it made a difference!

<https://www.aldailynews.com/sponsors-changes-coming-to-school-choice-bill/>



Any rational minded individual should be able to assess that charter schools were created to direct public funds to private profit.

Exam the charter school statutes- especially those written in Oklahoma and make you own conclusion.

[Charter Schools/ Oklahoma/

70 OS 3-130 to 145.8]

Creating a Statewide Virtual Charter School Board staffed with only 3 individuals and lacking enforcement authority must be considered the top of hill for creating the potential for corruption.

Each school district was granted the authority in 2012 to provide students virtual instruction through a vendor.

The vendor was responsible for reporting to the school district the progress of the student.

The vendor was paid by the school district as the student progressed with a final payment not paid to the vendor until the student had completed the individual course.

A certified teacher- or higher ed teacher- in the content area of the course must be the instructor.

[These requirement would prohibit a charter school from utilizing this virtual program specific to local school districts]

SB 280 (2012) provided for the State Board of Education to create Administrative Rules.

210 OAC 15-34-1-16 are the Administrative Rules (aka: Codes) for virtual education provided by each school district.

[NOTE- the teachers of a school district attempting to provide both in-person and virtual instruction is problematic.

While the SBE provided in 2020 Emergency Rules for such action by a school district- the most efficient direction was to use 210 OAC 15-34-1-16.]

The question:

Why was the Statewide Virtual System created when the local districts already could provide virtual instruction to its district enrolled students?

The only answer that can be determined:

someone with a scheme lobbied legislators to create a statewide virtual system- that had lots of loopholes for corruption!

this type of issue is prevalent in the new empowerment act

[https://tulsaworld.com/news/local/education/epic-charter-schools-investigative-audit-makes-some-lawmakers-question-voucher-push/article\\_2c3ec6b2-853a-11ec-aa4e-6f0fde654629.html](https://tulsaworld.com/news/local/education/epic-charter-schools-investigative-audit-makes-some-lawmakers-question-voucher-push/article_2c3ec6b2-853a-11ec-aa4e-6f0fde654629.html)

## School Choice...if all is implemented, there will be NO CHOICE

“Concentrated power is not rendered harmless by the good intentions of those who create it.”

~ Milton Friedman

### Goal is a New Public School System

“the nation’s education problem, then, is an institutional problem. To overcome it, the authors recommend a new system of public education based on fundamentally new institutions. They propose a shift away from a system of schools controlled directly by the government—through politics and bureaucracy—to a system of indirect control that relies on markets and parental choice.” [102]

### Private Schools That Take Government Funding Become Public Schools

“Any private schools that do participate will thereby become public schools, as such schools are defined under the new system.” [103]

### New Choice System Must be Almost Beyond Public Authority

“Our guiding principle in the design of a choice system is this: public authority must be put to use in creating a system that is almost entirely beyond the reach of public authority.” [104]

### Public Schools Redefined

“The reemergence for proposals of choice that would include private and parochial schools was accompanied by an attempt to redefine what is “public” and what is “private.” Traditionally, we make this distinction primarily by ownership: a public school is one owned and run by the government, a private school is owned and run by religious orders or private entrepreneurs. The new definition would rest more heavily on purpose and ultimate accountability. Any school that serves the broad public interest and is ultimately accountable to public authorities would be labeled “public” under this definition.

Redefining public schools in this way has an extremely important consequence. Most of the schools that we currently think of as private could claim to be public, perhaps without sacrificing anything in the way of independence and self-governance. By providing children with an education in keeping with national values, they serve a broad national purpose. And they are already accountable to public authorities in matters related to health, safety, and basic curriculum. By rhetorical sleight-of-hand, this redefinition would address long-standing concerns about the propriety of providing government support to public schools simply by declaring private schools to be public.” [119]

### A Total Change for the Public School System

“A parallel shift in state finance systems toward fully portable “weighted student funding” should be combined with strong performance incentives for schools and pupils alike.

States should also rewrite their compulsory attendance laws to define “school” more flexibly, such that students may satisfy the statute in various settings. (There is precedent for this in the exemptions already given to homeschoolers.) The state’s principal interest should shift from attendance to academic achievement.

As that policy transformation occurs, an authorizing body is needed to approve and monitor schools and other education providers, but this responsibility need not be confined to traditional public school systems. They ought not function as both service providers and regulators of their competitors. Instead, independent sponsorship entities—perhaps operating on a multistate or nationwide basis—should become viable alternatives.

Also needed are independent audit-and-data units responsible for honest reporting on student, school, and district performance across multiple variables: academic, financial, and so on. These, in turn, should be accountable to governors or state auditors rather than education departments; this work, too, might be outsourced to multistate or national bodies.

A spine of national standards, tests, and core curricula is needed to hold all this together, furnishing common

goals, metrics, and benchmarks against which the many diverse providers can be tracked and their performance compared across the entire nation and aligned with similar international measures. The future, in other words, need not result from an extrapolation of present-day trends. It could—and in this realm should—be different and better. But that’s not likely to occur spontaneously. [146]

### Similar Agenda as the United Nations

United Nations Universal Declaration of Human Rights

#### Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.

(2) Education shall be directed to the full development of the human. It shall further the activities of the United Nations.

(3) Parents have a prior right to choose the kind of education that shall be given to their children. [42]

United Nations SDG 4 Education 2030 tracks with Ed reform/school choice.

#### Proposed Goal 4: Education

Ensure inclusive and equitable quality education and promote life-long learning opportunities for all. [169] [170]

By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, gender equality, global citizenship and appreciation of culture’s contribution to sustainable development. [171]

#### Reinforcing Loop for “life-long learning”

“true accountability, in this case, is if a parent doesn’t use the money correctly, the state can kick them out, reclaim the money, or...could be convicted of fraud.”[172]

Academy for Systemic Change Produces “effective, responsible, happy citizens.” [152]

[102] John E. Chubb, Terry M. Moe. Politics, Markets, and America's Schools. Washington D.C.: The Brookings Institute, 1990: p. ix Forward.

[103] John E. Chubb, Terry M. Moe. Politics, Markets, and America's Schools. Washington D.C.: The Brookings Institute, 1990: p. 219.

[104] John E. Chubb, Terry M. Moe. Politics, Markets, and America's Schools. Washington D.C.: The Brookings Institute, 1990: p. 218.

[119] Jeffrey R. Henig, Rethinking School Choice: Limits of the Market Metaphor. Princeton: Princeton University Press, 1995: p. 94.

[146][http://www.hoover.org/sites/default/files/pages/docs/ae2030\\_book.pdf](http://www.hoover.org/sites/default/files/pages/docs/ae2030_book.pdf)

[42] <http://www.un.org/en/universal-declaration-human-rights/>

[152] <http://www.academyforchange.org/wp-content/uploads/2013/08/CCSS-Education-Systems-Map-20130613.pdf>

[169] <http://unesdoc.unesco.org/images/0023/002305/230508e.pdf>

[170] <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-all/sdg4-education-2030/>

[171] <http://www.un.org/sustainabledevelopment/education/>

[172] <http://accountabaloney.com/index.php/2017/01/22/esas-education-choice-with-a-side-ofaccountabaloney/>

My concern is that government funded school choice is not educational freedom. If the money follows the student, so does the regulation and red tape. Put education back in control of the parents and local communities! When School Choice is implemented and private schools are forced to accept government funding they will lose their autonomy and their freedom to vet applicants, choose their own type of testing, and a plethora of other options they now have. They will no longer be private schools, they will, by definition, be public schools.

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accompanied by an attempt to redefine what is “public” and what is “private.” Traditionally, we make this distinction primarily by ownership: a public school is one owned and run by the government, a private school is owned and run by religious orders or private entrepreneurs. The new definition would rest more heavily on purpose and ultimate accountability. Any school that serves the broad public interest and is ultimately accountable to public authorities would be labeled “public” under this definition.

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### **House Education Committee falls under Appropriations**

Mark McBride  
Dick Lowe  
Rhonda Baker  
Sheila Dills  
Danny Williams  
Chad Caldwell  
Andy Fugate  
Melissa Provenzano  
Max Wolfley  
Sherrie Conley  
Ronny Johns  
Trish Ranson

### **Senate Education Committee**

Adam Pugh  
Dewayne Pemberton  
Nathan Dahm  
J. J. Dossett  
Tom Dugger  
Carri Hicks  
Joe Newhouse  
Marty Quinn  
Brenda Stanley  
Zack Taylor  
Blake Stephens  
Jo Anna Dossett  
Jake Merrick

### **Senate Appropriations Committee not on the Ed committee**

Roger Thompson  
Chuck Hall  
Kim David  
Michael Brooks  
Kay Floyd  
John Haste  
Brent Howard  
Darcy Jech  
Chris Kidd  
Julia Kirt  
Kevin Matthews  
John Michael Montgomery

Joe Newhouse  
Frank Simpson  
Roland Pederson  
Darrell  
David Raderr  
Paul Rosino