

The School Choice advocate

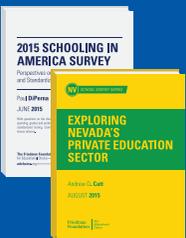
SUMMER 2015 RECAP



Raising the Bar

How the Friedman Foundation is better equipping school choice advocates

INSIDE



New Research

Our research team surveys Americans on school choice and explores Nevada's private school supply



Two-Minute Talk

Superintendent talks what court ruling means for choice in Douglas County, Colorado

The errors of education reformers

It is an old story. A powerful, wealthy or clever person thinks he or she is smarter than everyone else and proceeds with the best intentions to come up with a smarter, carefully-devised plan that tells people “the right thing” to do. Then everything falls apart.

In Greek mythology, it is the story of Agamemnon, Icarus, and Queen Niobe and their hubris. Now, according to Dale Russakoff’s new book, *The Prize: Who’s in Charge of America’s Schools*, it is the story of the education reformers of Newark.

Where Russakoff has it right, it seems, is in her description of the many errors of reformers, the deep morass in education that stems from teachers’ unions, and the need to work collaboratively with communities rather than imposing “top-down” decisions.

Where she has it wrong, I believe, is in her criticisms claiming charter schools have more money per pupil than the public schools and that parental choice is not stimulating public schools to improve.

Yet, even if those claims were true, the real reason charter schools can spend more money per child is because they do not have a bloated bureaucracy to sustain. Joe Nocera painted that fact as “devastating” in the New York Times. Rubbish. It should outrage everyone in Newark, and elsewhere for that matter, that the public school bureaucracy takes so much money away from kids in the classroom. In Newark, it keeps more than \$10,000 per student. That is what is really devastating.

Russakoff’s other point—the fact that competition from charters is not leading to better outcomes for public school—is worth considering. Although the data show positive trends, the truth is, except in a small number of places, charter schools are not yet stimulating improvements in public schools.

Why is that? Simple. It is that same old story of best-laid plans made with the best intentions.

At some point in time, some really smart and often wealthy people got together and came up with a way to “fix” the system. The ideas—charter schools, charter school districts, teacher tenure reform, grading schools, standards, testing, Common Core—became the new best ways to fix education.

Now, do not get me wrong. Many of those are really good ideas that reformers should support. But they all lack what makes sustainable, systemic education reform possible: economically empowered families who truly have a choice of all learning environments. Putting the money set aside for education in the hands of parents is the first and most necessary precondition to all other notions, including a host of ideas we have not yet imagined.

If we really want meaningful, systemic education reform, we should not rely on bureaucrats or technocrats. We should not rely on government systems or schools, be they traditional public, charter, or private. We should not rely on politicians or people who think they know better. We should not even rely on reformers.

Instead, we should just trust parents.



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Nobel Laureate and Founder



Dr. Rose D. Friedman
Noted Economist and Founder

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Nevada ESAs to help child with big dreams, inadequate education

When Sen. Scott Hammond first sought passage of his nearly universal education savings accounts (ESAs), he wanted to ensure that all families had access to a quality education. ESAs allow them to individually tailor their children's educational journey. For Liz Robbins and her family, that dream is about to become a reality.

Seven children between the ages eight and 26 make up the Robbins clan. With such a large family, the Robbins' budget must be lean. Liz says they just don't have the funds for extra expenses, such as private school tuition or an alternative curriculum should her children need them. But that is precisely what her daughter needs.

Amber, 19, has a medical ailment called Ehler-Danlos syndrome, a rare genetic condition that affects the skin and connective tissue in her joints. This condition places her in extreme pain, and she is often absent from school. As such, the school district has her educated as part of a special in-home program. Although her condition does not affect her cognitive



Liz Robbins and her daughter Amber, who has Ehler-Danlos syndrome, are early adopters of Nevada ESAs.

abilities, the district treats her as having a learning disability. The program that she is in does not allow for her to take any advanced classes and topics are covered at often the most basic level. It is a program that is not designed for a college-bound student, which is exactly what Amber wants for her life.

With the advent of ESAs, new providers and methods of education will come to Nevada, each designed to meet unique children's needs. Now, one more child, Amber, will get the education she deserves.

FOUNDATION NEWS

Foundation educates legislators, releases new research, adds to team

Colorado – The Colorado Supreme Court ruled the Douglas County Choice Scholarship Pilot Program unconstitutional on June 29. In July, Brittany Corona appeared on Colorado Public Television's *Devil's Advocate* program to discuss school choice in America.

Nevada – The Foundation released *Exploring Nevada's Private Education Sector*, part of its School Survey Series, in August. The *Las Vegas Review Journal* featured an op-ed by State Programs and Government Relations Director Michael Chartier, and the *Las Vegas Sun* cited preliminary findings from the study. In other news, the American Civil Liberties Union of Nevada filed a lawsuit against the state's new, nearly universal education savings accounts in August.

National – The Foundation released its annual School Choice in America survey in July. Data from the report appeared in *Forbes*, *Bloomberg News*, and other news outlets. Research Director Paul DiPerna and other school choice experts discussed the report's findings at the American Enterprise Institute in Washington,

D.C. The panel discussion also appeared on C-SPAN.

National – The Foundation hosted School Choice in America Legislator Summits in Nashville, Boston, and Seattle. Legislators commented that “[the] variety of subject matter experts was exceptional . . .” and that the sessions were “informative and inspiring!”

Foundation – Martin Leuken, director of fiscal policy and analysis, and Abby Hayes, communications production coordinator, are the Foundation's newest team members. Read their full profiles at edchoice.org/Team.



Martin Lueken previously served as the education research director at the Wisconsin Institute for Law & Liberty. Abby Hayes previously worked as a freelance writer.

RAISING THE BAR



How the Friedman Foundation is better equipping school choice advocates

Human ingenuity is responsible for many of today's innovations. Smart phones, Netflix, Hulu, grocery delivery services, Spotify, education savings accounts—people's preference for customization has never been stronger. This summer, the Friedman Foundation launched a new website to bring that same capability to school choice advocacy. The site has a whole new look

and is responsive to whatever devices our visitors like best. But more than that, it allows them to tailor their experience by making educational tools, state programs information, and critical data interactive. Read on to see how our new features will better equip America's school choice advocates—from policymakers to parents.

School Choice in America Dashboard

Our School Choice in America dashboard is a helpful resource for anyone interested in school choice, but it is especially handy for legislators and policymakers. The page features an interactive map of all of America's school choice programs by type—voucher, education savings account,

tax-credit scholarship, and individual tax credit and deduction. Need data fast? Our dashboard also features a customizable, downloadable table with the most recent participation, eligibility, and funding data available for each program. Check it out at edchoice.org/dashboard.



Interactive Map: Use the sidebar to tailor your map's display based on which states have which types of private school choice programs.

State and Program Pages: Click on a state or program name for more information about each, including program details, regulations, and legal history.

Customizable Table: Pick and choose the states and programs you would like to include and even download a spreadsheet of that data.

There are 59 results

State	Program Type	Program Name	Participation	Participation Rate	Eligibility	Eligibility Rate	Average Funding	Public Funding
AL	Tax-Credit Scholarship	Alabama - Education Scholarship Program	5,776	1%	507,430	42%	\$4,073	47%
AL	Individual Tax Credit/Deduction	Alabama - Accountability Act of 2013 Parent-Taxpayer Refundable Tax Credits	71	<1%	29,366	4%	\$2,005	23%
AR	Voucher	Arkansas - Succeed Scholarship Program for Students with Disabilities	N.A.	N.A.	64,500	13%	\$6,500†	70%
AZ	Tax-Credit Scholarship	Arizona - Original Individual Income Tax Credit Scholarship Program	27,362	2%	1,128,097	100%		
AZ	Tax-Credit Scholarship	Arizona - Low-Income Corporate Income Tax Credit Scholarship Program	13,118	2%	818,930	52%	\$1,869	26%
AZ	Tax-Credit Scholarship	Arizona - Leslie's Law for Disabled and Displaced Students Tax Credit Scholarship Program	349	<1%	130,002	12%	\$4,648	64%

Videos

American Enterprise Institute Fellow Gerard Robinson tweeted that our new, animated videos are the “[nearest] thing we have to ‘Schoolhouse Rock’ for private choice.” In less than 20 minutes, these five videos introduce the idea of school choice, and explain how ESAs, school vouchers, tax-credit scholarships, and individual

tax credits and deductions function for families, schools, and communities.

The videos are an excellent educational resource for any advocate looking to teach new people the basics of how school choice programs work. Watch each video at edchoice.org/videos.



What is School Choice?



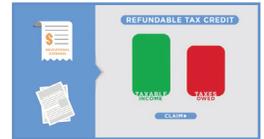
How
School
Vouchers
Work?



How Education
Savings
Accounts
Work?



How
Tax-Credit
Scholarships
Work?



How Individual
Tax Credits and
Deductions
Work?

Eligibility Tests

In hopes of making school choice easier to navigate—and inspiring state and parent organizations to do the same—our new website includes eligibility tests for every program in the nation. Found on state program pages, these tests let parents cut through policy jargon to find out if their child is eligible for a particular program. Each test ultimately directs parents to

additional resources, whether or not they are eligible for a program.

Want to see an eligibility test in action? Visit edchoice.org/eligibility, click a state with school choice, then visit a specific program page. Click “Is My Child Eligible?” to take the test.



Tennessee – Individualized Education Account Program Eligibility Test

1 Is your child eligible to enroll in kindergarten through 12th grade?

Yes No

Douglas County, Colorado's Path to the U.S. Supreme Court



Brittany Corona
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The Colorado Supreme Court ruled the Douglas County Choice Scholarship Program unconstitutional in June, stripping away the opportunity for hundreds of students to choose a schooling option that best meets their educational needs. But the fight for educational freedom is not over.

Although it lost its battle in front of the state supreme court, the district petitioned the United States Supreme Court in September to take the case on their constitution's Blaine Amendment—an issue for 37 other states wishing to expand school choice options. If the Supreme Court accepts, the case has the potential to allow Colorado and those 36 other states to embrace unlimited educational choice as early as June 2016.

The Douglas County Board of Education created the program in March 2011, enacting the first and only district-level school choice program in the country. Traditionally, school choice programs are approved by state legislatures, but in Douglas County, the local district supports the program's funding and administration.

The Choice Scholarship is a universal, districtwide school voucher program. It briefly served about 500 students in 21 schools in Douglas County, offering scholarships worth up to 75 percent (\$6,100) of the district's per-pupil revenue, retaining the other 25 percent (\$1,525 per student) for the district's public schools. However, shortly after its enactment, the program was rendered inactive by a 2011 lawsuit filed by the American Civil Liberties Union (ACLU), Americans for Separation of Church and State, Taxpayers for Public Education, and others.

The plaintiffs' claims fell into two categories: (1) the program violated the Public School Finance Act and (2) the program violated four provisions in the Colorado constitution regarding religion, including three Blaine amendments. They won the injunction in district court, but in March 2013 the Colorado Court of Appeals overturned the ruling, rejecting the plaintiffs' standing and establishment clause claims. The case was then

sent to the Colorado Supreme Court for review, where it was overturned again on the Blaine amendment challenge.

Blaine amendments are archaic, 19th century anti-Catholic provisions inserted into 37 state constitutions to prohibit public funding of "sectarian" institutions. The provisions were enacted in response to the growing Catholic immigrant population, and at that time, public education was overwhelmingly Protestant. The effort began as a Constitutional amendment proposal by Maine Sen. James Blaine, but failed. However, the majority of states passed similar provisions in their constitutions. Today, Blaine provisions are being used to strike down school choice programs outside of their original intent. But all of that could change with Douglas County.

The Douglas County Board filed for extension in front of the Supreme Court of the United States on September 2. The request for 30-day extension to file certiorari was approved by Justice Sonia Sotomayor, who presides over the 10th Circuit. Douglas County's petition to the highest tribunal may result in the removal of the obsolete Blaines across the nation. As Kevin Larsen, president of Douglas County School District Board, said:

"While Douglas County and Colorado kids may have to wait just a little bit longer to get their full access to choice, ultimately we believe this will pave the way for all U.S. students to be free of the yoke of the Blaine Amendment and to exercise their free choice in educational opportunity."

The case has spurred national interest. Several other states will likely join the district's petition by filing amicus briefs. The Institute for Justice—which litigated the landmark United States Supreme Court ruling *Zelman v. Simmons-Harris* (2002)—will also file amici, along with the Friedman Foundation for Educational Choice. Notable attorney Paul Clement will be lead counsel for the case.

Douglas County lost the battle in the state supreme court, but if the Supreme Court of the United States accepts their motion for extension, one school district in Colorado could have fired the shot that resulted in educational opportunity for thousands more children across America.



DR. ELIZABETH CELANIA-FAGEN

Superintendent
Douglas County, Colorado



Why did Douglas County School District opt to create a school voucher program in 2011?

Douglas County School District created the voucher program because we are committed to partnering with all parents to promote educational opportunity for every child in our district. If a school—public or private—can better meet the needs of a child who lives in our district, we want to do everything we can to support that student in attending that school. Because of that commitment, we believe that providing choice scholarships to families, empowering them to choose the best educational option, is a personalized and efficient way to promote educational opportunity in our district.

Why did the Colorado Supreme Court rule the program unconstitutional?

In a 3-1-3 vote, the Colorado Supreme Court reversed the Colorado Court of Appeals' previous decision that found the program constitutional and lawful under Colorado statutes, thereby ruling the program unconstitutional. The three justices who voted against the program found it violated the state's Blaine Amendment, which forbids government aid to any school controlled by a sectarian institution. The other three justices ruled that the purpose of our program was to aid students, not private schools chosen by families. One justice ruled on different grounds.

Does the ruling mean that is it for school choice and Douglas County families, or is there hope?

Choice is a key part of Douglas County School District, with or without the scholarship. DCSD offers choices to families through charter schools, open enrollment, and even supporting local private schools that offer unique opportunities to students. DCSD designed school selector tools and held choice fairs to support families navigating their choices. However, DCSD is still committed to taking our scholarship program forward to the United States Supreme Court. We believe our parents should have the right to choose the best school for their child. And we believe that our choice scholarship program is constitutional. If taken by the Supreme Court, our case could free 37 states from their Blaine Amendments, allowing children beyond Douglas County to have educational freedom.

If you'd like to request Dr. Fagen as a speaker for your event, please visit edchoice.org/speakers.

Surveying Nevada's private schools and Americans on school choice



Paul DiPerna
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Empirical research is an integral driver of Friedman Foundation activities. Over the summer, our researchers produced two eye-opening reports that should inform Americans on school choice and spark needed conversations among policymakers and public opinion influencers.

- **2015 Schooling in America Survey** (released June 30): Our annual national survey measures public opinion on, and in some cases awareness or knowledge of, a range of K-12 education topics and reforms. We observed that more than six out of 10 Americans support giving all students a new form of school choice known as education savings accounts (ESAs). The support for ESAs increased six percentage points since last year.
- **Exploring Nevada's Private Education Sector** (released August 18): This report is the third installment in our School Survey Series. Drew Catt, the report's author, provides timely data and information in light of Nevada's recently enacted ESA and tax-credit scholarship programs, which will make private school choice an option for more than 453,000 Nevada students. Key findings include:
 - Nevada's private schools have approximately 6,600 available seats for new students. We expect the estimated total enrollment capacity to be more than 26,000 private school seats.
 - For a majority of schools for which tuition data are available, Nevada's ESA funding would cover more than two-thirds of the average cost of tuition and fees for private elementary and middle schools and slightly less than two-thirds for private high schools.
 - Four out of five (81 percent) respondent schools require students to take a nationally norm-referenced test or the state assessment to measure academic performance.
 - Two-thirds of private schools (67 percent) reported somewhat high or very high concern with rules and regulations relating to curriculum and instruction.

To learn more about the Friedman Foundation's research efforts, contact Paul DiPerna at paul@edchoice.org.

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