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ANALYSIS OF THE CONSTITUTIONALITY OF THE ADMINISTRATION'S CHAPTER 1  
VOUCHER PROPOSAL UNDER THE ESTABLISHMENT OF RELIGION CLAUSE OF THE  
FIRST AMENDMENT

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ANALYSIS OF THE CONSTITUTIONALITY OF THE ADMINISTRATION'S  
CHAPTER 1 VOUCHER PROPOSAL UNDER THE ESTABLISHMENT OF  
RELIGION CLAUSE OF THE FIRST AMENDMENT

INTRODUCTION

On November 13, 1985, Secretary of Education William J. Bennett unveiled proposed legislation to convert the Chapter 1 education program for disadvantaged schoolchildren, at least in part, into a voucher program. Entitled the "Equity and Choice Act of 1985," the proposal would permit the parents of children eligible to participate in Chapter 1 programs, at their option, to receive a voucher worth a proportionate share of Chapter 1 funds and to use that voucher to purchase educational services from public or private schools other than the schools in whose attendance area the children live. In introducing the proposal, Secretary Bennett said the voucher plan would give parents of disadvantaged schoolchildren "the opportunity to choose the best available education for their children" and "encourage competition among all schools." (The proposal has been introduced in the Senate as S.1876 and in the House as H.R.3821.)

The proposal would permit the vouchers to be used to purchase educational services at sectarian as well as at nonsectarian private schools. For that reason a question arises as to its constitutionality under the establishment of religion of the First Amendment, which provides that "Congress shall make no law respecting an establishment of religion...." That issue is the focus of this report.

SUMMARY OF PROPOSAL

Chapter 1 of the "Education Consolidation and Improvement Act of 1981"<sup>1/</sup> provides federal financial assistance to state and local educational

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<sup>1/</sup> P.L. 97-35, Title V, Secs. 551-558 (August 13, 1981); 95 Stat. 464-468; 20 U.S.C. 3801-3807.

agencies to meet the special educational needs of children of low-income families. State agency programs are targeted on migratory children, handicapped children, and neglected and delinquent children,<sup>2/</sup> while local educational agency (LEA) programs are targeted on educationally deprived children who live in school attendance areas having high concentrations of low income children.<sup>3/</sup> LEAs are charged with providing educational services not only to eligible children who attend public schools but also to those who attend private schools.<sup>4/</sup>

The Administration's voucher proposal would add to this statutory scheme a new option. Parents of an eligible schoolchild could receive an educational voucher worth a proportionate share of the LEA's Chapter I funds for a given year and use that voucher (1) to purchase compensatory services from a public school outside the child's school attendance area, a public school outside the child's school district, or a private school; (2) to pay part or all of the cost of tuition at any such school; or (3) to pay both. In other words, parents of eligible schoolchildren could use the vouchers to remove their children from the local school and send them elsewhere, either just for compensatory services or as full-time students. Chapter 1 would continue to require that LEAs provide compensatory services to eligible schoolchildren whose parents did not choose the voucher option, but that requirement would not apply to the schools attended by voucher children. Such schools would, however, have to meet racial nondiscrimination standards set in the proposal.

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<sup>2/</sup> 20 U.S.C. 3803(a)(2).

<sup>3/</sup> 20 U.S.C. 3805(b).

<sup>4/</sup> 20 U.S.C. 3806. If state constitutional limitations prevent an LEA from providing such services directly, the Secretary is authorized to bypass the LEA and make other arrangements for providing services to private schoolchildren.

CONSTITUTIONAL ANALYSIS

As noted above, a constitutional question under the religion clauses of the First Amendment arises concerning the voucher plan because the proposal would permit parents to use the vouchers to pay for their children's attendance at private sectarian schools. More specifically, the question is whether such indirect public aid to sectarian schools violates the establishment of religion clause of the First Amendment.

In Lemon v. Kurtzman, 403 U.S. 602 (1971) the Supreme Court first articulated its now well-known tripartite test for establishment clause cases:

First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion ...; finally, the statute must not foster "an excessive government entanglement with religion." Id., at 612-13.

Although the members of the court have become divided over the utility and appropriateness of the test in some circumstances (see, e.g., the various opinions filed in Wallace v. Jaffree, 105 S. Ct. 2479 (1985)), the Court continued to employ the test in its most recent decision involving indirect public assistance to sectarian schools. Mueller v. Allen, 463 U.S. 388 (1983). Thus, the test appears to remain the proper framework for analyzing the constitutionality of the voucher program under the establishment clause.

Neither the secular purpose nor non-entanglement aspects of the test appear to pose significant obstacles to the voucher proposal's constitutionality. In its previous decisions in this area the Court has found acceptably secular a variety of legislative statements of purpose: "the furtherance of the educational opportunities available to the young";

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<sup>5/</sup> Board of Education v. Allen, 392 U.S. 236, 243 (1968).

the promotion of "pluralism and diversity among ... public and nonpublic schools";<sup>6/</sup> the protection of the public school system from being inundated by children abandoning nonpublic schools because of cost;<sup>7/</sup> the assurance of the "full development of the intellectual capacities of children";<sup>8/</sup> and the maintenance of private schools as a qualitative "benchmark" for the public schools.<sup>9/</sup> The various purposes articulated for the Administration's voucher plan--to increase the range of educational opportunities for eligible children, to foster diversity and competition among participating schools, to extend to non-affluent families the educational choice already available to affluent ones, and to increase parental involvement in Chapter I programs--seem consistent with the purposes previously found constitutionally acceptable by the Court.

Similarly, the non-entanglement aspect of the test does not appear to pose a significant barrier. Previous decisions make clear that a program benefiting sectarian elementary and secondary schools cannot pass muster under this aspect of the tripartite test if it involves public authorities in "a comprehensive, discriminating, and continuing ... surveillance" of how the program operates in the sectarian schools. Most commonly the need for such surveillance arises where an aid program involves materials or services that are not by their nature limited exclusively to secular use and where the schools benefited by the program are pervasively religious. Because "the State must be certain, given the

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<sup>6/</sup> Committee for Public Education v. Nyquist, 413 U.S. 756, 773 (1973).

<sup>7/</sup> Sloan v. Lemon, 413 U.S. 825, 830 (1973).

<sup>8/</sup> Meek v. Pittenger, 421 U.S. 349, 354 (1975).

<sup>9/</sup> Mueller v. Allen, supra, at 395.

Religion Clauses, that subsidized teachers do not inculcate religion,"<sup>10/</sup> it must under such circumstances, the Court has held, engage in a close monitoring of how the public aid is used to be sure that it is not used to promote religion. But that very surveillance, it has repeatedly held, unconstitutionally entangles church and state.<sup>11/</sup> No such administrative entanglement, however, appears implicated by the voucher program. The vouchers simply contain no restrictions as to use that would have to be closely monitored by public officials on the premises of sectarian schools.<sup>12/</sup>

More problematic is whether the voucher plan might run afoul of the primary effect aspect of the tripartite test. In Committee for Public Education v. Nyquist, 413 U.S. 756 (1973) and Sloan v. Lemon, 413 U.S. 825 (1973) the Court held unconstitutional two state tuition grant programs benefiting parents of children attending private, predominantly sectarian schools. The New York program in Nyquist provided small tuition grants to low-income parents of children attending private schools, while the

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<sup>10/</sup> Lemon v. Kurtzman, *supra*, at 619.

<sup>11/</sup> Id.; Meek v. Pittenger, 421 U.S. 349 (1975); Aguilar v. Felton, 105 S. Ct. 3232 (1985).

<sup>12/</sup> The non-entanglement test has also at times been said by the Court to require that a program not have a "divisive political potential." That is, the Court has said that "political division along religious lines was one of the principal evils against which the First Amendment was intended to protect." Lemon v. Kurtzman, *supra*, at 622. But the Court has never invalidated an aid program solely because of its "divisive political potential." Moreover, in Mueller v. Allen, *supra*, the Court appeared to hold that such an inquiry is appropriate only in cases involving direct public aid to sectarian schools and that it is not appropriate in cases involving indirect aid, *i.e.*, aid that is channeled initially to parents and that reaches sectarian schools only as the result of independent choices made by the initial beneficiaries. See Mueller, at 403-404, *fn. 11*.

Pennsylvania program in Sloan provided somewhat more generous grants to all parents with children enrolled in private schools. In both instances the vast majority of the private schools attended--85 percent in Nyquist, 90 percent in Sloan--were sectarian. The Court rejected the argument that the indirect nature of the aid rendered it unobjectionable under the establishment clause: "... the fact that aid is disbursed to parents rather than to the schools is only one among many factors to be considered." Nyquist, supra, at 781. As a result, the Court found the same constitutional infirmity in both programs:

There has been no endeavor "to guarantee the separation between secular and religious educational functions and to ensure that State financial aid supports only the former...." By reimbursing parents for a portion of their tuition bill, the State seeks to relieve their financial burdens sufficiently to assure that they continue to have the option to send their children to religion-oriented schools.... (T)he effect of the aid is unmistakably to provide desired financial support for nonpublic, sectarian institutions. Nyquist, supra, at 783.

...(N)o matter how it is characterized its effect remains the same. The State has singled out a class of its citizens for a special economic benefit. Whether that benefit be viewed as a simple tuition subsidy, as an incentive to parents to send their children to sectarian schools, or as a reward for having done so, at bottom its intended consequence is to preserve and support religion oriented institutions. Sloan, supra, at 832.

In Nyquist the Court similarly held unconstitutional a New York program providing modest tax benefits for moderate income parents of children attending private schools: "... (I)nsofar as such benefits render assistance to parents who send their children to sectarian schools, their purpose and inevitable effect are to aid and advance those religious institutions." Nyquist, supra, at 793.

More recently, however, the Court in Mueller v. Allen, 463 U.S. 388 (1983) upheld as constitutional a Minnesota program providing tax benefits to the parents of both public and private schoolchildren. The program

permitted parents, for purposes of computing their state income taxes, to deduct from their gross income the educational expenses incurred by their children in attending elementary or secondary school. Expenses eligible for the deduction included tuition, textbooks, fees, and transportation. Despite the fact that about 95 percent of the private school students attended sectarian schools, the Court rejected the constitutional challenge that the program had a primary effect of advancing religion. Noting that the courts traditionally give broad deference to legislative judgments on tax matters, the Court stressed that in contrast to Nyquist, the Minnesota deduction was "available for educational expenses incurred by all parents, including those whose children attend public schools and those whose children attend nonsectarian private schools or sectarian private schools." Mueller, supra, at 397. "(A) program ... that neutrally provides state assistance to a broad spectrum of citizens," the Court asserted, "is not readily subject to challenge under the Establishment Clause." Id., at 398-99. Moreover, it said, Minnesota substantially "reduced the Establishment Clause objections to which its action is subject" by providing benefits to parents rather than directly to sectarian schools: "Where ... aid to parochial schools is available only as a result of decisions of individual parents no 'imprimatur of state approval' (cite omitted) can be deemed to have been conferred on any particular religion or on religion generally." Id., at 399. Finding no significance in the argument that the deduction for tuition meant that the bulk of the benefits under the program flowed to the parents of private schoolchildren and through them to sectarian schools, the Court concluded:

The historic purposes of the (Establishment) Clause simply do not encompass the sort of attenuated financial benefit, ultimately controlled by the private choices of individual parents, that eventually flows to parochial schools from the neutrally available tax benefit at issue in this case. Id., at 400.

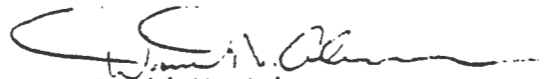
The Court in Mueller took great pains to say that it was not overruling Nyquist (and by implication Sloan), although Mueller seems to reflect a considerably more relaxed application of the establishment clause than the earlier cases. If the cases are to be reconciled, the essential difference appears to lie in the nature of the beneficiary classes. In all three cases the aid provided was general in nature, contained no limitation to secular use, and ultimately benefited sectarian schools. But in Nyquist and Sloan the immediate beneficiaries of the tuition grants and tax benefits were exclusively the parents of children attending private schools; in Mueller, in contrast, the immediate beneficiaries were the parents not only of private schoolchildren but also of public schoolchildren. The Court in Mueller eschewed any empirical analysis of who actually benefited from the Minnesota program; it was enough that the benefits were at least nominally available to a broad class of parents of both private schoolchildren and public schoolchildren. That fact, the Court said, was "an important index of secular effect."

For that reason the Administration's proposed Chapter 1 voucher plan does not appear likely to founder on the primary effect prong of the tripartite test any more than it founders on the secular purpose and nonentanglement prongs. Under its proposal the vouchers would be available to a broad class of parents, including both those whose eligible children attend private schools (including sectarian schools) and those whose children attend public schools. Because parents would have to affirmatively select the voucher as an option, it is at least theoretically possible that the class of actual immediate beneficiaries would include no parents of private schoolchildren; conversely, it could also include no parents of public schoolchildren. But

such theoretical possibilities appear immaterial to the constitutional issue. Under Mueller it appears to be enough that the program is facially neutral.

#### CONCLUSION

The Administration's proposed Chapter 1 voucher program appears to be able to pass muster under the Supreme Court's present interpretation of the establishment of religion clause of the First Amendment. The most serious question is whether the program would have a primary effect of advancing religion. But because the aid is channeled to parents rather than directly to sectarian schools and because it is available, at least nominally, to a broad class of parents of public as well as of nonpublic schoolchildren rather than to a predominately sectarian class of beneficiaries, the program appears consistent with the Court's ruling in Mueller. Mueller, it should be noted, was decided by the narrowest of margins (5-4), and thus its continued validity could be affected by the slightest change in the Court's membership. But for now, at least, Mueller appears to control the constitutional issue under the establishment clause implicated by the voucher proposal.



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VOUCHERS FOR THE EDUCATION OF DISADVANTAGED CHILDREN:  
ANALYSIS OF THE REAGAN ADMINISTRATION PROPOSAL

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## ABSTRACT

The Reagan Administration has recently renewed its proposal to authorize Federal aid for the education of disadvantaged children (Chapter 1, Education Consolidation and Improvement Act) in the form of vouchers, this time proposing that the parents of all children served by the program have this option available to them. This paper provides background on the voucher concept, an analysis of existing proposals, and pro/con arguments regarding vouchers for the education of the disadvantaged, plus a discussion of possible alternatives.

VOUCHERS FOR THE EDUCATION OF DISADVANTAGED CHILDREN:  
ANALYSIS OF THE REAGAN ADMINISTRATION PROPOSAL

On November 13, 1985, Secretary of Education William Bennett proposed an amendment to chapter 1, Education Consolidation and Improvement Act, to authorize the provision of chapter 1 assistance to disadvantaged children in the form of vouchers. Proposals of this type were made by the Reagan Administration in conjunction with its budget requests for fiscal years 1984-86, and introduced as legislation in the 98th Congress.

Under the Administration's proposal, the amount of these vouchers as well as the number of program participants to receive assistance in this form ultimately would be determined by local educational agencies (LEAs), although all parents of participating pupils would have the right to choose vouchers for their children. The parents who choose vouchers for their children would receive "checks" that could be redeemed for educational services at a public school in their LEA other than their child's regular public school, a public school outside their LEA, or a private school meeting certain minimal standards (primarily that it has not discriminated on the basis of race). Voucher funds would not have to be used for supplementary educational services to meet the special educational needs of the child. In general, chapter 1 requirements regarding fiscal accountability (i.e., that Federal aid supplement, not supplant, other funds) would not apply to programs in schools that participate solely via enrollment of children with vouchers. Nor would there be any requirement that private, or public (if the child does not attend his/her regular school), school tuition costs be reduced in consideration of the voucher.

In discussing the concept of a voucher program, Secretary Bennett has stated that its purpose would be to improve educational services for the disadvantaged by providing greater choice in the selection of schools. He has argued that this would help to reduce the gap in effective educational choice between children of affluent parents--who may currently choose to send their children to private schools or move to LEAs with purportedly higher quality public schools--and the children of the poor who do not have such options available to them because of economic barriers. Further, Mr. Bennett has cited as advantages of the concept the enhancement of parental control over their children's education, and more efficient and equitable provision of chapter 1 services to children attending nonpublic schools.

This paper provides an analysis of issues related to the concept of chapter 1 vouchers and the Administration's current proposal. The sections of this paper are:

- Background information on voucher proposals in general and chapter 1 voucher proposals specifically;
- Summary and analysis of the Administration's previous and current proposals;
- Pro and con arguments related to the chapter 1 voucher proposal, with respect to specific issue areas; and
- Possible alternatives to both the current chapter 1 program structure and the voucher proposal.

## BACKGROUND

### The General Concept

The general concept of educational vouchers has been discussed at least since the late 18th century. Proposals have been discussed and/or offered by Adam Smith in The Wealth of Nations, Thomas Paine in The Rights of Man, and by John Stuart Mill in On Liberty. More recently, the economist Milton Friedman 1/ has advocated this concept. The general concept of a voucher scheme is that education should be publicly funded, at least in part, but not provided only (if at all) by public institutions. In general, under a voucher plan, parents of school-aged children would be provided with vouchers that could be redeemed at a wide range of participating public or private schools. These vouchers would be redeemed by the educational institutions for public finances. Plans vary in the degree to which participating schools would be regulated by government or face eligibility standards, in whether families could add their own resources to the voucher value, in whether participating schools would have to accept the voucher as covering the full costs of attendance or could levy additional student charges, and in whether voucher values are equal per pupil or systematically vary to compensate for assumed additional costs of educating certain types of pupils (e.g., the handicapped or disadvantaged). It should be emphasized that a primary distinction between the general voucher concept and chapter 1 vouchers is that the former would pay virtually all of educational costs for all pupils, while chapter 1 vouchers would provide a specific group of pupils (the educationally disadvantaged) a voucher worth only a portion of their educational costs.

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1/ See The Role of Government in Education. In Solow, Robert A., ed. Economics and the Public Interest.

Among general voucher proposals, a plan in which participating schools would be required to meet certain standards is often referred to as a "regulated" voucher plan. Standards typically proposed include non-discrimination against pupils on the basis of race, sex, or religion, or inclusion in the curriculum of certain core subjects, or education about basic values of the American political system. Voucher plans providing additional funds for "high-cost" pupils with special educational needs are often called "compensatory" plans. Other sorts of voucher proposals, such as Friedman's, would provide equal value for each pupil, no restriction on private schools charging tuition in excess of the voucher amount or on affluent parents' providing extra resources to the schools their children attend, and would include profit-making schools as eligible to participate.

#### Past "Voucher-Like" Programs

One serious limitation to the discussion and debate over education voucher proposals is that no such plan has actually existed in the United States. Nor has there been a foreign model of a "pure" voucher plan, although at least one nation's education system (the Netherlands) approaches such a voucher scheme more closely than anything yet tried in the U.S. In this discussion, a "pure" voucher plan is assumed to include at least the following basic characteristics:

- provision of public funds to schools via parents of pupils;
- inclusion of a wide range of private as well as a variety of public school options;
- availability of vouchers to all students; and
- the education involved is at the elementary or secondary level.

Taking the foreign example first, some proponents of the voucher concept point to the Netherlands as a model. In the Netherlands, groups of parents dissatisfied with their public elementary or secondary school may apply to the educational authorities for creation of a separate school reflecting their particular religious, philosophical, educational or other preferences. Such "nonpublic" schools receive financial subsidies in the same amount as do public schools. However, in return for this generous level of government funding, "nonpublic" schools are heavily regulated. To a very large extent, curriculum, teacher qualification standards, and other basic aspects of the educational process are controlled by government regulations. In addition, grants to cover educational costs are not paid directly to parents--they are paid to the institutions. Thus, while it provides a great deal of influence over education policy to groups of like-minded parents, the Dutch system is not a "pure" voucher scheme, because financial subsidies are not controlled directly by individual families and because the effective range of educational offerings is substantially constrained by a high degree of state regulation of all participating schools, which would not likely be acceptable to American private schools. Also, it may be questioned whether the system in such a relatively small and ethnically homogeneous country provides a meaningful example for the U.S.

In this country, there have existed several types of "voucher-like" educational programs. The first existed in certain Southern States in the wake of the 1954 Brown v. Board of Education Supreme Court decision, which declared segregated public schools to be unconstitutional. During the immediately succeeding years, at least four Southern States enacted legislation to create "tuition grant" programs, intended to subsidize the education of white students at private schools

in lieu of desegregated (or closed to avoid desegregation) public schools. <sup>2/</sup> These were all declared to be unconstitutional in succeeding legal action, but were widely used in at least some parts of one State (Virginia) in the late 1950s and early 1960s. School districts in several Southern States also adopted "freedom of choice" school assignment plans in the 1950s and 1960s. Under these plans, students could choose to attend any public school in the district, or choose to transfer from a school in which their race constituted a majority of the enrollment to one in which they were a minority. These also were ultimately found to be unconstitutional when challenged in the courts, as being inadequate response to the requirement that schools be desegregated.

Second, it may be argued that a large number of Federal and other post-secondary education programs are essentially vouchers. Aid is provided to the student, not the educational institution, and students may use the assistance to pay costs of attending either public or nonpublic (including religiously-affiliated) schools under most of these programs, such as Pell Grants. The decision to provide most Federal aid to postsecondary education in this form--as opposed to institutional grants--was implicitly made in adoption of the Education Amendments of 1972 (P.L. 92-318). However, it should be noted that a major distinction between postsecondary and elementary/secondary education is the assumption (made by the courts as well as others) of a higher level of maturity and autonomy on the part of postsecondary students. (See, for example, the U.S. Supreme Court ruling in the case of Tilton v. Richardson, June 28, 1971.)

The "voucher-like" system that has received the most attention in the U.S. is the experiment that was conducted with assistance from the Federal

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<sup>2/</sup> Orfield, Gary. The Reconstruction of Southern Education, and Shoemaker, Don, ed. With All Deliberate Speed. The States involved were Alabama, Georgia, North Carolina, and Virginia.

Office of Economic Opportunity (OEO) in the Alum Rock school district, Santa Clara county, California. For several years beginning in 1972, the Alum Rock LEA received OEO grants to support the development and operation of a voucher program. It was initially intended that the program include both private and public schools, in line with a "regulated, compensatory" voucher concept developed by Christopher Jencks and others. <sup>3/</sup> But the inclusion of private schools was prevented by a State constitutional prohibition, so the experiment was limited to public schools. The experiment was further constrained by limitations on the number of pupil transfers that could take place, with the ultimate result that the educational alternatives usually took the form of multiple programs in each school building rather than entire schools devoted to a specific educational philosophy. In addition, teachers were protected from losing their jobs, and there were no significant financial incentives to attract additional students (i.e., a school or program budget did not automatically rise or fall in response to student demand for that program). Thus, the Alum Rock experiment was not a true test of the voucher concept. Perhaps its primary effect was to generate a great deal of interest in the educational research community in the voucher idea. The Alum Rock experiment also attracted attention to the work of two University of California professors, John Coons and Stephen Sugarman, whose books (e.g., Education by Choice, The Case for Family Control) and political activities (an unsuccessful drive for a State ballot initiative in favor of vouchers in 1980) reached a wide audience.

A fourth example is that of certain school districts in Vermont that for many years have offered parents of secondary school students the option of

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<sup>3/</sup> Center for the Study of Public Policy. Education Vouchers, A Report on Financing Elementary Education by Grants to Parents. December 1970.

sending their children to public or certain private schools. In several cases, this plan was developed because there were insufficient pupils in the LEA to justify establishment of a public high school, but a private school was already in existence in the locality. Thus, pupils' families would be given the choice of either a public school in a nearby LEA or a private school. However, this program involves only non-religiously affiliated private schools. Also, if the private school costs are greater than the LEA's average expenditure per pupil, which is the value of the "voucher", the additional costs must be paid by the parents.

Another program occasionally referred to as an example of an existing voucher scheme is the Federal program for the education of handicapped children. 4/ Under this program, each participating child's parents and the school system annually negotiate the provisions of an "individualized education program" (iep) for the child. On occasion, either by mutual agreement or after administrative or judicial action, the iep provides for placement of the handicapped child in a private school, which is deemed to provide educational services uniquely appropriate to the child's needs. While somewhat analogous to a chapter 1 voucher concept, this scheme is essentially different in that parents are not free to choose their child's educational placement on their own, and it is assumed that private schools are chosen only when they provide a type of needed service not available in the public schools, which would not be the case (at least not in the eyes of public school administrators) with the chapter 1 voucher proposals.

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4/ Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, the Education for All Handicapped Children Act of 1975.

Other examples of "voucher-like" concepts are certain programs which have recently been proposed and/or adopted by several States to provide a measure of choice among public schools, and in one case public and private colleges, to high school students. In the most publicized recent case, the Governor of Minnesota proposed in January of 1985 an "Access to Excellence" program, under which first 11th and 12th grade pupils, and later all pupils, in Minnesota public schools would be allowed to transfer to any other public school in the State. State funds would "follow the child" to the public school of his/her choice, while the State share of public school expenditures would increase significantly (from approximately 60 to 80 percent). 5/ This proposal was not adopted by the Minnesota legislature; however, the State has enacted a more limited program offering a degree of State-subsidized educational choice to 11th and 12th grade pupils. Under the Minnesota program implemented beginning in the fall of 1985, the "Postsecondary Enrollment Options Program," students in the latter two grades may enroll in public and private postsecondary institutions, with a proportional amount of State aid funds following them from their public LEA to the postsecondary school.

In addition, the State of South Dakota has recently adopted a "Family Option" measure, under which parents of high school pupils in LEAs with fewer than 45 high school pupils may elect to send their children to public schools in neighboring LEAs. The implementation of this program is apparently being delayed by legal challenges. 6/ Finally, the State of Colorado has adopted a "Second Chance" program, under which pupils who have dropped out of public school for at least

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5/ Pipho, Chris. Student Choice: The Return of the Voucher. Phi Delta Kappan, March 1985. pp. 461-462.

6/ South Dakota Superintendent Sued Over Limited Voucher Program. Education Week, Oct. 16, 1985. p. 8.

6 months may re-enroll in another participating public school, within the same or another LEA. The pupil transfers must be approved by the pupils, their parents, and both the "sending" and "receiving" LEAs. Eighty-five percent of State aid funds would follow the pupil to his/her new school. 7/ Governors or legislatures in other States have been reported to be considering proposals similar to those in these 3 States. It should be emphasized that each of these programs involve only high school students, and--with the exception of private colleges in the Minnesota program--they include only public schools.

A final example of educational activity partially analogous to vouchers is the "alternative public school" concept, implemented to at least some extent in numerous school districts throughout the country. Under this concept, certain public schools are distinguished by a specific curricular emphasis (e.g., science and mathematics, the arts, or foreign language education) or educational philosophy (e.g., "traditional" or "open plan" schools, Montessori schools), and are open to enrollment of students from throughout the LEA rather than a particular neighborhood. In recent years, so-called "magnet" schools have employed this concept as a method of voluntary desegregation. This concept remains as a possible compromise between the voucher concept and typical public school systems, and as such will be further discussed in the final section of this paper.

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7/ Currence, Cindy. Colorado Approves "Second Chance" Voucher Effort. Education Week, June 5, 1985. pp. 1, 18.

THE SPECIFIC CONCEPT OF CHAPTER 1 VOUCHERS

Chapter 1 of the Education Consolidation and Improvement Act of 1981 is a modification of the Federal program of aid for the education of the disadvantaged children first enacted as title I of the Elementary and Secondary Education Act of 1965. Under chapter 1, funds are allocated to LEAs primarily on the basis of counts of children in poverty families. The LEA is to determine which school attendance zones have the highest numbers or percentages of pupils from low-income families, then to provide supplementary educational services to the most educationally disadvantaged (not necessarily poor) pupils residing in those areas. If any of these educationally disadvantaged pupils attend nonpublic schools, then "equitable" services are to be provided to nonpublic school pupils commensurate with their number and educational needs. Thus, chapter 1 already provides compensatory educational services to pupils attending nonpublic as well as public schools. However, some critics of the current program's structure have argued that nonpublic pupils have not actually received a "fair" share of chapter 1 services, and that a recent Supreme Court decision outlawing the provision of chapter 1 services on the premises of religiously-affiliated nonpublic schools increases the "need" to find an alternative means of providing chapter 1 services to nonpublic school pupils. 8/

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8/ For a thorough discussion of issues related to the provision of chapter 1 services to nonpublic school pupils, see U.S. Library of Congress. Congressional Research Service. The Implications of Aguilar v. Felton For the Provision of Title I/Chapter 1 Assistance to Nonpublic Schoolchildren. Report No. 85-918 EPW EPW, by David Ackerman and Wayne Riddle, Aug. 20, 1985. Washington.

Apparently, the first published discussion of the idea of applying the voucher concept to chapter 1 appeared in 1981 in the Heritage Foundation's compilation of "advice" to the Reagan Administration, Mandate for Leadership. 9/ The concept was discussed only briefly in this volume. It was raised as an alternative to the approach of transforming most of the Federal elementary and secondary education programs (including chapter 1, which was at that time title I of the Elementary and Secondary Education Act) into a single block grant. The author, Ronald Docksai, argued that the chapter 1 voucher proposal would ameliorate charges from opponents that the Administration's tuition tax credit proposal favored the affluent, and would rescue "the public school monopoly's most helpless victims, the inner-city blacks and Hispanics, at a single stroke. This one victory would sound the death-knell for statist education" (p. 177).

The chapter 1 voucher proposal was repeated in additional Heritage Foundation publications by various authors since 1981, 10/ as well as a recent book published by the Free Congress Research and Education Foundation (A Blueprint For Education Reform). Another source of published support for the concept (other than the Administration itself) is the report of the Department of Education's Presidentially-appointed Advisory Panel on Financing Elementary and Secondary Education ("Toward More Local Control: Financial Reform for Public

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9/ There were earlier published discussions of the somewhat more general concept of either providing vouchers only to the disadvantaged (see Jencks, Christopher. *Is the Public School Obsolete? The Public Interest*, winter 1966), or that of providing vouchers to all pupils but making those for the disadvantaged more valuable than for other pupils (as in the "regulated, compensatory" voucher scheme developed by Jencks that was the initial basis for the Alum Rock experiment.)

10/ However, not all of these publication actually recommended that the voucher proposal be adopted. In the 1981 publication *Agenda for Progress*, the voucher proposal is discussed but ultimately opposed because of a fear that Federal regulation of participating private schools would inevitably result.

*Published prior to  
7/2/83*

Education"), published on December 31, 1982. In this report, the majority members of the Advisory Panel expressed support of both the voucher concept in general and a chapter 1 voucher proposal in particular. The Panel member who stated that a chapter 1 voucher plan would be the best way to assure equitable participation by nonpublic school pupils, would reduce Federal control of the program, and would enhance parental control over their children's education was implied, although not directly stated, that chapter 1 should be completely voucherized (i.e., all chapter 1 aid be distributed in the form of vouchers for participating children be selected on the basis of low family income rather than the combination of income and educational factors now used to select participants), and that the pool of eligible pupils be narrowed so that each voucher would be of significant value. This proposal was opposed by a minority of five of the Advisory Panel's members, who stated, "[W]e regard the entire concept of vouchers as a quagmire of uncertainty, neither the practical implementation nor the educational value of which has ever been proven or even adequately tested." (p. 13) The minority Panel members argued that the assumptions of the Panel majority in recommending vouchers--that chapter 1 is not working, that low income parents would carefully consider educational options and choose the best for their children, and that vouchers would provide meaningful choices for public schools--are invalid. They also argued that voucherization of chapter 1 would result in a loss of the current program's advantages of concentration, targeting, and specially designed supplementary educational services.

EARLIER ADMINISTRATION PROPOSAL

In conjunction with its budget requests for fiscal years (FYs) 1984 through 1986, the Reagan Administration has proposed a voucher amendment for the chapter 1 program. Legislation incorporating this proposal was introduced in 1983, and similar legislation has been introduced in 1985. 11/ Under this proposal, LEAs would have the option of distributing some their chapter 1 allocation in the form of vouchers. Whether to provide any vouchers at all, and what proportion of their their allocation to distribute in this way, would be at the discretion of each LEA, except that a State education agency could determine that all LEAs in the State must provide at least "some" chapter 1 aid in the form of vouchers.

The children eligible to participate would be chosen from among those eligible for chapter 1 services under current law (i.e., educationally disadvantaged children residing in school attendance zones with high numbers or proportions of children in low-income families). These vouchers could be redeemed at a public school (either in or outside the LEA) or a private institution. The voucher value was to be equal to the LEA chapter 1 allocation (less administrative costs) divided by the number of pupils to receive chapter 1 services in any form. There was no requirement that tuition charges be reduced in consideration of the value of the voucher, or that schools the voucher recipient attends provide any supplementary educational services in return for the voucher (except that public schools within the LEA would have to provide such services). The only major eligibility criterion for participating schools cited in the legislation was that the schools

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11/ See H.R. 2397 and S. 1690, 98th Congress. One day of hearings on the proposal were held by the House Committee on Education and Labor on April 6, 1983. In the 99th Congress, H.R. 1932, the "Minority Opportunity Restoration Act of 1985," contains essentially the same provisions.

be non-discriminatory with respect to race. It was also stated in the proposal that chapter 1 vouchers were not to be "considered to be Federal aid" to the participating schools for legal purposes; the vouchers were to be considered to be aid to the families and students, from which the schools benefitted only incidentally. The latter provisions were intended to forestall legal challenges to the proposal as embodying unconstitutional governmental aid to religiously-affiliated schools. In postsecondary student financial assistance, Federal grants to students are considered to be Federal aid to the educational institution which the student attends.

Other than a single day of Committee hearings in the House, there was no Congressional action on the 1983 voucher proposal. Also, no formal action has been taken on similar legislation introduced in the 99th Congress (see footnote 11/).

#### CURRENT ADMINISTRATION PROPOSAL

On November 13, 1985, Secretary of Education William Bennett presented the Administration's latest proposal for chapter 1 vouchers, "The Equity and Choice Act of 1985" ("TEACH"). This proposal differs from the 1983 version in two major respects--first, the parents of all children selected to receive chapter 1 services by an LEA would have the right to receive a voucher. It would not be left to LEA discretion whether and to what extent chapter 1 services would be offered in the form of vouchers, as was provided in the 1983 proposal. A second significant difference between the 1983 and 1985 chapter 1 voucher proposals is that the latter would specifically authorize the use of chapter 1 funds by the LEA to transport voucher recipients to the public or private school of their choice,

even if these schools are located outside the LEA. Any funds expended for such transportation would come from the overall chapter 1 local administrative cost budget, not the amount set aside for the costs of vouchers.

According to Administration documents accompanying "The Equity And Choice Act of 1985," the proposed legislation would provide the following benefits:

- a greater range of educational alternatives for educationally disadvantaged children;
- availability to poor parents of some of the educational choices now available to the affluent, who may choose to send their children to private schools, or "choose" their public school via residential relocation;
- creation of market incentives and competition for schools;
- greater parental involvement in the education of their children;
- improvement in the quality of teaching (under an assumption that teachers in "choice" programs are more committed to teaching and have higher levels of job satisfaction); and
- fulfillment of the chapter 1 requirement for equitable provision of services to non-public school children in a Constitutional manner.

Under the "TEACH" proposal, each LEA receiving chapter 1 funds would be required to hold an annual public meeting to inform parents of their option to have their educationally disadvantaged children receive chapter 1 services in the form of vouchers. Representatives of private schools would be invited to make presentations at these meetings. Parents would also be required to receive written notice of their voucher options. The parents of any children selected by the LEA to receive chapter 1 services could choose to receive vouchers. Those parents of selected children who elect to receive vouchers could use them to purchase compensatory educational services or to pay regular tuition costs, or a combination of the two. Educational services could be purchased at:

- a. any public school within the LEA, if the LEA already has or wishes to adopt a policy allowing pupils to transfer between schools (i.e., the LEA need not allow such intra-LEA transfers);
- b. any public school outside the LEA; or
- c. any private school (including proprietary schools) which has not been found to discriminate among pupils on the basis of race.

Schools receiving voucher funds would be required to provide compensatory educational services to participating children, or meet other current chapter 1 requirements regarding fiscal accountability or program design, only if the school already was a chapter 1 target school. Thus, a school would not be subject to chapter 1 program requirements simply because one or more pupils receiving vouchers decided to attend that school. There would be no guarantee that chapter 1 funds distributed as vouchers would be used to purchase compensatory educational services intended to meet the special educational needs of educationally disadvantaged children. In particular, with the exception of expenditures for transportation, the requirement that chapter 1 supplement, rather than supplant, educational expenditures that would otherwise be made from non-Federal funds would not apply to voucher expenditures. Vouchers could simply be used to pay regular tuition costs, at either private schools or public schools other than those which the pupil would normally attend, including public schools within the LEA.

The voucher amount would be equal to the total chapter 1 expenditures for the year, less administrative expenses (including transportation and other costs of administering the voucher program), divided by the number of children selected by the LEA to receive chapter 1 services for the year. If a voucher amount exceeds the costs of tuition plus any compensatory educational services provided by the school a participating pupil decides to attend, the excess is to be returned to

the LEA. According to the proposal, chapter 1 vouchers would not constitute Federal aid to the recipient schools (a point which would likely be debated in the courts), and not be taxable income to the schools.

Private schools eligible to participate in the chapter 1 voucher program must offer a full-time educational program but need not be State-approved. The only requirement for such schools described in detail in the proposed legislation is that the schools cannot have been found to discriminate among pupils (including applicants) on the basis of race. It is noted that the failure to pursue or achieve any racial quota or proportion would not constitute a racially discriminatory policy or action. The provision that vouchers do not constitute Federal aid would, if upheld in the courts, free schools receiving vouchers (but not participating in other Federal programs) from certain other requirements normally applied to Federal aid recipients, such as non-discrimination on the basis of sex (title IX of P.L. 92-318), or of handicap (Sec. 504 of the Rehabilitation Act of 1972), or the general Federal prohibition against racial discrimination (title VI of the Civil Rights Act of 1964).

The current chapter 1 requirements regarding non-public pupil participation would continue to exist without significant modification. In addition, the current chapter 1 fiscal accountability and program design requirements would continue to apply to "regular" (i.e., non-voucher) chapter 1 programs. Thus, the voucher proposal would create two parallel chapter 1 systems, each of them involving both public and non-public school pupils. Schools would not fulfill the non-public participation requirement simply because they had offered to all participating pupils the option of choosing a voucher which could be "cashed in" at a non-public school. Further, the degree to which the two chapter 1 systems would be subject to Federal legislative requirements would differ greatly, with all

current regulations applying to the "regular" chapter 1 program, and virtually none of them to the schools participating solely via receipt of vouchers. Private school officials would have an incentive to encourage the families of any pupils selected to participate in chapter 1 who attend or might choose to attend their schools to elect the voucher option, in order to minimize programmatic constraints and assure receipt of at least the district average level of chapter 1 funds per pupil.

The effective date of the "TEACH" proposal would be July 1, 1986.

#### PRO AND CON ARGUMENTS

Arguments that might be offered by proponents and opponents of chapter 1 voucher proposals are presented below. These will be discussed with respect to individual issue areas (see sub-headings). Note that certain issues relevant to a general voucher concept are not relevant to the specific concept of chapter 1 vouchers (e.g., whether to give vouchers of different value to disadvantaged children compared to others) and will not be discussed below.

##### A. Types of Educational Services Most Likely to Meet the Needs of Educationally Disadvantaged Children

Inherent in the chapter 1 voucher proposals is a challenge to the conventional wisdom reflected in the current chapter 1 legislation, that the needs of educationally disadvantaged children are best met through special educational services specifically designed to meet those needs. These services most frequently take the form of several hours a week of special instruction, in either the child's regular classroom or--more often--a separate setting, in basic reading, mathematics, or related skills. Such instruction is usually more intensive than other instruction received by elementary and secondary school pupils in

terms of pupil-teacher ratio, individualized attention, or use of instructional equipment.

The voucher proposal reflects an opposite approach to the needs of educationally disadvantaged children. Rather than receiving special services in a public or private school in their LEA, participating children could attend a private or non-LEA public school with no guarantee of receiving special services to meet their individual needs. However, these children would be able to benefit from the entire "regular" educational program of these alternative schools. The implicit assumption is that the special services that have been funded with chapter 1 assistance have had limited success, 12/ and disadvantaged children would be best served by being enabled to attend more effective schools chosen by their parents. Voucher proponents argue that this would simply provide to the poor the same choice that is now available to the affluent--to either send their children to private schools or to public schools deemed to be more effective in another LEA (i.e., by moving their residence).

#### B. How "Meaningful" a Choice?

Opponents of chapter 1 vouchers have argued that the proposal does not provide a "meaningful" choice to the parents of disadvantaged children. This is said to be the case because under the Administration's proposal, the likely value of such a voucher is well below the tuition charges of private schools; an LEA would only be authorized--not required--to pay transportation costs; there is no guarantee that private (or non-LEA public) school tuition would be reduced in

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<sup>12/</sup> For a detailed discussion of chapter 1 evaluations, see U.S. Library of Congress. Congressional Research Service. Education for Disadvantaged Children: Federal Aid. Issue Brief No. IB81142, by Wayne Riddle, (regularly updated). Washington.

consideration of vouchers; and private schools are not evenly distributed across the country. Data recently released by ED indicate that the average chapter 1 grant per pupil served in 1983-84 was \$656. State averages varied from \$280 per pupil in California to \$1,133 in Alaska. This figure is most appropriately considered in its relation to average private school tuition costs, the most recent available of which are for 1982. The 1982-83 average chapter 1 expenditures per pupil served, approximately \$540, *Wrong figure!* would be well below average tuition costs at private elementary and secondary schools of \$1,029 in 1982. *Wrong figure* The average tuition level for religiously-affiliated private schools only was \$827 in 1982. <sup>13/</sup> Average tuition levels at elementary private schools may be lower than those amounts, but comparable data are not available for elementary versus secondary schools. Non-LEA public schools generally also charge tuition, but there are no data available on their average levels. The Administration proposal would not prohibit the charging of tuition for attendance at schools other than a pupil's regular school within the same LEA. There are no data on the current extent to which such charges are made or their average level. Therefore, unless an LEA chooses to serve many fewer students in chapter 1 and greatly increase the expenditure per child, the chapter 1 voucher would typically provide only about 52 percent of average private school tuition (65 percent for religiously-affiliated schools) and the remainder would have to come from the parents or some other source. Beyond this, it is usually assumed in voucher theory that costs (and voucher values) for educating disadvantaged or handicapped children are greater than for other children. This would imply the need for voucher values greater than average

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<sup>13/</sup> U.S. Bureau of the Census. Statistical Abstract of the United States, 1985. p. 146.

tuition to provide an incentive for private schools to enroll disadvantaged pupils, not a voucher worth only about one-half to two-thirds as much as average tuition.

In response, voucher proponents note that in the debate over tuition tax credits, it is not doubted that a subsidy of less than the full costs of private schooling is a significant incentive and benefit to parents wishing to send their children to such schools. They argue that LEAs might indeed choose to target their chapter 1 resources on fewer students in order to provide vouchers equal to a high proportion of private school tuition costs and to better target the program on the most disadvantaged. Further, if the average tuition cost is \$1,029 then approximately one-half of schools charge less than that, and inner-city parochial schools or other schools with a special concern for the disadvantaged are likely to be heavily represented among the less expensive schools. Also, although comparable data are not available, it is generally assumed that elementary private schools charge lower tuition than do secondary schools, and the great majority of chapter 1 participants are in elementary grades.

Finally, the distribution of private schools is less uneven than in the past, with the recent renewal of interest in private education throughout the country, so poor parents are likely to have private schools nearby to choose from. According to Census Bureau data, in 1982, private elementary and secondary school enrollments were almost evenly distributed among three of the four regions:

<u>Region</u>	<u>Private School Enrollment 14/</u>
Northeast	1,171,000
Midwest	1,260,000
South	1,026,000
West	693,000

### C. How "Well-Informed" a Choice?

A crucial issue with respect to any proposal to increase parents' control over the education of their children is whether their choices will be well-informed ones--whether the parents will be knowledgeable about the options available to their children, will understand them and be able to select among them the one best suited to their child's needs. This issue is particularly relevant to a proposal to provide vouchers to children who are educationally disadvantaged--whose parents are relatively likely themselves to be poor, and have low levels of education and literacy.

The Administration voucher proposal attempts to deal with concerns about the availability of information by requiring LEAs to inform parents in writing of voucher options available to their child, and to hold annual public meetings at which private and public school representatives would discuss alternative educational programs for the disadvantaged.

Proponents of voucher proposals tend to argue that it is a "derogatory myth" to assume that poor parents are less able than others to evaluate educational options and select the best among them for their children. They argue that the primary factor separating poor from other parents is not their ability to make well-informed decisions but their financial ability to carry out their preferences. They point to the numbers of poor, inner-city families who at great financial sacrifice are sending their children to parochial or other private schools in order to escape their low-quality or undisciplined public schools.

Opponents of vouchers point to low educational and literacy levels of large proportions of parents of the educationally disadvantaged as sufficient evidence that these parents are unlikely to be able to make appropriate, well-informed

choices about their children's educational options. <sup>15/</sup> They also point out that large numbers of poor children, especially in minority families, do not have complete families--i.e., that they often live with only one parent or no parents. According to a recent Congressional Research Service study, in 1983, 50.3 percent of all poor children were in female-headed families. For poor black children, the proportion in female-headed families was 75 percent. <sup>16/</sup> From a slightly different perspective, low-income parents may be viewed as wanting a better life for their children, but needing the guidance of school system personnel in making educational choices.

Both proponents and opponents of vouchers point to findings of evaluations of the Alum Rock experiment as supporting their position. Proponents note that although the parents of disadvantaged children were less well-informed at the beginning of the Alum Rock program, an extensive, multi-media campaign succeeded in substantially reducing the information gap by the fourth year of the program. Therefore, proponents argue that program stability and aggressive dissemination of information may make the parents of disadvantaged children sufficiently well-informed to make appropriate choices for their children. According to the Rand Corporation study of Alum Rock and other alternative public school programs, "[D]istricts can help the lessadvantaged families understand the system more

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<sup>15/</sup> In 1982-83, the poverty rate for children in two-parent families where the father failed to complete high school was 31.1 percent and in female-headed families where the mother failed to complete high school was 80.6 percent. This may be compared to an overall poverty child rate of 12.4 percent. (U.S. Congress. House. Committee on Ways and Means. Children in Poverty. Committee Print, 99-8. p. 128.) In addition, in 1982, 53.6 percent of all poor families was headed by a person without a high school diploma or its equivalent. (U.S. Bureau of the Census. Characteristics of the Population Below the Poverty Level: 1982. p. 17).

<sup>16/</sup> House Committee on Ways and Means, Children in Poverty print 99-8, May 22, 1985. pp. 59 and 72.

quickly by keeping it stable, tailoring their strategies for disseminating information to fit the habits and preferences of different subpopulations, and lowering the costs of information gathering for parents." <sup>17/</sup> In contrast, opponents of vouchers note that even in the fourth year of the Alum Rock project, approximately one-quarter of poor parents apparently were totally lacking in knowledge about the availability of alternative educational programs for their children. They note that the information "networks" most often used by the poor in Alum Rock were primarily oral and non-English, and that the information needed for school selection is too complex and varied to be adequately communicated in this fashion. They also note that extensive information dissemination programs require significant amounts of effort and money.

D. What Will Be the Effects on Children Remaining in Their  
"Regular" Public Schools?

Voucher proponents argue that rather than weakening the public schools, vouchers and the resulting strengthened competition from private schools would force the public schools to be more efficient and effective. This is based on application of a "free market" model to the provision of educational services--the assumption that the greater the number of competing providers of such services, the higher the average level of quality (relative to cost) of those services. Most Americans regularly apply this line of logic to our consumer economy. Voucher proponents also argue that the provision of vouchers to the educationally disadvantaged is likely to improve the racial/ethnic and economic integration of both the public and private school sectors, reducing the presence of poor or

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<sup>17/</sup> A Study of Alternatives in American Education, Vol. VII: Conclusions and Policy Implications, p. 44.

minority students in the public schools and increasing their numbers in private schools.

In contrast, voucher opponents note that a structural model appropriate to consumer economics should not be automatically applied to the provision of educational services. The services of consumer goods are almost invariably less, costly than education; it is typically possible for the consumer to have greater information about product quality and to adjust future purchases in light of new information; and one's choice of a consumer good does not have the lasting effect on both the consumer and society at large as is the case with education. In addition, the potential loss of students from chapter 1 projects in their "regular" public schools, and the annual uncertainty over the choices that parents might make in placing their children, will reduce the ability of LEAs to plan for and concentrate resources on the development of quality compensatory education programs. With fewer children per program, the average cost per participant is likely to rise, and the number of participants to fall in lieu of substantial appropriation increases. The "uncontrollable" movement of students into and out of various public schools is likely to create difficulties in the administration of court-mandated desegregation plans and other educational activities.

#### E. To What Extent Will or Should Participating Private Schools Be Regulated?

The Administration's proposal provides that participating private schools be regulated only to the extent of not discriminating on the basis of race. In this issue area, voucher opponents have come from two disparate groups--individuals critical of the provision of public support to "unaccountable" private schools, and individuals who emphasize the potential for government regulation to follow support in the form of vouchers, no matter what the provisions of current

proposals or the intentions of those proposing them. Those in the first group argue that schools receiving substantial public subsidies should be required to meet relatively strict requirements regarding their curriculum and other educational policies. To leave publicly-subsidized private schools essentially autonomous would amount to a lack of appropriate accountability to the taxpayers for use of their funds in accord with publicly agreed-upon needs, goals, and priorities. They note that under current Federal elementary and secondary education aid programs, funds are provided for services to nonpublic school pupils only in narrowly defined areas (as with nonpublic participation in chapter 1) and after negotiation and agreement between public and nonpublic school officials. They argue that to provide vouchers with virtually no public control over their use would represent an irresponsible shift away from these practices.

The second group of voucher opponents argues that regulation probably will follow the subsidy. The latter individuals are concerned that acceptance of vouchers and the inevitably subsequent public regulation would destroy the independence, autonomy, and special character of private schools. They point to the Netherlands and other nations that provide substantial public assistance to nonpublic schools--accompanied by a relatively high degree of government regulation--as providing examples of what would happen here if a voucher plan were adopted. Commenting on experience with a British Columbia (Canada) program of public aid to nonpublic schools begun in 1978, one analyst has concluded that "...after the initiation of direct government assistance, the schools ceased to be close-knit communities with shared goals and personal commitments. No longer did the private schools seem special in any way. They became clones of the public

schools." 18/ Ultimately, these individuals feel that the costs to private schools of vouchers would exceed the benefits.

Proponents of vouchers dismiss the arguments of both groups. To those who argue that vouchers provide insufficient accountability for use of public funds, they argue that the best guarantee of proper and efficient use of subsidies is the vigilance of parents who will closely monitor their children's education, and be prepared to change schools if the education provided by the current one is unsatisfactory. They argue that this form of "quality control" is more quickly and effectively invoked than any form of bureaucratic regulation. In response to those concerned about "excessive" government regulation of private schools, proponents argue that such a degree of regulation is not inevitable--that it is neither provided by the proposed legislation nor would it occur in the future if private school advocates remain vigilant and politically active.

Proponents of vouchers argue that if it is desirable to maximize parental control over education, then governmental control and regulation should be minimized. They feel that "consumer sovereignty" will be the best guarantee of educational quality in the long run, and will be more effective in this respect than government regulation has proven to be. They also argue that with respect to private schools, especially sectarian ones, minimal governmental involvement and regulation will maximize the probability that the Federal courts will find vouchers to be Constitutional. This is based largely on the Aguilar case finding that chapter 1 has previously involved "excessive entanglement" of public school authorities with sectarian private schools.

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18/ Snyder, Alan K. Public and Private Schools. In Gardner, Eileen M., ed. Critical Issues, A New Agenda for Education. p. 25.

F. Would Vouchers Be a Preferable Way to Meet the Chapter 1 Requirement for Equitable Participation by Children Attending Nonpublic Schools? 19/

One of the reasons for the high degree of current interest in chapter 1 vouchers is the Aguilar v. Felton decision of the Supreme Court. The Court determined that the provision of chapter 1 services by sending public school teachers to religiously-affiliated nonpublic schools is unconstitutional, as involving "excessive entanglement" between public and religious officials. Proponents of chapter 1 vouchers argue that this scheme now offers the only practical way to equitably serve nonpublic school pupils under chapter 1. Via vouchers, nonpublic pupils could receive chapter 1 services in their own schools and during regular school hours. Further, since vouchers would be available to pupils attending both public and nonpublic schools, they are analogous to the Minnesota education tax deduction plan, which was found by the Supreme Court to be constitutional. 20/

Opponents of chapter 1 vouchers argue that not only are vouchers unnecessary as a means to provide chapter 1 services to nonpublic school pupils, they are also of dubious constitutionality, and would fulfill the requirement for equitable services to nonpublic pupils only under certain narrowly-defined circumstances. Means for serving nonpublic pupils under chapter 1--other than either sending public school teachers into nonpublic schools or vouchers--are available and have been used by many LEAs in the past. These methods include instruction

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19/ For a much more complete discussion and analysis of these issues see U.S. Library of Congress. Congressional Research Service. The Implications of Aguilar v. Felton For the Provision of Title I/Chapter 1 Assistance to Nonpublic Schoolchildren. Report No. 85-918 EPW, by David Ackerman and Wayne Riddle, Aug. 30, 1985.

20/ Mueller v. Allen, 1983.

in mobile classrooms, in neutral sites, in public schools, or via some of the newer instructional technologies (e.g., microcomputers). Further, the Supreme Court decision in the Minnesota tax deduction case does not necessarily serve as a model for the constitutionality of a voucher program. The Minnesota program is very limited and involves small amounts of money per pupil. Finally, the proposed voucher provision would not eliminate the need to provide for equitable non-public participation in the "regular" chapter 1 program, which would remain as a separate requirement.

G. "Whose education (and whose child) is it, anyway?"

Probably the most basic issue related to any voucher proposal is who, or what agency, should have primary control over a child's education--the child him-/herself, the family, school system professional staff, the school board, the community at large, or some other entity? Elementary and secondary education is generally viewed as providing a variety of both individual (e.g., personal development, greater earning power, absorption of culture, etc.) and social (e.g., development of a productive workforce, instilling of discipline, respect for law, democratic values, etc.) benefits. To some extent, proponents and opponents of vouchers differ not so much in emphasizing social vs. individual benefits as in the practical definition of the "society" to be considered. Some proponents of vouchers tend to view American society as being constituted of groups with different and largely unreconcilable values. With education viewed as intimately related to those values, a strong emphasis is placed on educating children in communities that reflect and reinforce the specific value orientation of the parents. Also, with respect to individual benefits, many proponents of vouchers tend to focus on the child's family and its influence on educational policy, rather than the preferences of the child him-/herself. Children's current and

future needs are seen as being best met through a thorough instillment of the values of the parents, in an educational environment specifically devoted to nurturing those values. Further, the child's family is seen as more interested in and concerned about a child's education and welfare than any other person or entity.

In contrast, many opponents of vouchers tend to emphasize the benefits of education to society in a larger immediate sense, meaning the nation as a whole. They tend to consider it feasible that public schools might reflect a core of values mutually agreed upon by the great majority of society, without violating the rights of those who hold more specific personal values (the expression of which is best left to environments other than school). Opponents of vouchers also tend to emphasize the value of exposure to individuals holding a variety of beliefs, both to encourage the development of tolerance and to provide a broader base of experience and knowledge. They also tend to focus more specifically on the current and future educational interests of the child, in the sense of assuming that the child is best served by exposure to a variety of values and beliefs in order to make better informed choices about his or her own values. In other words, it is argued that placement of the child in an educational environment that thoroughly reflects and attempts to effectively instill the values of the child's parents reduces the range of options available to that child to determine his or her own values and future.

According to one analyst of voucher proposals, "...[F]or most children, parental choice almost certainly means less diversity, less tension, less opportunity for personal change than they would find in schools to which they were

politically assigned." 21/ The significance of such limitation of pupil exposure to a range of values and beliefs depends on the value one places on the "autonomy" of the pupil as an educational goal, versus the "rights" of the family to control a child's learning environment. When considering a proposal for vouchers for the disadvantaged, the importance of this line of debate may depend largely on whether one assumes the values being passed from parents to child are purely religious or philosophical in nature, or are related to socio-economic status. The authors of a Rand Corporation report on the Alum Rock and other public school alternative programs have argued that, "...[V]ouchers will tend to create greater transmission of inequalities from generation to generation than the present public schools... because parents seem to pursue child-rearing patterns that are consistent with and reinforce their own values and class position in the society ....[T]o the degree that parents will tend to choose schools that emphasize the ingredients for success consistent with their niche in the occupational hierarchy, the schools will tend to reproduce in children the work values and orientations associated with the occupations of their parents." 22/ In contrast, Coons and Sugarman argue that public schools reflect a bland, majoritarian sameness, and that "...[A]utonomy is better promoted...when children are exposed to intense moral commitment than to shoulder-shrugging 'neutrality'." 23/

However, with respect to this most general set of issues regarding vouchers, the above arguments somewhat oversimplify the range of opinions of voucher

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21/ Walzer, Michael quoted in *Educating Our Children: Whose Responsibility?* Report from the Center for Philosophy and Public Policy. Winter 1985. p. 3.

22/ *A Study of Alternatives in American Education, Vo. VII: Conclusions and Policy Implications*, pp. 18 and 20.

23/ Quoted in *Educating Our Children: Whose Responsibility?* p. 3.

proponents. Several of the points of argument attributed to voucher opponents above could be, or have been, used by voucher proponents as well, from a slightly different perspective. Taking an argument from voucher opponents, some proponents have argued that there is indeed a core set of American values that should be reflected in schools, but that in practice, the "Judeo-Christian" American value heritage is best reflected in private, not public schools. Other voucher opponents have focused on arguments favoring the exposure of pupils to a variety of values and viewpoints, and stated that this is best achieved through the availability of a wide variety of nonpublic school programs. Finally, some voucher proponents have argued that the interests of American society as a whole would be best served through raising the quality of education, and this could be better attained through the competitive voucher system than a public school "monopoly."

#### POSSIBLE ALTERNATIVES TO BOTH CHAPTER 1 VOUCHERS AND THE CURRENT PROGRAM

In the analysis of the Administration's chapter 1 voucher proposal, it might be considered whether some of the intended purposes of the proposal--primarily increased parental influence over and satisfaction with their children's education--might be met at least partially through other approaches involving less radical change in current program practices. Five such possible approaches are discussed briefly below.

##### A. Alternative Public Schools

As noted earlier, the Alum Rock voucher experiment actually involved only alternative public school programs. Other alternative public school programs are provided in numerous LEAs throughout the country. While offering a more constrained range of options than a voucher plan that includes private and non-LEA

public schools, alternative public school plans do offer multiple schools and educational approaches, would enhance parental control, and introduce a limited measure of competition between schools. It is often considered appropriate to provide school principals an increased degree of managerial autonomy in native public school plans, which has frequently been recommended as a means of improving school effectiveness. 24/

Opponents of this approach might argue that the appearance of a significant range of options would be essentially superficial, that only the freedom from government control found in private schools can provide a meaningful alternative to parents. They might further argue that many existing alternative public school programs severely limit competition between schools and provide few concrete incentives (such as pay increases) to alternative school staff to improve their effectiveness.

#### B. Greater Parental Involvement in Chapter 1 Projects

Previous to adoption of the Education Consolidation and Improvement Act in 1981, the title I (Elementary and Secondary Education Act) legislation required participating LEAs to establish active parental advisory councils at each project school, plus an LEA-wide advisory council. In chapter 1, this requirement has been replaced by a much less specific requirement that chapter 1 projects be "designed and implemented in consultation with parents" of participating children (sec. 556(b)(3)). A recent study of implementation of chapter 1 found that 10 of

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24/ See, for example, "Investing in Our Children" by the Committee for Economic Development. "High School: A Report On Secondary Education in America" by the Carnegie Foundation for the Advancement of Teaching. And "Action for Excellence: A Comprehensive Plan to Improve Our Nation's Schools" by the Education Commission of the States.

24 sample LEAs had eliminated their parental advisory councils and that the scope of parental advisory activities had been reduced in all the sample LEAs. 25/ A renewed emphasis on parental involvement in chapter 1 projects might increase parental control and satisfaction with minimal modification of the overall program structure.

Opponents of this option might argue that it represents the kind of highly prescriptive Federal regulation that the chapter 1 legislation was intended to eliminate. They might note that the degree of effective parental control over public school programs, even where formal parental advisory councils are required, has been rather limited. They might also note that a major study conducted in the final years of title I found that local program administrators considered the parental involvement requirements to be among the most burdensome and least educationally necessary of all title I regulations. 26/

#### C. Greater Community Control of School Governance

In essence, this is option 2 (above) extended to apply not just to chapter 1 and parents of participants therein but the entire school program (and conceivably all schools--not just those with chapter 1 projects). Widely varying degrees of such community control have been implemented in many localities, especially over the last two decades. Opponents of this alternative might argue that this concept has more applicability as an alternative to a general voucher proposal than a chapter 1-specific voucher proposal, since attachment of such a requirement would

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25/ McLaughlin, Milbrey, W., et al. State and Local Response to Chapter 1 of the Education Consolidation and Improvement Act, 1981. p. 142.

26/ See Advanced Technology, Inc. Local Operation of Title I, ESEA 1976-1982: A Resource Book. Chapter 6.

involve using a special purpose, limited Federal program as a "lever" to modify the entire LEA governance process. They might argue that such would violate well-established principles of State and local primacy in public school governance. Further, they might note that such a scheme does not directly provide greater control to individual families, but only to local community majorities of parents and other citizens. Thus, local religious and other minorities would still have no effective means of selecting schools in line with their preferences.

Proponents of this alternative might argue that it would meet the goal of increased parental control without offering possibly unconstitutional public aid to religiously-affiliated schools, and without the transportation and other logistical disruptions potentially associated with LEA-wide alternative public school plans (number 1 above). They also might argue that local control would actually be enhanced if Federal aid were used as the means of assuring greater control of local communities over their schools.

#### D. A Pilot Voucher Program

A fourth alternative is the authorization of a pilot voucher program, to test the use of chapter 1 vouchers in one or a few LEAs. Such a proposal would be consonant with arguments that vouchers are "radically" different from any educational scheme yet implemented in this country, and should be tested and evaluated before being authorized for use on such a wide scale as contemplated by the Administration's previous chapter 1 proposal. The participating areas could be selected to constitute a representative sample of all LEAs, and the effects of offering chapter 1 vouchers could be evaluated without enacting potentially disruptive changes to the entire program. Future legislation could be developed in light of the findings of these evaluations.

Opponents of this alternative might argue that it would unnecessarily waste time and prevent parents from choosing a better educational program for their educationally disadvantaged children for several years. They might also argue that existing studies of previous "partial" voucher programs (e.g., Alum Rock) provide sufficient guidance as to parental and school system response to a voucher plan.

#### E. Tuition Tax Credits

It might be argued that the adoption of tuition tax credits, if of the "refundable" variety (i.e., if the taxpayer owed less in Federal income taxes than the value of the credit, the credit amount would be paid to the taxpayer), is an alternative means of accomplishing the intended purposes of a chapter 1 voucher plan. Although existing tuition tax credit proposals extend eligibility to a wide range of family income levels and generally could be used only to pay nonpublic school costs, a tax credit plan could be developed that would be limited to low-income families and would extend to tuition charges at non-LEA public schools.

Opponents of such a plan might argue that in terms of aid to educationally disadvantaged pupils, the efficiency of such a plan would be poor, since the correlation of educational disadvantage and low income, while high for groups of pupils, is low for individuals. 27/ They also might argue that the constitutionality of tuition tax credits is at least as dubious as that of vouchers.

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27/ According to the Department of Education's "Sustaining Effects Study" of chapter 1, the correlation between poverty income and low pupil achievement is relatively low for individual pupils (.30), but relatively high when considering concentrations of pupils with those characteristics in school atten-

A tax credit program would also likely provide for little or no regulation of the schools involved. Such a plan also would not reach the "poorest of the poor"-- pupils in families who receive no taxable income and do not file tax returns.



**NEWS**

ARCHDIOCESES OF LOS ANGELES AND SAN FRANCISCO  
DIOCESES OF FRESNO, MONTEREY, OAKLAND, ORANGE, SACRAMENTO, SAN BERNARDINO, SAN DIEGO, SAN JOSE, SANTA ROSA, AND STOCKTON

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**FOR IMMEDIATE RELEASE**

**February 27, 1986**

**CATHOLIC SCHOOL MISREPRESENTED BY U.S. CONGRESSMAN**

At a February 26th hearing of the House of Representatives' Education and Labor Committee, U.S. Secretary of Education William Bennett described the Administration's proposal of optional vouchers for Chapter 1 federal compensatory education programs.

Offering an example, Secretary Bennett suggested that these vouchers could help poor students needing remedial instruction attend All Saints Catholic School. Located in the El Sereno area of Los Angeles, All Saints serves a largely Hispanic population; over 90% of the student body are minorities.

As reported by the Associated Press, Congressman Augustus Hawkins of Los Angeles, chairman of the committee, refuted Bennett's suggestion, stating: "All Saints would probably reject most of the students you're talking about; it's very selective."

According to the school's principal, Mary Roehrich, 65% of the students presently attending have already been identified as "Chapter 1 eligible;" they meet the criteria of being educationally disadvantaged residents of a low income area.

Commenting on Representative Hawkins' statement, Dr. Joseph McElligott, Education Director of the Sacramento-based California Catholic Conference stated: "I'm disappointed that a California Congressman would use his

national platform to discredit or misrepresent inner city Catholic education in his home state. It is particularly disappointing to learn of his apparent misrepresentation of All Saints School and the Chapter 1 issue when as recently as December 12th he wrote and advised me of his committee's intention 'to have a full and fair discussion of this issue'."

McElligott further noted: "Given the disadvantaged population served by All Saints School, and hundreds of other Catholic inner city parochial schools in California, it is inconceivable that an objective person would characterize such schools as 'very selective'."

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# School Vouchers, Lobby Strong

**By Pat O'Donohue**  
*Statesman Journal Staff Writer*

ORLANDO, Fla. — The climate is improving in Congress for President Reagan's plan to provide vouchers for private school tuition, a lay House aide predicted Sunday.

A "very powerful lobby" — Roman Catholic parents and their clergy — is requiring Congress to seriously consider an idea that was "laughed off" three years ago, said John Jennings, chief counsel to the

House Education and Labor Committee.

"A great deal of dissatisfaction among Catholic parents and Catholic school people" has erupted since a U.S. Supreme Court decision deprived them of remedial education services this year, Jennings told the convention of the National Association of Secondary School Principals.

The court ruled last summer that public school vouchers could not provide the remedial classes, under

the federal Chapter I program, on the premises of church-related schools.

The result, said Jennings, is that many Catholic schools lost the services when public schools could not come up with alternate methods to provide them.

Education Secretary William Bennett cited the problems caused by Supreme Court ruling when he introduced the voucher plan, arguing it would be an easy way for Catholic parents to preserve remedial classes for their children.

The plan would give parents of disadvantaged students, eligible for the Chapter I program, vouchers averaging \$600 each. They could be used to pay tuition to the public or private school of the parents' choice. The voucher money would come

from Chapter I, which now pays public school districts to provide the remedial classes.

Nothing in Bennett's plan, however, requires the voucher money to be used to buy remedial services. It could be used to attend a school that has no remedial classes.

The high school principals' association, like almost all other public school groups, opposes vouchers as a blow to public education.

Jennings, who works for House Democrats, made clear that he agrees, calling the voucher plan "outrageous."

But the U.S. Catholic Conference, an organization of Catholic bishops, has endorsed the Reagan-Bennett plan. Three years ago, the bishops opposed it.

# Education vouchers

*'The truth  
in Christ'*

**By Cardinal  
Bernardin**



In the past year or so U.S. Secretary of Education William J. Bennett has stirred up considerable controversy by his outspoken advocacy of traditional values in education and, especially, by his criticism of Supreme Court decisions which affect the relationship of religion and education.

"Four decades of misguided court decisions, intensifying in the last 20 or so years," is how Secretary Bennett characterizes the Supreme Court's rulings in this area. He adds:

These decisions have had two effects: they have thrust religion, and things touched by religion, out of the public schools; and they have made it far more difficult to give aid to parents of children in private, Church-related schools.

In terms of curtailing aid to parents of nonpublic schoolchildren, the Supreme Court's latest, and in some respects most outrageous, action came last summer when it decided that it is a violation of the Constitution for public schoolteachers to go into Church-related schools to give remedial instruction to needy children.

**THE PROGRAM IN QUESTION** — Chapter I of landmark 1965 federal education legislation — had been in operation for two decades. It was widely regarded as a model of government assistance to nonpublic school pupils. Approximately 200,000 private school students were benefiting from the remedial services. Much good had been done, and no visible harm had occurred.

And yet, the Supreme Court's majority said that it

had to stop. The ruling, commented Chief Justice Warren E. Burger, "verges on paranoia."

The results have been devastating. Needy students in nonpublic schools remain eligible for Chapter I benefits, but the services cannot be provided in their own schools.

As a result, an estimated half of them are receiving no remedial services this year. Others, seeking appropriately "neutral" sites for such instruction, have been forced to travel to such unlikely locations as fire houses, funeral homes, and taverns!

Commenting on the situation in his state, a New York Catholic school official said not long ago, "Every possible inequity is in there."

**THIS IS WHERE** Secretary Bennett re-enters the picture. Last November he devised a plan for a practical response to the Supreme Court's decision: a system of education vouchers which parents of children eligible for Chapter I services could use at the school of their choice, whether public or private. The vouchers seemingly would have an average value of about \$600.

The idea of education vouchers has been around for a long time and has, in effect, already been adopted on the level of higher education, where "Pell grants" help nearly 2 million financially needy students attend the public or private college of their choice.

Secretary Bennett's proposal would extend this system to the elementary and secondary levels and tie it in directly to the provision of remedial services for needy students. That is why it has been described as the "voucherization" of Chapter I.

The Education Secretary makes a persuasive case for his legislative proposal, known as TEACH (The Equity and Choice Act).

Besides helping to correct the injustice of the latest Supreme Court ruling in this area, the program would also give low-income parents a real choice in the schooling of their children, increase parental involvement, and provide some healthy competition for the public schools.

**OF COURSE, THE** last consideration — competition

for the public schools — causes trouble. Over the years a chorus of opposition has been raised against any proposal which would seem to call into question the virtual monopoly enjoyed by public elementary and secondary education in most parts of the nation.

It is no different with vouchers. The president of the National Education Association says the plan could prove to be "the death knell of public education." The president of the American Federation of Teachers predicts the "destruction of public education" if vouchers come to pass.

The Wall Street Journal, in replying to such assertions, commented:

The most vociferous opponents of vouchers are to be found in the educational "establishment," precisely because vouchers put schools into greater competition with one another. There's nothing new about resistance to pressures to compete; it happens all the time at every level of our society. But as our anti-monopoly laws suggest, resistance should be overcome, not encouraged.

I agree the prophecies concerning the "death knell" and the "destruction" of public education if Secretary Bennett's modest plan were to become a reality are mere fantasies. I can assure you that the Catholic Church, for example, is not interested in hurting public schools.

**AMONG OTHER CONSIDERATIONS,** many Catholic children attend them! The concern, rather, is merely to make it easier for parents — specifically, low-income parents — to exercise a modicum of choice in the education of their children.

Most observers believe that the voucher plan does not have much support in Congress at present. Perhaps not. But I hope the proposal at least serves to stimulate a new round in public discussion of these matters.

I hope, too, that one outcome of this discussion will be to reassure public educators that nonpublic schools are not cut-throat competitors but rather aspiring partners in the task of educating America's children, including the neediest among them.

# California Catholics outraged by remark on school's selectivity

By Carol Innerst  
THE WASHINGTON TIMES

The California Catholic Conference yesterday expressed outrage over remarks by Rep. Augustus F. Hawkins, chairman of the House Education and Labor Committee, about "selective" admissions policies at a Catholic parochial school in Los Angeles.

At a hearing Wednesday on the Reagan administration's proposal to convert the federal remedial education program into a voucher plan, Education Secretary William J. Bennett said that vouchers would help poor students attend All Saints Catholic School, a small elementary school serving a mostly low-income Hispanic population.

Tuition at the school is \$55 a month for one child, \$65 a month for two children from the same family or \$75 a month if three children attend at the same time, Mr. Bennett said. The average voucher for each student for a school year would be worth about \$600.

"All Saints would probably reject most of the students you're talking about," responded Mr. Hawkins. "It's very selective."

But Principal Mary Roehrick said at least 65 percent of the largely Hispanic population of the school qualify for the federal remedial education program.

The school rejects few children, chiefly those who are unable to speak or understand any English, she said. The school does not have an English-as-a-Second Language program.

"It's distressing that someone in [Mr. Hawkins'] position of leadership for education in the country would speak of a school in that fashion without checking the facts," said Joseph McElligott, director of the division of education for the California Catholic Conference.

"It seems to me a school with 60 percent or more of its youngsters eligible for Chapter I [federal compensatory education] services doesn't deserve to be called selective," he said.

"I don't like it when someone uses a national platform to attack a school struggling to do a good job serving pupils," he said.

He said the voucher proposal would be a "cost-effective resolution" to problems created in the wake of the Supreme Court's *Aguilar vs. Felton* ruling.

The ruling prohibits public school teachers from providing remedial services on the premises of religious schools.

Some 20,000 of the 25,000 Catholic school pupils in California who had been receiving compensatory education are no longer getting it, he said. And the 5,000 who are getting assistance are not getting services equal to what is being provided to public school children, he said.

Remedial services to All Saints through federally funded teacher aides stopped in the fall, said Mrs. Roehrick. Students who are behind in reading now study that subject with a lower grade, she said.

Mrs. Roehrick said her school would be willing to offer remedial services to other disadvantaged pupils "on a trial basis" if their parents were interested and supportive.

The school tests incoming students and looks at report cards from previous schools they attended, she said.

Students doing only D or F work "would be frustrated here," she said.

The 370 pupils enrolled in All Saints grades 1-8 rank in the 49th percentile on standardized tests.

"If All Saints is willing to say that they will accept any student who presents him or herself, then we will make sure that the committee record so indicates that," Mr. Hawkins said later.

- Letter to Hawkins inviting him to join him -