

Council for American Private Education

# CAPE outlook

Voice of America's private schools

## National Panel: School Choice Must Be Done Right

School choice involves risks and benefits. It can result in great good for society or great harm. The outcome depends on design. How policymakers sketch out a school choice plan, how they balance the risks and benefits, how they interweave a variety of design elements will all determine whether the program succeeds or fails. This, at any rate, is the main message in a new report titled *School Choice: Doing It the Right Way Makes a Difference*.

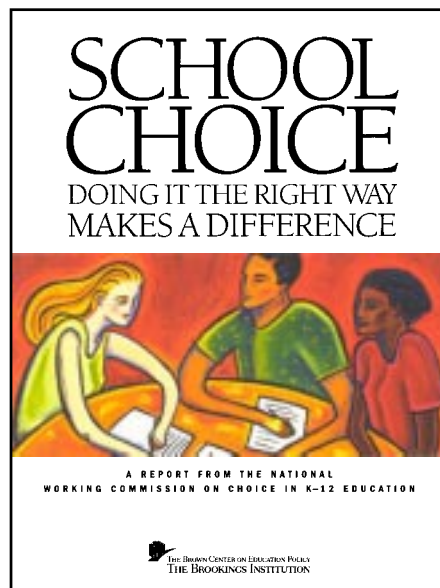
In tone and content, the report attempts to strike the middle ground in the school choice debate. It rejects what it calls the extreme views of choice supporters and opponents—the claims that choice will essentially cause either the salvation or ruin of public education. It presents, instead, a more nuanced position, one that tries to take seriously “both the reasonable hopes of choice proponents and the reasonable concerns of skeptics.” But whether the report actually travels the middle way is a question that will likely set off its own debate.

### Choice: Nothing New

The report's preface points out that school choice is nothing new. A “fully functioning system of vouchers and choice was established in American higher education about 50 years ago,” and at the K-12 level, “families with the means have always been able to live in neighborhoods served by schools they want or pay private school tuition.” As for publicly financed K-12 choice, the report delineates the growing range of choice programs across the country, including magnet schools, charter schools, and voucher programs. Given the dramatic expansion of options for parents, the report concludes that the school choice discussion is no longer about “whether,” but about “what kind” and “how much.”

Helping policymakers determine the

kind and degree of choice that's best is what the report's authors—the National Working Commission on Choice in K-12 Education—set out to do. To map out the working terrain, the commission identifies a continuum of eight possible school choice patterns, ranging from no freedom for families (the district assigns children to



public schools) to maximum freedom for families and schools (parents receive vouchers and choose whatever public or private school they want, whether regulated or not). Between the two end points, the continuum includes “six kinds of choice that are essentially public, in that government defines at least some elements of who chooses, what may be chosen, how schools are funded, and how they may operate.” The arrangements include magnet schools, district-wide choice in public schools, charter schools, and vouchers limited to regulated private schools. (The report notes that all existing voucher programs currently impose some form of regulation on participating private schools.)

The continuum of school choice op-

tions raises for the commission the possibility of a new definition of “public schools.” Whereas such schools, according to the report, are currently “financed, staffed, owned, and overseen by a government agency,” the continuum suggests that the term be expanded to include schools “financed with public funds and overseen by government agencies, but staffed and operated by independent organizations.” (Presumably public funding would not have to be a school's sole or even major source of revenue.) In line with its more inclusive understanding of what constitutes a public school, the commission offers a compatible definition of “school choice”: “any arrangement that allows parents to decide which of two or more publicly funded schools their child will attend.”

### No Free Lunch

In helping policymakers figure out how to put together a choice program, the commission warns that almost every design element involves some sort of trade-off. “In education policy, just as in business, there is no free lunch,” the commission says, and it illustrates that message with a four-sector grid (next page). The grid projects the advantages and disadvantages of school choice programs as two elements—regulations and funding—are varied. The horizontal axis represents regulations, covering the range from “high prescription” to “low prescription,” while the vertical axis spans the funding gamut from “limited” to “full.”

The relationship between funding and outcomes is straightforward, and predictably follows market forces. If the per-pupil funding for choice programs is low, the pool of participating schools, and consequently the number of options for parents, will be limited. Conversely, more generous funding will increase provider

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- Association of Waldorf Schools of N.A.
- Christian Schools International
- Evangelical Lutheran Church in America
- Friends Council on Education
- Lutheran Church—Missouri Synod
- National Association of Episcopal Schools
- National Association of Independent Schools
- National Catholic Educational Association
- National Christian School Association
- Seventh-day Adventist Board of Education
- Solomon Schechter Day School Association
- Southern Baptist Association of Christian Schools
- Toussaint Institute for Historically Black Independent Schools
- United States Conference of Catholic Bishops
- 28 Affiliated State Organizations

a coalition of national associations serving private schools K-12  
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supply. Regulations seem to work the same way. A highly regulated program, with excessive prescriptions regarding admissions, assessments, staff, and curriculum, will drive down the number of schools willing to participate. On the other hand, a limit on regulations will bring in more schools and expand parental choice.

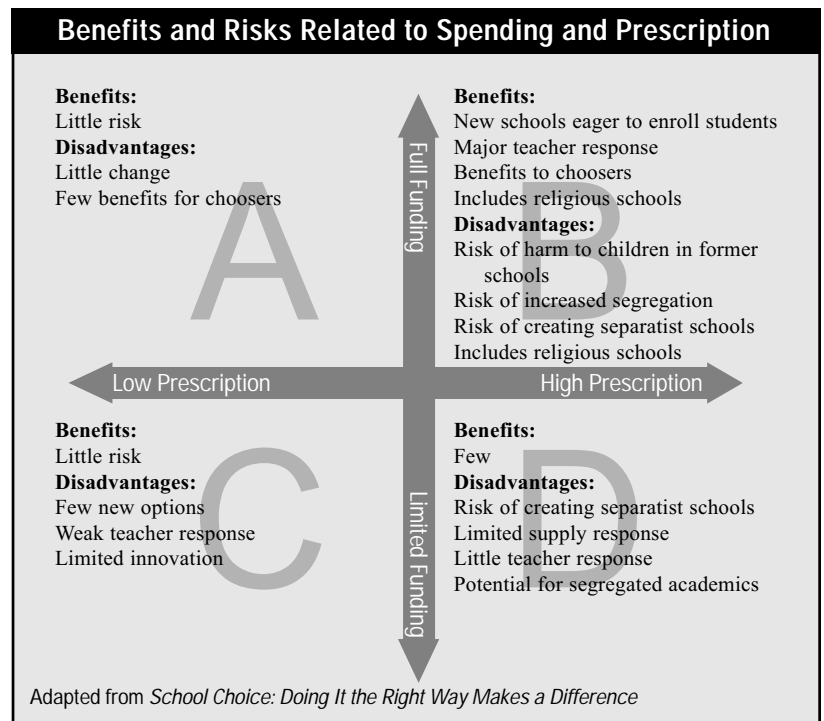
But the commission also sees a potential downside to low levels of regulation, including “damage to existing schools, increased segregation, or social stratification.” Other drawbacks of the low-prescription approach involve religious schools. Oddly, the commission regards the inclusion of religious schools in choice programs as both a benefit and a disadvantage. While the report never explains the benefit; it details the disadvantage.

Religious schools involve some thorny public policy issues: Should they be allowed to limit admission to members of the faith, to require religious study for non-believers, to limit hiring to co-religionists, to teach doctrine that may not conform to cultural norms? Although the report does not answer these questions—calling them “legal and philosophical issues that cannot be fully resolved by research”—it highlights them as issues with which policymakers will have to wrestle.

Indeed, the report’s treatment of religious schools reflects its core approach to school choice in general. It avoids judgements on whether choice is good or bad, and instead addresses the topic as a social science problem that communities have to solve. Absent is any mention of the importance of educational freedom or the right of parents to direct their children’s education by choosing a school that reflects cherished beliefs and values. Instead, the starting point is the public good and the core value of public education: “that all children should be thoroughly educated, so that they may pursue their own dreams and contribute to a democratic, egalitarian, and prosperous American society.” The standard of success is how well communities preserve that value as they design and

implement programs of choice. The interconnection of the public good, individual freedom, and the need for a variety of schools, including religious schools, to enable that freedom is left for another treatise.

Using the core value of public education as the standard, the report looks at various categories of results of school choice and offers suggestions on how to achieve the best possible outcomes. Under the category *promoting learning for children whose families choose*, for example, the commission suggests that a school be free “to hire teachers on the basis of ‘fit’ with the school’s approach to instruction, and to attract students and parents on the basis of their distinctive offerings.” Other suggestions are that per-pupil funding be comparable to district



schools, that it be targeted to the poor, that it be weighted to cover children with special needs, and that schools be required to accept such funding as full payment for tuition.

Within the category *avoiding segregation*, the report notes that some schools “provide specialized instruction and appeal to children with special needs and aptitudes.” Some public schools, for example, focus on children with special talent in the arts or sciences; others prepare youngsters for specific careers; some magnet schools have a distinctive theme, and some schools are Afro-centric or single-gender. Although not mentioned in the report, some public schools offer a challenging academic program and limit enrollment to students who achieve at the highest levels. The commission urges communities

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## Congress Reaches Voucher Agreement but Delays Vote

House and Senate conferees reached agreement last month on details of a voucher proposal for the District of Columbia, but Congress failed to act on the omnibus spending bill that contains the proposal. A vote on the measure could come this month or next.

Negotiators agreed to a \$14 million initiative to provide low-income students in the District's public schools with up to \$7,500 to cover tuition and fees at private schools. The program is part of a \$40 million three-way package that includes \$13 million in new funds for public schools and another \$13 million for charter schools. But the package itself is part of a massive \$820 billion consolidated appropriations bill, which in recent weeks has been the focus of considerable wrangling. The House and Senate could take up the spending legislation December 8 and 9, but if the Senate fails to approve it by unanimous consent (i.e., agreement by everyone present), action could be delayed until after January 20, when Congress returns for the start of next year's session.

### Series of Moves

The latest snag for the voucher plan is part of a series of political and procedural moves affecting the measure since President Bush first advanced it earlier this year. The House of Representatives voted in September to approve the plan, though by a very narrow margin (209-208). Later that month, following five days of Senate debate, Republican leaders, conceding they did not have the 60 votes needed

to ward off a Democratic filibuster, pulled the District of Columbia appropriations bill, which contained the Senate version of vouchers. In November, the Senate passed the D.C. appropriations bill without the



school choice language, with Republican leaders promising to reinstate vouchers in the omnibus spending bill.

Folding the voucher plan into the must-pass omnibus measure all but immunizes vouchers against a filibuster. A conference-reported bill is not subject to further amendment in the House or Senate and must be voted up or down. It is not likely the Senate will hold up an \$820 billion spending package over a \$14 million voucher initiative.

### A Lot at Stake

The many maneuvers used for and against vouchers show that both parties believe there is a lot at stake. The rhetoric reflects the same belief. In a statement last month denouncing the Republican decision to include vouchers in the omnibus spending bill, Senate Minority Leader Tom Daschle (D-SD) said, "Private school vouchers are unproven, taxpayer subsidies to unregulated, unaccountable private and religious schools." A few days earlier, Senate Majority Leader Bill Frist (R-TN) expressed a different sentiment, saying, "I believe, very passionately, that providing 2,000 low income children in D.C. a better education is the moral imperative of this body." Congressional viewpoints on vouchers are well delineated. The next month or so should tell which of these viewpoints prevails.

### Continued from page 2

to distinguish between student selection based on specialization and public interest on the one hand, and that based on segregation and discrimination on the other. To avoid the latter, the commission urges "scrupulously fair admissions processes for all schools, including lotteries for schools that are oversubscribed."

The commission also offers observations and advice in two other categories: (1) *avoiding harm to children of parents who are slow to choose* and (2) *avoiding harm to social cohesion*. Regarding the latter, the report says Americans want schools to support democracy "by creating an informed citizenry capable of intelligent deliberation and willing to respect differences." Apparently no one type of school has a mo-

nopoly in instilling those traits. The report notes, for example, that "graduates of American private schools are more likely to vote than graduates of public schools and to express greater support for tolerance and free speech."

In its concluding paragraph, the report acknowledges that some people consider choice to be a "threat to public education." But for the commission, choice is pretty much a neutral mechanism with as much potential for good as for bad. Thus, policymakers "can employ the power of choice to improve their chances of achieving the great goals of public education." It all depends on how the program is designed.

The report is available on the Web at [http://www.brookings.edu/gs/brown/20031117\\_schoolchoicereport.htm](http://www.brookings.edu/gs/brown/20031117_schoolchoicereport.htm).

## Supreme Court Declines Choice Case

The U.S. Supreme Court last month refused to review a decision by the 5<sup>th</sup> Circuit Court of Appeals that disallowed a public school district from requiring school administrators to enroll their children in public schools.

At issue in *Barrow v. Greenville Independent School District* was whether Karen Jo Barrow could be required to remove her children from a Christian school and enroll them in a public school in order to be considered for an assistant principal's position in the Greenville, Texas, district. In July 1998, Ms. Barrow applied for the position but was advised by the district superintendent of the policy requiring that children of school administrators attend public schools. She refused to comply with the policy, was not hired by the district, and promptly took her case to federal district court. The court upheld the school district's position.

Barrow then appealed to the 5<sup>th</sup> Circuit. In May 2002, CAPE co-signed an *amicus* brief prepared by the Institute for Justice in support of Ms. Barrow's appeal. The brief asked the appellate court "to find that a parent's right to direct the education of his or her child is a fundamental right protected by the Constitution and to hold that state intrusion on this right deserves strict scrutiny."

Last June, the 5<sup>th</sup> Circuit ruled that "public-school employees like Barrow have a protected right to educate their children in private school." The court said the state cannot interfere with that right "unless it can prove that the employee's selection of private school materially and substantially affects the state's educational mission." The appellate court reversed and remanded the district court's decision.

Return service requested

## CAPE notes

★ The math scores of students in fourth grade and eighth grade are going up and reading scores are holding steady, according to the latest results from the National Assessment of Educational Progress. Since the last time the tests were given (2000 for math and 2002 for reading), math scores have gone up nine points in grade 4 and five points in grade 8. The fourth-grade national average score of 235 and the eighth-grade score of 278 were the highest of any assessment year.

Commenting on the scores released last month, U.S. Secretary of Education Rod Paige said, "These results show that the education revolution that No Child Left Behind promised has begun."

Scores of students in private schools were significantly above the national average. For fourth-grade students in private schools, the average math score was 244, 10 points over the public school score of 234. By eighth grade, the private school advantage grew to 16 points, with students scoring 292, compared to 276 for their public school peers. (Ten points on the scale is roughly equivalent to one

grade level.) The story was the same for the reading test. Private school students outperformed public school students by 19 points in fourth grade (235 to 216) and by 21 points in eighth grade (282 to 261).

You can explore the results for various types of private schools and for different groups of students by using the NAEP Data Tool at <http://nces.ed.gov/nationsreportcard/naepdata/>.

★ The Hispanic Council for Reform and Educational Options (Hispanic CREO), a school choice advocacy group, announced its national launch recently, just before hosting its first conference in Washington, DC. Founded in the summer of 2001, the organization

has an ambitious mission: "to improve educational outcomes for Hispanic children by empowering families through parental choice in education."

CREO, which means "I believe," claims on its Web site that Latino children are "the most un-educated and the most under-educated minority group in the United States." Its founders have agreed

"to focus on one clear point of moral confluence: the educational outcomes of Latino children."

More information about Hispanic CREO is available on the group's Web site at [www.hispaniccreo.org](http://www.hispaniccreo.org).

★ The National Center for Education Statistics (NCES) is currently collecting data from private schools for two major projects: the Private School Universe Survey (PSS) and the Schools and Staffing Survey (SASS). Both projects provide educators, policymakers, researchers, and the public with important information about the condition of private education in the United States. SASS, for example, supplied much of the data for last year's extraordinarily informative report by NCES titled *Private Schools: A Brief Portrait*. The biennial PSS report offers a wealth of statistics on schools and students, sorted by region, type of private school, religious-affiliation, and a host of other variables.

The projects are an enormous undertaking but yield useful and powerful information. CAPE urges private school officials to cooperate fully and promptly with the surveys. A timely response keeps costs in check by eliminating the need for follow-up mailings and phone calls.

More information about SASS, a sample survey of K-12 public and private schools, is available at <http://nces.ed.gov/surveys/sass/>. Information about the PSS, which targets every private school, is available at <http://nces.ed.gov/surveys/pss/>.

### NAEP 2003 Scale Scores

	Private Schools	Public Schools
<b>Math</b>		
Grade 4	244	234
Grade 8	292	276
<b>Reading</b>		
Grade 4	235	216
Grade 8	282	261

