

VOUCHERS AND THE FUTURE OF PUBLIC EDUCATION*

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Over the past four to five years, People for the American Way Foundation has done an enormous amount of work in looking at the educational research on vouchers, on school choice, and on better ways to improve our public schools. Much of this work is documented in our voucher fact sheets and studies that can be found at www.pfaw.org.¹ Three of our studies were cited in Justice Souter's dissent in the *Zelman* decision.² It is in the context of this education work that we look at the question posed to this panel: Does school choice improve performance?

That question should be reformulated somewhat, because there is some pretty good evidence with respect to properly structured public school choice programs and the benefits that they can produce. But with voucher programs, particularly with respect to poor and disadvantaged kids in public schools, the evidence demonstrates that they do not produce significant improvement.³ Instead, vouchers can seriously harm education for most students. We can examine this conclusion from four perspectives.

* This article was originally presented on November 22, 2002, as a speech at The Future of Public Education, a symposium sponsored by the NYU Annual Survey of American Law.

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1. PFAWF fact sheets and voucher reports are available at <http://www.pfaw.org/pfaw/general/default.aspx?oid=12> (last visited June 7, 2003).

2. *Zelman v. Simmons-Harris*, 536 U.S. 639, 710, 714 (2002).

3. Two recent reports released by the U.S. General Accounting Office review public (in Cleveland and Milwaukee) and private (in New York City, Washington, D.C. and Dayton, OH) voucher programs and assess the impact of voucher programs on student achievement. The reports found no proof that giving students state funds to attend a private, often parochial, school raised student achievement and test scores. See PFAWF, FACTS ABOUT VOUCHERS: DO VOUCHERS IMPROVE EDUCATION?, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=5557> (last visited June 7, 2003) [hereinafter DO VOUCHERS IMPROVE EDUCATION?].

First, private vouchers produce choice for schools, not for parents and students. Private schools are by their nature selective. Even in publicly funded voucher programs that are supposed to be conducted through random selection, the evidence indicates that true "choice" for all students is simply not present.⁴ Special education students are excluded from most public voucher programs, and in the one that includes them, the McKay program in Florida, there is strong evidence that those schools are not providing the special education services that the students need.⁵ In Milwaukee, a study that we did with the NAACP demonstrated that a third of the so-called random selection plans gave preferences to students from a particular parish or religion and that in practice a number of voucher schools were doing improper screening, charging illegal fees, etc.⁶ In Cleveland, a study demonstrates that only one out of five students in voucher schools in the last year studied had ever previously even seen the inside of a public school.⁷ The largest numbers were in private schools to begin with.⁸

Once students get into voucher programs there is substantial evidence that they drop out or are pushed out before much time goes past.⁹ In Milwaukee, the dropout or push-out rate has ranged from twenty-three to forty-four percent every year.¹⁰ Even privately funded voucher programs such as the one in New York City have a high dropout rate. By the end of the third year of the program, thirty-eight percent of students with vouchers had dropped out of the program.¹¹ This year the reports indicate that in Florida, of the

4. See PFAWF, Selection and De-Selection of Voucher Students in *FACTS ABOUT VOUCHERS: HOW DO VOUCHERS AFFECT EDUCATIONAL AND SOCIAL EQUITY AND CIVIL RIGHTS?*, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=5472> (last visited June 7, 2003) [hereinafter *EDUCATIONAL AND SOCIAL EQUITY*].

5. See *EDUCATIONAL AND SOCIAL EQUITY*, supra note 4.

6. *Id.*

7. Zach Schiller, *Cleveland School Vouchers: Where the Students Come From*, Policy Matters Ohio, Sept. 2001, available at <http://www.policymattersohio.org/pdf/ClevelandVouchers.pdf> (last visited June 7, 2003).

8. Amy Hanauer, *Cleveland School Vouchers: Where the Students Go*, Policy Matters Ohio, Jan. 2002, available at <http://www.policymattersohio.org/pdf/WhereStudentsGo.pdf> (last visited June 7, 2003).

9. See *EDUCATIONAL AND SOCIAL EQUITY*, supra note 4.

10. JOHN F. WITTE ET AL., *MILWAUKEE PARENTAL CHOICE PROGRAM, FIFTH YEAR REPORT*, (U. of Wis. Madison) (Dec. 1995), available at <http://dpls.dacc.wisc.edu/choice/choice%5Frep95.html> (last visited June 7, 2003) [hereinafter *WITTE, MILWAUKEE*].

11. Edward Fiske & Helen Ladd, *The Voucher Debate After Zelman v. Simmons-Harris: The Need to Focus on Core Education Issues*, 2 Center for Child and Family Policy (2002), available at <http://www.pubpol.duke.edu/centers/child/briefs/Vouchers%20after%20Zelman.pdf> (last visited Aug. 3, 2003).

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students in Miami who started in September in private schools, more than twenty-five percent have already returned to public schools.¹² And even in the so-called "gold standard" private studies, almost half of the kids that were offered scholarships either were not able or willing to use them or were out of the program within three years, and those populations were overwhelmingly lower income, more likely to be on welfare, and much more likely to have parents with a high school education or less or special education problems.¹³

The second problem is lack of accountability in public school voucher programs. In recent years, there has been a lot of important attention to the subject of accountability for public schools, sometimes through appropriate testing, standards, and the rest.¹⁴ But private school voucher programs resist such accountability. They are not subject to testing requirements and other accountability rules, nor are they subject to civil rights and other protections.¹⁵ Accordingly, horror stories in private voucher schools are common. For example, the Golden Christian Academy in Cleveland wound up being a video school for kids that had no fire safety certificate and exposed electrical wiring in the gymnasium.¹⁶ The Islamic Academy School of Arts and Sciences in Cleveland had no fire alarm and lead based paint eight times the level deemed safe for little children.¹⁷ Many other problems of lack of accountability have arisen in voucher schools.¹⁸

12. Daniel Grech, 1 in 4 Voucher Students Abandon Option, *MIAMI HERALD*, Nov. 3, 2002, at 1A.

13. WILLIAM G. HOWELL ET AL., *TEST-SCORE EFFECTS OF SCHOOL VOUCHERS IN DAYTON, OHIO, NEW YORK CITY, AND WASHINGTON, D. C.: EVIDENCE FROM RANDOMIZED FIELD TRIALS* (Am. Political Sci. Ass'n, Washington, D.C., Sept. 2000) available at <http://data.fas.harvard.edu/pepg/index.htm> [hereinafter HOWELL, TEST-SCORE EFFECTS]; PAUL E. PETERSON ET AL., *THE EDUCATION GAP: VOUCHERS AND URBAN SCHOOLS* (Brookings Institute Press, 2002) [hereinafter PETERSON, EDUCATION GAP].

14. E.g., No Child Left Behind Act of 2001, 20 U.S.C. §6301 (2002).

15. See PFAWF, *FACTS ABOUT VOUCHERS: ARE PRIVATE VOUCHER SCHOOLS ACCOUNTABLE?*, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=5480> (last visited June 7, 2003) [hereinafter ARE PRIVATE VOUCHER SCHOOLS ACCOUNTABLE?]; see also *EDUCATIONAL AND SOCIAL EQUITY*, supra note 4.

16. See Scott Stephens & Mark Vosburgh, *Voucher School Relies on Videos as Teachers*, *CLEV. PLAIN DEALER*, July 10, 1999, at 1A; Press Release, Ohio Dep't of Educ., Ohio Department of Education Revokes Voucher Privileges (Sept. 29, 1999).

17. *Murderer on Staff of State-Funded Private School*, *CLEV. PLAIN DEALER*, July 1, 1999.

18. See ARE PRIVATE VOUCHER SCHOOLS ACCOUNTABLE?, supra note 15.

Third, the studies demonstrate that vouchers do not significantly improve education, even for participating students. What the GAO in fact concluded in its 2001 and 2002 reports is that there is no significant evidence of overall gain for voucher students across the range of the voucher programs.¹⁹ The counter-studies are often referred to by voucher advocates as "gold standard" studies.²⁰ The studies, done by Peterson and others who are generally known as voucher advocates, are allegedly "gold standard" because they attempted to use control groups in studying private voucher programs.²¹ One of the major problems with these studies is that they do not account for the dropout or push-out rate of students who started in the voucher program but do not stay in.²² Regardless, these studies are inconclusive at best. Advocates refer to the results of the studies with respect to African American students in New York City, neglecting the fact that for white students and Hispanic students there were no gains in New York and that in other cities there were no significant gains for African American students.²³ In fact, fifty-one percent of the students in the private voucher program in New York were Hispanic, and not only was there no significant gain for those students, but also in every grade except seventh grade the Hispanic students actually fell behind after participating in the voucher program.²⁴ Indeed, Peterson and Howell themselves conclude there was no overall private school impact that they were able to find that was significant.²⁵

In Milwaukee, the public studies generated huge controversy. Someone asked earlier at this session about why we do not have public studies anymore. The state evaluator in Milwaukee concluded in 1995 there were no significant gains as a result of the voucher program. The legislature responded in an interesting way—they did not change the voucher program, but instead elimi-

19. GEN. ACCOUNTING OFFICE, SCHOOL VOUCHERS: PUBLICLY FUNDED PROGRAMS IN CLEVELAND AND MILWAUKEE, GAO-01-914, (Aug. 2001), available at <http://www.gao.gov/new.items/d01914.pdf> (last visited June 7, 2003); GEN. ACCOUNTING OFFICE, SCHOOL VOUCHERS: CHARACTERISTICS OF PRIVATELY FUNDED PROGRAMS, GAO-02-944 (Sept. 2002), available at <http://www.gao.gov/new.items/d02752.pdf> (last visited June 7, 2003).

20. See DO VOUCHERS IMPROVE EDUCATION?, supra note 3.

21. Id.

22. Id.

23. Id.

24. PETERSON, EDUCATION GAP, supra note 13.

25. HOWELL, TEST-SCORE EFFECTS, supra note 13; PETERSON, EDUCATION GAP, supra note 13.

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nated any further studies.²⁶ So there have been no studies of the Milwaukee program since 1995, which is part of why we have so little information about what that program has produced, as the Wisconsin Joint Audit Committee commented several years ago.²⁷

In addition, consider the effects of vouchers on public schools. Not only do they not improve public schools, but there is also strong evidence that they drain resources and effort from those schools. Cleveland is perhaps the best example. The programs cost thirty-three million dollars through 2001–2002, almost all of which comes from programs that benefit disadvantaged students in public schools.²⁸ Particularly when we consider that only one in five of the voucher students ever was in those public schools to begin with, the net effect is that Cleveland public schools lose resources but cannot cut costs, as the KPMG consulting firm found.²⁹ Yet the Ohio Supreme Court has found three times that public schools in Cleveland and the rest of Ohio are funded so inadequately that it violates the state constitution—but no action has been taken to improve public school funding in Ohio.³⁰ What is heard too often from some in that state is: look at our voucher program, but ignore the thousands and thousands of kids in the declining public schools.

In Milwaukee, the main problem with recent claims that vouchers have improved public schools is that they totally neglect the story of the SAGE program. The SAGE program was started in the early 1990s to substantially reduce class sizes and provide other critical benefits for students in the early elementary grades. Studies and evaluations regarding SAGE are virtually undisputed—the program has produced significant gains in performance. However, until a

26. WITTE, MILWAUKEE, *supra* note 10.

27. In 1995, Wisconsin lawmakers responded to Witte's research on the Milwaukee voucher program, not by changing the voucher program, but by eliminating any further state-sponsored research into the educational results of vouchers. Wisconsin taxpayers thus have absolutely no current information on whether vouchers have any positive effects on education. See PFAWF, PUNISHING SUCCESS: THE GOVERNOR'S EDUCATION BUDGET IN WISCONSIN AND THE SAGE AND VOUCHER PROGRAMS, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=1485> (last visited June 15, 2003) [hereinafter PUNISHING SUCCESS].

28. See PFAWF, FIVE YEARS AND COUNTING: A CLOSER LOOK AT THE CLEVELAND VOUCHER PROGRAM, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=1374> (last visited June 15, 2003); Ohio Dep't of Educ., Cleveland Scholarship and Tutoring Program (CSTP), Final Expenditures for Fiscal Years 1996-2000.

29. KPMG, L.L.P., CLEVELAND SCHOLARSHIP AND TUTORING PROGRAM: FINAL MANAGEMENT STUDY (Sept. 9, 1999) (on file with ANN. SURV. AM. L.).

30. See PFAWF, FACTS ABOUT VOUCHERS: HOW MUCH DO VOUCHERS REALLY COST?, at <http://www.pfaw.org/pfaw/general/default.aspx?oid=5437> (last visited June 15, 2003).

few years ago there were serious limitations on the SAGE program, in part because of the voucher program's effect on funding limits.³¹ If you were a poor student in Wisconsin and you lived outside of Milwaukee, your odds of being in the SAGE program were one in two. But as a result of a cap imposed by the legislature, in part because of the cost of vouchers, your odds of being in the SAGE program if you were a poor kid in Milwaukee were one in six.³² We, and a number of others, worked to change that, so that starting in 2000 it became equalized, and that is when significant improvements began in Milwaukee public schools, having nothing to do with the voucher program. The similar study by Jay Greene in Florida has also been demonstrated by researchers across the country as being flawed.³³ In fact, Greene himself, in an earlier study looking at Texas, found that what really can improve public schools is not alleged threats of competition but better accountability.³⁴

Finally, consider the issue of segregation. A study this year by the Harvard Civil Rights Project found that private schools generally are equally and in most cases more segregated than public schools.³⁵ The contrary Greene study in Cleveland did an apples to oranges comparison, looking at city schools and comparing them to the suburban schools.³⁶ When you do an apples to apples comparison and look at private voucher schools in Cleveland compared to public schools, students were four times more likely to be in an integrated school in Cleveland if they were in a public school compared to a private school; indeed, the public school enrollment in Cleveland is about seventy-one percent African American, while the voucher enrollment in Cleveland is only fifty-three percent African American.³⁷

31. See PUNISHING SUCCESS, *supra* note 27.

32. See *id.*

33. See DO VOUCHERS IMPROVE EDUCATION, *supra* note 3 (citing JAY P. GREENE, AN EVALUATION OF THE FLORIDA A-PLUS ACCOUNTABILITY AND SCHOOL CHOICE PROGRAM (Manhattan Inst. 2001)).

34. See Jay P. Greene, The Texas School Miracle Is for Real, CITY JOURNAL, v. 10, no. 3, Summer 2000, at 80.

35. See SEAN REARDON & JOHN YUN, PRIVATE SCHOOL RACIAL ENROLLMENTS AND SEGREGATION, (Harvard Civil Rights Project, June 26, 2002) available at http://www.civilrightsproject.harvard.edu/research/deseg/Private_Schools.pdf (last visited June 15, 2003).

36. See JAY P. GREENE, CHOICE AND COMMUNITY: THE RACIAL, ECONOMIC AND RELIGIOUS CONTEXT OF PARENTAL CHOICE IN CLEVELAND, (Buckeye Inst. for Pub Policy Solutions, 1999), available at <http://www.buckeyeinstitute.org/greene.pdf> (last visited June 15, 2003).

37. See EDUCATIONAL AND SOCIAL EQUITY, *supra* note 4.

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There is certainly promise from programs like the "Controlled Choice Plan" in Cambridge, which is a public school choice program, and other public school choice plans as well.³⁸ These are very different from voucher plans, because public school plans can effectively promote accountability and ensure that choice is exercised by parents and students. And with respect to public schools, the overwhelming evidence demonstrates that what works are programs like the SAGE program and efforts to combine two critical things—more accountability in public schools and adequate funding, a serious problem not only in Ohio but also in many other places. We would strongly advocate that education reformers here and elsewhere look carefully at that evidence as they decide how to go forward, and not be distracted by the false promise of vouchers.

38. More information about Cambridge's "Controlled Choice Plan" is available at <http://www.cps.ci.cambridge.ma.us/NewFiles/final.pdf> (last visited June 15, 2003).

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