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# The Role of a Policy Analyst and School Choice: A Study and the History and Availability of Educational Choices for Our Youth

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**The Role of a Policy Analyst and School Choice: A Study and the History and  
Availability of Educational Choices for Our Youth**

**James Robert Touchton**

An Internship Paper  
Submitted in Partial Fulfillment of the Requirements for the

**Master of Public Administration**

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## **Executive Summary**

The role of a policy analyst in the General Assembly, is to look at the many aspects of policies, research best practices and advise solutions that would serve the citizen taxpayers of Georgia in the most efficient and economical way possible. The job of an analyst requires the ability to understand current policies and use a fact-based approach when producing policy briefs and legislative findings. It was with this in mind that the decision to focus on the topic of school choice was made.

School choice is a relatively new concept as far as the practical application nationwide. Since its' inception in Milwaukee, the concept has expanded to include private school vouchers, charter schools and tax credits for school choice scholarships. Over 40 states are debating the issue of school choice and many of those have one or more school choice options in place.

Many studies on the subject have shown that school choice is gaining popularity in many states, regardless of their leanings politically, to the right or left. For the many other states where school choice has not been implemented in policy, it would appear that further studies over longer periods of time will need to occur in order for school choice to prove its' merits, as many proponents suggest. Only time and further research will validate the position the critics or proponents take on the issue of school choice.

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## **Introduction**

The selected internship with Kennesaw State University, for the Master of Public Administration began in December of 2007 with the Senate Research Office. It has developed into a full time position with the office, with my official title being Policy Analyst. The office is located in the Coverdell Legislative Office Building in Atlanta, Georgia, directly across the street from the Georgia Capitol.

The paper will cover the functions of the Senate Research Office, the role of a Policy Analyst and the everyday aspects of the position and issues that are handled at various times. Legislation that is handled within my issue areas will also be discussed. Additionally, any improvements that would assist in creating a more efficient work environment will be suggested.

Lastly, the paper will focus on a selected topic that discusses an issue area that has become extremely prevalent in my position: school choice. The nature and history of school choice, arguments against school choice, selected current state legislation and a brief quantitative analysis will be covered within the paper.

## **The Georgia Senate Research Office**

The Senate Research Office was created, through legislation, in 1975, with a core mission of serving all of Georgia's Senators and the Lieutenant Governor's office, by providing information that is objective and accurate. The office is non-partisan, which allows it to serve Democrats, Republicans and Independents who are elected to the Senate. The office uses a wide array of services available to provide up to date and accurate information regarding local, state and federal issues to the Senate and the general public.

Senate Research is composed of ten analysts who are responsible for a variety of issues and an office manager who handles the day-to-day affairs. The director is the head of the office and is assisted by a deputy director. There are principle policy analysts, senior policy analysts and policy analysts. Job titles are based upon the level of education and time of service attained, with principle analyst recognized as the highest, followed by the senior analyst and finally, policy analyst. Within the office, there are two principle analysts, five senior analysts and one policy analyst. The director and deputy director are analysts as well.

The issues handled by the analysts are based upon the various committees within the Georgia Senate. Committees are constructed to handle the many pieces of legislation that pass through the Georgia Senate and House of Representatives. There are thirty standing committees, which include: Appropriations, Agriculture and Consumer Affairs, Banking and Financial Institutions, Economic Development, Education and Youth, Ethics, Finance, Government Oversight, Health and Human Services, Higher Education, Insurance and Labor, Interstate Cooperation, Judiciary, Natural Resources and the Environment, Public Safety and Homeland Security, Reapportionment and Redistricting, Regulated Industries and Utilities, Rules, State and Local Government Operations, State Institutions and Properties, Special Judiciary, Science and Technology and Urban Affairs. In the Appendix, I have attached a list of committees and the analyst responsible for handling each corresponding committee.

Each analyst in the office handles various committees that they have been assigned and is considered the expert for the issue they are assigned. The analyst is also committee staff for their respected committee and attends all meetings of the committee. The analyst is also responsible for handling issue-area requests by the Senators, which are

called research requests. Additionally, analysts staff study committees, produce committee reports and develop policy issues that will be addressed in the upcoming Sessions.

Requests are handled in various ways by the office manager and analysts. Requests for information and research can only be initiated by an individual Senator or the Lieutenant Governor. They can be initiated by telephone, email, or written correspondence. Requests are assigned to the policy analyst with expertise in the specific area to be researched. All requests for information and research will be completed within two weeks, an office policy, unless a shorter, specific date is set. All information and research results can be communicated to the Senator by email, diskette, or written document.

Additionally, when legislation is proposed to create a Senate or joint House-Senate Study Committee, the analyst responsible for the study committee works with the members to set meeting dates, arrange speakers, and takes detailed notes. On several occasions the study committees require an analyst to travel across the state and attend meetings that last for more than one day. When the report is completed, publishing their findings for possible future legislation.

### **The Role of a Policy Analyst**

In the position of a Policy Analyst, I serve as committee staff to the Education and Science and Technology committees. Most of my responsibilities pertain to the above paragraphs, but my role in these committees is unique due to the varying nature of the job. I have been fortunate to serve in this role since December 2007 and in this experience, thus far, have felt privileged to serve the Senate and tax payers of Georgia.

The Senate Education committee is composed of fourteen Senators, both Democrat and Republican, with the majority of members being Republican. The Science and Technology committee is composed of seven members, both Democrat and Republican, with the majority of members being Republican. The Education and Youth Committee's responsibilities incorporate education generally, certificated employees of schools, and school facilities. The Science & Technology Committee's jurisdictions include all areas influencing the promotion and restraint of today's technology and science as a result of the legislation placed upon it.

My role as a staffer to these committees is to serve any need of the members of the committee. During the legislative session, the focus of my work shifts to my assigned committees. Any legislation that is introduced in the Senate or passed out of the House of Representatives, that is related to education or science and technology (as deemed appropriate by the chair) is referred to my committees. When the legislation is referred, my responsibility is to read and analyze the legislation, and produce an executive summary, which is then transmitted to the members of the committee. (See Appendix) During the legislative session, each of my committees meets one or two times a week, at various times, and the meetings last one hour or more on average. Legislation is considered and voted on by the members.

This is not the case with all legislation, as the education committee in 2009 heard testimony on thirty-seven bills, with only seventeen being passed out of committee. Many times, a minority member will introduce a controversial bill or a bill not supported by the chairman or leadership that will "die in committee." This occurs when the chairman does not take a vote on the bill or another member motions to table the bill (put it aside until another time) and that motion is supported by a majority of the committee.

When the legislation has been voted on, the job is then to update the bill summaries and produce a committee report on legislation that has passed that goes to the chairman of the Rules committee. The legislation is then voted upon by the Rules committee in order to go before the full Senate body. My responsibility is to follow the legislation, and at every point that it is voted upon, update the bill summaries and update a computer system that tracks all legislation.

At the conclusion of the legislative session, all bills that have been passed by the General Assembly are compiled into a "Session Highlights" document which provides a listing of summaries of all enacted legislation. (See Appendix) Bill summaries and legislation that has passed out of both committees must then be organized and added to the final document. Additionally, it is also a responsibility to ensure all interested parties within my legislative committees receive pertinent information regarding bills that have passed. This requires careful analysis by each analyst of all legislation that has passed in their committees and making a final determination as to which information will be included in the document.

Outside of the legislative session, my function is to begin researching new legislation for the upcoming session, attend study committee meetings and attend conferences hosted by various legislative groups. This past summer, from June 2008 until August 2008, I was apart of a joint House and Senate study committee on teacher training and certification. The committee met five times and heard numerous testimonies from various educational entities on issues pertaining to teacher retention, teacher pay, graduating highly qualified teachers from Georgia and how to fill the math and science teaching shortage that Georgia currently faces. (See Appendix)

Additionally, another function of my job is attending conferences to further my understanding of education policy and gain new ideas from counterparts in other states. This summer, I had the opportunity to attend National Conference of State Legislators in New Orleans, which is one of the largest legislative conferences in the United States. A week was spent networking with other policy analysts in my fields, interacting with various elected officials and hearing presentations that pertained to the newest research in education and initiatives other states are implementing in the educational fields. I was also able to attend a conference in Washington, D.C. and Atlanta, Georgia which allowed for a first-hand experience in learning how other states shape their policy goals and identify new trends in education areas.

### **Selected Legislation**

During the 2009 legislative Session, there were educational issues introduced due to revenue and budget concerns in the state. Below are selected examples of legislation that have been chosen that were worked on this session to present a general idea of some issues that are faced within education in the 2009 General Assembly.

#### **Senate Bill 36:**

This bill requires local boards of education to adopt a code of ethics and annually review the code, with changes being announced at regular meetings of the board.

The House recommitted the bill to the House Education Committee for consideration in the 2010 Session.

#### **Senate Bill 84:**

This bill revises election eligibility requirements for local boards of education members: It also

- Limits the size of local boards;
- Revises the current per diem expenses for members;
- Provides the fundamental role of school boards and local superintendents;
- Defines and prohibits certain conflicts of interests for members;
- Provides for the removal of members of the board;
- Requires that a training and ethics program be established for local board members by the State Board of Education (State Board)

Portions of this bill were attached to another bill as a “rider” that passed.

**Senate Bill 90:**

The purpose of the program is to tailor a student’s education to that student’s specific needs by allowing families to make independent choices directing educational funding to schools of their choosing.

This bill passed out of committee but failed to achieve a vote in the Senate.

**House Bill 149:**

This bill creates the ‘Move on When Ready Act’ that provides a program for eleventh and twelfth graders that will give them the option of attending an eligible postsecondary college and school for high school course credit.

This passed was passed by the General Assembly and signed into law by the Governor.

**House Bill 251:**

This bill adds a new code section to allow a student in a local school system the ability to transfer to another public elementary or secondary school. The school must be located within the system in which they reside or the system that the local board has assigned to them. The school must have classroom space available after its assigned students have been enrolled and the parent will assume the responsibility and cost of transferring the student to and from school. The student can attend the school at their choosing until they complete all grades of the chosen school. This will take effect starting with the 2010-2011 school year.

This passed was passed by the General Assembly and signed into law by the Governor.

**Suggested Workforce Improvements**

During my term in the office, I have had a chance to observe the various roles and functions played by the different analysts and management in the office. Overall, the office internally works very well and there is little need for improvement in terms of internal management. One of the best examples of why the office maintains a good reputation for quality work and high office morale is the director, Jill Fike.

Our director has a management style that is much attuned with the emotional intelligence style of management<sup>1</sup>. Unlike those offices where command and conquer

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<sup>1</sup> Goleman, Daniel (2002). *Primal Leadership*. Boston, Massachusetts: Harvard Business School Press.

styles are used, she allows for a free exchange of ideas, does not believe in micromanaging and believes that she has hired the best people for the positions, which allows her to have trust in the work that each analysts produces. Additionally, Jill is also aware of personal issues each member of the staff may have and shows care and concern for each analyst and has an open door policy that allows staff to talk with her anytime.

The morale of the office is very high, as each person genuinely enjoys coming to work each day. In my time here, I have never heard any member of the staff express anything but goodwill towards our director and other members in the office. One of the greatest benefits of this career is the people with which I have been fortunate to share an office environment.

### **School Choice**

School choice has been an interest of mine since the 2007 Legislative Session, when the opportunity to serve as a legislative aide to Representative David Casas, in the Georgia General Assembly was made available. Representative Casas, a teacher and parent himself, focused extensively on allowing parents the ability to choose. We flew to Florida to study models of the idea and the result of the study was legislation introduced to allow all special needs children a voucher to attend a public or private school of their choosing. With the passing of Senate Bill 10, the “Georgia Special Needs Scholarship” my passion for studying school choice was born. The project focuses on what is school choice, the various methods of implementation and states that are actively engaging or on the path to allowing school choice in their system

### **What is School Choice?**

School choice has different meanings for different groups, but the main component of school choice involves the idea that students in lower-performing public

schools, and/or lower-income families, are able to transfer to either a higher-performing public school or a private school through the use of vouchers, scholarships, tax credits for the families and other means. Charter schools, home schooling, magnet schooling, and open enrollment laws are other methods which provide school choice to families. The availability of these options varies from state to state, and even district to district.

School choice has been a subject of study and debate for as long as civil society has existed in the United States. Nobel Prize winning economist Milton Friedman brought the topic to the forefront, however, soon after the *Brown v. Board of Education* case was decided in 1954. Friedman espoused a plan involving vouchers that had the goal of access for all, to an excellent education. While Friedman's plan had its supporters, it took several decades before a substantial step in the direction of school choice was made.

Now, with more school choice options available than ever before, the debate is becoming more segmented and the choices for parents and policy makers more confusing. The main idea behind school choice, however, and the idea that unites parents, policymakers, and the general public, is providing the highest quality education possible for every student.

There are different programs that can be used to provide school choice. Perhaps the most obvious is private schooling in the traditional sense, which is available for those in an area with a desirable school who can afford the tuition without help from public funding or scholarships. According to statistics available through the U.S. Department of Education, 11 percent of students are enrolled in private schools.<sup>2</sup> According to a different study by the U.S. Department of Education, 24 percent of public school students

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<sup>2</sup> U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics, 2002*, (NCES 2003--060), Chapter 1, available at <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2003060>.

fall into this category<sup>3</sup> of a family who could afford to send their child to a median tuition private school.

Another program of school choice involves the use of tax credits, tax deductions, and education savings accounts. Tax credits and deductions for education are tax policies that allow parents to claim a credit or deduction against their taxes for approved educational expenses, including tuition. These tax policies also enable individuals or corporations to receive a tax credit for contributions to tuition scholarship organizations. States that currently use these tax policy initiatives include Arizona, Florida, Pennsylvania, Illinois, Iowa, and Minnesota. Education savings accounts are bank accounts that are free from taxation and allow parents to save up to \$2,000 annually and apply this money to educational expenses.

Publicly funded vouchers and scholarships are a third type of school choice. These programs provide certificates with a specific dollar value that may be applied toward tuition at an eligible school. Currently, these programs are available in the District of Columbia; Florida; Utah; Cleveland, Ohio; and Milwaukee, Wisconsin.

Statistics have shown that home schooling by a parent or guardian is by far the fastest growing form of school choice. The number of home-schooled students rose vastly - from 345,000 to 1,100,000 between the years of 1994 and 2003.<sup>4</sup> Studies have shown that home-schooled students perform better than students in both public and private schools, and that by high school, they are performing at four grade levels above

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U.S. Department of Education, National Center for Education Statistics, *The Condition of Education 2004* (NCES 2004-076), available at <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2004077>.

<sup>4</sup> U.S. Department of Education, National Center for Education Statistics, 1994 and 1996 National Household Survey Data; 1999 National Household Education Surveys Program; and Parent and Family Involvement in Education Survey of the 2003 NHES.

the national average.<sup>5</sup>

Magnet schools are known as one of the oldest forms of school choice. Magnet schools have a specific academic focus, and draw students of widely varying ethnic backgrounds. Entrance to a magnet school is selective and decided by testing. According to the U.S. Department of Education, there are 1,736 magnet schools in 28 states.<sup>6</sup>

Open enrollment laws allow parents the choice of any school system in the state. These laws have proven promising in research by the National Center for Education Statistics, which found that parents of students in either private schools or public schools chosen by the parents were “more likely to say that they were ‘very satisfied’ with their children’s schools, teachers, academic standards, and order and discipline” than were parents of students attending an assigned public school.<sup>7</sup>

A final option for school choice is charter schooling. A charter school is a public school sponsored by a local school board, university, state board of education, or other state governing body and operated by groups of parents, teachers, other individuals, or private organizations. Charter schools have a great deal of autonomy, but with this autonomy comes more accountability for student performance. Over 3,000 independent public schools (charter schools) have opened their doors since 1991. Charter schools are open to all students, and are funded through taxes. Currently, forty states and the District of Columbia have enacted laws dealing with charter schools. These laws vary in the flexibility given to the schools.

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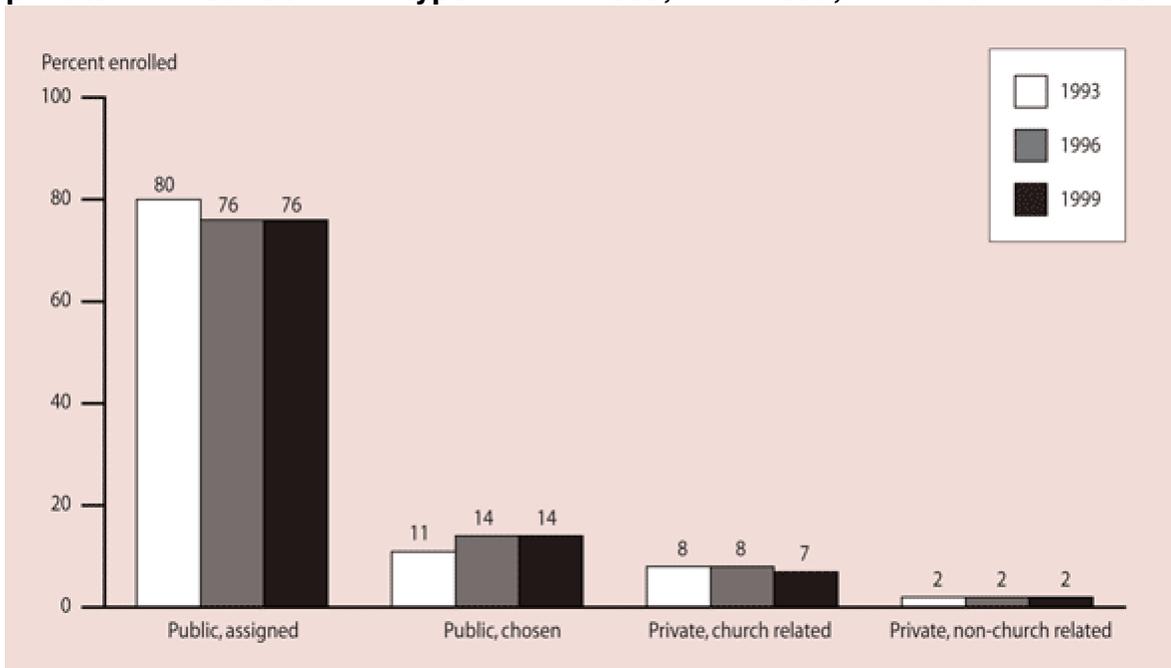
<sup>5</sup> Lawrence M. Rudner, Ph.D., “The Scholastic Achievement and Demographic Characteristics of Home School Students in 1998,” University of Maryland, College of Library and Information Services, ERIC Clearinghouse on Assessment and Evaluation, available at [www.hslda.org/docs/study/rudner1999/Rudner2.asp](http://www.hslda.org/docs/study/rudner1999/Rudner2.asp)

<sup>6</sup> Lee McGraw Hoffman, “Overview of Public Elementary and Secondary Schools and Districts: School Year 2001–02,” U.S. Department of Education, National standards, and order and discipline”

<sup>7</sup> National Center for Education Statistics, “Trends in the Use of School Choice 1993–1999,” National Household Education Surveys Program, May 2003, available at <http://nces.ed.gov/pubs2003/2003031.pdf>.

A study by Caroline Hoxby has shown that competition from charter schools in Michigan and Arizona, and from Milwaukee’s voucher program, has directly caused public schools to raise their productivity as measured by gains in student achievement.<sup>8</sup> The following graph shows the increase in students in private and religious schools and a small decrease in public schools nationally over a ten year span, further demonstrating the effect that school choice is having locally and nationally.

**Figure A. Percentage of students enrolled in grades 1–12 by public and private school type: 1993, 1996, and 1999**

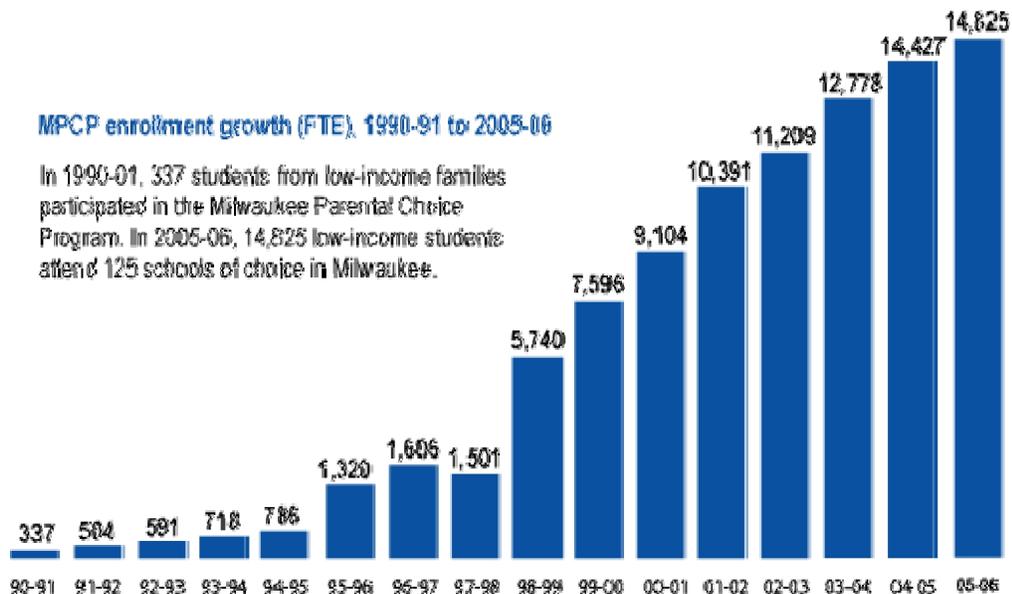


**SOURCE:** U.S. Department of Education, National Center for Education Statistics, School Readiness Survey of the 1993 National Household Education Surveys Program (SR-NHES:1993); School Safety and Discipline Survey of the 1993 National Household Education Surveys Program (SS&D-NHES:1993); Parent and Family Involvement in Education/Civic Involvement Survey of the 1996 National Household Education Surveys Program (PFI/CI-NHES:1996); and the Parent Survey of the 1999 National Household Education Surveys Program (Parent-NHES:1999).

<sup>8</sup> Caroline Hoxby, “School Choice and School Productivity (Or, Could School Choice Be a Tide That Lifts All Boats?),” National Bureau of Economic Research *Working Paper* No. 8873, April 2002, available at [www.nber.org/digest/aug02/w8873.html](http://www.nber.org/digest/aug02/w8873.html).

## Current School Choice Programs

The Milwaukee Parental Choice Program was created in 1990, and this program is known as the first publicly financed urban school choice program. This chart depicts the growing trend of participation in this program:



SOURCE: SchoolChoiceInfo.org

In the following years, publicly funded voucher and tax credit programs were initiated in several other areas, including Arizona, Florida, Minnesota, Pennsylvania, and Ohio. Along with these multiple programs developing, several state and national organizations were developed in the same time frame with the goal of supporting and expanding school choice programs, as well as providing research and a source of information for those parents and citizens wanting to find out more about the topic.<sup>9</sup>

A major milestone for school choice supporters came in 2002, with the U.S. Supreme Court decision in the *Zelman v. Simmons-Harris* case, which confirmed the

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<sup>9</sup> "A Brief History of School Choice," Alliance for School Choice, available at [http://www.allianceforschoolchoice.org/school\\_choice\\_history.aspx](http://www.allianceforschoolchoice.org/school_choice_history.aspx).

constitutionality of the Cleveland scholarship program. In this case, the constitutionality of school vouchers was challenged under the Establishment Clause of the First Amendment of the United States Constitution.

The Court developed the “Private Choice Test” in its opinion, and for a voucher program to be constitutional it must meet the following criteria:

- The program must have a valid secular purpose;
- Aid must go to parents and not to the schools;
- A broad class of beneficiaries must be covered;
- The program must be neutral with respect to religion; and
- There must be adequate nonreligious options.

The majority opinion, written by then-Chief Justice Rehnquist, stated that

"The incidental advancement of a religious mission, or the perceived endorsement of a religious message, is reasonably attributable to the individual aid recipients not the government, whose role ends with the disbursement of benefits." Basically, as long as the law does not specifically encourage the use of vouchers for religious schools makes the fact that most parents chose religious schools irrelevant."<sup>10</sup>

In a concurring opinion, Justice Clarence Thomas stated that voucher programs, like the one in Cleveland spotlighted in this case, are essential because "failing urban public schools disproportionately affect minority children most in need of educational opportunity."<sup>11</sup> Justice Thomas further explained that vouchers and other forms of school choice are necessary in order to give families an opportunity to enroll their children in more effective private schools.

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<sup>10</sup> Zelman, Superintendent of Public Instruction of Ohio, et al. v. Simmons-Harris et al., 536 U.S. 639, available at <http://supreme.justia.com/us/536/639/case.html>.

<sup>11</sup> Zelman, Superintendent of Public Instruction of Ohio, et al. v. Simmons-Harris et al., 536 U.S. 639, available at <http://supreme.justia.com/us/536/639/case.html>.

Unfortunately, school choice programs are generally triggered by failing schools and by the concern that public schools are not providing an adequate education. Further, should parents only expect an “adequate” education? This simply may not be enough to offer future success to today’s students. If these students enter college with such an education along with their peers at private institutions, or even at more successful public institutions, this can only lead to further separation by educational background in most cases.

The nation’s two best-known voucher programs are found in Milwaukee (created in 1990) and Cleveland (created in 1995). Both of these programs developed out of dissatisfaction of parents and community leaders, and the general feeling that the public school districts in these two cases were failing both the students and the communities. The chart below depicts the growing number of students participating in the Cleveland program:

**CSTP Student Enrollment**

School Year	Scholarship Students	Tutoring Grants
1996-97	1,994	124
1997-98	2,914	909
1998-99	3,674	1,391
1999-00	3,406	2,421
2000-01	3,797	1,997
2001-02	4,523	2,313
2002-03	5,278	2,913
2003-04	5,887	2,736
2004-05	5,675	N/A

SOURCE: Ohio Department of Education (ODE), Office of Cleveland Scholarship and Tutoring Program. For 1996-97 through 2003-04, the number of scholarship students is based on an end of year count. The 2004-05 count is from a Dec. 1, 2004 e-mail from the Director.

SOURCE: SchoolChoiceInfo.org

In 1999, Florida enacted the A+ Opportunity Scholarship Program. This was the first school choice program to link student eligibility for a scholarship to attend a public or private school of their choice, with academic performance. Florida, in addition to the above mentioned A+ Scholarship Program, has two private school choice programs, including a program for students with disabilities. There is also a tax credit in place for corporations contributing to funds providing private school scholarships for disadvantaged children.<sup>12</sup>

Ohio has also adopted a similar scholarship, called EdChoice Ohio, which allows students attending schools that have been on Ohio's "academic watch list" for three years to receive a scholarship. Ohio, in addition to the EdChoice Scholarship program discussed previously, has additional private school scholarship programs. Also, vouchers are awarded through a lottery, with priority given to children from lower-income families<sup>13</sup>.

Three major studies, a 2004 Manhattan Institute study,<sup>14</sup> a 2004 Cornell University study, and a 2005 Harvard University study, have determined that Florida's A+ Opportunity Scholarship program has produced significant academic improvements for both the students receiving scholarships and the students remaining in the failing schools. This phenomenon is credited to the fact that failing schools work hard to improve and outpace their more successful counterpart schools, because these schools do not want to lose students.

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<sup>12</sup> Florida Department of Education, Office of Independent Education and Parental Choice, "Corporate Tax Credit Scholarship Program," July 2007, available at [www.floridaschoolchoice.org/Information/CTC/files/ctc\\_fast\\_facts.pdf](http://www.floridaschoolchoice.org/Information/CTC/files/ctc_fast_facts.pdf)

<sup>13</sup> Ohio State Department of Education, "Cleveland Scholarship and Tutoring Program: Scholarship Program Requirements & FAQs," available at [www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=672&ContentID=5638&Content=38154](http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=672&ContentID=5638&Content=38154)

<sup>14</sup> Greene, Jay (2008 April). Center for Civic Innovation: The Manhattan Institute. 52, Retrieved March 24, 2009, from [http://www.manhattan-institute.org/html/cr\\_52.htm](http://www.manhattan-institute.org/html/cr_52.htm)

The logic behind these scholarship programs has resonated with a great number of people, including policymakers and state leadership – that if a school system is not making sufficient academic progress and providing the education that a student deserves, then that student should be able to transfer the public’s investment in their education to another school that will provide the education that student deserves. Unfortunately, in 2006, the Florida Supreme Court held that this program violates the state’s constitution by violating the uniformity provision of the education article,<sup>15</sup> meaning that private schools are no longer included in the plan, only better-performing public schools.

In 2007, 13 states and the District of Columbia provided public support for private school choice using tuition scholarship or school voucher programs, or tax credits or deductions. Here is a sample state-by-state overview of these programs:

Arizona has four private school choice programs, two new voucher programs, and a tax credit for donations to nonprofit organizations that fund tuition scholarships. In 2006, 24,678 students received scholarships totaling \$40.6 million through the program, and taxpayers made donations totaling \$51 million.<sup>16</sup>

In Georgia, Governor Sonny Perdue signed a new special needs scholarship program into law in 2007, and over 900 students received this scholarship for the 2007-2008 school year.<sup>17</sup> Also, Iowa and Illinois currently have a partial state income tax credit for education expenses, and Iowa has a scholarship tax credit program.

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<sup>15</sup> Steve Jensen, “Choice and Accountability: Using School Choice to Overcome Failing Academic Performance,” Alliance For School Choice, available at [http://www.allianceforschoolchoice.org/DOCs/Failing\\_Schools\\_Paper.pdf](http://www.allianceforschoolchoice.org/DOCs/Failing_Schools_Paper.pdf).

<sup>16</sup> Arizona Department of Revenue, "Individual Income Tax Credit for Donations to Private School Tuition Organizations: Reporting for 2006," April 2, 2007, available at [www.revenue.state.az.us/ResearchStats/private\\_schl\\_credit\\_report\\_2007.pdf](http://www.revenue.state.az.us/ResearchStats/private_schl_credit_report_2007.pdf).

<sup>17</sup> Dave Williams, "Officials Happy with Voucher Program," The Albany Herald, October 5, 2007.

Pennsylvania, since 2001, has allowed tax credits for corporations donating to organizations that fund private school scholarships or school improvement projects. In 2007, the state expanded this program by expanding the caps on tax credits to \$75 million, with specific amounts dedicated for private school scholarships, educational programs in public schools, and pre-kindergarten scholarships.

In addition to all of these state policies and initiatives, the controversial federal No Child Left Behind (NCLB) Act, which was signed into law in 2002 and is the latest attempt at standards-based education reform, requires that states offer students in low-performing public schools the opportunity to transfer into a higher-performing public school. The standards under the NCLB Act are actually set by the individual states, in order to comply with the Tenth Amendment of the Constitution, which provides for individual state powers. Millions of children are eligible for this transfer option, but according to the U.S. Department of Education, few children have actually benefited. Statistics show that 3.9 million students were eligible to transfer in 2003-2004, but only 38,000 children, which corresponds to less than 1 percent, actually transferred.<sup>18</sup>

### **Arguments Against School Choice**

The most recognized argument against school choice involves the idea that since most of the schools in the voucher program are religious institutions, government funding implicates the First Amendment separation of church and state. With the vast majority of school vouchers going to religious schools, the Establishment clause of the First Amendment comes into play. The Establishment clause's purpose is to avoid state-sponsored religion and any state involvement in religious choice. People fear that if the government is allowed to sponsor this religious-based education, then it will be a slippery

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<sup>18</sup> U.S. Department of Education, Institute of Education Sciences, National Center for Educational Evaluation and Regional Assistance. Hard Copy.

slope toward government sponsoring and funding other religious activities and involvements. State courts have inconsistently decided this issue, and the consensus seems to be that if it program is based solely on parental choice, then the First Amendment is not violated.

Another argument involves the idea that private schools, unlike public schools, are not accountable to any oversight organization. Public schools are under strong government control and influence, and private schools suffer a lack of supervision in comparison. Therefore, it is unknown how well private schools will perform. This lack of supervision by a specific oversight organization is perhaps unnecessary, however, because of the strong influence and control by a board or the parents of students at a private institution.

There is also the argument that school choice and vouchers take funds away from public schools in dire need of this funding<sup>19</sup>. Public schools are facing the increasing costs of education per student, including the costs of technology, security, books, staff, and many other considerations. The thought line here is that by diverting this funding to different public schools or private schools, this already struggling school will only get worse.

Proponents for school choice state that by allowing “competition” into the education market, schools will work harder to retain students and improve ratings and test scores. It is being argued that this ethic of competition will lead to the improvement of all schools, because competition for students will lead schools to go above and beyond to create desire for education at their institution.

The final argument against school choice that I will discuss involves the different

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<sup>19</sup> Title I: Interim Report, NCEE 2006-4000, February 2006, available at [www.ed.gov/rschstat/eval/disadv/title1interimreport/execsum.pdf](http://www.ed.gov/rschstat/eval/disadv/title1interimreport/execsum.pdf)

acceptance methods of public schools and private schools. Private schools are allowed to be selective in their acceptance of students, whereas public schools are not. A large number of people have a problem with government funding going to these private schools that are being selective in their acceptance of students.

### **Selected Current State Legislation**

The majority of the bills introduced in state legislatures this session have dealt with tax credits and charter schools. These charter schools regulations vary greatly, with Arizona bill AZ H 2037 requiring each school district and charter school to provide a specified minimum amount of recess each day for students in grades 1 through 6<sup>20</sup>, to Hawaii's HI S 2164, which establishes a facilities fund for charter schools that would fund the maintenance, repair, and other facilities needs of charter schools, including a tax credit for those contributing to this fund. These wide-ranging bills show how states are fine-tuning their school choice systems, and also improving the funding and support of charter schools.

In the District of Columbia, DC B 140, known as the "Quality Teacher Incentive Clarification Act", provides that public charter school teachers are eligible for specified income tax deductions. In Louisiana, LA S 5b would provide income tax deductions for tuition and fees paid to enroll a child in a parochial, private, or college or university affiliated elementary or secondary school, limited to a certain amount per child. This bill also would authorize a deduction for educational expenses for public education expenses such as school uniforms, textbooks, instructional materials, or school supplies.

In Georgia, the General Assembly has sent House Bill 1133 to Governor Sonny Perdue for consideration. This bill would eventually provide scholarships for children to

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<sup>20</sup> N/A, (May 2009). May 24, 2009. from [http://azleg.gov/CommitteeInfo.asp?Committee\\_ID=20](http://azleg.gov/CommitteeInfo.asp?Committee_ID=20)

attend private schools, through private citizens and corporations receiving income tax credits for donating money to nonprofit scholarship.<sup>21</sup> This is Georgia's most current effort in addressing the need for those stuck in failing schools.

### **Quantitative Analysis**

One of the pressing questions in the arena of school choice is the effect of vouchers on private school tuition. While no statistics are available, the fact that private schools set their own price and create their own selectivity guidelines concerning admission, this is a topic that needs to be addressed.

In urban areas, where private schools are more prevalent and generally more expensive, there is already competition between these private schools regarding tuition and amenities, with the better schools known to have higher price tags. While the upper and upper-middle classes may be able to afford these schools, vouchers will not make much of a dent in some of these tuitions. If vouchers and tax credits are meant to enable the lower-income families to send their children to the 'best' schools, then in this area they are failing due to price tags and competition.

Also, with private schools being so competitive in some areas that children are enrolled upon conception or birth, these schools will obviously be unavailable to those with vouchers or tax credits. This is yet another slippery slope dilemma in this policy area – is the fact that there is any school choice at all enough, or should the school choice be more widely available, especially in urban areas?

The following table shows average private school tuitions for the years of 1999-2000, which is available through the National Center for Education Statistics. With most vouchers and tax credits not being for full-tuition amounts, and usually for amounts

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<sup>21</sup> House Bill 1133, Georgia General Assembly, 08 LC 7395S (As Passed House and Senate), available at [http://www.legis.state.ga.us/legis/2007\\_08/fulltext/hb1133.htm](http://www.legis.state.ga.us/legis/2007_08/fulltext/hb1133.htm)

around \$2,000, and considering inflation, lower-income families would not be able to afford to send their children to these private schools.

**Average National Private School Cost**      **Average Private  
School Tuition: 1999-00**

	All Levels	Elementary	Secondary	K-12 Schools
<b>All Schools</b>	\$4,689	\$3,267	\$6,053	\$6,779
<b>Catholic</b>	\$3,236	\$2,451	\$4,845	\$6,780
<b>Other Religious</b>	\$4,063	\$3,503	\$6,536	\$4,260
<b>Non-Sectarian</b>	\$10,992	\$7,884	\$14,638	\$12,363

Source: Table 59, Digest of Education Statistics 2005, National Center for Education Statistics. [SchoolChoiceInfo.org](http://SchoolChoiceInfo.org).

## **Conclusion**

School choice is an important issue for many people, and there are a large number of research and opinion papers available on the topic. This paper was an attempt at providing a solid background of the history and current state of school choice across the nation. While extensive statistics are not yet available regarding the exact success/failure rates regarding school choice, trends seem to show that actual choice is popular, and that students are succeeding in their new schools. Parental involvement is crucial in any educational situation, and by providing choices to the parents in our nation, we are allowing more extensive involvement. School choice will continue to evolve, and one day we will hopefully see the results of all of this labor toward figuring out the right way to handle this topic.

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