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*Last Updated: 05/30/2024*

• The Equity And Choice (TEACH) Act of 1985



# JUSTICE AND EXCELLENCE: The Case for Choice in Chapter 1

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# INTRODUCTION

## PRESIDENT REAGAN ON PARENTAL CHOICE

"The primary right, duty and responsibility for educating children belongs to parents. Their wishes should be heeded. In order to accomplish this we have developed initiatives that provide families with greater control over decisions in the education of their children...."

"Tuition tax credits and vouchers on a national scale represent an idea whose time has indeed come."

"Parents would be much more involved in deciding what type of education they want for their children. They would be more inclined to work together with local school principals and boards of education and this would strengthen the local control of schools and assure that children receive an education which supports the values being taught at home."

--President Reagan, 1984



AND NO! DON'T CHANGE THE CHAIRS! WE NEED THE RATINGS!



**CHOICE IS A  
POWERFUL  
THING**

# WHO SUPPORTS CHOICE ?



## WHO SUPPORTS CHOICE?

### WHO SUPPORTS CHOICE? THE 1985 GALLUP POLL

#### FAVOR

- o Blacks (59 percent favor)
- o Poor (grade school education)
- o Big-city residents (1 million plus)
- o Central city residents
- o Parents (both public and private school parents)
- o Young adults of child-raising age
- o People who are dissatisfied with their local public schools
- o Residents in East, South, and West
- o General public

#### OPPOSE

- o Affluent (college-educated)
- o People who are satisfied with their local public schools
- o Older people (over 50)
- o Rural, suburban and medium-sized city residents
- o Midwest residents

WHO SUPPORTS CHOICE?

--The 1985 Gallup Poll on education sponsored by  
Phi Delta Kappa

# PUBLIC SUPPORT FOR EDUCATION VOUCHERS: THE 1985 GALLUP POLL

	Favor (%)	Oppose (%)	No Opinion (%)
Parents with children in school	51	40	9
Public school parents	49	41	10
Private school parents	63	32	5
No children in school	42	40	18
Blacks (Non-whites)	59	26	15
Whites	43	42	15
Central City	53	32	15
Community size			
1 million plus	54	30	16
500,000-999,999	40	51	9
50,000-499,999	38	43	19
2,500-49,999	41	50	9
Under 2,500	40	44	16
18-29 years old	55	31	14
30-49 years old	46	42	12
50 and older	36	45	19
College educated	43	46	11
High School	47	36	17
Grade school	43	34	23
Protestant	42	43	15
Catholic	51	33	16
East	53	31	16
Midwest	35	51	14
South	46	40	14
West	44	39	17
Rating of local schools			
A or B	42	46	12
C, D, or F	52	36	12
Total	45	40	15

SOURCE: The 1985 Gallup Poll on education sponsored by Phi Delta Kappa.

## MINORITY PARENTS SEE MORE TO GAIN BY CHOICE

In a recent survey, Boston parents who could name a "good-to-excellent" school outside their neighborhood were asked if they'd send their children to that school if they could. Those saying yes were:

o Black parents: 80%

o White parents: 57%

--Survey sponsored by the Boston City-Wide Education Coalition, 1985



## WHO EXERCISES CHOICE?

Who Exercises Choice for Their Children?

<u>Location</u>	<u>Public School Teachers</u>	<u>General Public</u>
Chicago*	46%	22%
Michigan**	20%	10%

o Public school teachers are twice as likely as the general public to exercise choice by sending their children to private schools.

\*Chicago Reporter, 1984 (based on 1980 Census)

\*\*Detroit Free Press, 1983 (based on 1983 survey)

# Blacks deny stealing of education

Hartford (UPI)—

Three black parents have pleaded innocent to stealing an education for their children.

The parents were arrested in March and formally charged in court Tuesday with first degree larceny. State's Attorney John Bailey hoped aloud the unprecedented case would be resolved without trial.

The children no longer are allowed to attend Bloomfield High School, in a wealthy white suburb, in the case a lawyer called a "symbol of... upward mobility."

The prosecutor alleged the defendants were residents of Hartford and each essentially had stolen \$4,001 from Bloomfield, the cost of educating a student.

Claude Johnson, 43, and Elizabeth Brown, 39, swore in Superior Court they are or were legal residents of Bloomfield and their children had a right to attend the school.

Saundra Foster, 34, said: "I've stolen no education."

She told the judge she had decided to send her son, Trevor, 18, to Bloomfield High for a "better education."

HER LAWYER said the quality of education "will be part of the defense" along with questions of residency.

"Do you just let your children go down the drain?" he asked.

On the quality of education issue, the prosecutor said: "I don't think it has any merit as a legal argument."

Johnson's lawyer said: "A matter of principle is involved. The case has become a symbol of educational boundaries, quality of education and upward mobility."

Judge Edward O'Connell said he might have to disqualify himself if the case went to trial and quality of education was raised by the defense. O'Connell's wife is principal of a Hartford school.

Bailey said these were the first criminal prosecutions of their kind. Previously, such cases have been settled administratively.



## Roll Call

### Schools Crack Down On Illegal Enrollments By Nonresident Pupils

### Better Suburban Districts Use Investigators to Sniff Out Any 'Thefts' of Education

### The Arrest of Sandra Foster

By ANNE MACKAY • SMITH

Staff Reporter of THE WALL STREET JOURNAL

Trevor Foster, 17 years old, went to high school in Bloomfield, Conn., for four months last year. He says he wrote essays, played varsity basketball and "stayed out of trouble."

His mother, Sandra, wasn't so lucky. She was arrested on April 1 for first-degree larceny: theft of education.

The Fosters weren't actually living in Bloomfield while Trevor went to school there, and Connecticut, like states and school districts generally, requires that public-school students be residents of the districts.

Bloomfield's action was extreme. Mrs. Foster and the parents in three similar cases were subject to jail terms and fines if they had been found guilty. The cases were ultimately dropped because there hadn't been any notice of the arrest policy. But Bloomfield now has given notice to future violators of its policy.

### Financial Implications

Officials in many of the nation's better public-school systems are similarly trying to crack down on the growing problem of illegal enrollments in their districts.

The problem can be expensive for schools. It costs Bloomfield \$4,000 to send a high-school student to school for a year, for example, and officials say they must get rid of interlopers.

"It isn't a matter of elitism or snobbery," says Walter Puffer, assistant school superintendent in Beverly Hills, Calif. "It's a question of legality and finance." The Beverly Hills system, which expels about 50 illegally enrolled students a year, employs a detective to investigate residency claims.

But parents, many of them in urban areas abutting good suburban systems, say they are just trying to get the best education for their children. "I don't think it's fair that the poor are always educated with other poor in the poor section of town, ultimately keeping us poor," says Mrs. Foster. "I've always tried to get the best I could for my children, and this was just another step in that direction."

### Flip Side of Coin

Some big-city school systems have students trying to sneak in as well as out. In Washington, D.C., specialized academic and vocational programs attract students from outside the city who must pay tuition, says Thomas E. Inge, a school official. But many also enroll illegally, and it's impossible to tell whether the city experiences a net gain or loss, he adds. "I can't say it balances out, because I just don't know."

Many factors may prompt parents to switch school districts. Some enroll their children in schools close to relatives or baby sitters who care for them while parents work. Divorce can cloud the issue of a child's legal residence. In a few cases, parents are looking for good athletics programs.

Illegal enrollments, in any case, are an old tradition. Betty Smith described the practice in her novel "A Tree Grows in Brooklyn," set at the turn of the century. Donald Cardwell, the Fosters' attorney, says, "Almost everybody I talk to says they know somebody or went to school with somebody who did it, or did it themselves."

Trevor Foster enrolled in Bloomfield schools after telling officials he was living with his mother's cousin, town resident Mattie Williams. Mrs. Foster made Ms. Williams Trevor's legal guardian, and he spent most nights at her house for a short period. Then he began commuting from Hartford, rising at 5 a.m. to get to school via the public bus by 7:30.

### Other Violators

He wasn't the only one. Mr. Foster says another Hartford resident and Bloomfield student kept him company on the bus, and he knew of a third who walked 40 minutes from Hartford past the Bloomfield town line to catch a school bus. "People will do a lot to go to schools like Bloomfield," he says.

School officials in other cities agree. Beverly Hills' Mr. Puffer says he has seen parents use "every conceivable way" to falsify an address. They have rented apartments and moved out immediately without notifying the school; they have deleted property owners' names on utility bills and substituted their own and they have faked leases.

Jack Smith, the attendance officer in Claremont, Calif., says parents in the district have claimed vacant lots, empty buildings, and in one case a cafe where they worked, as residences. In Shaker Heights, Ohio, an official says it is commonplace for parents to give legal custody of their children to town residents to get them into the schools.

Some students even declare their own residences. In Easton, Conn., a high schooler pitched a tent on some farmland and continued attending school after his parents moved. "We didn't discover that for a while," says Lawrence Miller, superintendent of schools for Easton and Reading, adding that the student found a family to take him in before cold weather.

No one knows how many students are illegally enrolled. "It's a little bit like ask-

ing the police how many people run red lights," says Frederick Baker, assistant superintendent of the Brookline, Mass., schools, which expelled 20 students last year from towns as far as 15 miles away. "If [schools] find 50, there are probably another 50 they missed," says Grace Belches-Simmons, attorney for the Education Commission for the States, an advisory group. She explains, "Some people are simply better than others at pulling off deceptions."

What constitutes an illegal enrollment differs from state to state. School administrators in California and Massachusetts say it's legal for a student to attend the schools if he is genuinely living with a resident of the town. In Ohio, however, the parents or legal guardian must be residents, a Shaker Heights official says.

Connecticut's laws, now under review, state simply that a student must be permanently resident "without pay," which apparently was meant to prevent children from being boarded out for the benefit of schooling. The review committee is trying to resolve issues of interpretation.

Clues that a student may be from another town come from many sources: returned school mail and emergency phone numbers for parents in a different city are common. California's Mr. Smith says he checks computer printouts of home addresses: "When we find out there are five



# Illegal Enrollment

at one address, we try to chase down who really lives there." In two cases last year, police notified superintendent Charles Fowler of potential problems when they arrested Fairfield, Conn., students on minor charges, and the students gave them out-of-town home addresses. Mr. Foster had the same trouble after he had been arrested by police for "breach of peace" for playing his radio on a public bus.

## Tips From Parents

Often, tips come from other parents. "Many people pay more than market value for their homes in Beverly Hills simply because of the fine school system," Mr. Fuller says. "They very deeply resent that someone outside the district would be cheating or lying or fibbing to gain access to the schools."

A tip from an anonymous caller resulted in Shaker Heights, Ohio, taking a parent to court last year to recover schooling costs. The caller said he had met Sandra Diggs of Warrensville Heights at a cocktail party, and in conversation, "she laughed and said that it was not necessary to be a Shaker Heights resident to send your children to the Shaker schools," according to a brief filed by the school. The tipster said he called because he was "most indignant" that Shaker Heights taxpayers were being burdened with the cost of educating students from other communities.

An arbitrator ruled that Mrs. Diggs owed Shaker Heights \$6,359.76 for schooling her two sons. Mrs. Diggs is contesting the ruling on the grounds that she misunderstood the terms of the arbitration agreement.

For some school officials, ethical issues of illegal enrollment are paramount. When parents protest that they are simply trying to provide their children with quality education, Mr. Fuller says they should be teaching morals and responsibility, as well. "It's wrong to teach them to live a lie," he says. Many officials worry that such situations can be damaging. "The major victim is the child" who often feels guilty, says Mr. Miller of the Escondido, Calif., schools. "They think, 'Am I supposed to be in this place? Where do I really belong?'"

## Question of Costs

But others are most troubled by cost and legal questions. "If you have 18 extra youngsters, that's \$50,000," says Reginald Blue, director of pupil personnel services for Shaker Heights. "Every two years or so, we have to go to the city and ask for additional funds. If you're not judiciously guarding their money, that gets kind of hard."

School systems are cracking down several ways. Bloomfield turned investigations last spring over to the town police, who arrested Mrs. Foster and the other parents. Superintendent Herbert Chester says, "A newspaper report about all the time of the investigation said that Trevor Foster was a suspect. The 6 foot-4 inch Mr. Foster had become a star of the basketball team, scoring 30 of the team's 65 points in its final game. Other students began questioning him about where he lived."

"That made me feel bad, it did," Mr. Foster says. "The 1 was different in that school. Like I didn't belong. Like they only wanted me for sports." Mr. Foster adds, "All of this didn't take place until basketball was completely over with." Mr. Chester says basketball had nothing to do with the timing, noting that some of the other arrested parents had children in elementary school. The high school ultimately forfeited the games in which Mr. Foster played.

## Requiring Proof

Shaker Heights, aside from taking parents to court to recover tuition costs, has made proof of residency requirements more stringent. Parents must provide five of nine types of identification, ranging from voter registration cards to a notarized statement that carries penalties of civil prosecution and a \$1,000 fine for lying.

Since establishing a student's true residence can be tricky, Beverly Hills relies on investigator Ronald Vitale. Mr. Vitale says he handles about 150 files a year, using license-plate checks, photographs, and stakeouts to check residency claims. Last spring, he hid a cameraman in a car on the back of a car to shoot pictures of a

But Air family whose children were enrolled in Beverly Hills.

Donald Cardwell, attorney for Sandra and Trevor Foster, believes these measures to prevent stealing of education services aren't necessary. "How can you steal a free commodity? That doesn't make sense," he says. He believes residency requirements result in discrimination against the poor. "It turns out to be a way of making sure the poor are kept in a different economic sphere."

## Guilt Planned

He intends to file suit against Bloomfield to prove that since free public education is guaranteed by the state constitution, residency shouldn't be required.

School officials sympathize with parents who are simply looking for a better education, although they all say they can't allow the illegal enrollment. While in most situations, they ask parents to quickly and quietly remove their children, most have been flexible in some cases to avoid hurting the child or the continuity of his education.

Mr. Vitale, the investigator for the Beverly Hills system, had investigated one high school student who claimed to be living with his grandmother in Beverly Hills. "He had clothes there, books, a bicycle. Everything was at his grandmother's except him," Mr. Vitale says. He finally discovered the boy's real home in another community and took pictures of him leaving it in the morning repeatedly. But when Mr. Vitale confronted the boy with the evidence, he says the boy told him, "Yeah, I don't live here, but I don't give a damn. It's only three months till graduation, and they aren't going to kick me out now." "And they didn't," Mr. Vitale adds.



Executive Order 12075  
 "With great respect, the current status of schools of choice  
 in public secondary education," National Institute of

# THE SPECIAL ADVANTAGES OF CHOICE FOR THE POOR

- Good student-teacher relationships: The outstanding features of schools of choice are more  
 relationships and instructional effectiveness, and additional  
 that become "choice-based."
- Low cost: "Single facility" schools are 40  
 per cent less expensive than the average of 85 percent of the  
 schools.
- Good staffs are the focus in 75 percent of the schools.  
 strong ownership of their programs.
- 25 percent of independent alternative schools have  
 attendance rates up to 90 percent of the schools.
- High student motivation
- High staff morale
- Cost effectiveness
- Strong on projects

A 1985 study found that high schools which offered choice had:

## ADVANTAGES OF CHOICE

SPECIAL ADVANTAGES OF CHOICE

## **SPECIAL ADVANTAGES OF CHOICE**

### **SUCCESSFUL INDEPENDENT BLACK SCHOOLS**

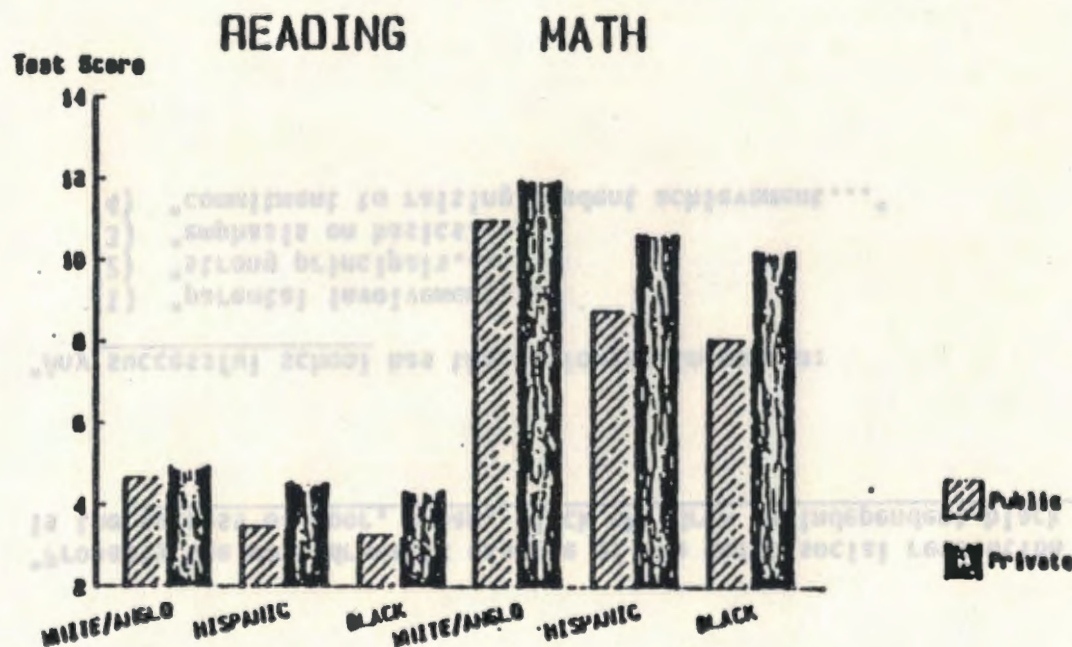
- o **"Probably the most dramatic example of the quiet social revolution in America is the success of poor, urban, black children in independent black schools."**
- o **"Any successful school has the following in common:**
  - (1) **"parental involvement..."**
  - (2) **"strong principals..."**
  - (3) **"emphasis on basics..."**
  - (4) **"commitment to raising student achievement..."**

**--Tony Brown, "Black Education in Focus," Tony Brown's Journal,  
July/Sept. 1983**



## MINORITIES BENEFIT ACADEMICALLY FROM CHOICE MORE THAN WHITES

All Races Benefit Academically From Choice, But Minorities Benefit More.



AVERAGE ACHIEVEMENT FOR BLACK, HISPANIC, AND WHITE SENIORS  
IN PUBLIC AND PRIVATE HIGH SCHOOLS\*

\*Public-private comparisons use students with statistically  
similar socio-economic backgrounds.

SOURCE: Coleman et al., High School Achievement, 1982

# PERSPECTIVES ON CHOICE

**COMMUNITY ORGANIZER: VOUCHERS WILL EMPOWER**  
**THE POOR**

"We must design public policy to extend the option of quality education to low-income parents, stimulating educators to provide more responsive programs and giving families a greater role in selecting schools for their children.

"Educational vouchers could provide a consumer choice for parents and accountability of educational institutions to them. Vouchers would empower low-income parents to choose any public or eligible nonpublic school for their child with the provision that tuition would be paid where the pupil attends....

"Children from low-income and minority families should have the options beyond public school. In fact, we believe that they have a right to that choice."

--Robert Woodson, a high school dropout, grew up poor in West Philadelphia, has since earned a master's degree in social work, and now heads the Washington-based National Center for Neighborhood Enterprise



ECONOMIST: CHOICE WILL MAKE SCHOOLS  
PAY ATTENTION TO THE POOR

"If parents are given a choice, public school officials will lose the monopoly power they now hold over a captive audience. That monopoly power is greatest over the poor....Public schools in affluent neighborhoods where parents already have that option [of choice] must pay some attention to those parents' wishes and be responsive.

But parents in poorer neighborhoods and ghettos have no such leverage to use to get attention, response or even common courtesy. The mere prospect of being able to remove their children to private schools changes all that."

--Thomas Sowell, American Education, August-September 1983

CIVIL RIGHTS OFFICIAL: CHOICE PROMOTES EQUITY

"It has become increasingly clear that choice can do much to promote equity. It does so by creating conditions which encourage schools to become more effective...by allowing schools to specialize and thus to meet the needs of some students very well rather than all students at a level of minimum adequacy, and by increasing the influence of parents over the education of their children in a way which is largely conflict-free. We have become excited about the potential of choice for public education."

--Charles Glenn, Director  
Bureau of Equal Educational Opportunity  
Massachusetts Department of Education

BY ATTENTION TO THE POOR  
ECONOMIST: CHOICE WILL MAKE SCHOOLS



## PERSPECTIVES ON CHOICE

### SUPERINTENDENT: "I HAVE NO FEAR" OF CHOICE

"While there are many who are concerned about a voucher system, we in Jacksonville do not share that fear since the high quality of our public schools is well recognized by the community and the performance of our students not only matches but surpasses that of the local private and parochial students, as reflected by the National Merit Scholarship Program's academic competition, and other means.

"This nation is built on the free enterprise system and as a public school superintendent, I have no fear of including education in that arena for I am confident that our parents in Jacksonville would continue to place their children in our schools, because of the quality of our educational program, the services we offer and, the fact that it is hard to beat being free."

--Herb A. Sang  
Superintendent  
Duval County Schools (Jacksonville, Florida)  
November 1, 1985

WVVI DO COLEBHOUS 2VA VBOHI CHOICES

## WHAT DO GOVERNORS SAY ABOUT CHOICE?

Governors who most keenly back education reform have successfully backed choice in their States. Responding to this leadership, Minnesota has passed a choice reform program allowing 11th and 12th graders to attend courses at postsecondary institutions; South Dakota has adopted a choice program for small high schools in rural districts; Colorado has adopted its "Second Chance Program" for dropouts; and Tennessee is encouraging interdistrict transfers without legislation. This is what the Governors of these States have to say about their programs --

- Governor Rudy Perpich, Minnesota:

"What do we expect to gain from all of this? I predict exciting innovations in some schools. They may redirect their curriculum. They may develop cooperative programs with other schools. Research shows that when families are permitted to select the public school of their choice, parents become more satisfied with the educational system, student attitude improves, teacher morale goes up and community support for public schools increases."

- Governor Bill Janklow, South Dakota:

"If a small school is a good one, parents and students won't want to leave it for another high school, 10, 20 or 30 miles away. If a school is not offering the opportunities that the young people in the area really need to compete in an ever-demanding modern world, then the Family Option Law will stimulate local debate and, I hope, local improvement in the school....We put the power for decision-making where it should be -- with the parents."

- Governor Dick Lamm, Colorado:

Public educators will have to become more flexible and offer more choice -- and they can either bring about reform rationally, or they will be forced to do it irrationally by special interest groups.

- Governor Lamar Alexander, Tennessee:

"What can you think of that is more American than choice? Other than land condemnation and the military draft, I can think of nothing more coercive than American public schools.... By the 1990's we should try to let all parents choose the public school their child attends, even across the district lines."



## SOCIOLOGIST: THE MODERN SOCIAL SITUATION REQUIRES FAMILY CHOICE AND A NEW PHILOSOPHY OF EDUCATION

"One of the assumptions...on which American public education is based...[is] that the school is properly an agent of society, or of the state, to free the child from the constraints, limitations, and narrow vision of the family. Partly bolstered by this assumption...public schools have become increasingly distant from the families of the children they serve, increasingly impersonal agents of a larger society."

"Schools operated by a religious community do not share the second assumption on which public education is based. The school is not regarded as an agent of the larger society or of the state, to free the child from the family. Rather, it is an agent of the religious community of which the family is an intrinsic part. The religiously-based school is thus in a better position than is the public school to support and sustain the family in its task of raising children."

"Perhaps, then, if I dare to commit heresy, the fundamental assumption on which publicly-supported education in the United States is based is wrong for the social structure in which we find ourselves today. Perhaps the school should not be an agent of the state or of the larger society, but an agent of the community of families closest to the child...."

"In the wake of this transformation [of the family], there appears to be two alternatives for the role of families in the socialization of children. One is to accept their demise, and to substitute for them new institutions of socialization, far more powerful than the schools we know, institutions as yet unknown."

"A second alternative is to strengthen the family's capacity to raise its children, building upon the fragments of communities that continue to exist among families, and searching for potential communities of interest. For this alternative, the school is the one social institution that can--and in some instances does--continue to emanate from families and communities of families. But for the school to be such an institution requires abandoning the assumption of the school as an agent of the state, and substituting an assumption closer to that in the private sector of education: The school is properly an extension of the family and the social community or value community of which that family is a part."

"For a minority of parents, this means a religious community. The Catholic schools on which I presented data are one example. Jewish schools, Lutheran schools, Conservative Christian schools are other examples. For other parents, a value community, which shares the same values about education--whether basic education, open schools, Montessori methods, or Rudolf Steiner educational philosophy--is a stronger basis. For others, ethnicity and cultural background is stronger. But whatever the basis for community, the role of the school is, according to this alternative, to foster that community."

--James Coleman, "Schools, Families, and  
Children," the 1985 University of Chicago  
Ryerson Lecture



# SUPREME COURT: CHOICE IS A CONSTITUTIONAL RIGHT

"The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

--U.S. Supreme Court  
Pierce v. Society of Sisters, 1925

OF EDUCATION  
CHOICE AND A NEW ENVIRONMENT  
THE MODERN SOCIETY



## ECONOMISTS: THE POOR MUST HAVE FREEDOM TO CHOOSE

"In schooling, those of us who are in the upper-income classes retain our freedom to choose. We can send our children to private schools, in effect paying twice for their schooling--once in taxes to support the public school system, once in school fees. Or we can choose where to live on the basis of the quality of the public school system. Excellent public schools tend to be concentrated in the wealthier suburbs of the larger cities, where parental control remains very real."

"The situation is worst in the inner cities of the larger metropolises--New York, Chicago, Los Angeles, Boston. The people who live in these areas can pay twice for their children's schooling only with great difficulty--though a surprising number do so by sending their children to parochial schools. They cannot afford to move to the areas with good public schools."

"One way to achieve a major improvement, to bring learning back into the classroom, especially for the currently most disadvantaged, is to give all parents greater control over their children's schooling, similar to that which those of us in the upper-income classes now have. Parents generally have both greater interest in their children's schooling and more intimate knowledge of their capacities and needs than anyone else. Social reformers, and educational reformers in particular, often self-righteously take for granted that parents, especially those who are poor and have little education themselves, have little interest in their children's education and no competence to choose for them. That is a gratuitous insult. Such parents have frequently had limited opportunity to choose."

"One simple and effective way to assure parents greater freedom to choose...is a voucher plan."

--Milton and Rose Friedman,  
Free to Choose, 1982



# **CONSTITUTIONAL LAWYER: GOVERNMENT MONOPOLY** **VIOLATES THE CONSTITUTION...ESPECIALLY** **FOR THE POOR**

"The present political and financial structure of American schooling is unconstitutional." The constitution protects both the expression and the formation of belief and opinion. Schooling is (next to the family) the major influence on a child's beliefs and values; therefore, government control of schooling constrains intellectual freedom. The remedy is a "separation of school and state." The state monopoly of public education violates the First Amendment by applying a sort of prior restraint to the formation of diverse opinions and beliefs.

"We have created a system of school finance that provides free choice for the rich and compulsory socialization for everyone else. The present method of financing American education discriminates against the poor and the working class and even a large part of the middle class by conditioning the exercise of First Amendment rights of school choice upon an ability to pay through the regressive collection of taxes used exclusively for government schools. This arrangement seems no more defensible than denying the right to vote to those who cannot afford a poll tax."

"The present method of financing schooling in America is neither accidental nor immutable. It can be changed to provide real family choice in schooling without destroying the system of compulsory education or undercutting equal education opportunity. At present we allow the majority to dictate what values school children will learn in government schools and what the alternatives to those schools will be. To support this process we collect tax money from every citizen, yet do not permit the dissenting family to have the advantage of those dollars. The family that does not wish to have its children internalize a set of values it finds abhorrent or suffer the conflict and alienation that result from competing efforts to control the children's learning must pay private-school tuition as well as public-school tax. In effect, this system confronts the dissenting family with a choice between giving up its basic values and beliefs as the price of gaining a free education in a government school or paying twice in order to preserve its First Amendment rights."

--Stephen Arons, author of  
Compelling Belief: The Culture  
of American Schooling, 1983

## CONSTITUTIONAL LAWYER: ABSENCE OF CHOICE THREATENS PLURALISM

"Pluralism is a much praised characteristic of American life. One way or the other each of us owes his or her presence, survival, and vitality in America to pluralism. Yet because of two structural flaws in its design the American system of education undercuts pluralism and strikes at the core of the individual liberty which sustains pluralism. Those families with strong commitments and beliefs about their own heritage, their own idiosyncratic values, and the education of their children, are discouraged by this structure from realizing their beliefs unless they are wealthy. Those who support the consensus fashioned by public schooling often find that they have subscribed to the pursuit of a lifeless mediocrity which soon drains the excitement and meaning of education. Those who neither accept this bland consensus nor can go elsewhere find themselves either the victims of majority impositions or involved in a zero-sum game of establishing one set of values at the expense of another."

"The two structural flaws are basic. First, the majority control of school policy, especially content, has meant that schooling is used by those in power to establish their ideologies and worldviews or to stigmatize the values of those out of power. The fact that what is established is often a confused amalgam does not make it any less an infringement upon the consciences of dissenting families. Second, the absence of school choice for most American families has disempowered them within the public system and made it virtually impossible for them to choose to follow their consciences in matters of educating their children. The fact that American school finance systems must tax and spend in a way that discriminates against the non-rich in matters of choice increases the threat posed by majoritarianism in schooling. Pluralism cannot survive these restrictions without serious distortion."

--Stephen Arons, author of  
Compelling Belief: The Culture  
of American Schooling, 1983



## SOCIOLOGIST AND A LAW PROFESSOR: VOUCHERS WILL GIVE PARENTS POWER

"Ever since Adam Smith first proposed that the government finance education by giving parents money to hire teachers, the idea has enjoyed recurrent popularity. Smith's ideal of consumer sovereignty is built into a number of government programs for financing higher education, notably the G.I. Bill and the various state scholarship programs. Similarly a number of foreign countries have recognized the principle that parents who are dissatisfied with their local public school should be given money to establish alternatives. In America, however, public financing for elementary and secondary education has been largely confined to publicly managed schools."

"Conservatives, liberals, and radicals all have complained at one time or another that the political mechanisms which supposedly make public schools accountable to their clients work clumsily and ineffectively. Parents who think their children are getting inferior schooling can, it is true, take their grievances to the local school board or state legislature. If legislators and school boards are unresponsive to the complaints of enough citizens, they may eventually be unseated. But mounting an effective campaign to change local public schools takes an enormous investment of time, energy, and money. Dissatisfied though they may be, few parents have the political skill or commitment to solve their problems this way. As a result, effective control over the character of the public schools is largely vested in legislators, school boards, and educators--not parents."

"If parents are to take genuine responsibility for their children's education, they cannot rely exclusively on political processes. They must also be able to take individual action on behalf of their own children. At present, only relatively affluent parents retain any effective control over the education of their children. Only they are free to move to areas with 'good' public schools...."

"A voucher system seeks to free schools from the restrictions which inevitably accompany their present monopolistic privileges."

"Even if no new schools were established under a voucher system, the responsiveness of existing public schools would probably increase. We believe that one of the most important advantages of a voucher system is that it would encourage diversity and choice within the public system. Indeed, if the public system were to begin matching students and schools on the basis of interest, rather than residence, one of the major objectives of a voucher system would be met without even involving the private sector. Popular public schools would get more applicants, and they would also have incentives to accommodate them, since extra students would bring extra funds. Unpopular schools would have few students, and would either have to change their ways or close up and reopen under new management."

**PERSPECTIVES ON CHOICE****TEACHER UNION PRESIDENT: THERE SHOULD BE  
CHOICE AMONG PUBLIC SCHOOLS**

"I believe that we in the teacher union movement ought to support the greatest possible choice among public schools by parents, students and teachers. The current system of placing kids in school on the basis of geography is one that was designed a long time ago."

"Students who drop out or attend high school only sporadically may be telling us not necessarily that they don't want school at all but that they don't want the particular school they're going to. Attendance is much higher and dropout rates are much lower in those public schools --vocational and option academic high schools --that students themselves have chosen to go to."

-- Albert Shanker, President of American Federation of Teachers, 1985



**FUTURIST: VOUCHERS COULD BE THE MOST EXCITING  
AND SUCCESSFUL EDUCATIONAL EXPERIMENT IN HISTORY**

**Q: WHAT KIND OF EDUCATIONAL MODEL DO YOU SEE EMERGING [IN THE FUTURE]?**

**A: ...I think that we have to do something dramatic, such as adopt a "voucher" system, one in which schools would compete for vouchers issued to students. We have [16,000] separate schools districts. The schools within them could compete not only over quality of education but in subject area. "Come to my school. We have the best computer training." We have to develop competition among schools.**

**Q: WHO WOULD DECIDE?**

**A: The parents! What's the alternative? I think that it is elitist to say that parents can't decide. The alternative is to have government bureaucrats decide. Forget it! It's like voting. The people decide. They don't always make the right decision, but they often do - and the alternative is something far worse. Some parents might want to send their children to a school that is wall-to-wall computers because they provide for arts and literature at home. But there again, I -- the parent -- am deciding, not the government.**

**The schools need to compete to attract students. The voucher system would make for a better quality of education, and it is one method of introducing competition. It could be the most exciting and successful educational experiment in history. It would be far better than what is happening now. The products coming out of our schools each year are less skilled than the year before. I don't know how anyone can defend such a system.**

**--John Haisbitt (author of the best-selling  
Megatrends), interview in The Futurist,  
August 1985**



# EDUCATION CHOICE IN ACTION

## SOME EXAMPLES OF CHOICE ACROSS THE NATION

### VERMONT

- o Since 1890, more than one-third of the state's 246 towns have permitted parents to use tax funds in choosing among public and private non-sectarian secondary schools.

### MAINE

- o About 160 towns lacking high schools pay their students tuition at either another district's public or an approved private high school.

### COLORADO

- o Governor Lamm signed "Second Chance" legislation in 1985 which allows students who have dropped out of school for at least six months to re-enroll at another participating school or school system.

### MINNESOTA

- o Governor Perpich signed a bill in 1985 that now supports 11th & 12th grade students who enroll in non-sectarian courses at both public and private postsecondary institutions.
- o Since 1955, Minnesota has permitted state tax deductions for school expenses (up to \$650 for each elementary student and \$1,000 for each high school student is now allowed). The U.S. Supreme Court upheld this law in *Hueller v. Allen* (1983).

### WASHINGTON

- o Since 1977, the state of Washington has helped support educational clinics that work with public school dropouts aged 13-19. Currently there are ten clinics around the state, two of which are run by a private, for-profit corporation, the others by private, non-profit organizations.

### SOUTH DAKOTA

- o Governor Janklow signed a bill in 1985 which includes the "Family Option" program to permit students in districts between 35 and 45 high school students to choose between their district high school or any neighboring district high school enrolling more than 45 students.

### LOUISIANA

- o A kindergarten voucher passed one house of the legislature in 1985. Proposals are being prepared for the legislature to consider in 1986.

### CALIFORNIA

- o In late 1985 California adopted a new law that creates an education clinic program for school dropouts. Public and private nonsectarian agencies are eligible to operate a clinic, and receive reimbursement from the state for diagnostic and educational services rendered to

## EDUCATIONAL CHOICE IN ACTION

### SOME EXAMPLES OF CHOICE (CONTINUED)

#### TENNESSEE

- o Governor Alexander is advocating increased choice within public schools by visiting local boards of education to get them to let parents have more choice of schools. About 40 percent of the state's school districts now allow students to choose any school within the district, and about 30 percent permit students to go to any district in the county, with funds following the student.

#### NEW YORK CITY

- o Parents of handicapped children may use public funds to attend any school. (A recent review found that competition tended to improve the programs, that parents liked the opportunity to choose and that non-public schools attracted a racial and socioeconomic cross-section of the population.)
- o In Spanish Harlem, junior high school students exercise complete educational choice by selecting a school to attend rather than being assigned, while parents of elementary students can select among alternative programs offered by the public school system and apply for admission, which is determined on a first-come-first-serve basis.

#### MASSACHUSETTS

- o Nation's largest system of magnet schools of choice. Thirty thousand children voluntarily attend 60 magnet schools.

#### NATIONAL GOVERNORS ASSOCIATION

- o Governor Lamm of Colorado and Governor Castle of Delaware will direct a new education task force to study educational choice among public schools.

#### FEDERAL GOVERNMENT

- o The Reagan Administration's TEACH bill will allow parents of disadvantaged children to choose compensatory education services from among public and private schools.



## CHOICE IN OTHER WESTERN DEMOCRACIES

Australia - Education choice is fostered by government aid to private schools through per capita grants for operating costs and through subsidies for textbooks and transportation. The Commonwealth (Federal) Government also provides private schools with general support grants (by which low-resource schools receive higher subsidies than high-resource schools), capital grants, and categorical grants for the education of disadvantaged children and other special purposes. A federal tax deduction also exists for education expenses incurred in either public or private schools.

Canada - Since 1867 parental choice of education has been promoted through provincial support of both public and private education. Finance arrangements differ across the provinces. In Ontario, for example, there are two publicly-supported elementary school systems: the nondenominational public schools and the predominantly Roman Catholic schools. In British Columbia, public support for private education takes the form of per capita grants, and private schools may choose either a low or high level of government subsidy, each requiring a different level of compliance with government regulation.

Denmark - Since the start of compulsory education in the early 19th century, freedom of choice has been a leading principle of Danish education. Parents have the right to start their own school at public expense and can obtain loans from the government on favorable terms to meet their capital costs so long as these schools enroll a minimum number of children. The government also provides subsidies to independent or private schools for up to 85 percent of their operating expenses.

Netherlands - Parents may send their children to any public or private school of their choice. The government funds public and private schools on the same basis. The arrangements for funding are somewhat complicated, but essentially involve direct financing of teachers' salaries and separate grants for other school expenditures. Parents in the Netherlands can also establish their own schools and receive public money when they meet certain requirements.

England - Parental choice is supported through subsidies that cover all operating costs of religiously-affiliated private schools (e.g., Church of England and Roman Catholic), and through indirect grants that cover about 80 percent of operating costs of other private schools. In addition, promising students from government schools can get scholarships to attend elite independent schools under the "Assisted Placement Scheme."

France - All levels of government (local, provincial and central) offer a wide variety of support to private schools, including scholarships to poor students, and subsidies in the form of direct

CHOICE IN OTHER WESTERN DEMOCRACIES--CONTINUED

Japan - As part of education reforms of the 1960s, Japan established a Foundation for the Promotion of Private Schools which administers a grant and loan program for both secondary and postsecondary institutions. About 30% of their expenses are subsidized by the government.

Belgium - Virtually all of private school expenses are paid by the state.

Sweden - There are very few private schools in Sweden, but those that do exist obtain government assistance in a variety of ways. For example, municipalities often make buildings available at subsidized rentals.

Germany - The Federal Republic of Germany's Land (State) governments grant subsidies which can amount to 90% of the current costs of private education. Even so, less than 5% of the elementary and secondary school-aged children attend German private schools.

Ireland - Virtually all of private school expenses are paid for by the state.



# WILL CHOICE DESTROY THE PUBLIC SCHOOLS?

34

**MYTH :** Choice will destroy the public schools.

## **REALITY:**

- o Given a choice, most parents still choose public schools.
- In Minnesota, a State tuition tax deduction for private (and public) school parents has not increased private school enrollments. (When Minnesota had a tuition tax credit in the early 1970s, the proportion of students in private schools dropped.)
- In Maine and Vermont, most families who have the choice of public or private schools still select a near-by public school.
- In Australia, following a new program of massive government assistance in 1978, the private school share of enrollments rose only 2 percent by 1983 (from 21 to 23 percent), and it is projected to go to no more than 26 percent (where it was in the 1960s).
- In British Columbia, where private school enrollments were already rising before a voucher-type program went into effect, the private share is projected to go to no more than 9 percent (up from 6 percent).
- o Innovative public educators believe choice strengthens public schools.
- Herb A. Sang, Superintendent, Duval County Schools, (Jacksonville, Florida):  
"While there are many who are concerned about a voucher system, we in Jacksonville do not share that fear since the high quality of our public schools is well recognized by the community and the performance of our students not only matches but surpasses that of the local private and parochial students, as reflected by the National Merit Scholarship Program's academic competition, and other means."  
  
"This nation is built on the free enterprise system and as a public school superintendent, I have no fear of including education in that arena for I am confident that our parents in Jacksonville would continue to place their children in our schools, because of the quality of our educational program, the services we offer and, the fact that it is hard to beat being free."
- o Researchers believe choice strengthens public schools.
- A review of choice programs (by Mary Ann Raywid) found public schools of choice have more freedom to offer unique programs, and achieve a better match between program and students' needs. This better match appears to increase satisfaction for students, parents, and teachers.
- Since the mid-1970s, New York City has provided vouchers to parents of handicapped children who wanted to send their children to nonpublic schools. A recent study (by Michael Rebell) found that the resulting competition spurred public schools to improve their handicapped programs.
- Research on choice in East Harlem shows dramatic improvement in student achievement test scores following adoption of choice.
- o Only the worst schools will suffer from competition. The good ones will thrive.
- Gov. Lamar Alexander of Tennessee (on being asked if choice wouldn't make some schools close):  
"That's the whole point of the idea. Maybe it is a lousy school. How fair is it to make any child go to that school? The honest thing to do is to close the school or reorganize it until it can attract a crowd. Letting parents choose schools will get parents more involved in their child's education."

## WILL CHOICE BENEFIT ONLY PARENTS "WHO CARE"?

MYTH : Choice will benefit only parents who are already involved with their children's education, not those parents who "don't care."

### REALITY:

#### o Few parents "don't care."

Most parents care very much, but some lack resources (money and political skills) to get involved in decision-making about their children's education. The Gallup and other polls show minorities, the poor, and inner city residents -- i.e., those who are said to be most "uninvolved" -- are the strongest supporters of choice. (For example, blacks went vouchers by more than 2-to-1.) More affluent parents already express their concern by exercising choice; they move to a "right" neighborhood school or select a private school.

#### o Choice will encourage all parents to be more involved.

Choice will encourage a healthy rivalry among schools to attract parental support. With the power of choice, parents--not "experts"--will be treated as the most important decision makers. As Gov. Lamar Alexander says, "Letting parents choose schools will get parents more involved in their child's education. And the more parents do, the more a good teacher can do."

#### o Choice benefits all children.

Choice benefits all children, not just those of parents who choose to move their children to other schools. For example, after East Harlem schools (NYC district no. 4) implemented an extensive choice system, students went from the very bottom to the middle of NYC's rankings for community school districts.

The advantage of choice will spill over to all children -- even those whose parents are "passive."



**MYTH : Parents don't care and won't exercise choices anyway**

**REALITY:**

- o A majority of parents already exercise choice -- through selecting a residence in the "right" public school district or private schools. Those who tend not to exercise choice in these ways are less affluent and simply cannot afford to do it.
- o When a well designed choice program helps those with few resources to participate, they usually participate.
- o The increased excitement for parents and teachers benefits all children, not just those who have parents who participate. In community school district no. 4, in New York City (East Harlem) students went from the very bottom of New York's rankings for community school districts to the middle, after implementing an extensive choice program. Minneapolis, with an extensive choice program, boasts a 60 percentile ranking on nationally standardized tests for its students.

# TITLE I / CHAPTER 1



THE EFFORT OF TITLE I/CHAPTER 1

Expenditures

Total expenditures (1965-1985): \$ 46.3 Billion

FY 1985 appropriations for  
local school districts : \$ 3.2 Billion\*

Chapter 1 per pupil spending  
(FY 1985 estimate) : \$ 640

\* The total Chapter 1 appropriation, including State grants, is \$3.7 Billion in FY 1985.

## TITLE I/CHAPTER 1

THE EFFORT OF TITLE I/CHAPTER 1 (CONTINUED)Students served

Total number (FY 1985 estimate): 5.0 million students\*

Most participants are minority:

o White (not Hispanic)	: 45%
o Minority:	55%
-Black (not Hispanic):	29%
-Hispanic	: 22%
-Asian/Pacific Island/American Indian	: 4%

\*Of the 5.0 million students, 4.83 million (96.6%) are estimated to be in public schools, 0.17 million (3.4%) are in private schools.



## THE EFFECTIVENESS OF COMPENSATORY EDUCATION

An analysis of 47 studies documenting the overall effectiveness of compensatory education reported:

### Findings on Effectiveness

- o The programs have a positive, though small, effect on the achievement of disadvantaged students.
- o The results of most studies are overstated because of the upward biases inherent in several standard statistical procedures.
- o The gains appear to be greater in earlier years, and the evidence is fairly strong that early gains are not sustained.
- o No significant association exists between dollars spent and achievement gains.
- o No approach or program characteristics were consistently found to be effective.

--Stephen Mullin and Anita Summers,  
Phi Delta Kappan, January 1983

**TITLE I/CHAPTER 1****THE EFFECTIVENESS OF TITLE I/CHAPTER 1**

**A review of over 20 evaluations of Title I/Chapter 1 found:**

- o There is no evidence of sustained or delayed effects by the time former Chapter 1 students reach junior high school.**
- o The most disadvantaged students show no relative improvement in achievement.**
- o Children who gain most were those least behind.**
- o Dollars spent and achievement gains are not significantly associated.**
- o Schools often spend Chapter 1 funds on less productive activities than on more effective practices such as homework, tutoring, and teacher-parent cooperation.**
- o More money has been spent on non-poor than poor students.**
- o Certain sites are more effective than others.**

**-- Herbert Walberg, "Federal (Chapter 1) Spending and Effects on Poor Children" (1984)**



## CHAPTER 1 CHOICE: A MATTER OF SOCIAL JUSTICE AND EDUCATIONAL EXCELLENCE

The Reagan Administration's TEACH\* bill will allow parents of disadvantaged children to voucherize compensatory education funds.

Chapter 1 vouchers will promote social justice, equity, and educational excellence because they provide--

- o Educationally deprived children with a greater range of compensatory educational alternatives;
- o Poor families with some of the educational choices already available to affluent families who now select the school of their choice through choice of neighborhood or of private school;
- o Market incentives and competition that will improve Chapter 1 services;
- o Higher quality Chapter 1 instruction as a result of greater parental involvement in their children's education; and
- o Greater job satisfaction and commitment among teachers in choice programs.

\*The Equity And Choice (TEACH) Act of 1985

## CHAPTER 1 CHOICE: A MATTER OF SOCIAL JUSTICE AND EDUCATIONAL EXCELLENCE

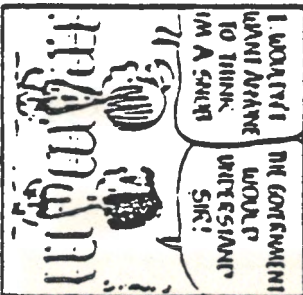
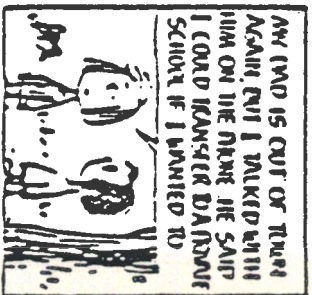
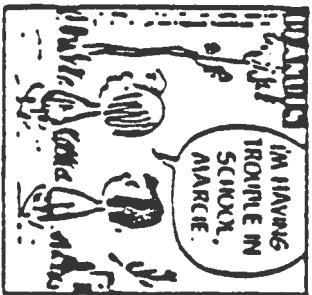
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<sup>a</sup>The Equity And Choice (TEACH) Act of 1985





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## CHAPTER 1 VOUCHER

### CHAPTER 1 VOUCHER: NO EXTRA COST

A Chapter 1 voucher would entail no new Federal expenditures. In fact, it could save taxpayers money if parents choose to use the Chapter 1 Voucher to send their children to private schools. Each public school student currently costs state and local taxpayers \$3120.

TESTIMONY OF

WILLIAM J. BENNETT

Secretary of Education  
U.S. Department of Education

Presented Before  
The Committee on Labor and Human Resources  
Subcommittee on Education, Arts, and the Humanities  
United States Senate

January 28, 1986

Mr. Chairman and members of the committee, I am pleased to have this opportunity to testify before your Subcommittee on the accreditation of postsecondary institutions. In order properly to consider this topic, however, it should be placed within the context of broader issues concerning the quality of postsecondary education. So I will discuss both the particular issue of accreditation and the broader issue of quality in my remarks today.

THE ACHIEVEMENT OF AMERICAN POSTSECONDARY EDUCATION

Let me say at the outset that our nation has created the world's finest system of postsecondary education. At its best, it combines the finest research and teaching with the greatest variety of educational programs available anywhere. It offers more choices, more second chances, and more intellectual freedom to students and their teachers than any other system of education in all of history. It is a system composed of universities, colleges, junior colleges, trade schools, and professional



and technical schools of almost every description. Together they provide our citizens with multiple opportunities to tailor an educational program to their changing goals and circumstances throughout life.

Today 62 percent of American high school graduates go on to enroll in postsecondary institutions, with total enrollments at almost 18 million. Expenditures by postsecondary institutions have nearly doubled since 1966; they totalled \$90 billion in 1984. Funding from federal, state, and local governments accounted for almost half this total--\$44 billion in 1984, up from \$26 billion in 1966 when adjusted for inflation. The private sector has also provided substantial and steadily increasing support for postsecondary education. Last year private giving to higher education totaled \$5.6 billion, including \$1.25 billion from American corporations and \$1 billion from foundations.

It is clear that the American people have been generous to our institutions of postsecondary education. This generosity derives from the knowledge that these institutions are an indispensable foundation of our economic progress and national well-being, and from the firm belief that they offer a gateway to the American dream. But, given the importance and the growing cost of postsecondary education, it is only reasonable that students, parents, government officials, and others should look for -- and should expect to find -- evidence that they are getting their money's worth. This is a particularly important matter for students from less financially fortunate homes,

students for whom postsecondary education may be a crucial avenue to success.

This morning, I would like to discuss signs of inadequate quality in postsecondary education; evidence of practices that ill-serve students and taxpayers; some indicators that the postsecondary education community is beginning to work on behalf of quality improvement; and what I believe may be the largest single challenge facing our postsecondary education system, namely the development of very substantially improved mechanisms for determining whether its institutions are in fact achieving the results to which they aspire.

Then I will talk about where responsibility for quality improvement lies, emphasizing that the primary burden should be borne by the institutions themselves, by voluntary mechanisms of the postsecondary education community such as accreditation, and by the states. Finally, I will review some ways in which the federal government may be able to help in these matters, paying particular attention to the complex system by which we rely on private accreditation as a major indicator of eligibility for federal financial assistance of many kinds.

#### CHALLENGES TO THE QUALITY OF POSTSECONDARY EDUCATION

As I said at the beginning of my remarks, many students receive an excellent education from our postsecondary institutions. But the health and vitality of these institutions depend upon the creation and maintenance of rigorous standards of achievement for students, faculty members, and institutions

themselves. From a growing number of sources, both inside and outside the walls of the academy, concern has recently been expressed that many of our institutions of postsecondary education are not establishing or applying suitable standards of quality.

#### 1. Areas of Concern in Vocational and Professional Education

Among the diverse parts of our postsecondary education system different problems have been identified. A 1984 General Accounting Office study of proprietary schools found that many do not establish or enforce meaningful "ability to benefit" standards. The Higher Education Act requires that students admitted to postsecondary institutions have either a high school diploma, its equivalent, or -- in lieu of these -- the "ability to benefit" from the training offered. But when 61 percent of Pell grant recipients admitted under the "ability to benefit" clause do not complete their educational programs, one can wonder how vigorously this standard is being applied. The GAO study also found situations where federal aid recipients who had never graduated from high school enrolled on the "ability to benefit" basis -- but then had in fact no chance to benefit from the training, because state licensing standards for employment in their field required a high school diploma.

Audit reports and program reviews, as well as other indicators, suggest that some institutions have been admitting students without adequately assessing their ability. The program reviews conducted by the Department of Education show



that many institutions do not give admissions tests or conduct other assessments of ability. Even in instances where admission tests are given, they are sometimes geared to third and fourth grade level questions. Often there is no relationship between the test and the educational subject matter the institution is offering; often passing scores have never been defined.

In an effort to address this problem, the Department submitted legislation with its FY 1986 Budget Proposal to allow only students with high school diplomas to qualify for financial aid, thus eliminating the "ability to benefit" exception provided in the law. This has yet to be enacted.

A related problem is the fact that some proprietary schools, accredited by the state or by accrediting agencies, are graduating large numbers of students who fail the relevant state licensing examination. Without their professional license, these graduates cannot find employment.

Indeed, this problem, whether due to lax admissions standards or inadequate instruction, is not limited to vocational or proprietary institutions. Some colleges and universities also graduate large numbers of students from such professional programs as accounting and pharmacy who are unable to pass certification examinations. Also, the advent of state teacher testing has produced shocking evidence of poor performance by some institutions. In some states, as many as 70 percent of the graduates of certain accredited teacher training colleges fail the National Teacher Examination.

Institutions are defrauding students, and in many cases

they are ripping off the American public, when they admit individuals who are manifestly unprepared for the work that will be required of them, or when they graduate students who cannot satisfy minimum standards in their field of study.

## 2. The Decline in Quality of Undergraduate Education

There is also widening agreement that the quality of undergraduate liberal arts education at many institutions is not what it should be.

We have all heard reports that many of our graduates do not possess the knowledge, skills, or, in some cases the civic virtues of a highly educated person. Some evidence is fragmentary, anecdotal, or impressionistic; other evidence is more tangible: student performance declined in 11 of 15 major Subject Area Tests of the Graduate Record Examinations between 1964 and 1982.

We have seen five major reports in just over one year that have been critical of various aspects of undergraduate education. These reports contain some troubling findings. For example, a 1984-85 survey by the American Council on Education indicates that a student can obtain a bachelor's degree from 72 percent of all American colleges and universities without having studied American literature and history; from 75 percent without having studied European history; and from 86 percent without having studied the civilizations of classical Greece and Rome. The Modern Language Association reports that, in 1966, 89 percent of all institutions required foreign language study for

the bachelor's degree; this dropped to 53 percent in 1975, and to 47 percent in 1983.

As the recent Association of American Colleges report ("Integrity in the College Curriculum") states, higher education has gone through a period in which there seemed to be more confidence "about the length of college education than its content and purpose." The simple accumulation of credit hours -- what is sometimes called "seat time" -- became the primary yardstick. The neglect of the real purposes and goals of education strikes at the very integrity of higher education.

I am encouraged by the signs that our colleges and universities are now recognizing the need to improve the quality of undergraduate education. For, while construed by some as an indictment of higher education, these reports are, in fact, a promising sign. They have recognized the danger of declining quality and provided guidance on how the problems can be overcome. These reports are, for the most part, products of the academy. They are by its members to its members, and it is the members of the academy who must take the lead to solve these problems.

#### THE IMPORTANCE OF ASSESSMENT

I therefore believe that the quality of postsecondary education must be improved, but also that the primary force for that improvement must come from the institutions themselves. These institutions, and particularly our traditional colleges and universities, must do a better job of providing a coherent



and rigorous curriculum for students. They must do a more conscientious job of stating their goals, of gauging their own success in relation to those goals, and of making their results available to everyone -- students, prospective students, parents, citizens, and taxpayers. As a recent report by the Association of American Colleges stated:

As difficult as it may be to develop the most searching and appropriate methods of evaluation and assessment, an institution that lacks refined instruments of program evaluation and rigorous instruments of student assessment is contributing to the debasement of baccalaureate education.

Apart from the essential skills and fundamental knowledge that we expect all colleges and universities to impart, there are individual institutional goals that vary enormously from school to school. It is only sensible that each school appraise its own progress toward those goals. This is the surest way to turn the lofty statements of college catalogues into actual classroom practice. If we are to keep our promises to students, we must be willing to honestly assess our strengths --and our shortcomings. Such acknowledgment is the surest way to maintain institutional integrity; it is also the best way to maintain institutional sovereignty and self-government.

Some institutions of higher education are in fact beginning to assess student outcomes as a means of assessing learning. While their methods vary, colleges and universities are beginning to set competency levels in certain content areas that must be met before a student can be promoted. For example, the University of Arizona requires all students to pass a writing proficiency examination near the mid-point of their undergradu-

ate career, and the University of Massachusetts at Boston requires undergraduates to pass a writing proficiency examination before they can take upper-division courses.

Assessments can use many different methods--standardized tests, interviews, questionnaires, reviews of students' written work over four years, reviews of extracurricular activity, studies of alumni and dropouts, surveys of students' use of time, and surveys of graduates' use of time. Some results could be expressed in numerical terms; many obviously could not. In large, complex universities, assessment might be conducted separately by schools, colleges, or departments.

But no matter what the form, judgments need to be made so that institutions can assure the public and themselves that they are doing what they say they are doing. Such assessment should also hold a central place in the accreditation of all postsecondary institutions. Today that is not the case.

#### STATE GOVERNMENT RESPONSIBILITIES

Because they are responsible for licensing, or otherwise recognizing, the educational institutions that operate within their borders, state governments also play an essential role in any effort to improve the accountability of postsecondary education. A number of states have recently begun to take action to assure that their institutions meet tougher standards of educational quality. On the national level, the National Governors Association (NGA) has identified raising standards in higher education as one of its major initiatives for the next

five years. Governor John Ashcroft of Missouri, who chairs NGA's College Quality task force, has resolved to investigate what States can do to improve consumer information about higher education, the assessment of undergraduate performance, and institutional management. NGA hearings next month will focus on postsecondary assessment. Governor Thomas Kean of New Jersey has said that the Education Commission of the States should "think deeply about how to inspire effective State action to improve undergraduate education."

One of the strategies some States are adopting for strengthening higher education is mandating requirements for evaluating student performance. "Value-added" testing, or testing at entry and graduation, is beginning to gain acceptance in a number of States. State coordinating boards in South Dakota and Tennessee already require this form of outcome assessment. Colorado, New Jersey, Maryland, and Virginia are considering value-added proposals.

In 1982, Florida adopted a "rising junior" examination policy. This policy requires that all students from community colleges or in State colleges or universities pass the Florida College Level Academic Skills Test before being given junior class status. The requirement has been expanded to private college students who receive financial aid from State sources.

State governments are also beginning to take important steps to promote excellence by awarding a portion of their financial support to colleges and universities on the basis of reliable measures of institutional quality. Tennessee is



currently employing a performance funding program that uses assessment as a way of making decisions about a portion of higher education funding. It rewards institutions for performance on established criteria. This effort emphasizes student learning in general education, student learning in a major field, and other criteria.

#### REVIEWING ACCREDITATION STANDARDS

Although the Department of Education is prohibited by law -- and properly so -- from prescribing the curriculum of any school, college, or university, the Department is required by law to determine the eligibility of institutions to receive federal funds. Rather than evaluate thousands of separate schools, the federal government relies upon the private and voluntary accrediting bodies through which the postsecondary community determines its own institutional membership.

The 1952 Korean War GI bill required the Commissioner of Education to establish a list of accrediting agencies that he determined "to be [a] reliable authority as to the quality of training offered by an educational institution." Although this list was not exclusive, the 1952 law established the principle that accreditation by a recognized private agency was sufficient to make an institution eligible for federal funds.

The 1958 National Defense Education Act provided that one way for an institution to participate in NDEA programs was for it to be "accredited by a nationally recognized accrediting agency or association." Although it left the responsibility of

"recognizing" accrediting bodies to the Commissioner of Education, NDEA again indicated Congress' intention to accept "accreditation" as established by nongovernmental agencies as a sufficient condition of quality assessment for eligibility for federal funds.

Today, to be recognized, an accrediting agency must demonstrate that it is capable of evaluating the educational quality of an institution by virtue of meeting ten criteria. The National Advisory Committee on Accreditation and Institutional Eligibility, a group established by statute and appointed by the Secretary, is responsible for advising me as to whether an accrediting agency meets those criteria, and also for advising me as to the content of the criteria. There are now 83 accrediting organizations recognized by the Department, and they confer their approval on nearly 9,000 institutions.

Accreditation standards, following the standards most commonly used by institutions themselves, have traditionally measured quality in terms of institutional resources -- such as endowment per student, percentage of faculty with doctorates, or the number of books in the library -- with little or no attention paid as to what effects they have or what results they yield. A 1978 survey of 208 colleges and universities that had engaged in institutional self-studies in preparation for accreditation visits found that only 1 in 3 had either generated or examined data on student learning and growth; only 23 percent had examined students' knowledge in their major fields.

I believe that accrediting agencies, and postsecondary

institutions themselves, should place as much emphasis on student learning as on the resources and procedures of the institution. Unless they examine student learning, they cannot really gauge educational quality.

Accrediting agencies and our colleges and universities must also reexamine the narrow vocationalism of some current professional requirements in order to restore scope and depth to liberal education. A clear distinction must be made between technical training and the broader goals of higher education so that a sound professional curriculum does not preclude rigorous standards in the general curriculum. In many cases, we have neither.

Thus the guidelines of one professional accrediting association confine one-half to two-thirds of one student's baccalaureate program to courses in two areas. Another association prescribes approximately 70 percent of the student's four-year program and confines that percentage wholly to two subject areas. And according to the standards of yet another association, the bachelor's degree programs must involve as much as 80 percent of the student's work in the professional field. As a result, some employers are confronting job applicants with a bachelor's degree who are unable to write competently, speak lucidly, or perform more than the most elementary mathematical procedures.

I am concerned that the criteria for determining whether an accrediting agency should be recognized by the Department --last revised in 1974 -- and the Department's procedures for



determining eligibility for recognition may no longer be adequate to their important task. Consequently, I will ask the National Advisory Committee on Accreditation and Institutional Eligibility to conduct a review of the current "Criteria for Recognizing National Accrediting Agencies and Associations" and also to examine the federal process of recognition to determine whether and how these can be strengthened. I will also ask the Committee to examine the statutory definition of institutional eligibility and report to me their recommendations for improvements within the limits of our statutory authority. I welcome additional discussion on this subject -- by the post-secondary education community, by the public, and by legislators at all levels.

At least one regional accrediting body has begun to assess the quality of higher education through the measurement of student outcomes, not just institutional resources. The Commission on Colleges of the Southern Association of Colleges and Schools, which is the regional association for postsecondary institutions in most southern states, has taken the lead in developing new quality criteria for its member institutions. The Southern Association requires institutions to evaluate the effectiveness of their resources and processes in achieving educational outcomes. In addition, institutions are encouraged to follow changes in the academic achievement of their students by tracking student scores on standardized examinations or locally constructed examinations, the performance of graduates in graduate school, and performance of graduates of professional

programs on licensing examinations.

While the Southern Association prescribes no uniform set of procedures or minimum standard for use by an institution, it should be commended for encouraging Southern colleges and universities to review their thinking about educational results.

#### OTHER INITIATIVES BY THE DEPARTMENT OF EDUCATION

The Department of Education is taking a number of steps to help improve the quality of postsecondary education. Our Office of Educational Research and Improvement (OERI) is working to improve its ability to provide the nation with accurate and timely information about the quality of education at all levels. Two of the 10 newly funded OERI Centers will be encouraged to foster better assessment measures. We will ask the new Center on Postsecondary Management and Governance to become a clearinghouse on State and institutional assessment activities and information, and the new Center on Postsecondary Teaching and Learning to develop new quality indicators.

In addition, we will assist institutions and others in their efforts to develop methods of assessment. Earlier this year the Fund for the Improvement of Postsecondary Education adopted the assessment of student learning and institutional effectiveness as one of its major funding priorities.

#### CONCLUSION

Improving the quality of postsecondary education will require the cooperation of the faculties, administrators, and

trustees of individual institutions, state governments, the accrediting organizations, and the federal government. In my remarks this morning, I have suggested some steps that each of these groups can take to meet the problems face by postsecondary education today. First, and foremost, individual institutions -- their, faculty, administrators, and trustees --can undertake a serious effort to assess and improve student learning. Second, state governments can examine their criteria and procedures for recognizing educational institutions. Third, accrediting agencies can take a hard look at their standards and practices. The Department of Education is eager to join with each of these groups in appropriate efforts to strengthen postsecondary institutions.

Today, Mr. Chairman, you are sending a message to the postsecondary education community that we in the federal government share their concern for quality. I thank you for this opportunity to appear before this Subcommittee, and I look forward to working with you and with others to improve the accreditation process and the overall quality of postsecondary education.



99th Congress  
2nd Session

COMMITTEE PRINT

PROBLEMS WITH THE ADMINISTRATION'S  
VOUCHER PROPOSAL  
FOR CHAPTER 1

Prepared for the  
SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION  
of the  
COMMITTEE ON EDUCATION AND LABOR

This report has not been officially adopted by the Committee on Education and Labor or the Subcommittee on Elementary, Secondary, and Vocational Education and may not therefore necessarily reflect the views of its Members.

## INTRODUCTION

On November 13, 1985, Secretary of Education William J. Bennett transmitted to Congress a legislative proposal entitled, "The Equity and Choice Act." Subsequently introduced as H.R. 3821 in the House of Representatives, this proposal would convert the existing Chapter 1 program of the Education Consolidation and Improvement Act, which provides remedial educational services to disadvantaged students, into a tuition voucher program.

Because of the attention this bill has received and the numerous questions it has raised, I have authorized printing of this Committee staff report which discusses the various problems inherent in this voucher proposal.

Augustus F. Hawkins  
Chairman

On November 13, 1985, Secretary of Education William J. Bennett sent to Congress a bill to convert the existing Chapter 1 program for the education of disadvantaged children into a "voucher" program. This proposal was subsequently introduced in the House as H.R. 3821 by Congressman Patrick L. Swindall. The bill would require local school districts to take the Federal Chapter 1 funds which they now receive to provide special remedial services to low-achieving children in poor areas and instead give those funds in the form of a voucher to the parents of these children, at the parents' request. The voucher would then be used by the parents toward the tuition of a private school or the cost of another public school. For several reasons, the bill represents a deception for parents and a disaster for public policy.

I. The Voucher Bill is Objectionable on Philosophical Grounds.

A. THE VOUCHER PLAN WOULD HARM PUBLIC EDUCATION BY TRANSFERRING PUBLIC MONEY TO PRIVATE SCHOOLS AT A TIME WHEN FEDERAL RESOURCES FOR EDUCATION ARE SHRINKING.

--This "anti public education" bias is consistent with President Reagan's efforts to eliminate the Federal role in public education by cutting funds and proposing block grants and phase-outs of education programs.

--Even assuming that the voucher bill would double the percentage of the student population attending private schools to 20%, we would still need a strong public educational system for that remaining 80%. Universal public education came about because a haphazard assemblage of private and community schools was unequally able to prepare children for their roles as citizens; the voucher bill ignores this history.

--If the Administration were truly committed to quality in education, it would be increasing funding for public schools to improve them, not bribing people to abandon them.

B. THE VOUCHER BILL IS BASED ON THE UNFOUNDED ASSUMPTION THAT "ANYTHING IS BETTER" THAN THE CURRENT SYSTEM.

--The bill assumes that private schools, without being required to do so, will do a better job serving disadvantaged students than public schools have done with mandates to serve such students.



--It also implies that disadvantaged students would receive a better education in the "regular" program of the private school than in a special program in a public school.

C. THE VOUCHER BILL IS BASED ON A CONSUMER ECONOMICS, MARKET PLACE MODEL THAT IS NOT APPROPRIATE TO EDUCATION.

--Assuming that fostering competition will, by definition, improve education ignores the reality that some services or institutions are not responsive to market place forces, but are better provided on a large scale by government. Imagine issuing vouchers for defense on the assumption that everyone could hire his own militia.

--A consumer choice such as purchasing a washing machine does not have the lasting effect on both the consumer and society at large as is the case with education.

--The "healthy rivalry" between public and private institutions that the Administration envisions will occur under the voucher bill is really an unfair match in which one competitor -- the private school -- does not have to play by the same rules as the other. The private schools do not have to enroll all students who desire and do not have to meet the accountability standards required of public schools.

D. AIDING POOR PARENTS IS NOT THE ADMINISTRATION'S PRIMARY GOAL.

--The Chapter 1 voucher is just a way station en route to the "voucherization" of all education. As Undersecretary Gary Bauer stated, this bill is a "first step" toward a more extensive voucher plan that would award all parents vouchers. "We had to start somewhere," he said.

--The Administration espouses the rhetoric of parental involvement even as it has consistently sought to and often succeeded in eliminating requirements for parental involvement in existing Federal programs.\* If the Administration officials were truly concerned about

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\*For example, the 1981 Education Consolidation and Improvement Act, which was enacted as part of the Administration-initiated Omnibus Budget Reconciliation Act and which converted the Title I program into Chapter 1, repealed the Title I requirement for parental advisory councils in districts and school buildings, substituting a less specific requirement that programs be implemented in consultation with parents and teachers of Chapter 1 children.



parental involvement, they would strengthen the parent provisions in existing laws and regulations instead of wiping them out.

--The parents receiving vouchers would not all be poor. Once funds flow to the poorest schools, children are selected for participation in Chapter 1 based on educational deprivation, not income.

#### E. VOUCHERS IGNORE OTHER BENEFITS OF PUBLIC EDUCATION.

--The goals of exposing students to a common culture, preparing them for citizenship, providing equal opportunity, and offering education in the best interests of the child will not be better served by a voucher system.

--For example, if parents under a voucher plan selected schools with pupils whose backgrounds are the same as their children's, the result could be more stratification and less tolerance rather than the greater diversity the Administration claims.

### II. Poor Parents Would Not Really Have the Choice of Schools the Voucher Advocates Claim.

#### A. THE VOUCHER AMOUNT DOES NOT COVER ENOUGH OF THE COSTS OF PRIVATE EDUCATION TO GIVE THE POOREST FAMILIES A MEANINGFUL CHOICE.

--The average private school tuition of \$1,480 in fall of 1983 (the last year for which data is available) is only 38% of the \$563 expended per pupil under Chapter 1 in the school year 1983-84, according to the Congressional Research Service in the Library of Congress.\* Where are poor parents, with little to no disposable income, to obtain the other 62%?

--There is a tremendous range of expenses; the National Association of Independent Schools reports that in school year 1985-86, median tuition of its member institutions ranges from \$3,300 to \$4,400 for grades K through 6 and is \$5,300 for secondary schools. These schools would be out of the question for voucher parents.

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\*The Administration estimates the Chapter 1 per pupil expenditure for school year 1983-84 at \$650, using the unorthodox method of averaging the State averages and giving greater weight to small States, rather than the more accepted method of dividing the national number of participants by the national appropriation, which yields the number cited above.



--The voucher amount would vary widely from State to State, and this would unfairly constrain choices. A voucher of \$280 in California would hardly make a dent in the tuition of the average private school.

--LEAs could decide to pay no transportation costs under the bill, which would make certain schools even more out of range for poor parents.

--The schools that charge tuition closer to the average voucher amount of \$600 are largely parochial schools. Many parents may not want to send their children to a parochial school where they will be taught a religion different from their own.

--The costs for educating disadvantaged children are often higher than average, so private schools would have to subsidize costs beyond their tuition charges, which they may be unwilling to do.

--There is nothing to prevent a religious school receiving a voucher from charging higher tuition to non-church members. This may make sense for the church but is not equitable public policy.

--The average per pupil expenditure for public schools was \$3,429 in school year 1984-85, according to the National Education Association's estimates of school statistics. Many public school districts charge tuition to non-resident students, so the voucher would be inadequate to cover this amount.

#### B. PARENTAL CHOICES WILL BE CONSTRAINED BY A NUMBER OF OTHER FACTORS.

--The 69% of the eligible children who are not receiving services under Chapter 1 would have no voucher choice at all, because the funding is inadequate to serve all poor or low-achieving children.

--Selective admissions requirements would keep disadvantaged students out of some the best private schools. Enrolling low-achieving children would be counter-productive for private schools whose drawing cards are selectivity and high-achievement scores.

--Private schools are not evenly distributed across geographic regions. Some areas have few private schools, or the ones that exist are too far away to transport children to.



--The bill offers no protection for students who enroll in a private school and are later expelled or dismissed.

--The option in the bill to transfer to another public school has numerous limitations. Transfer to another school within the district is subject to the LEA permitting such transfers. Transfer to a public school in another district would not be a viable option if the receiving LEA prohibits such transfers or charges a high tuition for non-resident students.

#### C. PARENTS' CHOICES WILL BE LIMITED BY THE TYPES OF INFORMATION THEY RECEIVE ABOUT THEIR OPTIONS.

--As the Alum Rock, California, experiment on vouchers demonstrated, even in its fourth year, one-quarter of the parents still did not know that the voucher program existed, and many more lacked accurate information about it.

--Over half of the poor families in the country are headed by a person without a high school diploma. These educationally disadvantaged parents will need assistance and special information to make informed choices.

--Many poor parents may have limited English proficiency. Some school districts have a multiplicity of language groups in their attendance areas, and information would have to be provided in every language if these parents are to be well-informed about their choices.

--The voucher bill provides only that LEAs inform parents in writing of voucher options and hold an annual public meeting. The information needed for school selection is too complex and varied to be adequately communicated in this fashion to disadvantaged parents.

--Parents may be taken advantage of by profiteers and choose a school with the most aggressive promoter instead of the best program.

#### D. PARENTS OFTEN CHOOSE SCHOOLS FOR REASONS OTHER THAN THE INSTRUCTIONAL PROGRAM.

--In the Alum Rock experiment, parents primarily used non-educational criteria to decide on schools. Even with the provision of transportation, geographic location was the most important factor.



### III. The Voucher Bill Would Negatively Affect Chapter 1

#### **A. VOUCHERS WOULD NEEDLESSLY OVERHAUL A PROGRAM THAT IS CURRENTLY WORKING WELL.**

--Nothing could be more erroneous than the Administration's implicit assumption in the voucher bill that Chapter 1 has not been successful and is in need of major surgery.

--Research shows that Chapter 1 is one of our most successful educational programs. The program is reaching its intended beneficiaries and resulting in higher than average achievement gains for disadvantaged children who would otherwise be falling farther behind.

--Former Secretary of Education Terrel Bell said of Chapter 1, "The effectiveness of it is well-demonstrated."

#### **B. VOUCHERS WOULD FURTHER CUT THE NUMBER OF STUDENTS BEING SERVED UNDER CHAPTER 1.**

--Chapter 1 is already serving several hundred thousand fewer children than five years ago, due to Administration budget cuts. Department of Education data shows that participation dropped from 5.4 million in school year 1979-80 to 4.7 million in 1982-83. Participation in 1983-84 (the last year for which State figures are available) stands at 4.8 million.

--Currently, we are serving only 31% of the children in need, according to a Congressional Research Service analysis of achievement data from the Sustaining Effects Study, a national Chapter 1 evaluation.\*

--Even fewer students would be served with vouchers because the bill would result in increased administrative responsibilities and costs. If, as Secretary Bennett states, the voucher bill will not increase Federal funding for Chapter 1, these administrative costs will have to be covered by reducing services to children or decreasing the number served to an even greater extent.

--The problem could become self-perpetuating if children exit the public schools with vouchers. As fewer children are served in a Chapter 1 program in a public school, the per pupil costs are likely to rise, and the number of participants will have to be further reduced to offset rising costs.

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\*This figure is derived by defining program eligibles as children below the 35th achievement percentile.



--Parents who wish to send their children to private schools may pressure the local educational agency (LEA) to increase the voucher to a more meaningful amount and further cut the number of children served.

**C. THE VOUCHER BILL WOULD DESTROY THE VERY FEATURES OF CHAPTER 1 THAT HAVE CONTRIBUTED TO ITS SUCCESS.**

--The voucher proposal would dissipate the procedures that have been established over the years to ensure Chapter 1's effectiveness, such as its focus on supplementary, compensatory services. Private schools would not have to comply with these requirements.

--The voucher bill would dismantle the concept of concentrating services in the neediest schools by shifting funds from public schools with high concentrations of poor children to private or other public schools that have few such children.

--With fewer children and fewer dollars, the public school may no longer be able to offer a Chapter 1 program of sufficient size, scope, and quality for those students who remain. These factors have been keys to Chapter 1's success.

**D. THE VOUCHER BILL IS ANOTHER IN A LONG LINE OF ADMINISTRATION ATTEMPTS TO DISMANTLE CHAPTER 1.**

--In a bill submitted to Congress in April, 1981, the Administration advocated combining the Title I program (the predecessor to Chapter 1) and the Education of the Handicapped Act into a single block grant.

--President Reagan has requested a cut for Chapter 1 in every one of his budgets except fiscal year 1985, when he requested a freeze. For instance, in fiscal year 1983, he requested a 33% cut in Chapter 1.

**IV. The Voucher Bill Would Irresponsibly Offer Public Funds Without Demanding Public Accountability.**

**A. THE BILL WOULD UNFAIRLY EXEMPT PRIVATE SCHOOLS RECEIVING VOUCHERS FROM THE REQUIREMENTS GOVERNING PUBLIC SCHOOL CHAPTER 1 PROGRAMS.**

--The private schools would not be required to provide a Chapter 1 program -- or any special services-- to the voucher students. They could use the funds to redecorate the principal's office if they wanted.



--Private schools would not have to evaluate or report disadvantaged students' progress and achievement as public schools do, so it would be impossible to verify if the program is accomplishing its objectives.

--Private schools would be relieved of the non-supplanting requirement affecting public schools, so parochial schools could use the voucher funds to supplant funds they now receive from the church.

--Private schools would be exempted from maintenance of effort, comparability, and other requirements longstanding in the Chapter 1 law to ensure the supplementary nature and integrity of the Federal program.

--Private schools would not have to comply with certain general provisions tied to the receipt of Federal aid that affect public schools, including certain civil rights laws, the Buckley Amendment affecting privacy of student records, or even the Hatch Amendment affecting student psychological testing.

--If handicapped children are eligible for Chapter 1, the private schools receiving vouchers would not have to meet the Federal requirements to provide free and appropriate education to these children, as public schools do.

**B. THE BILL LEAVES PRIVATE SCHOOLS ESSENTIALLY AUTONOMOUS, WITH NO ENTITY CHARGED WITH MONITORING THE QUALITY OF THEIR PROGRAMS.**

--Private schools in some States do not even have to provide a core curriculum or meet State standards regarding teacher certification, building codes, safety, etc. State Courts in Ohio and Kentucky have struck down State requirements regulating private schools in this manner.

--The bill offers no protection for parents from "fly by night" schools that spring up to take advantage of Federal dollars. As Assistant Secretary Finn stated in a 1983 paper co-authored with Denis Doyle, competition could "produce charlatans, deceptive advertising or chronic instability."

--The bill defines a private "eligible educational institution" as one "which provides a full-time program of elementary or secondary education" and meets certain non-discrimination provisions, but contains no further clarification of what a full-time educational program includes.



--There is no recourse for parents if a school falsely advertises services it does not deliver or if a school receives the money and then closes. The Swindall bill contains no complaint procedures for dissatisfied parents.

**C. IT IS INEVITABLE THAT GREATER REGULATION OF PRIVATE SCHOOLS WILL FOLLOW THE SUBSIDY.**

--The public's concern that tax dollars be wisely spent and the parents' concern that their children receive a quality education will surely lead to pressure to increase accountability and regulation of the private schools.

--As Congressman Swindall said in his introductory statement on the bill, "with Federal dollars come [sic] Federal control."

--Other countries, such as the Netherlands, that provide substantial public assistance to nonpublic schools enforce a relatively high degree of government regulation of these schools, according to a Congressional Research Service paper on vouchers.

--If regulation occurs, the independence and special character that makes private education attractive to some individuals would be lost. As researcher K. Alan Snyder commented in an analysis of a Canadian program of public aid to nonpublic schools, "No longer did the private schools seem special in any way. They became clones of the public schools."

--If the LEAs, the States, or the U.S. Department of Education failed to develop regulatory assurances and accountability standards, it is inescapable that the courts would, when disgruntled parents brought suit against schools that misuse or abuse Federal dollars.

**V. The Voucher Program Will Be an Administrative Nightmare.**

**A. THE LEAS' ADMINISTRATIVE RESPONSIBILITIES WOULD INCREASE SEVERAL-FOLD.**

--The LEAs would become responsible for such duties as ensuring that vouchers are properly used, recovering misused payments, verifying that the private schools have a full-time program and do not discriminate, making contacts with undecided parents, and other auditing, bill-collecting, and enforcement activities.



--The responsibility of ensuring parents use the funds only for the purposes authorized would go far beyond the monitoring of individual behavior required of LEAs by any existing Federal education program. Schools already report some problems simply verifying parental income in programs such as school lunch. Short of hiring teams of investigators, how could an LEA, especially in a large, urban area, be reasonably expected to enforce such a provision?

**B. INCREASED ADMINISTRATIVE COSTS WOULD EAT UP FUNDS NOW USED FOR CHAPTER 1 SERVICES.**

--The new administrative responsibilities will entail greater administrative costs.

--If the parents urge the LEA to provide transportation to implement the voucher options, these costs could be enormous and would have to come off the top of the Chapter 1 program, leaving less for public schools.

--Paperwork could be extensive, as administrators attempt to make determinations about which students will be staying and leaving. An issuing and redemption authority would be needed.

**C. VOUCHERS WOULD THROW LOCAL PLANNING AND BUDGETING INTO DISARRAY.**

--Superintendents and school boards would have difficulty determining their budgets and making decisions about teacher contracts in the spring because they would have no control over how many children will be in the program from year to year.

--Vouchers would damage teacher morale, as uncertainty increases over how many teachers will need to be hired for the public school program.

**D. ANNUAL CHANGES IN THE ELIGIBILITY OF CHILDREN FOR VOUCHERS WOULD RESULT IN CAPRICIOUS ATTENDANCE PATTERNS.**

--Eligibility for the voucher is determined the same way as Chapter 1 eligibility, which means it is dependent on a number of changing factors. Consequently, it would not be uncommon for students to attend private schools for a few years under a voucher and then be required to return to the public schools when their Chapter 1 eligibility runs out.



--For example, Chapter 1 requires that within a designated Chapter 1 school, the program serve those children who are most in need according to achievement measures and related factors. Thus, a student could receive a voucher to attend a private school for a period of time and then no longer be eligible, if his achievement increased to the point that he was no longer among those most in need.

--LEAs generally do not receive enough funds to offer Chapter 1 programs at every grade. Thus, when a student reaches a grade level beyond which the district does not provide Chapter 1 services, he would no longer receive a voucher.

--According to the Sustaining Effects Study of Chapter 1, there is an annual turnover of 40% in the students served by Chapter 1. This is due to such factors as students "graduating out" of the program, students being promoted to unserved grade levels, new students moving into the attendance area, and students being cut from the program due to budget decreases.

#### VI. The Voucher Bill Could Have a Negative Effect on Civil Rights and Desegregation.

##### **A. THE BILL DOES NOT PROHIBIT DISCRIMINATION BY PRIVATE SCHOOLS ON THE BASIS OF SEX, HANDICAPPING CONDITION, OR RELIGION.**

--The provision in the bill stating that the voucher does not constitute Federal aid could be construed as an attempt to exempt private schools from the civil rights requirements that are now tied to receipt of Federal aid by public institutions, including Title IX (prohibiting sex discrimination) and Section 504 (prohibiting handicapped discrimination).

##### **B. THE BILL DOES NOT CONTAIN ADEQUATE PROTECTIONS AGAINST RACIAL DISCRIMINATION.**

--The annual, uncontrollable movement of students among schools could wreak havoc on desegregation plans.

--The bill gives the Attorney General unprecedented and exclusive authority to make determinations about whether a school has a racially discriminatory policy and thereby prevents interested parties from seeking a declaratory judgment regarding the discrimination policy of a voucher school. Apparently, only the Attorney General may take such action, and if he does not, no one else can seek judicial relief.



--According to a legal analysis by Americans United for Separation of Church and State, there is some question whether the bill's anti-discrimination language covers faculty hiring policy.

--The Administration claims the bill would promote voluntary desegregation; just the opposite could occur. The voucher could encourage "white flight" of the 45% of the children in the program who are white, according to Department of Education statistics. These white parents could use the voucher to send their children to a private school with few minorities, leaving the public schools less desegregated. If minority parents send their children to a private school, it may improve the diversity of that particular private school (which is not affected by court or voluntary desegregation plans) but have a negative impact on the racial balance of the public schools, which may be under obligation to desegregate.

## VII. The Bill Raises Serious Constitutional Problems.

### A. VOUCHERS WOULD STILL MEAN ENTANGLEMENT WITH RELIGIOUS SCHOOL AUTHORITIES.

--LEAs would be consulting with private schools about their programs, tuition, and anti-discrimination policies and would be making administrative arrangements for transfer of the vouchers.

--Because the voucher funds go into the general operating budget of private schools, the Federal funds could subsidize religious instruction and thereby have the effect of promoting religion under the Court's test.

--The redemption of the voucher for Federal funds by the private schools would create a direct dollar pipeline from the Federal government to the private schools.

### B. VOUCHERS ARE NOT COMPARABLE TO TUITION TAX CREDITS OR EXISTING CONSTITUTIONAL METHODS OF AIDING PRIVATE SCHOOL STUDENTS.

--A tax credit is "redeemed" by the parent and ultimately ends up in the parent's pocket. The voucher funds would be redeemed by the private school and ultimately end up in that school's coffers.

--Under the current Chapter 1 program, the public schools retain control of the Federal funds and use them to provide services to private schoolchildren. Under the voucher, the public schools would not control the funds that go into the private schools.



VIII. The Voucher Would Be a \$3.2 Billion Experiment Based on Inadequate and Inconclusive Evidence.

A. THE CONCEPT HAS NOT BEEN ADEQUATELY TESTED.

--Congressman Swindall conceded in his introductory statement that the voucher idea "certainly has not been widely tested."

--Testimony by Assistant Secretary Chester Finn conceded that, "There is little empirical evidence based on studies in the American context about some of the most widely discussed choice mechanisms. This is not surprising because, for the most part, these mechanisms have not been tried."

B. THE AVAILABLE RESEARCH SHOWS NO CONCLUSIVE EVIDENCE THAT VOUCHERS HAVE A BENEFICIAL EDUCATIONAL EFFECT AND REVEALED MANY PROBLEMS.

--As Assistant Secretary Finn summarized the Alum Rock experiment: "When parents actively chose a school, their children did not score higher (or lower) on reading-achievement tests as a result of the choice."

-The voucher experiment conducted by the Rand Corporation at Alum Rock, California, demonstrated (1) that the parents who used the vouchers were more socially advantaged; (2) that there was no evidence vouchers resulted in improved educational or social outcomes; (3) that parents primarily used non-instructional factors such as ethnic makeup and proximity to home to decide which school their children should attend; and (4) after four years, one fourth of the parents still did not know the voucher program existed, and many more lacked accurate information about it. Most interestingly, the researchers concluded (5) that the voucher program had "reams and reams of rules and regulations."

C. THE PRECEDENTS CITED BY THE ADMINISTRATION ARE NOT COMPARABLE.

--For example, the private school subsidy situation in Vermont cited as precedent applies only to non-sectarian private schools and arose because of a unique situation in very sparsely populated areas where the private schools preceded the public schools and where creating a public school for a very small number of children was inefficient.

--To cite another example, comparing vouchers to higher education student aid ignores the court cases which treat higher education church and State issues differently.