

# The Virginia NEWS LETTER

## Fixing Virginia's Public Schools

### The Case For School Choice

By State Sen. Stephen H. Martin

The circle is fast closing on the issue of school choice as parents of children in failing schools around the nation are joining the chorus of those demanding educational alternatives for children beyond what the public school system now offers.

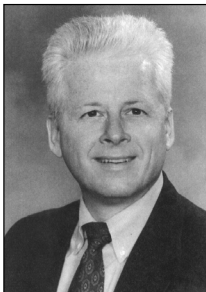
This is not to say that the entire system of public education nationally or in Virginia is crumbling. In Virginia, especially, pockets of academic excellence are being highlighted by the new standards of classroom achievement.

Most of the front-line troops in this battle for academic excellence, our teaching corps, have displayed ingenuity, tenacity and just plain hard work in meeting our expectations. The thousands who spend their days with our children in the classroom conveying

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Senator Martin



Mr. Jones

### For Most, Choice is a Myth

By Robley S. Jones

*"Don't it always seem to go, you don't know what you've got 'til it's gone?" — Joni Mitchell*

The future of Virginia, 1.1 million students strong, is in our public schools. The opportunity for a free public school education for all children is arguably one factor in the prosperity our nation has enjoyed in this fleeting century. Our public schools are as varied as the neighborhoods they serve. Some of our public schools are great! Some of them have real and fundamental problems ignored for decades. But we had better think before we undermine our system of public education, because if we do, historians may well consider that shift in public policy one of grave consequence.

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*Jones: We need to reconfirm our commitment to an equitable educational opportunity.*

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Previous generations have enjoyed this opportunity for a free public education and the choice of attending a private school. No one would dispute the excellent educational opportunities offered by some of the fine private schools on the Commonwealth. However, not all students can afford the tuition of a private school. There are many students that private schools would choose not to accept. And never has there been a time when we need to have a higher portion of the work force well educated if we are to attract desirable jobs and wages to America's shores. As a society we need to reconfirm our commitment to giving all children an equitable educational opportunity of high quality and realize that funding our schools must be a shared burden.

Have those who ask, "Why should I support the public schools when my children are in private schools or are home schooled?" forgotten Jefferson's belief that, "Every man is under the natural duty of contributing to the necessities of the society..."? Have we lost the American notion of contributing to the common good?

The benefit of competition and the opportunity of choice are the most compelling arguments presented in support of vouchers and tuition tax credits. Virginia enjoys one of the best systems of public education in the nation, but one cannot argue with the fact that we do have schools, many of them in poor rural and inner city divisions, which are failing to provide an adequate educational opportunity to the students they serve.

Is the answer to offer tuition tax credits or vouchers to parents to support their decision to send their children to private schools?

The tide of public opinion appears to be turning against vouchers. A 1999 poll by the Gallup Organization, sponsored by the education magazine, *Phi Delta Kappan*, found that 70 percent of Americans prefer "improving and strengthening the existing public schools" to "providing vouchers" for private and church related schools.

Politically, the tide may be turning as well. In Texas, despite the backing of Presidential hopeful Gov. George W. Bush, voucher legislation failed in the Texas legislature this year. More recently, in Congress this fall, House Majority Leader Richard K. Arme's (R-Tex.) efforts to include voucher funding in the Title I funds failed on a 257 to 166 vote, with 52 Republicans joining 204 Democrats and one independent in voting against vouchers. Virginia General Assembly members may well consider that eight

of Virginia's 11 members of the House of Representatives voted against giving public school funding to private schools. Only Congressmen Batemen, Bliley and Wolf supported the Arme amendment.

There is every reason to believe that vouchers violate the U.S. Constitution, and they clearly violate many state constitutions including Virginia's. The August injunction by a federal district court blocking Ohio's voucher plan is the fourth court decision in the last four months that has ruled that religious school voucher programs are illegal. The United States Supreme Court recently declined to review in a case where the Supreme Court of Maine blocked the use of public funds for students attending an all-male religious school in Maine. The Virginia Constitution is clear. Article VIII, Section 10 begins, "No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof ...."

Based on press reports, I believe that those favoring the concept of transferring public money to private and religious schools in Virginia will propose tuition tax credits in the 2000 General Assembly. On Sept. 20, the Bristol Herald Courier reported that the Family Foundation will support a bill calling for a \$2,000 tax credit for parents sending their children to private and parochial schools. The difference between vouchers and tax credits is without a distinction. In both cases money that would have come to public schools ends up in the private or religious school.

Let's look at the myths that serve as debating points in support of vouchers. Myth number one is that these plans do not hurt the public schools. Virginia school divisions receive funding from the state based on average daily membership (ADM). If a student isn't present, the schools don't get the money. In 1998-99 the total state per pupil operation expenditure (exclusive of sales tax revenues) was \$2,209. It should be noted with shame that this level of state support ranks 45th in the nation!

Myth number two is that these schemes don't have a negative impact on the state budget. When the 1990 census was taken there were 70,193 students in private and religious schools in Virginia. It is likely that this figure has increased since 1990, as has public school enrollment. The Virginia Department of Education reported that there were 10,862 "home-schoolers" in 1995-96. This figure, too, has likely risen. You figure: 81,055 x \$2,209 = \$179,050,495.

That is the fiscal impact on the state budget before the first additional child goes to a private school or is home-schooled.

Myth number three is that fair competition will help the public schools. I fully agree that competition can be a great motivator. However, fair competition requires a level playing field. The fundamental difference between public and private schools is that private schools select who may attend. They control the raw product. Public schools have to take all comers. Could any corporation compete in today's free market if it alone was denied control of its raw product? Public schools would have much higher levels of academic performance if they had admission standards, but our nation's challenge in today's economy is to better prepare all for the workplace. Public school choice and the new experimentation with charter schools beginning in Virginia will provide competition within the public schools system. Isn't it clear that fair competition is impossible between a system offering education to all and a system excluding all students who are difficult and expensive to educate?

Myth number four is that students in voucher schools perform better than public school students. Studies of the voucher plans in Cleveland and Milwaukee have concluded that vouchers don't improve overall student achievement. As the *Roanoke Times* reported last May, "On most tests, voucher students scored no better or only slightly better than their public-school counterparts, and in some cases voucher students' scores were substantially lower." In one of the more interesting studies of voucher plans, Professor Alex Molnar of the University of Wisconsin, Milwaukee compared the student performance of public schools with smaller class sizes and voucher schools in Cleveland. He found that the public school students outperformed their voucher school counterparts. The cost to Milwaukee of reducing class size for 13,000 students equals the cost of providing vouchers to 6,500 students.

Myth number five is that vouchers/tuition tax credits will give choice to parents and students. To those who can pass the pre-admission test and then bridge the gap between the \$2,000 voucher or tax credit and the \$10,400 private school tuition (Richmond's Collegiate School current tuition for grades 9-12), it will. For most, however, the voucher is a ticket to nowhere.

It is crucial to this debate that all recognize that the private schools are the ones with choice. They choose who is admitted. The qualifications for admissions are not exclusively economic. Vouchers will not pierce the barriers of merit and

class. I have often quipped that if you could show me a voucher/tuition tax credit plan that would empower the poorest child in Norfolk's Campostella neighborhood, where I began my teaching career, to attend Norfolk Collegiate, I'd champion the cause. I've yet to see such a plan. Neither children nor parents are given a choice—private schools have the choice.

To those who administer private and religious schools in Virginia. I suggest to you that just as the unnecessary entanglement of church and state is to the detriment of both, the entanglement of public funds and private schools may prove detrimental to private schools as we know them. With public money will come a public expectation of public accountability, public scrutiny of admissions policies, and public access. The list goes on. Could we undermine both systems with the same scheme?

A May 1, 1999 *New York Times* editorial said of Florida's voucher scheme, "Vouchers have political appeal because they give politicians an easy way out of having to deal with costly, comprehensive school reform. Vouchers do nothing to improve education for those remaining in the public school system. In theory, they are supposed to cause bad schools to reform themselves by threatening them with market competition. In fact, they make reform harder, if not impossible, by siphoning away meager resources and skimming off good students, leaving the most troubled children and the most apathetic families behind."

I'm not sure that this third generation Virginia public school teacher can add much to the clear logic of the New York Times editorial staff. But I do think that if we choose the path of vouchers and tax credits, we will be undermining the public schools upon which the great majority of the Commonwealth's children depend. We may not realize what we have until we have lost it. ●

#### *ABOUT THE AUTHOR*

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*Martin: The state's education money needs to follow the student to provide maximum choice.*

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the foundation of an excellent education deserve our appreciation.

But though Virginia can be proud of its recent efforts to set higher standards with accountability, recent Standards of Learning tests results and SAT comparisons show that Virginia also has serious educational shortcomings within every region of the state. It is clear that our Commonwealth's leaders must also answer the call for change and provide children a way to a better education and, with it, a better future.

Seemingly more interested in institutional protection, the education lobby complains that "You'll rob the public schools to enrich private schools" when the subject of school choice is broached. "You will only benefit those already able to attend private schools," will be part of the anti-choice chorus. "It can't be done," the naysayers will chime in.

Agents of change are always targets of ridicule and their ideas dismissed as undoable. If those attitudes and opinions held sway, Virginia would not have abolished parole or reformed welfare. But public demand bordering on outrage turned those good ideas into reality.

Just as Virginia today is safer because we ended a revolving-door system of justice and thousands of people are attaining a measure of self-sufficiency rather than reliance on the dole, so too would our Commonwealth's citizens benefit from school choice. By this I am suggesting a system that expands educational opportunity while strengthening our public schools.

The issue of providing Virginia parents and school children with quality educational choice is not a new one. I introduced such legislation in 1991 in the House of Delegates and again last year in the Senate. While those particular initiatives were unsuccessful, that does not mean that school choice is a closed subject.

School choice already exists for those who can afford to purchase a home in the right school district or pay the cost of tuition. It is, however, the children of our more economically depressed communities that are trapped in an educational system that fails them.

In fact, providing school children with educational opportunities goes hand in hand with the state's new Standards of Learning and Standards of Accreditation. Those standards will identify those schools that continue to fail the students they are entrusted to teach.

Many of these students have no way to escape a school system that—at least for the time being—is not meeting their needs in the classroom. That is what my proposal, the "Virginia Children's

Educational Opportunity Act," would provide—greater opportunity for educational success.

As Horace Mann, the father of American education, stressed, "Education...beyond all other devices of human origin, is the great equalizer...the balance wheel of social machinery." It is true that knowledge empowers. We in Virginia have an obligation to make our education system "the great equalizer" by guaranteeing, through tax credits, vouchers or other means equal access to quality education.

The Virginia Children's Educational Opportunity Act would introduce healthy competition into the education marketplace. The absence of a challenge to the monarchy that the education lobby has created leaves in place a system that even now is fighting against accountability, against standards of learning, against improving its most important product, the education of a child.

I would love to think that our children's best interest was sufficient incentive, but it is not. Institutional interest still prevails. The threat of losing students and a portion of the state and local aid that would go with them will be a powerful additional incentive for local School Boards, administrators and teachers not to tolerate failure, not even one student. All children can learn and the Virginia Children's Educational Opportunity Act will be a powerful tool in reminding our school systems of that fact.

The state's education money needs to follow the student to provide maximum choice. If it were not for Virginia State Constitution and governmental intrusion concerns, vouchers would be ideal. Given those concerns, it has been difficult to craft a maximum choice proposal. But a most effective proposal can be found in a combination of tax credits for those with tax liabilities coupled with scholarship funds for those who do not otherwise have the economic means to exercise real choice.

Briefly, this is my proposal:

1. Phase in a \$2,500 tax credit for tuition cost over a five-year period, with a maximum credit of \$500 in the first year, increasing in \$500 increments over the five years. Fully phased in, the tax credit would be only 41 percent of the \$6,100 presently spent per pupil statewide. The phase-in is intended to prevent a shock to the system and ease unfounded concerns for loss of funds to support Virginia's schools.
2. The \$3,600 per student savings, for those presently in the public school system

choosing to go elsewhere, would go to both further support (1) the public schools and (2) the credits that will be due those who are already in private schools.

3. An equally important element of my proposal is to provide tax credits for contributions to scholarship organizations established to provide scholarships to children of low-income families. This credit would be phased in over a four-year period beginning at \$200 the first year and increasing in \$100 increments to a maximum of \$500 in the fourth year.

The scholarship contribution will be especially appealing to both individual and corporate taxpayers since the choice for them will be between sending a check to the tax collector or to this worthy cause.

4. These non-profit scholarship organization, patterned perhaps after those operating successfully in Indiana and Arizona, would provide full scholarships to cover tuition at any public or private school. Full scholarships of no more than \$3,100 would be available to children at 185 percent or below the federal poverty level. Partial scholarships would be available to families over the 185 percent federal poverty level, based on their tax liability.

With this proposal the private schools would share in the responsibility of relieving our overcrowded schools, thus saving the Commonwealth and our respective localities hundreds of millions of dollars in capital expenditures.

This proposal will undoubtedly face stiff opposition. It has already attracted attacks. Some have referred to it as a voucher program in hopes of assigning it a demonized title. It is not, but both tax credits and vouchers have passed constitutional muster in other states.

Others have claimed it to be an effort to undermine the public schools. Nothing could be further from the truth. A strong public school system is essential to a healthy free society. I am a product of Virginia's public schools and my aim is to strengthen our schools and provide greater educational opportunities for our children.

As we work to maximize choice in education, I will be happy to consider and support other reasonable proposals, but it is time to act on this issue. The opportunity for success should be enhanced by the rising support for various forms of school choice, especially scholarships and vouchers, coming from inner cities and minority communities.

However, the voucher solution creates a problem for those who are concerned about gov-

ernmental intrusion into private school affairs. Others are concerned that the voucher program will be a violation of the principle of church-state separation. But in Florida, where a voucher program was instituted earlier this year, that state's Supreme Court found that "there is no violation of Florida's constitution if public funds are utilized to advance the general welfare if the state is not promoting religion in general or a particular religion and if a religiously affiliated institution is an indirect beneficiary."

Such sound legal reasoning could also prevail in Virginia if legislation establishing the Virginia Children's Educational Opportunity Act is properly and carefully crafted.

School choice programs, including vouchers, have helped thousands of students in other states who otherwise would have been consigned to 12 years of attending failing schools, only to move into the work place without the basic reading, writing and mathematical skills necessary to be an effective employee.

The state of Wisconsin established a voucher program in 1990 for low-income Milwaukee's residents that has withstood legal challenges brought by that city's teachers' union and the American Civil Liberties Union. A second challenge by the union when the program was expanded to include parochial schools prompted columnist George Will to note: "The Milwaukee teachers' union cares so much for the city's students that it is fighting a program that by next year would give 15 percent of them the chance of escaping from this caring."

Perhaps the most telling evidence of the success of expanding educational opportunities comes from a study conducted by the Taubman Center for State and Local Government at the John F. Kennedy School of Government, Harvard University.

The 1998 study, conducted with financial support from Ohio Department of Education, found that nearly 60 percent of what the report called "choice parents" were "very satisfied" with school safety at their child's new "choice" school, compared to 25 percent of those with children in public schools.

More importantly, 85 percent of those parents queried responded that a "very important" reason for seeking a scholarship through the Cleveland Scholarship and Tutoring Program was to "improve the academic quality" of their child's education.

The cumulative results of the Standards of Learning testing statewide presents evidence of serious problems in some schools, particularly at the elementary school level.

Although we are working to address those problems and there eventually will be positive change, the fact is we are dealing with the lives of children and providing them the opportunity through education to realize their own American dream.

Through the Virginia Children's Educational Opportunity Act, our Commonwealth can provide children with educational alternatives that would reflect the "great equalizer" that Horace Mann talked about when public education was in its infancy. It can be done, it should be done, it must be done to truly provide

equal educational opportunity for all of Virginia's school children. ●

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