

# SCHOOL CHOICE: EXPANDING EDUCATIONAL FREEDOM FOR ALL

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## HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD,  
ELEMENTARY, SECONDARY EDUCATION

OF THE

COMMITTEE ON EDUCATION AND THE  
WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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HEARING HELD IN WASHINGTON, DC, APRIL 18, 2023

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## **SCHOOL CHOICE: EXPANDING EDUCATIONAL FREEDOM FOR ALL**

**Tuesday, April 18, 2023**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY,  
AND SECONDARY EDUCATION,  
COMMITTEE ON EDUCATION AND THE WORKFORCE,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:15 a.m., Room 2175, Rayburn House Office Building, Hon. Aaron Bean [chairman of the subcommittee] presiding.

Present: Representatives Bean, Owens, McClain, Miller, Kiley, Moran, Williams, Foxx, Good, Bonamici, Sablan, Hayes, Bowman, Wilson, DeSaulnier, Norcross, and Scott.

Staff present: Cyrus Artz, Staff Director; Cate Dillon, Director of Operations, Daniel Fuenzalida, Staff Assistant; Sheila Havenner, Director of Information Technology, Amy Raaf Jones, Director of Education and Human Resources Policy; Andrew Kuzy, Press Assistant; RJ Martin, Professional Staff Member; Hannah Matesic, Director of Member Services and Coalitions; Eli Mitchell, Legislative Assistant; Brittany Alston, Minority Operations Assistant; Nekea Brown, Minority Director of Operations; Ilana Brunner, Minority General Counsel; Rashage Green, Minority Director of Education Policy; Christian Haines, Minority General Counsel; Stephanie Lalle, Minority Communications Director; Kota Mizutani, Minority Deputy Communications Director; Véronique Pluviose, Minority Staff Director; Banyon Vassar, Minority IT Administrator.

Chairman BEAN. Ladies and gentlemen, a very good morning to each and every one of you, and welcome to your nation's capital, the U.S. House of Representatives, and specifically the Subcommittee on Early Childhood, Elementary, and Secondary Education.

The meeting is officially called to order. I am Aaron Bean, and I have the honor of chairing today's meeting. I note for the record a quorum is present. Without objection, the Chair is authorized to call a recess. We are expecting votes, possibly, but we are able to call a recess at any time without objection.

We have got a big meeting, ladies and gentleman, planned for you today, because Americans love choice. They love choice, whether it is their cars, or their sodas, or their toothpaste. I was in Walmart just recently, and I had lost count after 23 different types of shampoos, because Americans know that one size does not fit all, and we want individual choice.

Well, our kids' education is no different. Kids learn differently. They have different needs, and different assets, liabilities in their learning journey. COVID, you know COVID changed so many

things. COVID gave parents a chance because of in-home learning, or at-home learning on Zoom. It gave parents a chance to see what is happening in the classroom, what is going on.

They realized that sometimes that education—journey for home school or public school is not the best for their child. That is why education choice is on fire right now in our country, and so many states are giving more and more options to parents to let them go the best way for their own child.

Today, this meeting is about education choice, of how we can do it, how we can offer it. To do that, what an assembly of panels. We just do not have one panel for you, we have got two. How about that? We have got two all-star panels that we are going to allow to talk about ideas, and how they can give choice.

What can we do as a Federal Government to assist states in their mission to educate our kids. Sit back, buckle up. Let me give you some good news. Here is some good news too. I am just naive enough to think that maybe—I am 17 weeks in as a Congressman—I am naive enough to think that maybe this is the topic that can bring our body together.

We will see. We will see where that goes. I have already met with Ranking Member Bonamici, who is sitting right to my right, and in just a moment I am going to introduce her for her opening remarks. Let me tell you where we have already agreed. We have spent time together and we have already agreed on this, that we are going to have a robust meeting discussion, and if I am wrong, or if she is wrong, let us try to win each other over with the facts and debate, as we go forward.

With that, it is going to be a great day, a great meeting. I am going to introduce our panelists in just a moment, but first, let us go to Ranking Member Bonamici for her opening thoughts and comments. Good morning, Ranking Member Bonamici.

[The statement of Chairman Bean:]

STATEMENT OF HON. AARON BEAN, CHAIRMAN, SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

Why is school choice spreading like wildfire? Simply put, parents are demanding it. They want the ability to choose where their children go to school and provide them with the best education possible. The traditional public school system has failed many families, particularly those in lower-income communities. School choice programs offer a way out of failing schools and provide access to high-quality education options that would otherwise be unavailable.

Specifically, the COVID-19 pandemic showed the shortcomings of our public school system and the need for education reform. School closures left children trapped in unresponsive, rigid systems and created generational learning loss. In my state of Florida, we kept school doors open in 2020 despite massive opposition, and Florida students are better for it. By keeping our students in school, we avoided the catastrophic achievement gap that we are seeing in states across the nation. According to The New York Times, nine-year-olds were set back two decades in math and reading.<sup>1</sup> Studies further found that students in remote school districts did markedly worse than those in schools that re-opened.<sup>2</sup>

To parents, the failure of remote learning was obvious and predictable. They did not need The New York Times to confirm what they already knew. Now they want options to stop this from happening again. Moreover, their children need recovery.

School choice provides the best possible solution on both fronts. It gives parents the option to choose a traditional public, private, charter, magnet, or home school for their child. It allows parents to take an active role in their child's education and

<sup>1</sup> <https://www.nytimes.com/2022/11/28/briefing/pandemic-learning-loss.html>.

<sup>2</sup> [https://glenn.osu.edu/sites/default/files/2021-10/210828\\_KL\\_OST\\_Final\\_0.pdf](https://glenn.osu.edu/sites/default/files/2021-10/210828_KL_OST_Final_0.pdf).

gives them the flexibility that they need to ensure their child's success. We need look no further than Florida—an early pioneer of education freedom—to see how universal school choice successfully gives parents a greater role in their child's education and ensures every student has access to quality education.

School choice also creates competition, which will drive up the quality of education across the board. Again and again, studies have shown that school choice is a boon for academic outcomes and graduation rates. Virtually no evidence supports the contrary. To the dismay of Democrats and teachers unions, more options even improve outcomes in Public schools.

Furthermore, one of the few silver linings of the pandemic is that it brought the classroom to the kitchen table. Parents who had been left in the dark by the public-school bureaucracy became first-hand witnesses to the divisive curricula being taught in some traditional public schools. Story after story has revealed that some schools are teaching unconscionable, radical race and gender ideology. School choice empowers parents to enroll their children in a system that aligns with their values and beliefs.

Some will say that school choice is a threat to our public schools. That is simply not true. School choice is about creating opportunities for all students, regardless of their background or income. It is about empowering parents to make the best decisions for their children and giving them the freedom to choose a school that meets their individual needs.

I urge my colleagues to join me in supporting school choice. Let us give parents and students the power to choose the education that works best for them. Let us empower our children to reach their full potential and build a brighter future for our nation.

With that, I look forward to the hearing today and yield to the ranking member.

---

Ms. BONAMICI. Well, thank you so much Chair Bean, and it is a pleasure to welcome our witnesses, and our colleagues on both sides of the aisle to the first hearing of the subcommittee on Early Childhood Elementary and Secondary Education in the 118th Congress. Our public education system is a bedrock of our democratic republic, and I will note that it is not a commodity.

As noted by the founding fathers, numerous Supreme Court Justices, and in many State Constitutions, the provision of free, high-quality public education to all children serves a compelling community interest. This subcommittee is responsible for delivering on that mission.

Unfortunately, the majority has decided to use our first subcommittee hearing of the 118th Congress not to focus on how we can strengthen public education, but rather to promote school privatization programs disguised as school choice. As a result, today, we are discussing programs that divert taxpayers dollars from public schools, rather than identifying how we can improve public education, so it prepares all students for success.

As a policymaker and a parent, I certainly understand the importance of families having a voice in where and how they educate their children. My own daughter chose a public arts magnet school. My husband and I whole heartedly support her in that decision, and I have enthusiastically joined my colleagues in supporting funding for evidence-based school choice programs that empower parents, improve student outcomes, and increase diversity.

I am pleased to see bipartisan support for increased funding for the Federal magnet Schools Assistance Program, which funds high-quality, public magnet schools, educating more than 3 and a half million students nationwide. Democrats on this committee support funding for inter and intra district choice programs, which provide families and students with a meaningful opportunity to attend a public school that might better suit their needs.

I highlight these choice programs because they are rooted in a common goal, the improvement and advancement of a public education that benefits all students. Vouchers, tax credit scholarships, education savings account, and charter schools with little accountability, those types of programs my colleagues on the other side of the aisle are interested in discussing are antithetical to this goal for many reasons.

The history of school voucher programs is engrained in an active resistance to integration from white families across the south. Between 1954 and 1964, in the decade immediately following *Brown vs. Board of Education*, southern legislatures enacted more than 400 laws to undermine or disobey public school segregation.

Many of these laws have the intent to, or effect of draining resources from public schools to benefit private schools, often called segregation academies. It is important to learn from this history because from the mid 1960's to 1980's, amid court ordered desegregation throughout the south, private school enrollment by mostly white students grew more than 200,000 students.

The legacy of these policies is that today public schools, particularly those schools that serve students of color and students from low-income families, are often left underfunded and with fewer resources. My colleagues often claim that school privatization programs provide lower-income students with the opportunity to leave their public school in search of a better education.

This is patently untrue in many, if not most, cases. Many choice programs do not require prior attendance at a public school as a prerequisite. Many programs, including the unprecedented expansion of vouchers passed in the Chairman's home State of Florida this year, do not even have a family income cap.

As a result, taxpayer dollars have been used to provide tuition coupons for students who are already in private schools, and for wealthy families who do not need them. State data in Wisconsin shows that two-thirds of students in the Choice Program were already enrolled in private schools before receiving the subsidy.

Similarly, previous reports indicated that half of Indiana's voucher program recipients never attended a public school before joining the State program. Private school voucher programs also lack meaningful accountability requirements, leaving taxpayer money vulnerable to significant waste, fraud and abuse.

In Oklahoma, Arizona, Wisconsin, and Florida for example, investigations have found millions of taxpayer dollars used by voucher schools to hire unqualified teachers, serve non-existent students, and pay for school administrators' personal expenses and items. Florida's recent expansion of its school voucher program to all elementary and secondary students, regardless of household income, is a brazen demonstration that its voucher program is meant to replace traditional public schools and eventually dismantle the public education system.

It is also worth noting that State legislators from rural communities are apprehensive, and rightly so, about the utility and effectiveness of vouchers for their communities, as we saw during the failure of voucher bills in both Texas and Georgia this year. Many rural school districts are already underfunded, and voucher policies



would exacerbate their situation while providing no benefit to families who live there.

I represent many rural communities and in most of them the school is the community hub. There is not another school within miles. We should not drain funds from them to support a meaningless choice. My democratic colleagues and I also have serious concerns about the effects of school privatization on student's civil rights.

Once a student enters voucher programs, they are left without most, or even all of the civil rights protections and academic achievement standards that public schools are required to provide. Private schools participating in choice programs are not always required to honor students, families, and student's civil rights protections such as IEPs and 504 plans for students with disabilities and language services for students with limited English proficiency.

Private school students may also be rejected or unnecessarily disciplined, or expelled for reasons that would not be allowed at a public school, often with few or no avenues for recourse. Taxpayer dollars, which have clear State and Federal accountability standards, have no place in schools like this.

Contrary to proponents' claims, private school vouchers have also not been shown to improve students' education. If anything, they may hurt students' academic success. Research in states with large private school voucher programs—Louisiana, Indiana, and Ohio, shows that students using private school vouchers scored significantly lower on academic assessments than their public school peers.

In sum, private school choice programs drain resources from public education, can lead to wasteful, and even fraudulent spending, deprive students and parents of civil rights protections and do not improve student achievement. Unfortunately, I am disappointed to see my colleagues on the other side of the aisle supporting low-quality education options, instead of following the evidence and the research.

Instead, I invite my colleagues to join democrats in investing in public education and evidence-based choice programs, so every family can send their child to a high-quality, accountable and safe public school. Thank you again, Mr. Chairman, thank you to our witnesses. I look forward to working with my colleagues to help every student succeed, and I yield back.

[The statement of Ranking Member Bonamici follows:]

STATEMENT OF HON. SUZANNE BONAMICI, RANKING MEMBER, SUBCOMMITTEE ON  
EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

Thank you so much, Chair Bean. It is a pleasure to welcome our witnesses and our colleagues on both sides of the aisle to the first hearing of the Subcommittee on Early Childhood, Elementary, and Secondary Education in the 118th Congress.

Our public education system is a bedrock of our democratic republic—and I will note that it is not a commodity. As noted by the Founding Fathers, numerous Supreme Court justices, and in many state constitutions, the provision of free, high-quality, public education to all children serves a compelling community interest. This subcommittee is responsible for delivering on that mission.

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schools, rather than identifying how we can improve public education, so it prepares all students for success.

As a policymaker and a parent, I certainly understand the importance of families having a voice in where and how they educate their children; my own daughter chose a public arts magnet school. My husband and I wholeheartedly supported her in that decision. I have enthusiastically joined my colleagues in supporting funding for evidence-based school choice programs that empower parents, improve student outcomes, and increase diversity. I am pleased to see bipartisan support for increased funding for the federal Magnet Schools Assistance Program, which funds high-quality public magnet schools educating more than 3.5 million students nationwide. Democrats on this Committee support funding for inter- and intra-district choice programs, which provide families and students with a meaningful opportunity to attend a public school that might better suit their needs.

I highlight these choice programs because they are rooted in a common goal: the improvement and advancement of a public education that benefits all students. Vouchers, tax-credit scholarships, education savings accounts, and charter schools with little accountability—those types of programs my colleagues on the other side of the aisle are interested in discussing—are antithetical to this goal for many reasons.

The history of school voucher programs is engrained in active resistance to integration from white families across the South. Between 1954 and 1964, in the decade immediately following *Brown v. Board of Education*, southern legislatures enacted more than 400 laws to undermine or disobey public school segregation. Many of these laws had the intent to, or effect of, draining resources from public schools to benefit private schools, often called “segregation academies.” It is important to learn this history because, from the mid-1960s to the 1980s, amid court-ordered desegregation throughout the South, private school enrollment by mostly white students grew by more than 200,000 students. The legacy of these policies is that, today, public schools—particularly those schools that serve students of color and students from low-income families—are left underfunded and with fewer resources.

My colleagues often claim that school privatization programs provide lower income students with the opportunity to leave their public school in search of a better education. This is patently untrue in many, if not most, cases. Many choice programs do not require prior attendance at a public school as a prerequisite, and many programs—including the unprecedented expansion of vouchers passed in the Chairman’s home state of Florida this year—do not even have a family income cap. As a result, taxpayer dollars have been used to provide tuition coupons for students already in private schools and for wealthy families who do not need them.

State data in Wisconsin showed that two-thirds of students in the choice program were already enrolled in private schools before receiving the subsidy. Similarly, previous reports indicated half of Indiana’s voucher program recipients never attended a public school before joining the state program. Private school voucher programs also lack meaningful accountability requirements, leaving taxpayer money vulnerable to significant waste, fraud, and abuse.

In Oklahoma, Arizona, Wisconsin, and Florida, for example, investigations have found millions of taxpayer dollars used by voucher schools to hire unqualified teachers, serve nonexistent students, and pay for school administrators’ personal expenses and items.

Florida’s recent expansion of its school voucher program to all elementary and secondary students, regardless of household income, is a brazen demonstration that its voucher program is meant to replace traditional public schools and eventually dismantle the public education system.

It is also worth noting that state legislators from rural communities are apprehensive—and rightly so—about the utility and effectiveness of vouchers for their communities, as we saw during the failure of voucher bills in Texas and Georgia this year. Many rural school districts are already underfunded, and voucher policies would exacerbate their situation while providing no benefits to the families who live there. I represent many rural communities and, in most of them, the school is a community hub. There is not another school within miles. We should not drain funds from them to support a meaningless choice.

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Private schools participating in choice programs are not always required to honor students’ and families’ civil rights protections, such as IEPs and 504 plans for students with disabilities, language services for students with limited English proficiency.

Private school students may also be rejected or unnecessarily disciplined or expelled for reasons that would not be allowed at a public school, often with few or no avenues for recourse. Taxpayer dollars, which have clear state and federal accountability standards, have no place in schools like this.

Contrary to proponents' claims, private school vouchers have also not been shown to improve students' education—if anything, they may hurt students' academic success. Research in states with large private school voucher programs—Louisiana, Indiana, Ohio—shows that students using private school vouchers score significantly lower on academic assessments than their public-school peers.

In sum, private school choice programs:

- 1) Drain resources from public education;
- 2) Lead to wasteful and even fraudulent spending;
- 3) Deprive students and parents of civil rights protections; and
- 4) Do not improve student achievement.

So, unfortunately, I am disappointed to see my colleagues on the other side of the aisle supporting low-quality education options instead of following the evidence and research.

Instead, I invite my colleagues to join Democrats in investing in public education and evidence-based choice programs so every family can send their child to a high-quality, accountable, and safe public school. Thank you, again, Mr. Chairman, and thank you to our witnesses. I look forward to working with my colleagues to help every student succeed.

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Chairman BEAN. Ms. Bonamici, thank you so much for the opening comments. It is indeed an exciting time in education across America. Pursuant to Committee Rule 8(c), all committee members who wish to insert written statements into the record may do so by submitting them to the clerk in Word format by 5 p.m., after 14 days of the date of this hearing, which is May 3, 2023.

Without objection, the hearing record will remain open for 14 days to allow such statements and other extraneous material referenced during the hearing to be submitted for the official record.

You have waited long enough. Let us go to our first all-star panel. You thought you knew him. You see him in the hallways. He is Hon. Warren Davidson. He represents Ohio's 8th district, but did you know he graduated from West Point? He served our country. Thank you for your service, Congressman Davidson, in the Army, after the Army, he earned an MBA from Notre Dame, and has done a variety of different things.

Most importantly, he was instrumental in the debate on the historic Bill of Rights Bill that this body passed a week and a half, 2 weeks ago, whenever we did, recently. The Bill of Rights. He has got an idea on how we can expand choice. We are looking forward to hearing from Congressman Davidson.

Ranking Member Bonamici, you brought a witness today too, tell us who it is.

Ms. BONAMICI. Indeed. Thank you, Mr. Chairman. We have with us today Congressman Mark Pocan, who represents Wisconsin's Second congressional District, a position he has held since 2013. He is a small business owner, a union member, and a lifelong advocate for progressive causes.

In previous Congresses he served on this committee. I want to add here that I miss his voice on the Education and Workforce Committee, but we are glad he is back as a witness today. He currently serves importantly on the Appropriations Committee where he sits on the Labor, Health and Human Services, the Education Subcommittee, and the Finance Services and General Government Subcommittee. Welcome Representative Pocan.

Chairman BEAN. Thank you, Ms. Bonamici. We welcome Congressman Pocan, and finally our third all-star witness of our first panel, Adrian Smith as well. So lengthy of all of the roles that he has done. Sure, he represents Congress's Nebraska Third District, but prior to that he was an educator, a real eState agent, and served his hometown as a member of the City Council.

Notably, today he has a bill. He has a bill also, that is focused on expanding choice, and letting kids and families choose their own path going forward. With that, let us get to our all-star panel. Welcome. We know you all are on a tight schedule, so what we are going to do is allow each of you to speak as long as you want, as long as you stop after 5 minutes.

With that, let us get to Congressman Davidson. You are on the gun, and welcome to the committee. You are recognized my friend, we are glad you are here.

**STATEMENT OF HON. WARREN DAVIDSON, MEMBER OF  
CONGRESS, OHIO 8TH DISTRICT**

Mr. DAVIDSON. Thank you, Chairman Bean, Chairwoman Foxx, and the rest of the committee for hosting me on this member panel today to talk about empowering parents and expanding school choice. I am pleased the committee has decided to take this issue up so early in the 118th Congress.

It was great to be able to support H.R. 5, the Parents Bill of Rights, as it passed the House recently, without an important amendment, nevertheless. What is the proper Federal role for education policy? I think we can all agree that the status quo does not fit our various descriptions and expectations.

While I do like Thomas Massie's one sentence bill ending the Department of Education, the reality is rather than quitting cold turkey, the communities need us to unwind years of policies that have made schools dependent on Federal dollars at the expense of their own local autonomy, local decisionmaking, aligned with the views and values of their community.

The surest remedy to accountability for these dollars is to fund students via parents, rather than schools. Courts have found that parents have vast authority when it comes to deciding how to raise and educate their children, and it is exciting to see under republican leadership in the house, that Congress is finally discussing policy that reflects this reality.

Parents have the right to determine their children's future, and it is up to us to ensure that they have the tools they need to make informed decisions that align with their values and beliefs. This starts by removing unelected and unaccountable Washington bureaucrats from the classroom. People here in this town do not need to decide things that parents are empowered to decide.

Unfortunately, millions in taxpayer dollars currently prop up failing school systems that generate abysmal student outcomes year after year, not to mention they sideline parents throughout the entire process. A couple of weeks ago, I offered an amendment to H.R. 5 that, if adopted, would have required local school districts that receive these Federal dollars to hold an open enrollment period for children both inside and outside of their school district.

It left details about how many and what criteria the schools could choose, so long as they were not discriminatory and were made public. This proposal would have given parents the opportunity to pick the highest quality education for their child no matter what zip code they live in.

In 2023, roughly 80,000 students took advantage of open enrollment in my home State of Ohio. Participation has steadily increased over time, and it is thanks to the abundance of school choice options leaders in my State have worked tirelessly to provide parents.

Now they have a lot of work left to do in Ohio, but one of the most popular programs, Ed Choice, provides K–12 scholarships to students who are assigned to underperforming schools, as well as to students whose families meet certain income designations.

I think the principle should be that the money follows the students without these tests. Ohio continues to expand eligibility for their school choice programs in part because the results of these early programs have already been tremendous, despite outcries from democrats and teacher’s unions, these programs have empowered parents with options in creating competition among schools.

Every student is different. Programs such as Ed Choice have encouraged schools to carefully tend to the needs of parents and their children who, if dissatisfied, can vote with their feet and move to a more fitting school for them. According to a 2022 study by the Thomas B. Fordham Institute located in Ohio, the academic achievement of district students was “significantly higher” than it would have been had districts not been exposed to the Ed Choice Program.

Ohio’s families are not the only ones reaping positive results of school choice programs, as was highlighted in the opening remarks by the Chairman. There has been an explosion of school choice legislation introduced in states all around the country, and while COVID was horrible, one thing that has been positive has been the attention families have given to school choice.

One of the many ways Congress could phaseout the Department of Education is to simply consolidate Federal funding we appropriate to the Department into block grants, which would be awarded to individual states based on how many citizens are in each State.

This is another path, versus the path that I offered in my amendment, and perhaps the most fitting in our Constitution as a Republic. If we gave these dollars to states, then the states, of course, would choose different courses of action, but it would certainly get Washington out of it and empower states to do things differently.

There is clearly not a uniform consensus as to which way to go, but it would certainly be more fitting for Federal dollars to empower a more local form of government. Congress uses block grants in Washington for a variety of programs, and I hope that we can move closer to a more Constitutional form of government in all respects, but certainly with respect to education policy, and I yield.

[The Statement of Mr. Davidson follows:]

## PREPARED STATEMENT OF THE HON. WARREN DAVIDSON

Thank you, Chairman Bean—and the rest of this committee—for hosting me on this member panel today to talk about empowering parents and expanding school choice. I am pleased the committee has decided to tackle this issue so early in the 118th Congress, and it was great to be able to support H.R. 5, the Parents Bill of Rights Act, as it passed the House recently.

What is the proper federal role for education policy? I think we can all agree that the status quo does not fit our various descriptions.

While I like Thomas Massie's one sentence bill, the reality is we need to unwind years of policies that have made schools dependent on federal dollars at the expense of autonomy—local decision making aligned with the views and values of the community.

The surest remedy to accountability is to fund students (via parents) rather than schools.

Courts have found that parents have vast authority when it comes to deciding how to raise and educate their children. It is exciting to see, under Republican leadership in the House, that Congress is finally discussing policy that reflects this reality.

Parents have the right to determine their child's future, and it is up to us to ensure they have the tools they need to make informed decisions that align with their values and beliefs.

This starts by removing unelected and unaccountable Washington bureaucrats from the classroom. Unfortunately, millions in taxpayer dollars currently prop up failing school systems that generate abysmal student outcomes year after year. Not to mention, they sideline parents throughout the entire process.

A couple of weeks ago, I offered an amendment to H.R. 5 that, if adopted, would have required local school districts that receive federal funding to hold an open enrollment period for children both inside and outside the district. It left details about how many and what criteria to the schools, so long as they were not discriminatory.

This proposal would have given parents the opportunity to pick the highest quality education for their child, no matter what their zip code is.

In 2023, roughly 80,000 students took advantage of open enrollment in my home state of Ohio. Participation has steadily increased over time, and it is thanks to the abundance of school choice option leaders in my state that have worked tirelessly to provide for parents.

One of the most popular programs, EdChoice, provides K–12 scholarships to students who are assigned to underperforming schools, as well as to students whose families meet certain income designations.

Ohio has continued to expand eligibility for their school choice programs, in part because the results have been tremendous. Despite outcries from Democrats and teachers' unions, these programs have empowered parents with options and created competition among schools.

Every student is different, and programs such as EdChoice have encouraged schools to carefully tend to the needs of parents and their children, who if dissatisfied, can vote with their feet and go to a more fitting school for them.

According to a 2022 study by the Thomas B. Fordham Institute, who has offices in Ohio, the academic achievement of district students was "significantly higher" than it would have been had districts not been exposed to the EdChoice program.

Ohio families are not the only ones reaping the positive results of school choice programs. There has been an explosion of school choice legislation introduced in states all around the country.

One of the many ways Congress could phase out the Department of Education is to simply consolidate the federal funding we appropriate to the Department into a block grant, which can be awarded to individual States based on citizens in each state.

Congress uses block grants in Washington for a variety of programs, in no small part, because we want taxpayer dollars to be spent in the best way possible. However, the block grants would have to come with no strings attached.

For decades, presidential administrations have used the Department of Education to implement "one-size-fits-all" policies. They failed time and time again by funding schools that have clear track records of bad student outcomes.

If we change the status quo and block grant our federal education spending, states like Ohio would have the flexibility to spend taxpayer dollars in ways that impact their students the most, such as expanding their school choice programs.

Of course, approaches around the country could and would vary, but that is how our Constitution is supposed to work. It is only a republic if we keep it and edu-

cation policy is only one example of how we have far more government than will fit within our Constitution.

It is time for our federal government (all of us) to recognize this. I look forward to working with Chairwoman Foxx, and the rest of my colleagues on this committee to spend taxpayer dollars in a way that restores a government small enough to fit within the Constitution. We can afford that government financially and morally.

Thank you, Chairman Bean!

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Chairman BEAN. Mr. Davidson, thank you very much. We appreciate your thoughts. Let us go to Wisconsin. Let us go to Wisconsin where Mr. Pocan, you are recognized. Welcome to the committee, we are glad to have you here. What say you on education?

**STATEMENT OF HON. MARK POCAN, MEMBER OF CONGRESS,  
WISCONSIN 2ND DISTRICT**

Mr. POCAN. Thank you to the full committee Chair, and thank you, Ranking Member. I appreciate the chance to testify before you today. The title of today's hearing School Choice, Expanding Educational Freedom for all is somewhat ironic because the data of these choice programs shows these programs drain resources from public schools to fund private and religious schools, which are not held to the same educational standards, nor are subject to many of the anti-discrimination laws that protect LGBTQ Plus students, students with disabilities, and students of color.

I served for 14 years in the Wisconsin State Legislature during one of our first in the Nation school voucher experiments, and I am glad to share some of the findings. Vouchers fund students already attending private schools, not low-income kids. Let us be clear, voucher programs overwhelmingly subsidize kids who are already in private schools.

In Wisconsin, more than 70 to 80 percent of vouchers go to kids already in private school. Wisconsin's program started with 511 students in the 2013–2014 school year and now has an enrollment of over 17,000 students, and each year the program has consistently enrolled more students from private schools than from public schools. Cutting their resources to subsidize kids attending private schools that their parents can already afford is not about education, it is really about tax breaks.

Second, vouchers do not save taxpayer dollars and drain funds for public schools. Additionally, these programs do not save taxpayer dollars. The cost of Wisconsin's statewide voucher program has grown from just over 3 million in 2013, to over 98 million less than a decade later. Wisconsin is effectively funding two separate school systems, one public, one private out of limited State education funds.

This puts a heavy financial burden on public schools and on taxpayers who have to foot the bill. My republican colleagues often talk about their support for rural communities, but voucher programs hit rural schools particularly hard and put these communities at risk. I live in a rural community of 830 people myself.

Rural communities cannot afford to lose their schools because of unaccountable voucher programs. Third, vouchers do not improve academic achievement. These programs also fail to improve academic achievement for students. Studies have shown that Milwaukee students using vouchers to attend private schools per-

formed no better on standardized tests than their public school counterparts, and that the Milwaukee voucher program had no effect on students likelihood of graduating college. Many voucher schools also shutdown with little warning, abruptly forcing students to move to schools, public schools, and without returning a dime of public funding.

One study shows that 41 percent of all private voucher schools operating in Milwaukee between 1991 and 2015 failed. Research also shows academic outcomes tend to improve for students who choose to leave their voucher school for a public school.

Fourth, voucher schools lack accountability and oversight. Finally, for my colleagues who love to talk about accountability for Federal spending, it is worth noting that these school choice programs have zero accountability for taxpayers. When Wisconsin first started the voucher program the standards were incredibly loose.

There was a school that used their government funds to lease Cadillacs. Another school that received funds was run by someone who said he could read a book simply by placing his hand on it. While eventually the standards were improved, voucher schools are not subject to the same requirements and oversight as public schools, meaning there is little to protect taxpayers from these types of abuses.

It is clear that public funds belong in public schools, which serve all students regardless of whether they have special needs, or their economic situation. The data shows that voucher programs lack basic oversight measures, sometimes fund discrimination, and fail to improve academic achievement for the students that participate.

Our nation's public schools are already resource starved, struggling to fund livable salaries for teachers, basic infrastructure upgrades, or manageable classroom sizes. We need to invest in them for better results. Thank you for this opportunity to speak today, and I yield back.

[The Statement of Mr. Pocan follows:]



**CONGRESSMAN MARK POCAN (WI-02) TESTIMONY**

**HOUSE EDUCATION & WORKFORCE SUBCOMMITTEE ON EARLY  
CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION**

**HEARING ON “SCHOOL CHOICE: EXPANDING EDUCATIONAL  
FREEDOM FOR ALL”**

**April 18, 2023**

Chairman Bean and Ranking Member Bonamici,

Thank you for the opportunity to testify before today’s subcommittee hearing.

The title of today’s hearing, “School Choice: Expanding Educational Freedom for All” is particularly ironic, because anyone who has looked at the data on school choice, in particular private school vouchers, knows that these programs drain resources away from our public schools – which serve the vast majority of students – in order to fund private and religious schools which aren’t held to the same educational standards nor are subject to many of the anti-discrimination laws that protect LGBTQ+ students, students with disabilities, students of color, and other vulnerable groups<sup>1</sup>. Voucher programs have nothing to do with educational freedom for all and would more accurately be described as a selective tax benefit for the wealthiest families.

My home state of Wisconsin’s own voucher program is a prime example of how vouchers give tax breaks to parents who already send their kids to private schools, defund the public education system, and are an abject failure when it comes to improving education outcomes for kids.

**Vouchers Fund Students Already Attending Private School, Not Low-Income Kids**

First, let’s be clear on who these programs support. Voucher programs overwhelmingly subsidize kids who were already in private schools before taxpayers picked up the tab. In Wisconsin, as well as states like Missouri<sup>2</sup>, more

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<sup>1</sup> [https://pfps.org/assets/uploads/SPLC\\_EIC\\_PFPF\\_2023Report\\_Final.pdf](https://pfps.org/assets/uploads/SPLC_EIC_PFPF_2023Report_Final.pdf) pfps report page 7

<sup>2</sup> [https://www.stltoday.com/news/local/education/missouri-lawmakers-look-to-expand-tax-credit-voucher-program-mostly-serving-religious-schools/article\\_ef0b7afb-6805-586b-a668-67b2d10ecd64.html](https://www.stltoday.com/news/local/education/missouri-lawmakers-look-to-expand-tax-credit-voucher-program-mostly-serving-religious-schools/article_ef0b7afb-6805-586b-a668-67b2d10ecd64.html)

than 70-80 percent of vouchers go to kids already in private school. Wisconsin's program started with **511 students** in the 2013-14 school year and now has an enrollment of **17,079 students**. Every year, Wisconsin's voucher program has consistently enrolled more students from private schools than from public schools.

This makes no sense. When I talk to teachers, principals, and parents in my district, they tell me how desperately they need more resources to hire mental health personnel, provide afterschool programming, and expand their Career and Technical Education offerings. Reducing what little resources they have to subsidize kids attending private schools that their parents can already afford is not about education, it's about tax breaks.

### **Vouchers Don't Save Taxpayer Dollars and Drain Funds from Public Schools**

Additionally, these programs do not save taxpayer dollars. The costs of Wisconsin's statewide voucher program have grown from just over \$3 million in 2013-14 to a whopping **\$76 million** this year<sup>3</sup>. According to the Wisconsin Department of Public Instruction, in 2019-20 local property taxpayers spent over **\$100 million just that year** on our voucher programs.

Wisconsin is now effectively funding two separate school systems, one public and one private, entirely out of the limited pot of state education funds. This puts a heavy financial burden on public schools, and on local taxpayers who have been forced to raise their own taxes to foot the bill. In fact, Wisconsin taxpayers were forced to raise \$21 million to pay for private school vouchers in 2015-16, and \$140 million in 2020-21<sup>4</sup>.

My colleagues on the other side of the aisle often talk about their support for rural communities, but voucher programs hit rural schools particularly hard and put these very communities at risk. In my district, rural schools in small towns like Darlington and Juda serve as more than just a space to educate students – they are major employers and cultural institutions at the very center of small-town life. Studies show that when a rural school closes, the surrounding town experiences a sharp decrease in population growth<sup>5</sup>. Rural communities in my district and across the country can't afford to lose their public schools because of unaccountable voucher programs.

<sup>3</sup> [https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Data\\_and\\_Reports/2020-21/2020-21\\_wpcp\\_payment\\_history.pdf](https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Data_and_Reports/2020-21/2020-21_wpcp_payment_history.pdf)

<sup>4</sup> <https://wisconsinexaminer.com/2021/05/07/tracking-the-growing-cost-to-taxpayers-of-private-school-vouchers/>

<sup>5</sup> <https://www.edweek.org/leadership/when-schools-close-in-rural-communities/2017/08>

### **Vouchers Don't Improve Academic Achievement**

These programs don't even improve academic achievement for the students that participate.

A 2011 study shows that students in Milwaukee using vouchers to attend private schools perform no better on standardized tests than their public school counterparts<sup>6</sup>. A 2017 study also found that the Milwaukee voucher program had no effect on students' likelihood of graduating college<sup>7</sup>. There is similar data for programs in Louisiana<sup>8</sup>, Ohio<sup>9</sup>, and Indiana<sup>10</sup>.

Many of these voucher schools also fail and shut down with little warning, abruptly forcing students to find a new school and without returning a dime of the public funding that went to the voucher school. In fact, one study shows that 41 percent of all private voucher schools operating in Milwaukee between 1991 and 2015 failed<sup>11</sup>.

The schools that do manage to stay open show abysmal retention rates. In Wisconsin, about 20 percent of kids left their voucher school every year and most went into a public school<sup>12</sup>. These tended to be the lowest scoring kids, and kids of color—and they tended to leave the newest pop-up schools. Researchers also found that their academic outcomes **improved** once they landed in their public schools<sup>13</sup>.

### **Voucher Schools Lack Accountability and Oversight**

Finally, as I listen to my colleagues who love to talk about accountability for federal spending, it's worth noting that these "school choice" programs have zero accountability to taxpayers.

When Wisconsin first started the voucher program, the standards were incredibly loose. Even so, the state still paid \$139 million over a 10 year period to schools that were ultimately barred from the program for failing to meet requirements<sup>14</sup>.

<sup>6</sup> <https://files.eric.ed.gov/fulltext/ED530066.pdf>

<sup>7</sup> <https://www.urban.org/research/publication/do-voucher-students-attain-higher-levels-education>

<sup>8</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3376230](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3376230)

<sup>9</sup> <https://fordhaminstitute.org/ohio/research/evaluation-ohios-edchoice-scholarship-program-selection-competition-and-performance>

<sup>10</sup> [https://www.researchgate.net/publication/332355793\\_Voucher\\_Pathways\\_and\\_Student\\_Achievement\\_in\\_Indiana's\\_Choice\\_Scholarship\\_Program](https://www.researchgate.net/publication/332355793_Voucher_Pathways_and_Student_Achievement_in_Indiana's_Choice_Scholarship_Program)

<sup>11</sup> <https://onlinelibrary.wiley.com/doi/full/10.1111/psj.12164>

<sup>12</sup> <https://journals.sagepub.com/doi/pdf/10.3102/0002831211424313>

<sup>13</sup> <https://journals.sagepub.com/doi/pdf/10.3102/0162373712461852>

<sup>14</sup> <https://www.postcrescent.com/story/news/local/2014/10/12/wisconsin-millions-failed-voucher-schools/17152907/>

There was a school that used their government funds to lease Cadillacs<sup>15</sup>. Another school that received funds was run by someone who said they could read a book by simply placing their hand on it.

While eventually the standards improved, voucher schools are not subject to the same requirements and oversight as public schools, meaning there is little to protect taxpayers from these types of abuses given the wide range of laws that currently exist.

### **Conclusion**

Public funds belong in public schools, which serve all students, regardless of whether they have special needs or their economic situation. We already know that voucher programs have failed to achieve their stated goals. These programs lack basic oversight measures, fund discrimination, and fail to improve academic achievement for the students that participate. There is only so much taxpayer funding to go around. If more is spent on voucher expansion, there will be less funding available for the 850,000 children attending Wisconsin public schools. That's true for every community across the country.

Our nation's public schools are already resource-starved, struggling to fund livable salaries for teachers, pay for basic infrastructure upgrades, or maintain manageable classroom sizes. We should be investing public, taxpayer dollars into the schools that educate the vast majority of our nation's students, not expanding failed policies to further erode these critical public institutions.

Thank you again for the opportunity to testify today, and I yield back.

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<sup>15</sup> <https://www.fox6now.com/news/pastor-charged-with-stealing-government-funds-from-school>

Chairman BEAN. Mr. Pocan, thank you so much. If you are just tuning in, we are talking about Americans educational choice, where that leads, and what we can do with it. We are on part A of two all-star panels. We are going to Nebraska now, where Hon. Adrian Smith is standing by. Congressman Smith, you are recognized. Welcome to the committee.

**STATEMENT OF HON. ADRIAN SMITH, FORMER MEMBER OF  
CONGRESS, NEBRASKA 3RD DISTRICT**

Mr. SMITH. Thank you, Chairman Bean, Chairwoman Foxx, Ranking Member Bonamici, Ranking Member Scott, and members of the subcommittee. I appreciate the opportunity to discuss this important topic here in today's hearing.

There is no question that school choice is having a moment nationwide. Data shows parental involvement leads to better outcomes for students, and as legislators we have a responsibility to encourage more parental involvement in education, not less. School choice is one way to do that.

Parental empowerment is more important than ever before. It is incumbent upon us to come together and put forward creative solutions to ensure all children can access a quality education, no matter their background or where they live. This was an issue near and dear to our friend and late colleague, Representative Jackie Walorski.

While I wish Ms. Walorski were here testifying before you today, it is an honor to have carried forward her bill alongside Representative Burgess Owens, who serves on this important subcommittee. Our bill, the Educational Choice for Children Act, is an innovative policy mechanism to provide deserving students of all backgrounds with more options to fund their education needs, something we should all be able to agree on.

It is important, and with emphasis I note this measure leaves in place all existing public education resources. Let me repeat. This measure leaves in place all existing public education resources. The ECCA would create an annual ten-billion-dollar pool of tax credits, which Treasury would allocate to private, non-profit scholarship granting organizations, or SGOs in each State, and in D.C.

These SGOs would receive donations from families and businesses, allowing them to provide scholarships to families below 300 percent of their state's median income. SGOs would then allocate one for one tax credits back to the donors, and grant the scholarships to families. In addition to paying traditional tuition costs, the scholarships could also be used to pay for tutoring, supplies, and other needs for families and rural areas where their local district cannot fully meet their needs, and where traditional private school options do not exist.

This process is run by private, non-governmental SGOs, there is no government involvement in providing these scholarships. We do this through the tax code. Once again, we are leaving in place all existing funding for education budgets.

You may find this concept familiar because the structure of this tax incentive is similar to programs with strong bipartisan support like the low-income housing tax credit. The ECCA is supported by numerous stakeholders and advocates, and I hope today's sub-

committee hearing will pave the way for additional action on this important legislation.

Thank you again for having me to discuss this ECCA, and the importance of school choice to students and families across America. Thank you and I yield back.

[The Statement of Mr. Smith follows:]

PREPARED STATEMENT OF ADRIAN SMITH

Thank you, Chairman Bean, Chairwoman Foxx, Ranking Member Bonamici, and members of the Subcommittee. I appreciate the opportunity to discuss this important topic at today's hearing.

There is no question that school choice is having a moment nationwide. Data shows that parental involvement leads to better outcomes for students,<sup>1</sup> and as legislators we have a responsibility to encourage more parental involvement in education, not less. School choice is one way to do that.

Parental empowerment is more important than ever before. It is incumbent upon us to come together and put forward creative solutions to ensure all children can access a quality education, no matter their background or where they live.

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The ECCA would create an annual \$10 billion pool of tax credits which Treasury would allocate to private, non-profit scholarship granting organizations, or SGOs, in each state and in DC.

Those SGOs would receive donations from families and businesses allowing them to provide scholarships to families below 300% of their state's median income. SGOs would then allocate one-for-one tax credits back to the donors and grant the scholarships to families.

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The ECCA is supported by numerous stakeholders and advocates, and I hope today's subcommittee hearing will pave the way for additional action on this important legislation.

Thank you again for having me to discuss the ECCA and the importance of school choice to students and families everywhere.

Chairman BEAN. Thank you, Mr. Smith, Mr. Pocan, thank you very much for coming forward. We appreciate, we know you all are excused. How about that? You are excused. Members, we are going to pause literally for just half a minute, 30 seconds, as we excuse our first all-star panel, and then we invite the second all-star panel. Thank you very much. Well done.

Our second all-star panel now making their way to the witness table. We are now looking for the witnesses for the second all-star panel. We found one, hooray. You are first. You get to choose. Your choice. We are back ladies and gentlemen. This is the Sub-

<sup>1</sup> <https://www.apa.org/pi/lgbt/programs/safe-supportive/parental-engagement>.

committee on Early Childhood Elementary and Secondary Education.

We are in the middle of a discussion on education choice in America. We have already heard from one all-star panel, and now it is time for all-star panel No. 2. We have got four distinct distinguished witnesses that we are going to hear from, and we are glad to have you here. Welcome.

For our first witness introduction, let us go to our own Mary Miller. You are recognized.

Mrs. MILLER. Thank you so much to all of our witnesses for coming today, and I would like to introduce Mr. Luke Messer, who is the President of Invest in Education. From 2013 to 2019, he served as a U.S. Congressman for Indiana's Sixth Congressional District and was a member of this committee.

He also served as a State legislator in the Indiana House of Representatives, and was President and CEO of School Choice, Indiana, where he helped pass major school choice legislation, and usher in the largest state-based education reform movement in the country. Thank you sir for attending.

Chairman BEAN. Thank you very much, Ms. Miller. Welcome. We are glad to have you here. I defer to Ranking Member Bonamici to introduce our second witness.

Ms. BONAMICI. Thank you very much, Mr. Chairman. Mr. Derek W. Black is a professor of law and Director of the Constitutional Law Center at the University of South Carolina, School of Law. His area of expertise includes educational policy, Constitutional law, and civil rights.

The focus of his current scholarship is the intersection of Constitutional law and public education, particularly as it pertains to educational equity, equality, and fairness for disadvantaged students. His work has been cited by Federal courts in various briefs before the U.S. Supreme Court.

Based on that research, he offers expert witness testimony in school funding, voucher and Federal educational policy litigation. He holds a JD from the University of North Carolina School of Law.

Chairman BEAN. Thank you very much, and welcome Mr. Black. Nathaniel Moran, Congressman Moran, you are recognized to introduce our third witness.

Mr. MORAN. Thank you, Chair. I am pleased to introduce Dr. Lindsey Burke, who is the Director of the Center for Education Policy at the Heritage Foundation. She has published evaluations of education choice options for public policy foundations across the country. If that were not enough, she has also done extensive work shaping, and evaluating policies on education savings accounts.

She holds a Ph.D. in education policy from George Mason University, where she examined the intersection of education choice and institutional theory. We are grateful, ma'am, that you have joined us today, and look forward to hearing from you. Please welcome Dr. Lindsey Burke.

Chairman BEAN. Thank you, Mr. Moran, and welcome Dr. Burke. I have the honor of introducing our fourth witness. It is Denisha Allen. She is a Senior Fellow at the American Federation for Chil-

dren, and previously served as school choice and youth liaison for the Secretary of Education at the U.S. Department of Education.

She is from the free State of Florida. She is a tax scholarship graduate, who had her life changed by being able to choose the school that she chose. She has been featured in the Wall Street Journal, Washington Examiner, and Fox News, but most importantly, we discovered that we share a passion for the Jaguars out of Jacksonville, because that is where you are from. We are glad to have you here.

You have probably got one of the best jobs ever making families—just changing lives by helping them navigate their way through school choice. With that, panelists, we are glad to have you here. There is a 5-minute warning. Your lights will light up. Maybe I will give you the signal if you go forward, but we are glad to have you here, and just welcome.

Welcome back to our first witness, Mr. Messer. We drew straws, you lost, so you are going first. We are delighted to have you here. Welcome back. So Mr. Messer, you are recognized.

**STATEMENT OF HON. LUKE MESSER, FORMER MEMBER OF  
CONGRESS, PRESIDENT, INVEST IN EDUCATION**

Mr. MESSER. Thank you, Chairman Bean, Ranking Member Bonamici, and members of the subcommittee. Thank you for the opportunity to testify here today. It is great to be back in this hearing room. As a former member of the Education and Workforce Committee, former President of the State school choice organization, and former State legislator, I have worked for many years to reform K–12 education, with a particular emphasis on expanding educational freedom and parental empowerment in K–12 education.

This month marks the 40th anniversary of a nation at risk, arguably the most important document assessing the State of K–12 education ever published by the Federal Government. Forty years later and not enough has changed. The truth is we are a long way away from having a 21st Century K–12 education model, where every student has access to a great education, and schools are laser focused on learning and improving academic outcomes for students.

The pandemic exposed a disturbing underlying political dynamic that too often places the interests of adults above the welfare, both emotionally and academically of students. The result was a widespread documented learning loss that will take years to recover.

During the pandemic, with millions of students learning from home, America's parents also got a much better look at the substance of what is being taught in our Nation's schools. Unfortunately, many schools are driving an agenda that has little to do with reading, writing, math, science, art, music or history.

Thanks to the leadership of Representative Letlow, Chairwoman Foxx, and many other members of this committee, the House recently passed a bill, the Parents Bill of Rights, which is intended to ensure that parents have a much stronger voice in our Nation's schools, but importantly, school choice is the engine that makes the Parents Bill of Rights enforceable.

Parents need the freedom to choose the education environment that best meets their child's needs. Parents, especially lower in-



come parents, need the power to be able to leave government assigned schools that are not working for their child. Parents need school choice. The great myth about school choice is that it allegedly hurts public schools. Decades into this debate, school choice is an experiment no longer.

In America today, there are 3.5 million students in public charter schools. There are around 700,000 students benefiting from a voucher, tax credit scholarship, or education savings account. The public school system is still standing and still educating the vast majority of our Nation's students.

In fact, more than 20 years of research compiled by EdChoice, shows that the existence of school choice actually improves academic achievement in surrounding public schools. School choice is also incredibly popular. In America today, it is hard to find a public policy issue on which republican, democrat, independent, Latino, African American, and millennial voters all agree, yet poll after poll shows 70 to even 90 percent support for these groups for various forms of school choice.

Congress can heed the call from voters and parents of school age children, and pass America's boldest school choice bill, H.R. 531, the Educational Choice for Children Act, authored by Representative Smith, who did a great job describing the bill earlier today, my friend Burgess Owens, and then my late colleague from Indiana, Jackie Walorski.

The ECCA represents federalism and ensures K-12 education remains a State and local issue, creates no new mandates, or government programs, protects religious liberty, and private school autonomy. It does this by creating a ten-billion-dollar Federal tax credit that allows individuals and businesses to contribute to non-profit scholarship granting organizations and the states.

These SGOs provide scholarships for students to use for a variety of educational purposes, such as tuition, tutoring to address learning loss, special needs services, school related fees, education technology or curriculum materials. That is private money, not Federal money, to fund scholarships, while donors get 100 percent non-refundable tax credit.

Once implemented, the ECCA would provide educational opportunities for more than a million families throughout the country. Imagine how different a policy debate would have been throughout the pandemic if one million families could have voted with their feet.

[The Statement of Mr. Messer follows:]

PREPARED STATEMENT OF LUKE MESSER

Chairman Bean, Ranking Member Bonamici, and Members of the Subcommittee. Thank you for the opportunity to testify today. As a former member of the Education & Workforce Committee, former president of a state school choice organization, and a former state legislator, I have worked for many years to reform K-12 education, with a particular emphasis on expanding education freedom and parental empowerment in K-12 education.

This month marks the 40th anniversary of "A Nation at Risk", arguably the most important document assessing the state of K-12 education ever published by the federal government.

For those who do not recall, "A Nation at Risk" was a data-based report issued in April of 1983, by the Reagan Administration's National Commission on Excellence in Education. The most famous line of the report declared that "the educational foundations of our society are presently being eroded by a rising tide of me-

diocrity that threatens our very future as a Nation and a people.” (U.S. Department of Education, 1983).

The report was fashioned as “an open letter to the American people” and called on elected officials, educators, parents, and students to reform a public school system it described as “in urgent need of improvement.”

Forty years later, not enough has changed. The truth is: we are a long way away from having a 21st Century K–12 education model where every student has access to a great education, and schools are laser focused on learning and improving academic outcomes for students.

Today, our K–12 “system” continues to place the interests and agendas of adults above the learning and academic needs of students. We are still, for the most part, the same antiquated 19th Century model that funds systems instead of students. If we learned anything during the pandemic, it is that our K–12 “system” remains woefully inadequate for the times, inflexible, and incapable of ensuring a quality education for every child.

More alarmingly, the pandemic exposed a disturbing underlying political dynamic that, too often, places the interests of adults above the welfare, both emotionally and academically, of students. The result was a widespread, documented learning loss that will take years to recover.

As Members of the Education Committee, you are fully aware of the catastrophic learning loss that occurred because of school closures and often unreasonable government mandates during the pandemic. Millions of students lost an entire year (or more) of learning. The loss fell disproportionately hard on children in low-income families and special needs students. The 2022 NAEP scores reinforced what we already knew. Fourth grade reading scores were the lowest since 2005. One quarter of fourth graders performed at the “below basic” level in reading.

Math scores for the 4th and 8th grades showed the biggest declines since NAEP assessments began in 1990.

During the pandemic, with millions of students learning from home, America’s parents also got a much better look at the substance of what is being taught in our nation’s schools.

Unfortunately, many schools are driving an agenda that has little to do with reading, writing, math, science, art, music or history. Many parents discovered that their own local public schools no longer aligned with or respected their family’s values.

Thanks to the leadership, Rep. Letlow, Chairwoman Foxx, and many other Members of this committee, the House recently passed a bill, the Parents Bill of Rights, which is intended to ensure that parents have a much stronger voice in our nation’s schools.

No doubt, the Parents Bill of Rights will bring more transparency into our public school system. Importantly, school choice is the engine that makes the Parents Bill of Rights enforceable.

Parents need the freedom to choose the education environment that best meets their child’s needs. Parents, especially lower-income parents, need the power to be able to leave the government-assigned school that is not working for their child. Parents need school choice.

Parental empowerment through school choice will transform an outdated 19th Century education system into a 21st Century model where every child has access to a great education, regardless of their parents’ income, residence, privilege or social status.

The great myth about school choice is that it allegedly hurts public schools. Decades into this debate, school choice is an experiment no longer. In America today, there are 3.5 million students in public charter schools. There are around 700,000 students benefitting from a voucher, tax credit scholarship, or education savings account. The public school system is still standing and still educating the vast majority of our nation’s students. In other words, school choice has not hurt public schools. In fact, more than 20 years of research compiled by EdChoice shows that the existence of school choice actually improves academic achievement in surrounding public schools.

School choice is also incredibly popular. In America today, it is hard to find a public policy issue on which Republican, Democrat, Independent, Latino, African American, and Millennial voters all agree. Poll after poll shows 70% to even 90% support from these groups for various forms of school choice.

We have seen this support playing out in the states. There are now 31 states, plus Washington, D.C., with a voucher, tax credit scholarship, or education savings account program (ESA). Four states have even passed universal school choice programs in which every K–12 student is, or soon will be, eligible to participate. Of course, there are still 19 states where parents of school-aged children are denied the opportunity to choose the best school for their own children.

Congress should heed the call from voters and parents of school-aged children and pass America's boldest school choice bill—H.R. 531, the Educational Choice for Children Act (ECCA).

The ECCA respects federalism and ensures K–12 education remains a state and local issue. It creates no new mandates or government programs. Instead, the ECCA creates a \$10 billion federal tax credit that allows individuals and businesses to contribute to non-profit scholarship granting organizations (SGOs) in the states. These SGOs provide scholarships for students to use for a variety of educational purposes such as tuition, tutoring to address learning loss, special needs services, school-related fees, education technology, or curriculum materials. That is private money, not federal money, to fund scholarships, while donors get a 100% non-refundable federal tax credit.

Once implemented, the ECCA would provide educational opportunities for more than a million families throughout the country. Imagine how different the policy debate would have been throughout the pandemic if one million families could have voted with their feet.

This is important enough to say again; the ECCA contains no government mandates or encroachments on SGOs or schools that educate scholarship students. It protects religious liberty and private school autonomy. It benefits students who live in urban, rural, and suburban parts of the country. For states that already offer school choice, the ECCA scholarship can be stacked on top of an existing state scholarship, voucher, or ESA, thereby increasing the purchasing power for parents and allowing more students to benefit, especially during the more expensive high school years. The ECCA also creates educational opportunity in states that lack education freedom by directly empowering parents to choose the school or education service that meets their child's needs. It does these things without expanding federal government education policy or spending new federal money.

Giving more parents the freedom to choose the best school or education service for their children is where K–12 education must go. It is just common sense. There is nothing to fear from directly empowering parents. Our view is that it should not just be wealthy or politically powerful parents who get to choose the best school for their child. All parents should have this right.

Chairman BEAN. Mr. Messer, thank you so much. You have not lost it. You still stayed under time, so we are glad to have you back. Let us go to our second witness, it is Mr. Black. Mr. Black, welcome again, and you are recognized and your mic.

**STATEMENT OF DEREK BLACK, PROFESSOR OF LAW AND ERNEST F. HOLLINGS CHAIR IN CONSTITUTIONAL LAW, UNIVERSITY OF SOUTH CAROLINA**

Mr. BLACK. Thank you, Mr. Chair. It is my honor to testify before the committee. I want to focus my comments on four issues in particular, states' Constitutional duty in education, the financial impact of vouchers on public education, unequal access and discrimination in voucher programs, and student achievement.

First, public financing of vouchers must be situated within a larger Constitutional context. The key question is whether private school subsidies are permissible under State Constitutions. All 50 State Constitutions mandate the provision of public education. These mandates are affirmative and absolute, and they include qualitative components.

Both Constitutional language and courts describe these obligations as states' paramount, or foremost duty, which is to say that no other priorities can come before them. Various State Constitutional clauses also directly limit states involvements in financing private school education, and reserve certain resources exclusively for public schools.

The purpose of those restrictions is to ensure states remain wedded to public education as their top priority, and the public funds

do not get diverted elsewhere to the detriment of public schools. Provisions of these sorts, for instance, have required the Florida, Nevada, and South Carolina Supreme Courts most recently to strike down voucher programs.

It is also worth emphasizing that these State Constitutional education clauses are a function of the United States Constitutional mandate that Congress guarantee a republican form of government in the states. Since the Nation's founding, the provision of public education has been understood as a central pillar of American democracy, and a republican form of government.

This understanding is reflected in one of the Nation's four foundational documents—the Northwest Ordinance of 1787, which actually precedes the United States Constitution, and in the terms that Congress has imposed on states as a condition of admission into the Union.

Second, various studies strongly suggest that many, if not most, states are failing to meet their Constitutional obligations regarding public school funding, and these shortfalls tend to increase when states adopt a voucher and voucher like programs. One study found that states disinvested nearly 600 billion dollars in public schools following the Great Recession.

During the same period, several states exponentially expanded their private school choice programs. For instance, a 2022 report rated Florida's funding level in its public schools as an F. It is funding effort as an F, and its distribution of funds amongst those schools as a D. At the same time, Florida spends roughly 1 billion dollars a year on private school tuition.

Conversely, states with the highest public education funding ratings do not typically support voucher programs. It is also worth emphasizing that even when public schools lose students, many of their costs relating to transportation, facilities, utilities, and personnel remain fixed. As a result, public schools must provide the same services, but with fewer resources.

Third, private schools participating in these programs do not provide equal access to all students. They are exempt from various anti-discrimination and Constitutional restrictions, and evidence suggests that some of these schools are in fact, discriminating against students in admission, as well as providing questionable curriculum.

In addition, states have increasingly changed their programs from expanding opportunity for lower income students to simply subsidizing private school tuition for all students. No matter what, private schools continue to pick and choose from student applicants based upon academic credentials, and other factors such as behavioral history.

The net result of publicly financed programs that help to sort, segregate, and stratify students into demographic silos. These dynamics pose serious challenges for our democracy and run contrary to the governmental role in education. If government is no longer willing to pursue its democratic goals, the rationale for publicly financing education evaporates.

Fourth, many school choice proponents incorrectly believe that private schools, and thus, tuition programs, offer an academic advantage over public schools. While the average test score and pri-

vate schools is higher, this is a function of the fact that private schools are demographically distinct from public schools.

When comparing apples to apples, public schools slightly outperform private schools. Studies more specifically on voucher programs show that students enrolling in these programs often perform worse than their similarly situated peers in public schools.

Congress and states have never fully achieved their goals in public schools. The public education has, as much as any aspect of the American story, been a central pillar of achieving what Abraham Lincoln called, "A more perfect union." Now is not the time to abandon this crucially important project, but to redouble our efforts, and recommit to its premises.

Our State Constitutions and national credos do not allow for anything less. Thank you.

[The Statement of Mr. Black:]

**House Committee on Education and the Workforce Subcommittee on Early Childhood,  
Elementary, and Secondary Education**

**Hearing on "School Choice: Expanding Educational Freedom for All"**

**Statement of Derek W. Black**

**Professor of Law and Director of the Constitutional Law Center**

**University of South Carolina School of Law**

**April 18, 2023**

*Introduction*

It is my honor to have the opportunity to testify before the Committee regarding some of the major legal and policy issues surrounding public financing of private school tuition programs in the form of vouchers, education savings accounts, and analogous programs. For the purposes of this testimony, I will refer to these programs collectively as private school tuition programs. My testimony divides these legal and policy issues into four major categories: states' constitutional duty regarding public education, which precedes any potential consideration of private school choice; the financial impact of private school tuition programs on public education; unequal access and discrimination in private school tuition programs; and student achievement.

Some of these legal and policy issues arise with charter schools as well—particularly those relating to the financial effects on public schools, the stratification and segregation of students between schools, and academic achievement—but this testimony directly addresses only private school tuition programs. It is worth noting, however, that because charter schools are public schools, they, unlike private schools, must comply with the U.S. Constitution and various federal anti-discrimination standards. Thus, this testimony's concerns regarding federal constitutional and statutory rights are largely inapplicable to charter schools.

*I. States' Constitutional Obligations in Public Schools Take Precedent Over Private School Choice*

Public financing of private school education for elementary and secondary students cannot be properly evaluated without situating it within a larger constitutional context. The first question regarding public financing of private school choice is not whether some individuals might prefer or benefit from it, but whether private school subsidies are permissible under state constitutions. Jumping to the substantive merits or shortcomings of private school choice, quite simply, ignores and mis-orders state governments' priorities and obligations.

All fifty state constitutions include provisions that mandate the provision of public education. These affirmative state constitutional mandates in public education include qualitative components—such as the provision of an adequate or equal education. They also include

requirements that public schools be organized into a statewide “system” and that the system be “uniform.”<sup>1</sup> These obligations are absolute. Both explicit constitutional language and judicial interpretations describe these obligations as states’ paramount or foremost duty, which is to say that no other priorities can come before them, nor can exigencies justify a state’s failure to discharge the duty.<sup>2</sup>

Various state constitutional clauses also directly limit states’ involvement in financing private school education and reserve certain resources for the exclusive use of public schools. The purpose of these restrictions is to ensure states remain wedded to public education as their top priority and that other programs do not compete for or misuse funds that should otherwise be spent on public schools. For instance, most state constitutions identify specific funds—such as the common school fund, tax revenues raised for public schools, or revenues generated from public lands—as exclusively for public schools.<sup>3</sup> This type of restriction required the Florida Supreme Court to strike down the state’s voucher program in *Bush v. Holmes*.

Other mechanisms, such as requiring that the public education appropriation be in a state’s first appropriation each year, similarly aim to ensure public education’s primacy. The contravention of such a rule required the Nevada Supreme Court to declare the state’s voucher bill unconstitutional in *Schwartz v. Lopez*. Lest these directives be insufficient to make the point, several state constitutions place explicit bars on funding private school education, regardless of the source, in the attempt to preclude legislative workarounds. Such a provision was the basis for the South Carolina Supreme Court striking down a voucher program in *Adams v. McMasters*.

It is also worth emphasizing that these state constitutional education clauses are a function of the U.S. Constitution’s mandate in Article IV, § 4 that Congress guarantee a republican form of government in the states. Since the nation’s founding, the provision of public education has been understood as a central pillar of democracy and a republican form of government.<sup>4</sup> In fact, prior to the adoption of the U.S. Constitution, the Continental Congress enacted the Northwest Ordinances of 1785 and 1787. The Northwest Ordinance of 1787 is recognized alongside the Declaration of Independence, Articles of Confederation, and Constitution as one of the nation’s four foundational documents. The Northwest Ordinance of 1787 forever ensured the provision of education in the territories and set the rules by which these territories could become states.<sup>5</sup> Congress later made the provision of public education a condition of southern states reentering

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<sup>1</sup> See, e.g., *Rose v. Council for Better Education*, 790 S.W.2d S.W.2d 186, 205 (Ky. 1989) (the General Assembly had an “obligation . . . to provide for a system of common schools”); § 2 Wyo. Const. art. VII, § 1; Colo. Const. art. IX, § 2.

<sup>2</sup> See Derek W. Black, *Preferencing Educational Choice: The Constitutional Limits*, 102 CORNELL LAW REVIEW 1359 (2018); Derek W. Black, *Averting Educational Crises*, 94 WASHINGTON UNIVERSITY LAW REVIEW 423 (2017).

<sup>3</sup> See, e.g., JOHN MATHIASON MATZEN, STATE CONSTITUTIONAL PROVISIONS FOR EDUCATION: FUNDAMENTAL ATTITUDE OF THE AMERICAN PEOPLE REGARDING EDUCATION AS REVEALED BY STATE CONSTITUTIONAL PROVISIONS, 1776-1929 at 129-35 (1931) (surveying states’ common school fund provisions).

<sup>4</sup> Derek W. Black, *The Fundamental Right to Education*, 94 NOTRE DAME LAW REVIEW 1059 (2019).

<sup>5</sup> See Black, *Fundamental Right to Education*, *supra*; DEREK W. BLACK, SCHOOLHOUSE BURNING: PUBLIC EDUCATION AND THE ASSAULT ON AMERICAN DEMOCRACY (2020).

the Union.<sup>6</sup> In fact, after the Civil War, no state would ever enter the Union without providing for education in its constitution. The single one to try, New Mexico, saw Congress reject its admission.

## II. *The Financial Impact of Private Tuition Programs on Public Education*

This constitutional and legal backdrop precludes the consideration of private school tuition programs in a vacuum. The first factual question is whether states have discharged their state constitutional obligation to public schools. If not, adopting a private school tuition program is a dereliction of duty—one that will likely compound one constitutional violation on top of another. Though the factual and legal circumstances differ by state, various studies strongly suggest that many, if not most, states are failing to provide their students with the financial resources necessary to receive an adequate education, and these funding gaps tend to increase when states adopt private school tuition programs. Thus, rather than affording more educational opportunity, these private school tuition programs have the practical effect of further denying students who remain in public schools of their state constitutional right to education (and as discussed later, do not ensure better opportunities for disadvantaged students who participate in the tuition programs).

For instance, national studies have demonstrated a consistent pattern of underfunding in Florida’s public schools. The Education Law Center issues annual reports on school funding. Its most recent report rated Florida’s funding level as an F, its funding effort as an F, and its distribution of those meager funds among schools as a D.<sup>7</sup> To be clear, several other states received A and B ratings on these metrics. Moreover, these higher scoring states do not typically support private school tuition programs (except for a highly contextual and limited program to support students living in remote regions that cannot support high schools in Vermont and Maine).

Another national study led by Bruce Baker in 2018 assessed whether schools had the resources to achieve “average” outcomes. Average outcomes, to be clear, are probably lower than adequate outcomes but easier to measure. It found that most states fail to provide requisite resources to school districts serving predominantly low-income students. But the study found that even in Florida’s wealthiest districts, students received slightly less than they needed, and, in high-poverty districts, the funding gap exceeded \$4,000 per pupil.<sup>8</sup>

Data suggests that gaps of this sort have grown substantially since the Great Recession. At that point, Florida, for instance, began drastically reducing its public education expenditures while dramatically increasing its private school expenditures. A decade and a half later, Florida spends roughly \$1 billion dollars a year on private school tuition. This is notwithstanding the fact that its public schools are severely underfunded and its constitution declares education “a fundamental

<sup>6</sup> Derek W. Black, *The Constitutional Compromise to Guarantee Education*, 70 STANFORD LAW REVIEW 735 (2018).

<sup>7</sup> EDUCATION LAW CENTER, MAKING THE GRADE: HOW FAIR IS FUNDING IN YOUR STATE? (2022), <https://edlawcenter.org/assets/files/pdfs/publications/Making-the-Grade-2022-Report.pdf>.

<sup>8</sup> BRUCE BAKER ET AL. THE REAL SHAME OF THE NATION: THE CAUSES AND CONSEQUENCES OF INTERSTATE INEQUITY IN PUBLIC SCHOOLS (2018).



value of the people of the State of Florida” and makes it a “paramount duty of the state to make adequate provision . . . a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education.” While Florida may be an egregious example, it is not alone. Other states have exponentially expanded private school tuition programs while seemingly failing to discharge their public education duty.<sup>9</sup> One study found that that “students across the U.S. lost nearly \$600 billion from the states’ disinvestment in their public schools” in the decade following the Great Recession.<sup>10</sup>

Private school tuition programs often proceed on the false assumption that the diversion of students away from public schools will save public schools money. While public schools do see some reductions in costs when students attend private schools, those “savings” are neither automatic nor proportional. First, many state programs do not require students participating in private school tuition program to have previously attended a public school.<sup>11</sup> As a result, private school tuition programs can fund student who never would attended public school anyway. This makes the tuition program an extra state cost rather than a savings.

Second, many public school expenditures are fixed, meaning that they do not necessarily change even when students do leave public school and enroll elsewhere. The school buses will still run the same routes, the heating and cooling systems will run just as long, and the roof and other aspects of the facility will deteriorate at the same rate. Schools’ largest costs, however, are personnel. But public schools cannot dismiss five percent of the teaching staff just because its student population dipped by five percent, for instance. Unless a public school system is willing to dramatically increase class sizes, eliminate certain aspects of the curriculum, or close and consolidate schools, it will often need the same number of teachers. As a result, private school tuition programs can force public schools to try to meet the same student needs but with fewer resources.

### *III. Discrimination and Unequal Access in Private School Tuition Programs*

School choice programs also raise several fundamental concerns regarding equal access, discrimination, and religion. First, private school tuition programs initially grew out of state attempts to resist desegregation. While much has changed since then, certain aspects of that legacy continue today. Second, as of 2019, fewer than half of states’ private school tuition programs prohibited race discrimination.<sup>12</sup> And the race discrimination prohibitions that do exist do not necessarily extend beyond the enrollment process, meaning that few states require fair treatment inside the school once a student enrolls. Fewer than one in four state programs

<sup>9</sup> See Black, *Preferencing Educational Choice*, *supra*; SAMUEL E. ABRAMS AND STEVEN J. KOUTSAVLIS, THE FISCAL CONSEQUENCES OF PRIVATE SCHOOL VOUCHERS (2023), [https://pfps.org/assets/uploads/SPLC\\_ELC\\_FFPS\\_2023Report\\_Final.pdf](https://pfps.org/assets/uploads/SPLC_ELC_FFPS_2023Report_Final.pdf).

<sup>10</sup> DANIELLE FARRIE & DAVID G. SCIARRA, \$600 BILLION LOST: STATE DISINVESTMENT IN EDUCATION FOLLOWING THE GREAT RECESSION, EDUCATION LAW CENTER 2 (2021), [https://edlawcenter.org/assets/\\$600%20Billion/\\$600%20Billion%20Lost.pdf](https://edlawcenter.org/assets/$600%20Billion/$600%20Billion%20Lost.pdf).

<sup>11</sup> Public Funds Public Schools, *The Myth of Cost Savings from Private School Vouchers* (2020), [https://pfps.org/assets/uploads/CR\\_FFPS\\_Fact\\_Sheet\\_Cost\\_Myths\\_DEC\\_2020-2\\_003\\_.pdf](https://pfps.org/assets/uploads/CR_FFPS_Fact_Sheet_Cost_Myths_DEC_2020-2_003_.pdf).

<sup>12</sup> Derek W. Black, *When Religion and the Public-Education Mission Collide*, 132 YALE LAW JOURNAL FORUM 559 (2022).

prohibited disability discrimination or sex discrimination. Only twelve percent protect against sexual-orientation discrimination. Moreover, as to disability, some states require students with disabilities to waive their federal disability rights as a condition of participation in the state's private school tuition program.<sup>13</sup>

Unequal access also runs along lines of religion, as religious schools can reserve the right to deny admission to students whose beliefs does not align with that of the school. Though empirical evidence is still being developed, numerous initial reports indicate that religious schools have been denying access to certain students. In North Carolina, Florida, and Indiana, for instance, LGBTQ students and families attempting to enroll at religious schools using vouchers have been turned away.<sup>14</sup> By contrast, constitutional and federal law precludes all these forms of discrimination in public schools.

The textbooks in some schools that participate in private school tuition programs are also promoting anti-science and white-centric ideas. The Orlando Sentinel reported, for instance, that some of the private schools participating in Florida's private school tuition program teach students that dinosaurs and humans lived together, God intervened to prevent Catholics from dominating North America, slavery benefitted its victims by exposing them to Jesus Christ, and most Black and white southerners lived in harmony.<sup>15</sup> Other investigative reports reveal similarly disturbing curriculum.<sup>16</sup>

School choice proponents have attempted to deflect the foregoing issues and inequities by arguing that these programs equalize the playing field by generally offering disadvantaged students the same choice as more financially advantaged students. Facts, however, indicate that these programs do not necessarily operate this way. While the earliest programs made benefits available only to low-income families, states have steadily eliminated or raised those caps over the last decade.<sup>17</sup> In fact, opening the programs to all students—not serving more disadvantaged students—explains much of the increase in private tuition expenditures over the last decade. Moreover, because tuition costs often substantially exceed the value of those benefits at many private schools—particularly higher quality private schools—they do not easily open the doors to higher quality education for the most economically disadvantaged, but rather lower the cost of attendance for higher income students who may have attended the schools anyway. Under these circumstances, private school tuition programs facilitate new and additional forms of segregation in the private sector.

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<sup>13</sup> Claire S. Raj, *Coerced Choice: School Vouchers and Students with Disabilities*, 68 EMORY LAW JOURNAL 1038 (2019).

<sup>14</sup> Black, *When Religion and the Public-Education Mission Collide*, *supra*.

<sup>15</sup> Leslie Postal, Beth Kassab & Annie Martin, *Private Schools' Curriculum Downplays Slavery, Says Humans and Dinosaurs Lived Together*, ORLANDO SENTINEL (June 1, 2018), <https://www.orlandosentinel.com/news/education/os-voucher-school-curriculum20180503-story.html>

<sup>16</sup> Rebecca Klein, *The Rightwing US Textbooks that Teach Slavery as "Black Immigration"*, GUARDIAN (Aug. 12, 2021); Rebecca Klein, *These Textbooks in Thousands of K-12 Schools Echo Trump's Talking Points*, HUFFINGTON POST (Jan. 15, 2021), [https://www.huffpost.com/entry/christian-textbooks-trump-capitol-riot\\_n\\_6000bc03c5b62c0057bb711f](https://www.huffpost.com/entry/christian-textbooks-trump-capitol-riot_n_6000bc03c5b62c0057bb711f) [<https://perma.cc/L975-KU8F>].

<sup>17</sup> Black, *Preferencing Educational Choice*, *supra*.

Often missed in the discussion of the foregoing forms of discrimination and inequality is also the fact private tuition programs allow private schools to continue to pick and choose from student applicants based on academic credentials and other factors, such as behavioral history. In other words, formal discrimination aside, private schools still do not accept all students. This means states are using public dollars to support programs that do not ensure even a semblance of equal access.

Taken together, these dynamics facilitate the sorting, segregation, and stratification of students into demographic silos. These trends pose serious challenges for our democracy and run contrary to the governmental role in education. For two centuries, public financing of public education has been premised on the notion that public schools are the place where young people share a common experience, come to learn the public good, and where citizens—regardless of status—meet on an even playing field. In the long term, this public education project sustains a republican form of government. In fact, public schools are the only place in society premised on bridging the various gaps that normally divide us—race, wealth, religion, disability, sex, culture, and more. Today, our nation needs our schools to serve that function and heal wounds more desperately than any period in recent history. If government is no longer willing to pursue these democracy reinforcing goals, the *raison d'être* for financing education evaporates.

#### *IV. Academic and Financial Misconceptions About Private Tuition Programs*

Many school choice proponents believe that private schools offer an academic advantage over public schools and, thus, student achievement will increase when they leave public schools. Both assumptions are false. First, nationwide data sets demonstrate that there is no private school advantage when comparing “apples to apples.”<sup>18</sup> While the average achievement scores are higher in some private schools, their student populations are vastly different than public schools. Their higher scores are a function of the fact that they serve far fewer, and sometimes almost no, disadvantaged students. The relevant comparison is whether low-income students, for instance, perform better in private schools than public schools, or whether a high achieving middle-income student would have performed better in a private school than in their public school. The answer to those questions is generally no.

Second, multiple nuanced studies of voucher programs have shown that students enrolling in private schools through private school tuition programs perform worse than their similarly situated peers in public schools. This lower achievement, moreover, can persist for years. The less negative studies merely find that private school tuition programs have no statistically significant impact on achievement. In other words, even the best-case scenarios are far from justifying private school tuition programs as academically efficacious.<sup>19</sup>

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<sup>18</sup> CHRISTOPHER A. LUBIENSKI AND SARAH THEULE LUBIENSKI, *THE PUBLIC SCHOOL ADVANTAGE: WHY PUBLIC SCHOOLS OUTPERFORM PRIVATE SCHOOLS* (2013).

<sup>19</sup> For individual summaries of studies of the academic impacts of private school tuition programs, see Public Funds Public Schools, *Research*, <https://pfps.org/research/>.

*Conclusion*

Two centuries ago, Congress and states embarked on a public education project on the premise that a republican form of government requires an educated citizenry and the only means of ensuring that end is through public education at the public expense.<sup>20</sup> Likewise, they understood that public education uniquely promotes an appreciation for the common good, which binds the republic together.<sup>21</sup> Unfortunately, Congress and the states have never fully achieved these goals. Public education has, like any such lofty goal, been a work in progress. Yet, public education has, as much as any aspect of the American story, been a central pillar of achieving a more perfect Union. Now is not the time to abandon this crucially important project but to redouble our efforts and recommit its premises. Our state constitutions do not allow anything less.

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<sup>20</sup> BLACK, SCHOOLHOUSE BURNING, *supra*.

<sup>21</sup> *Id.*

Chairman BEAN. Well done, Mr. Black. Thank you very much. Our fourth panelist is Ms. Allen. Ms. Allen, welcome again, and you are recognized.

**STATEMENT OF MRS. DENISHA ALLEN, SENIOR FELLOW,  
AMERICAN FEDERATION FOR CHILDREN**

Mrs. ALLEN. Thank you so much, Representative Bean, and for all the leadership for having me here today. I grew up in Jacksonville, Florida, on the east side of Jacksonville. My neighborhood sits on the east side of downtown, near the arena where the Jaguars play, and it is closed off by Springfield.

By all accounts, the east side of Jacksonville should be a prosperous neighborhood, but the reality is far different. It has been the focus of many projects in the city, and statistics tell a sad tale. The median household income is half that of the citywide average. You can buy and sell drugs easily, crime is high, this neighborhood is where I went to school, and I failed the third grade twice because I could not read.

I felt so insecure. I just knew I was stupid. I was regularly humiliated by my classmates because I was 2 years older than everyone in my class. Teachers sighed when I walked through the door. Unsurprisingly, I hated school. To me, school was just a place that I had to go out of obligation, so my mother would not go to jail because that had actually happened before.

The summer before my sixth-grade year, I started to live permanently with my godmother. I thought that I was a failure, and it seemed that my life would follow the same path of many folks in my family, dropping out, or worse. When I started to live with my godmother, one of the first things she wanted to do was put me in a great school.

She found out about the Florida Tech's credit scholarship and immediately enrolled me into her church's private school. I did not know my life was going to change as much as it did. Every day at my new school, the teachers greeted me with a smile. I felt so loved and seen.

Because I did not read on level, teachers met with me one-on-one to catch me up. They saw the potential that was in me. My confidence began to grow. They did not view me as a chore, but as a child of God, and as a student that was capable of learning. I went from making D's and F's consistently, believing that I would be a teen parent, a high school dropout, to making A's and B's, graduating from high school, becoming the first in my family to do so, undergrad, and earning my master's degree.

I now work full-time to create more opportunities for students nationwide. I learned that I was not a failure, but the public school system had failed me. Imagine all the students who are like I once was, students who are trapped in failing, poor performing schools, who do not read on grade level, who are destined to drop out, become a teen parent, spend the rest of their life behind bars.

Imagine the students who were sitting in the back of the classroom being overlooked, even the students who are gifted, who were not being challenged enough, and telling all of those beautiful faces that there is a feasible alternative, that their liberation is in the

form of education freedom, but only if their State leaders prioritize their students' needs above systems.

Students in this country deserve a K through 12 option that is beyond the singular one the government has assigned to them, yet in many states the opportunity for America's students remain out of reach. Florida, my home State, is a bright exception. Over 100,000 black students in Florida are enrolled in their non-district schools.

For context, that means that there are more black students in Florida that are enrolled in choice programs than 30 states have black students overall. School choice does not just benefit students who have left district schools. As school choice has been expanded in the State of Florida. The district schools have also seen strong academic gains, both outpacing black students nationally, and narrowing the achievement gap between white students in Florida.

The sad reality is that many states will never access this lifechanging opportunity unless Congress acts. There are many proposals to provide more options to parents, but the Education Choice for Children Act would allow education freedom now more than ever. School choice is a rising tide that lifts all boats. My own life is a reflection of that data, and as someone who saw firsthand the power that it has had in my life, I cannot wait to see the amazing things that happen across the country.

I encourage Congress to act swiftly to ensure that no child is left behind. Thank you.

[The Statement of Mrs. Allen follows:]

PREPARED STATEMENT OF DENISHA ALLEN

Good morning. My name is Denisha Allen. Thank you, Representative Bean, for your leadership, and to the body for having me.

I grew up in Jacksonville, Florida, mostly on the Eastside. My old neighborhood, called the urban core, should by all accounts be prosperous. It is just east of downtown, near the arena where the Jaguars play, and closed off by historic Springfield. The reality is far different.

It has become the focus of many urban projects in the city, but statistics tell a sad tale. The median household income in the ZIP code where I grew up is about half the citywide average. You can buy and sell drugs easily, and crime is high. This neighborhood is also where I went to school.

I failed third grade—twice—because I could not read. I felt so insecure. I just knew I was stupid. I was regularly humiliated by my peers because I was two years older than my classmates. Teachers sighed when I walked through the door. Unsurprisingly, I hated school.

To me, school was not the window to opportunity but an obligation. I thought school was a place I had to go so my biological mother would not go to jail—because that had happened before. In the fourth grade, I was enrolled in a check-up program to help me get into my correct grade. At the end of the year, I was told I did not pass the program so I would not be going to my correct grade. Again, I felt like a failure. It seemed that my life path would follow in the same path as many of my family members, with dropping out or worse.

Then, during the summer of my sixth-grade year, my life turned around. I went to live with my godmother, and one of the first things she wanted to do was to enroll me into a good school—a small private school her church had recently opened on the northside of Jacksonville. She applied for the Florida tax-credit scholarship. I was awarded one of those scholarships.

I did not know my life was about to change. Every day at my new school, my teachers greeted me with a smile. I felt loved and seen.

Because I did not read on grade level, teachers would meet with me one-on-one to help me. They saw potential in me that I never had. My confidence grew. They did not view me as a chore but as a child of God—as a student capable of learning.

I went from making Ds and Fs, believing I would become a teen mom and a high-school dropout, to making As and Bs, becoming the first in my family to graduate

from high school, then undergraduate college, and grad school—earning a master’s degree and going on to work full-time in this field to ensure that as many other students as possible get this incredible opportunity.

I was not a failure. The public school system had failed me. Imagine all the students today who are like I once was—the ones who are trapped in poor-performing schools, who do not read on grade level, are destined to drop out of school, become a teen parent, or spend the rest of their life behind bars.

Imagine the students who are sitting in the back of classrooms being overlooked. Imagine the students who are gifted but are not being challenged because the majority of classroom time is spent on discipline and classroom management.

Imagine telling those beautiful faces that there was a feasible alternative, that their liberation came in the form of education freedom—but only if their state leaders prioritized students’ needs above the systems that had failed them.

Students in this country deserve K–12 education options beyond the singular one the government assigns, yet in many states, the opportunity for America’s students, including its 7.7 million Black public school students,<sup>1</sup> to access these potentially life-changing learning options remains out of reach.

Florida, my home state, is a notably bright exception, with more than 600,000 Black students, among the highest number compared to other states, who are achieving great things thanks to education freedom.<sup>2</sup>

For example, in the 2020–21 school year, 112,662 Black students in Florida were enrolled in non-district options that did not exist a generation ago, including charter schools, private schools via state-supported scholarships, and home education using state-funded education savings accounts.<sup>3</sup>

For context, Florida now has more Black students enrolled in choice options than 30 states have Black students overall, including Arkansas, Minnesota, and Massachusetts.<sup>4</sup>

Black students in Florida charter schools outperform their counterparts in Florida districtschools, according to state and federal test data.<sup>5</sup> Academic data for Florida’s private school choice program shows that participants graduated from high school, went to college, and earn degrees at significantly higher rates than their peers in district schools.<sup>6</sup>

A 2020 report from the National Bureau of Economic Research found that as the Florida Tax Credit Scholarship program grew, district schools improved. School choice does not just benefit students who left district schools. As choice expanded, Black students who remain in Florida district schools are also making strong academic gains, both outpacing Black students nationally and narrowing achievement gaps with white students in Florida.<sup>7</sup>

In the 1990s, Florida’s graduation rate was 52 percent overall—and 42 percent for Black students. Now, it is 87 percent overall—and 82 percent for Black students.<sup>8</sup> The same trends can be seen in national math and reading scores. In the 1990s, Black students in Florida were near the bottom relative to Black students in other states. Now in most categories, Black students in Florida are near the top.<sup>9</sup>

The sad reality is students in many states will never access this type of life-changing opportunity unless Congress acts. There are many proposals to provide more options to parents—like the Education Choice for Children Act—it would allow parents to have education freedom now more than ever. Since Covid, parents have been begging for more options and state legislatures have been listening. To date, five states have passed bills to provide all their students with education freedom.

School choice is a rising tide that lifts all boats. My own life is reflected in this data. As someone who saw its power firsthand, I cannot wait to see the amazing things to come in this new world of wide-open options for all. I encourage Congress to act swiftly to ensure no child is left to struggle.

Thank you.

<sup>1</sup> National Center for Education Statistics: Racial/Ethnic Enrollment in Public Schools.

<sup>2</sup> In 2017–18, Florida had 626,289 Black students in public schools, ranking it third among states behind Texas and Georgia. Civil Rights Data Collection (ed.gov).

<sup>3</sup> Controlling the Narrative: Parental Choice, Black Empowerment & Lessons From Florida. (See Figure 1.)

<sup>4</sup> Civil Right Data Collection (ed.gov).

<sup>5</sup> SAR1920 (fldoe.org).

<sup>6</sup> The Effects of the Florida Tax credit Scholarship Program on College Enrollment and Graduation.

<sup>7</sup> NDE Core Web (nationsreportcard.gov).

<sup>8</sup> Florida’s Graduation Rate, 1998–99 to 2017–18 (fldoe.org) The graduation rate gap between Black and white students in Florida in 2020 was 5.1 percentage points.

<sup>9</sup> Closing the Racial Achievement Gap: Learning from Florida’s Reforms | The Heritage Foundation.

Chairman BEAN. Ms. Allen, thank you so much, and thanks for coming and sharing your story. We are going to go to Q and A, questions from members. Members, everybody has 5 minutes. We have 5 minutes ourselves. Here is the list that I have right now, and if this is not correct whisper in my ear, but questions will go in the order of Bean, Bonamici, McClain, Norcross, Moran, Sablan, Williams, Bowman, Miller, Wilson, Owens, Estes, Kiley, Scott, and Foxx.

After we get to hear from Dr. Burke, because Dr. Burke, we are not going to forget about you. We are glad to have you here, so Dr. Burke let us go and give you 5 minutes too.

**STATEMENT OF DR. LINDSEY BURKE, DIRECTOR OF THE  
CENTER FOR EDUCATION POLICY, HERITAGE FOUNDATION**

Ms. BURKE. Thank you. I think I get 6 minutes now. My name is Lindsey Burke. I am the Director of the Center for Education Policy at the Heritage Foundation. The views that I express in this testimony are my own and should not be construed as representing any official position of the Heritage Foundation.

Thank you, Chairman Bean and Ranking Member Bonamici, for the opportunity to testify today. Over the past decade, states have increasingly adopted private school choice options, such as vouchers, tax credits, scholarships, and education savings accounts. As of March of this year, 13 states have education savings accounts, or ESA's silo accounts, 15 have school voucher options, and 21 give families access to tax credit scholarships.

What began as an earnest academic idea proffered by Nobel Laureate Economist Milton Freedman in 1955, and his seminal essay *The Role of Government in Education*, has now become mainstream public policy, a cornerstone of State efforts to restore parental control in education, and improve learning outcomes for students.

The benefits of education choice are numerous, and as school choice options expand, these benefits are being demonstrated empirically through a growing body of scientific research. To date, researchers have conducted 18 randomized control trial evaluations of the effect of school choice on students' academic achievement.

RCTs are the gold standard of scientific research, because differences in the outcome variable of interest between the control group and the experiment groups can be attributed to the policy intervention in question as a result of randomization, enabling researchers to draw causal conclusions to a high degree of certainty.

Of the 18 RCTs conducted on the academic achievement impacts of school choice, 12 find positive effects for some or all students, 4 find neutral effects, and 2 find negative effects. The bulk of scientifically rigorous evaluations are unambiguous about the positive academic effects of school choice on students' outcomes.

In addition to improving academic achievement, access to school choice significantly increases students' likelihood of graduating from high school and enrolling in college. Of the seven experimental evaluations conducted to date on the affect of school choice on academic attainment, six find statistically significant positive effects for some or all students, and one finds no effects.



No rigorous studies find a negative effect on academic attainment. One study is particularly noteworthy. A congressionally mandated evaluation of the D.C. Opportunity Scholarship Program, a voucher option for children from low-income families right here in the Nation's capital. Participating students were 21 percentage points more likely to graduate than the students who did not receive a scholarship in the control group.

You will be hard pressed to find another policy intervention as successful as the D.C. Opportunity Scholarship Program has been. School choice is important because it is providing accountability to families. When an assigned public school is poor performing, families and areas with education choice now have the ability to hold that public school accountable, by taking their child's share of education funding elsewhere.

This is more critical than ever. On the most recent administration of the National Assessment of Educational Progress, student math scores fell 8 points for eighth graders, and reading scores declined 3 points. Experts say this is the equivalent of wiping out two decades worth of learning gains. Overall, across the country, just 26 percent of eighth graders are proficient in math, and just 31 percent are proficient in reading.

Although school choice is primarily a State policy, there is a role for Congress to play in advancing education freedom, starting with areas over which Congress has ultimate authority. It should secure and expand the highly successful D.C. Opportunity Scholarship Program, formula funding the program, transitioning it from a voucher to an education savings account, and making it universally available to all D.C. children.

It should make IDEA and Title I funding portable, following families, following children to schools of choice. It should provide education savings accounts to Native American children who are currently trapped in underperforming Bureau of Indian Affairs schools, and it should provide education savings accounts to children from active-duty military families.

Education choice provides a needed course correction aligning K-12 education with the rest of the American experience, one based on free choice and the accountability to consumers created through competition, even in the case of publicly funded programs.

Pell Grant recipients are not assigned to particular colleges because they receive a Pell Grant. Food stamp recipients are not assigned to the grocery store that is closest to their home. In K-12 education, students are assigned to a school that is closest to where their parents can afford to live, even if that school is a poor fit.

It is time to break the link between housing and schooling, and fund families directly, just as we do in every other aspect of American life. Thank you.

[The Statement of Dr. Burke follows:]

**School Choice: Expanding Educational Freedom for All**

Testimony before

**Committee on Education and the Workforce Subcommittee on Early Childhood,  
Elementary, and Secondary Education**

**United States House of Representatives**

**April 18, 2023**

**Lindsey M. Burke, Ph.D.**

**Director, Center for Education Policy**

**The Heritage Foundation**

My name is Lindsey Burke. I am the Director of the Center for Education Policy at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Over the past decade, states have increasingly adopted private school choice options such as vouchers, tax credit scholarships, and education savings accounts (ESAs). The past two years have seen particularly impressive growth with six states adopting universal education choice options open to all families in the state, four of which have done so just this spring. What began in earnest as an academic idea proffered by Nobel laureate economist Milton Friedman in 1955 in his seminal essay *The Role of Government in Education* is now becoming mainstream public policy – a cornerstone of state efforts to restore parental control in education and improve learning outcomes for students.<sup>1</sup>

Although Friedman popularized the school voucher concept in 1955, it would be another 35 years before the first modern-day school choice program was enacted, the Milwaukee Parental Choice Program in Wisconsin in 1990. The Wisconsin program was followed in 1996 by Ohio's Cleveland Scholarship Program and by 2000, 10 private school choice programs, including tax credits, deductions, and vouchers, were in operation across the country. A decade later, in 2010, the number had grown to 26 such programs.

Notably, in 2011, Arizona established the nation's first education savings account (ESA) option. With an ESA, families receive 90 percent of what would have been spent on their child in public school in the form of a parent-controlled savings account. These funds can be accessed from a restricted-use account that can be used to pay for multiple education-related services, products, and providers, including private school tuition and private tutors, among other options.

Today, more states than ever have education choice options in place. As of March 2023, 13 states have education savings accounts or ESA-style accounts, 15 have school vouchers programs, and 21 give families access to tax credit scholarships. Each of these options enable students to select learning environments that are safe, effective, and most importantly, reflect their families' values.

#### **Empirical Evaluations of School Choice**

The benefits of education choice are numerous and as school choice options expand, these benefits are being demonstrated empirically through a growing body of rigorous scientific research.

*Improved academic outcomes.* To date, researchers have conducted 18 randomized controlled trial evaluations of the effect of school choice on students' academic outcomes. RCTs are the "gold standard" of scientific research because differences in the outcome variable of interest between the control and experiment groups can be attributed to the policy intervention in question as a result of randomization, enabling researchers to draw causal conclusions to a high degree of certainty. Of the 18 RCTs conducted on the academic effects of school choice, 12 find

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<sup>1</sup> Friedman, M. (1955). The role of government in education. *Economics and the public interest* (Solo, R. A., ed.). New Brunswick, NJ: Rutgers University Press, pp. 123-144.

positive effects for some or all students, four find neutral effects, and two find negative effects.<sup>2</sup> It is worth noting, however, that those two negative evaluations were unique to Louisiana, home to the most heavily regulated school choice program in the country. Evidence suggests that this overly burdensome regulatory environment diminished program outcomes as lower-performing private schools that were already experiencing student attrition prior to program entry were willing to incur regulations to participate in the program in a way higher performing schools were not.<sup>3</sup> The bulk of scientifically rigorous evaluations are unambiguous about the positive academic effects school choice has on students' academic achievement outcomes.

The following table produced by Dr. Patrick Wolf at the University of Arkansas shows the universe of experimental evaluations conducted to date on the effect of private school choice on student math and reading achievement.

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<sup>2</sup> Review conducted by Patrick J. Wolf, The Academic & Civic Effects of School Choice. University of Arkansas. April 11, 2023. Positive effects for some or all students: 1) Cowen, Joshua M. "School Choice as a Latent Variable: Estimating the 'Complier Average Causal Effect' of Vouchers in Charlotte." *Policy Studies Journal* 36, no. 2 (May 2008), pp. 301-15.; 2) Greene, Jay P. "Vouchers in Charlotte," *Education Next* 1, no. 2 (Summer 2001), pp. 55-60. [http://educationnext.org/files/ednext20012\\_46b.pdf](http://educationnext.org/files/ednext20012_46b.pdf).; 3) Greene, Jay P., Paul E. Peterson, and Jiangtao Du. "Effectiveness of School Choice: The Milwaukee Experiment." *Education and Urban Society* 31, no. 2 (Jan. 1999), pp. 190-213.; 4) Rouse, Cecilia E. "Private School Vouchers and Student Achievement: An Evaluation of the Milwaukee Parental Choice Program." *Quarterly Journal of Economics* 113, no. 2 (May 1998), pp. 553-602.; 5) Lamarche, Carlos. "Private school vouchers and student achievement: A fixed effects quantile regression evaluation." *Labour Economics* 15, no. 4 (August 2008), pp. 575-590.; 6) William G. Howell, Patrick J. Wolf, David E. Campbell, and Paul E. Peterson (2002). School Vouchers and Academic Performance: Results from Three Randomized Field Trials [D.C. trial]. *Journal of Policy Analysis and Management*, 21(2), pp. 191-217.; 7) Patrick J. Wolf, Brian Kisida, Babette Gutmann, Michael Puma, Nada Eissa, and Lou Rizo (2013). School Vouchers and Student Outcomes: Experimental Evidence from Washington, D.C. *Journal of Policy Analysis and Management*, 32(2), pp. 246-270.; 8) Kaitlin P. Anderson and Patrick J. Wolf, "Evaluating School Vouchers: Evidence from a Within-Study Comparison," *Education Reform Faculty and Graduate Student Publications*. (2017). Null effects: 1) Barnard, John, Constantine E. Frangakis, Jennifer L. Hill, and Donald B. Rubin. "Principal Stratification Approach to Broken Randomized Experiments: A Case Study of School Choice Vouchers in New York City." *Journal of the American Statistical Association* 98, no. 462 (June 2003), pp. 299-323.; 2) Jin, Hui, John Barnard, and Donald B. Rubin. "A Modified General Location Model for Noncompliance with Missing Data: Revisiting the New York City School Choice Scholarship Program using Principal Stratification." *Journal of Educational and Behavioral Statistics* 35, no. 2 (Apr. 2010), pp. 154-73.; 3) William G. Howell, Patrick J. Wolf, David E. Campbell, and Paul E. Peterson (2002). School Vouchers and Academic Performance: Results from Three Randomized Field Trials [New York trial]. *Journal of Policy Analysis and Management*, 21(2), pp. 191-217.; 4) William G. Howell, Patrick J. Wolf, David E. Campbell, and Paul E. Peterson (2002). School Vouchers and Academic Performance: Results from Three Randomized Field Trials [Dayton trial]. *Journal of Policy Analysis and Management*, 21(2), pp. 191-217. Negative effects: 1) Abdulkadiroglu, Atila, Parag A. Pathak, and Christopher R. Walters. "School Vouchers and Student Achievement: First-Year Evidence from the Louisiana Scholarship Program." NBER Working Paper 21839. Cambridge, MA: National Bureau of Economic Research, 2015; and 2) Mills, Jonathan N., and Patrick J. Wolf. The Effects of the Louisiana Scholarship Program on Student Achievement after Two Years. Louisiana Scholarship Program Evaluation Report 1. Fayetteville: Univ. of Ark., School Choice Demonstration Project; New Orleans: Tulane Univ., Education Research Alliance, 2016.

<sup>3</sup> Lee, Matthew H. and Mills, Jonathan and Wolf, Patrick, Heterogeneous Impacts Across Schools in the First Four Years of the Louisiana Scholarship Program (April 23, 2019). EDRE Working Paper No. 2019-11.

### The Impact of School Choice on Math and Reading Achievement

Benefit	Study	City	Finding for Private School Choice
All Students (8)	Cowen (2008)	Charlotte	+8 points in reading, +7 points in math
	Greene (2001)	Charlotte	+6 points on combined reading and math test
	Greene et al. (1999)	Milwaukee	+6 points in reading, +11 points in math
	Rouse (1998)	Milwaukee	+8 points in math, no difference in reading
	Lamarche (2008)	Milwaukee	+2.3 points in math, no difference in reading
	Howell et al. (2002)	D.C.	+3 points combined reading and math
	Wolf et al. (2013)	D.C.	+4.8 points in reading
	Anderson & Wolf (2017)	D.C.	+8.7 points in reading
Some Students (4)	Barnard et al. (2003)	New York	+5 points in math for students leaving low-performing schools
	Jin et al. (2010)	New York	+4 points in math for students leaving low-performing schools
	Howell et al. (2002)	New York	+4 points for African-American students on combined reading/math test
	Howell et al. (2002)	Dayton	+6.5 points for African-American students on combined reading/math test
No Effects (4)	Webber et al. (2019)	D.C.	No difference in math or reading
	Krueger & Zhu (2004)	New York	No difference in math or reading
	Bitler et al. (2013)	New York	No difference in math or reading by quartile
	Bettinger & Slonim (2006)	Toledo	No difference in math or reading
Negative (2)	Abdulkadiroglu et al. (2016)	Louisiana	-0.4 standard deviation 1-year effect on math
	Mills & Wolf (2019)	Louisiana	4-year effects on math, reading, and science of -0.21 to -0.39 standard deviation

SOURCE: Literature review conducted by Patrick J. Wolf, "The Academic & Civic Effects of School Choice," University of Arkansas, April 11, 2023.

*Increased academic attainment.* In addition to improving academic achievement outcomes, access to school choice significantly increases students' likelihood of graduating high school and enrolling in college. Of the seven experimental evaluations conducted to date on the effect of school choice on academic attainment (e.g., outcome variables such as graduating high school, enrolling in college, earning a college degree), six find statistically significant positive effects for some or all students, and one finds null effects. No rigorous studies find a negative effect on academic attainment.<sup>4</sup> One study is particularly noteworthy: the Congressionally mandated

<sup>4</sup> See: 1) Patrick J. Wolf, Brian Kisida, Babette Gutmann, Michael Puma, Nada Eissa, and Lou Rizo (2013). School Vouchers and Student Outcomes: Experimental Evidence from Washington, DC. *Journal of Policy Analysis and Management*, 32(2), pp. 246–270., 2) Matthew M. Chingos and Paul E. Peterson, Experimentally estimated impacts of school vouchers on college enrollment and degree attainment, *Journal of Public Economics*, Vol. 122, Feb. 2015,

randomized controlled trial evaluation of the D.C. Opportunity Scholarship Program, a voucher option for children from low-income families right here in the Nation's Capital. Participating students were 21 percentage points more likely to graduate from high school than their peers in the control group who did not receive a scholarship.<sup>5</sup> You will be hard-pressed to find another policy intervention as successful as the D.C. OSP has been on students' academic attainment.

*Competitive effects.* Researchers have also evaluated the competitive effects of education choice. Of the 28 empirical evaluations to date (using rigorous matching and longitudinal methods), 26 find positive benefits for all students, one finds no effect, and one finds a negative effect.<sup>6</sup> For example, Professor David Figlio's (2014) evaluation of over 3 million students demonstrated, using sophisticated statistical methods, that Florida's tax credit scholarship program improved learning outcomes for students in public schools. He and co-author Cassandra Hart found that academic outcomes improved for students in public schools as a result of increased competition, "especially those that faced the greatest financial incentives to retain students," they write in the *American Economic Journal: Applied Economics*.<sup>7</sup>

*Improved civic values and character development.* There are numerous additional (non-academic) benefits that flow from the introduction of school choice options. School choice has been empirically demonstrated to have positive effects on civic engagement<sup>8</sup> and crime reduction,<sup>9</sup> to improve student safety,<sup>10</sup> and to have positive impacts on character as seen in

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pp. 1-12. [This represents two studies as Chingos and Peterson conducted a follow-up evaluation], 3) Albert Cheng and Paul E. Peterson (2020), Experimentally Estimated Impacts of School Vouchers on Educational Attainments of Moderately and Severely Disadvantaged Students (PEPG 20-02) [This represents two studies as Cheng and Peterson conducted a follow-up evaluation], 4) Heidi H. Erickson, Jonathan N. Mills and Patrick J. Wolf (2021): The Effects of the Louisiana Scholarship Program on Student Achievement and College Entrance, *Journal of Research on Educational Effectiveness*, 5) Matthew Chingos and Brian Kisida, School Vouchers and College Enrollment: Experimental Evidence from Washington, D.C. (2022). *Educational Evaluation and Policy Analysis*.

<sup>5</sup> Patrick J. Wolf, Brian Kisida, Babette Gutmann, Michael Puma, Nada Eissa, and Lou Rizo (2013). School Vouchers and Student Outcomes: Experimental Evidence from Washington, DC. *Journal of Policy Analysis and Management*, 32(2), pp. 246–270.

<sup>6</sup> Review conducted by Patrick J. Wolf, The Academic & Civic Effects of School Choice. University of Arkansas. April 11, 2023.

<sup>7</sup> Figlio, David, and Cassandra M. D. Hart. 2014. "Competitive Effects of Means-Tested School Vouchers." *American Economic Journal: Applied Economics*, 6 (1): 133-56.

<sup>8</sup> Patrick J. Wolf, Civics Exam: Schools of Choice Boost Civic Values, *EducationNext*, Vol. 7, No. 3 (Summer 2007), pp. 66- 73.

<sup>9</sup> Corey DeAngelis and Patrick J. Wolf, Private School Choice and Crime: Evidence from Milwaukee, *Social Science Quarterly*, July 7, 2019, <https://onlinelibrary.wiley.com/doi/abs/10.1111/ssqu.12698>

<sup>10</sup> Ann Webber, Ning Rui, Roberta Garrison-Mogren, Robert B. Olsen, Babette Gutmann, and Meredith Bachman, Evaluation of the D.C. Opportunity Scholarship Program: Impacts Three Years After Students Applied, *Institute of Education Sciences*, May 2019, at <https://files.eric.ed.gov/fulltext/ED594875.pdf>

outcomes such as increased charitable giving,<sup>11</sup> positive effects on tolerance of others,<sup>12</sup> increased political participation,<sup>13</sup> and higher levels of voluntarism.<sup>14</sup>

From significantly increased academic achievement and attainment outcomes to positive impacts on civic values and character development, it is no wonder parents who have access to private school choice options are more satisfied with their children's educational experiences.<sup>15</sup>

#### **Choice Provides Accountability to Families**

School choice is providing long-overdue accountability to families. When an assigned public school is poor-performing, families in areas with education choice now have the ability to hold that school accountable by taking their child's share of education funding elsewhere. When a district school is failing or unsafe, school choice provides an exit option previously foreclosed to most families. But school choice is far more than an escape hatch; it is the mechanism that will create a rising tide that will lift all boats.

We've all seen the data on the negative impact union-imposed school closures during the COVID-19 pandemic had on students' academic outcomes and mental health. On the most recent administration of the National Assessment of Educational Progress (NAEP), student math scores fell eight points for eighth graders and reading scores declined three points. Experts say this equates to wiping out two decades of academic progress.<sup>16</sup> This was not the case in private schools, particularly within the Catholic school sector. As Kathleen Porter-Magee writes in the *Wall Street Journal*,

“if all U.S. Catholic schools were a state, their 1.6 million students would rank first in the nation across the NAEP reading and math tests for fourth and eighth graders.

...achievement among black students enrolled in Catholic schools increased by 10 points (about an extra year's worth of learning), while black students in public schools lost 5 points and black students in charter schools lost 8 points.”<sup>17</sup>

Public school underperformance is not confined to the pandemic era. Overall, just 26 percent of eighth graders are proficient in math and just 31 percent of eighth graders are proficient in

<sup>11</sup> Eric Bettinger and Robert Slonim, Using Experimental Economics to Measure the Effects of a Natural Educational Experiment on Altruism, *Journal of Public Economics*, Vol. 90, No 809 (2006), pp. 1625 – 1648.

<sup>12</sup> David J. Fleming, William Mitchell, and Michael McNally, Can Markets Make Citizens? School Vouchers, Political Tolerance, and Civic Engagement, *Journal of School Choice*, Vol. 8, No. 2 (2014), pp. 213 – 236.

<sup>13</sup> Corey A. DeAngelis and Patrick J. Wolf, Will Democracy Endure Private School Choice? The Effect of the Milwaukee Parental School Choice Program on Adult Voting Behavior, *The Journal of Private Enterprise*, Vol. 34, No. 3 (Summer 2019), pp. 1 – 21.

<sup>14</sup> Patrick J. Wolf, Civics Exam, *EducationNext*, Vol. 7, No. 3, at <https://www.educationnext.org/civics-exam/>

<sup>15</sup> Albert Cheng and Paul E. Peterson, How Satisfied are Parents with Their Children's Schools? *EducationNext*, Vol. 17, No. 2., at <https://www.educationnext.org/how-satisfied-are-parents-with-childrens-schools-us-dept-ed-survey/>

<sup>16</sup> Jake Bryant, Emma Dorn, Leah Pollack, and Jimmy Sarakatsannis, COVID-19 learning delay and recovery: Where do US states stand? McKinsey & Company, January 11, 2023, at [The COVID-19 pandemic learning loss and recovery | McKinsey](https://www.mckinsey.com/industries/education/our-insights/covid-19-learning-loss-and-recovery).

<sup>17</sup> Kathleen Porter-Magee, Amid the Pandemic, Progress in Catholic Schools, *The Wall Street Journal*, October 27, 2022, at [Amid the Pandemic, Progress in Catholic Schools - WSJ](https://www.wsj.com/articles/amid-the-pandemic-progress-in-catholic-schools-11635444000)

reading. District school underperformance has too often been rewarded with additional government spending when it should have been acknowledged and addressed. Education choice provides that course correction, aligning K-12 education with the rest of the American experience: one based on free choice and the accountability to consumers created through competition, even in the case of publicly funded programs. Pell Grant recipients aren't assigned to particular colleges; food stamp recipients aren't assigned to the grocery store closest to their home. Yet in K-12 education, students are assigned to the district public school closest to where their parents can afford to buy a home, even if that school is a poor fit for that child. It's time to break the link between housing and schooling and fund families directly, just as we do in higher education.

Support for school choice is at an all-time high. According to the 2022 Education/Next survey, 61 percent of respondents support tax credit scholarships, a figure which soars to over 70 percent for black and Hispanic families. A majority of parents also support education savings accounts and universal school vouchers.<sup>18</sup> Congress has a role to play in answering this call for education freedom.

### **Opportunities for Congress**

Although school choice is primarily a state policy, there is a role for Congress to play in advancing education freedom, starting with areas over which Congress has ultimate authority. Congress should: 1) secure and expand the highly successful D.C. Opportunity Scholarship Program, formula funding the program, transitioning it from a voucher to ESA model, and making it universally available to all D.C. families; 2) make Individuals with Disabilities Education Act (IDEA) and Title I of the Elementary and Secondary Education Act funding portable, following students to learning environments of choice; 3) provide education savings accounts to Native American Students who must currently attend underperforming Bureau of Indian Education schools; and 4) provide education savings accounts to children from active-duty military families, the vast majority of whom are assigned to the district school closet to their parent's assigned duty station.

There has never been a more exciting time to work in education policy. There's never been a more exciting time to be the parent of a school-aged child. Because for the first time, as of this year, a majority of students will live in states that offer some form of education choice. Freedom is finally coming to K-12 education, and American families will benefit greatly.

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*Lindsey M. Burke, Ph.D. is the Director of the Center for Education Policy and the Mark A. Kolokotronis Fellow in Education at The Heritage Foundation, [www.Heritage.org](http://www.Heritage.org).*

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<sup>18</sup> 2022 Education Next Survey, at <https://www.educationnext.org/2022-ednext-poll-interactive/>



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Chairman BEAN. Well done Dr. Burke. Thank you so much. Mr. Messer, thank you for the general nudge to make sure our full panel has testified. Now, we are going to Q and A, and I have got the list, members, I know there are several different committees going at once, so put the clock on Bean, and let us get started.

First of all, Dr. Burke, welcome. There is a group that says money—it is all about money, and we need to funnel more money to public schools, but you and I talked earlier. That may not be the case. There are some states that spend a whole bunch more and may not get it. Can you comment on money? Is it all about money, Dr. Burke?

Ms. BURKE. It is not about the money at all, and thank you for the question, Chairman Bean. You mentioned New York. New York City is now spending north of \$38,000.00 per student per year. If we look across the country, we know that we—

Chairman BEAN. Now, Dr. Burke, if they are spending \$38,000.00, that is not per student. Is that per student?

Ms. BURKE. That is per student per year.

Chairman BEAN. They are probably far ahead getting the best results. Is that right? Spending that much money?

Ms. BURKE. If money mattered. If money mattered that would probably be the case. To your point, money does not matter. There is no correlation between spending and academic achievement, and the research literature that is out there. We are now spending nationally over \$17,000.00. That is revenue per pupil per year, and we can look at the private school sector. You can look at the Catholic school sector, in particular.

Catholic schools are spending less than half of what we are spending per pupil in the public system, and getting results that are far beyond what we see in traditional district schools across the country, so money just simply does not matter. It is not about how much we spend, it is about who controls those dollars. That should be parents.

Chairman BEAN. Is it true—there is argument, and now I say this sometimes, and is this correct or not? I mean, we can either fund the system or fund the student. Is that clarifying, and we get better results in funding the students? Would you agree?

Ms. BURKE. As a general rule, we should absolutely move toward funding children, not systems. We should fund the student. We should not fund a system to which we assign a student based on where their family can afford to buy a home. That is an inequitable way of funding K–12 education, so we should move in that direction certainly.

This is what states are doing across the country. State after State are now recognizing, just as Milton Freedman did, that just because we publicly finance education, does not require government delivery of schooling, and so that is what education choice does. It separates the financing of education from the delivery of schooling, and funds families directly, enables them to choose learning environments that are safe and effective, and reflect their values.

Chairman BEAN. Thank you, Dr. Burke. I want to say that money does not mean more money does not automatically mean better results, so that is a good takeaway from—if we only learned

that from this meeting, then we would be further ahead had we not known that point.

Ms. Allen, what a tremendous testimony you have given. I think you have the greatest job ever, changing family's lives, knowing that they can access, to be part of the million African Americans who are attending public school choice in the free State of Florida.

You may know this, there is the KIPP School in the west side of Jacksonville that has a fantastic statistic that is a gamechanger. The chance of someone attending public schools and going to college is less than 5 percent in Jacksonville when they attend public schools. If they attend KIPP School that number goes to 80 percent.

What is it like changing lives with a family, giving them the hope that they can send their kid to the school of their choice. What is that like?

Mrs. ALLEN. Yes. It is amazing to put quite frankly. Based on my personal experience, not knowing what was going to be possible, what potential lives, just follow the same path as members in my family.

Now, working in this space to ensure that students across the country are given the access to a high-quality education is monumental. During my time in Florida as an advocate, the teacher's union sued the Florida program twice. I was filming a commercial once to tell the teacher's union to drop the suit. During this time, there was a little boy who was fearful that he would be ejected from his school, who looked up to me crying, saying am I going to have to leave my school?

That was very disheartening to know that there are forces that do not want kids to be in learning environments that are meeting their ultimate needs because there are communities of schooling that are meeting them.

Chairman BEAN. Thank you. I was there when the step up for students did a march on Tallahassee, and it was truly empowering. Mr. Messer, welcome back again, and briefly, in all of 30 seconds, what do we need to do to continue the march to bring educational choice across America? What do we need to do?

Congressman MESSER. The key is parents. You know, you mentioned money may not make a difference. What does matter is engaged parents, and when you have school choice policies that empower parents to help shape the future of their child, you get better results.

Chairman BEAN. Thank you very much. That concludes my time. Up next will be Bonamici, McClain, Norcross, and Moran. Ranking Member Bonamici, you are recognized.

Ms. BONAMICI. Thank you, Mr. Chair. I find it very concerning that my colleagues on the other side of the aisle consistently criticize public schools and then highlight what they see as their shortcomings, many of which are the product of decades of disinvestment, while proposing policies that would drain more resources from public schools, and decrease their capacity to effectively serve.

I want to emphasize all students because as we know, the voucher schools, and charter schools, they do not all take all students, and when you adjust for all of those factors, I think it is baffling to say that funding does not matter. It does. I am going to ask my

question to Professor Black. I appreciate your expertise on civil rights.

Particularly, your scholarship highlighting the benefits of equal access to public education. For decades, civil rights laws, Title IX, IDEA, ESEA, those have significantly decreased discrimination and contributed to the goal of providing all students with the opportunity to get a high-quality education. How can absolving schools, especially private, religious schools, from following civil rights laws affect students and families, who may choose a private school as part of a choice program?

Professor, if you can bring the microphone a little closer, I think we will have an easier time hearing you.

Mr. BLACK. Sure. Yes. Well, I think as one of my colleagues once said, the further our children get away from public schools the less we can—

Mrs. BONAMICI. Can you continue, but raise that up just a little bit. Thank you.

Mr. BLACK. I said the further children get away from public schools, the less we have the capacity to protect them. You know, you mentioned in your opening remarks that ultimately Milton Freedman's initial arguments were laid dormant regarding private school choice.

It really was not until the State of Virginia decided that it wanted to resist the desegregation of public schools there, that there were any takers in the public school sector. African American children, at least at that time, chose to stay home rather than to participate in a private, segregated system.

Now, of course a lot has changed since then, but as you point out, states consistently refuse to apply anti-discrimination standards in their private school programs. In fact, you know, we have hearings like this, and people insist there must be accountability, there must be anti-discrimination protections, religion, gender, sex.

There is almost always a refusal to include those provisions in those programs, and so students are left to a market that can deal with them, instead of students dealing with the market.

Ms. BONAMICI. Right. I want to get to a couple more questions Professor Black, and I want to know, I want to ask about students with disabilities. I just want to note that I think about our role as policymakers. I think about all the students who are in the school. Ms. Allen, awesome that you are doing well. I think about all the students who are in the school you left. Our obligation is to them as well.

Professor Black, I want to ask you about students with disabilities. I know they are participating in school choice programs, so where are they going, and what do the schools do to meet their needs? The traditional public schools have infrastructure. They have specialized personnel, they have teachers, they have speech and occupational therapists. They have adaptive equipment.

What happens when students with disabilities go to some of these schools, and how would the unenrollment of some students with disabilities and the money provided, diminish the services to students with disabilities who remain in traditional public schools?

Mr. BLACK. Well, so two things. No. 1, the IDEA protection, which you referenced, does not follow the students there. In fact,

some states have required students, although it is not always transparent, to sort of waive any disability rights they may have as a condition of accepting enrollment in a private voucher program, so that is No. 1.

No. 2, when you have fewer special education students enrolling in the private system, what you really have is a concentration of them in the public system, which again has an increased cost in the public system. It is losing students who may be easier to educate, or cheaper to educate, but retaining the higher cost students.

Public schools do not object to that, but there is a financial consequence to it.

Ms. BONAMICI. They may go back to public school, and then not get the funding, as Mr. Pocan pointed out. My third question, Professor Black, some people, including some here today, have posited that a massive, multi-billion, up to ten-billion-dollar school choice Federal tax credit, would not affect the public school funding, which I find a bit baffling because it seems like 10 billion dollars less in revenue that could be used for example, for fully funding IDEA. So do you agree? Why or why not?

Mr. BLACK. Well, as you point out, the Federal Government has yet to fully fund the IDEA in the history of the program, so any dollars spent elsewhere would be a dollar not spent there. I think we take that same point as I always emphasize at the State level. Until you discharge a Constitutional responsibility of the public education program, I do not believe it is appropriate to consider alternatives to that program, because there is absolutely an obligation there.

Ms. BONAMICI. Just to clarify, a ten-billion-dollar school choice Federal tax credit would reduce Federal revenue by 10 billion dollars. Is that correct?

Mr. BLACK. Look at the State level, any type of tax credits, you know, movement of dollars from one system to the other, does have the effect of either directly coming out of the public education funding program, or indirectly coming out of it.

Ms. BONAMICI. Absolutely. Mr. Chairman, I see my time has expired, but as I yield back, I request unanimous consent to enter into the record a letter from the National Coalition for Public Education, encouraging Congress to reject the private school vouchers.

Chairman BEAN. Without objection.

[The letter of Ms. Bonamici follows:]

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**NCPE** National Coalition for  
PUBLIC EDUCATION

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April 18, 2023

The Honorable Aaron Bean  
Chair  
Early Childhood, Elementary, & Secondary  
Education Subcommittee  
Committee on Education & the Workforce  
Washington, DC 20515

The Honorable Suzanne Bonamici  
Ranking Member  
Early Childhood, Elementary, & Secondary  
Education Subcommittee  
Committee on Education & the Workforce  
Washington, DC 20515

RE: Hearing on "School Choice: Expanding Educational Freedom for All"

Dear Chairman Bean and Ranking Member Bonamici:

The 34 undersigned members of the National Coalition for Public Education (NCPE) submit this letter for the April 18, 2023 hearing on "School Choice: Expanding Education Freedom for All" to express our strong opposition to private school vouchers. We believe that public money should fund public education, and we urge you to oppose any legislation that would create or expand private school voucher programs.

Although promoted as "school choice," private school vouchers do not provide real choice to students and parents. The "choice" in voucher programs actually lies with the private schools, which may turn students away for a variety of reasons often including disability, sexual orientation and gender identity, religion, academic achievement, and economic status.

In contrast, public schools are open to all. Public schools educate nearly 90% of our country's students and are a cornerstone of our communities. Private school voucher programs undermine our nation's public schools by diverting desperately needed resources away from the public school system to fund the education of a few, select students in private, often religious, schools.

Private school vouchers fail to improve students' academic achievement. Indeed, they often cause students to perform worse than their peers who aren't in the voucher program: recent studies of the Louisiana, Indiana, Ohio, and Washington, DC, programs show that voucher students experienced significant declines in their academic performance.<sup>1</sup> The impact of accepting a voucher on academic achievement in these

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<sup>1</sup> R. Joseph Waddington & Mark Berends, [Impact of the Indiana Choice Scholarship Program: Achievement Effects for Students in Upper Elementary & Middle School](#), 37 *J. of Policy Analysis & Mgmt.* 4, 738-808 (Aug. 2018); Atilla Abdulkadiroğlu, Parag A. Pathak & Christopher R. Walters, [Free to Choose: Can School Choice Reduce Student Achievement?](#), 10 *Am. Econ. Journal, Applied Econ.* 1, 175-206 (Jan. 2018); David Figlio & Krzysztof Karbownik, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, & Performance Effects](#), *Fordham Inst.* (July 2016); U.S. Dept of Educ., [Evaluation of the DC Opportunity Scholarship Program: Impacts Two Years After Students Applied](#) (June 2018).



The National Coalition for Public Education comprises more than 50 education, civic, civil rights, and religious organizations devoted to the support of public schools. Founded in 1978, NCPE opposes the funnelling of public money to private and religious schools through such mechanisms as tuition tax credits and vouchers.

[www.NCPEcoalition.org](http://www.NCPEcoalition.org)

Sincerely,

AASA, The School Superintendents Association  
African American Ministers In Action  
American Atheists  
American Federation of State, County and Municipal Employees (AFSCME)  
American Federation of Teachers  
American Humanist Association  
Americans United for Separation of Church and State  
The Arc of the United States  
Baptist Joint Committee for Religious Liberty (BJC)  
Center for Inquiry (CFI)  
Clearinghouse on Women's Issues  
Council for Exceptional Children  
Council of Administrators of Special Education  
Council of the Great City Schools  
Feminist Majority Foundation  
Freedom From Religion Foundation  
GLSEN  
In the Public Interest  
Interfaith Alliance  
National Association of Elementary School Principals  
National Association of Federally Impacted Schools  
National Association of Secondary School Principals (NASSP)  
National Association of School Psychologists  
National Center for Learning Disabilities  
National Council of Jewish Women  
National Disability Rights Network (NDRN)  
National Education Association  
National Rural Education Advocacy Collaborative  
National Rural Education Association  
Network for Public Education  
Public Funds Public Schools  
The Secular Coalition for America  
SPLC Action Fund  
Union for Reform Judaism

Chairman BEAN. There has been a line up in our order. Owens, Norcross, Moran, Sablan, and Williams. Let us go to Utah where Mr. Owens is ready for his time. Congressman, you are recognized.

Mr. OWENS. Thank you so much, Dr. Foxx and Chairman Bean for holding this important hearing today, and thank you to our witnesses for their participation. In particular, I would like to thank my colleague Representative Adrian Smith, it has been a pleasure to work with him on this Educational Choice for Children's Act that we introduced earlier this year in honor of our colleague, Jackie Walorski.

I would also like to thank former Representative Luke Messer, who has been a long-time champion of school choice. Representative Messer long ago caught the vision of school choice, and how transformative educational freedom is for families, especially those in low-income and on performing school districts.

Educational freedom is a civil rights issue of our time. Educational freedom supports students over systems, and gives every child in America, regardless of his or her zip code, the opportunity to achieve the American dream. I have seen first-hand how access to quality education could change the course of a child's life.

Educational freedom can give someone a second chance in life, and passion, and will not stop fighting until every child, regardless of his or her race, socioeconomic status, family situation, or neighborhood has the right to educational freedom. A little bit earlier, somebody stated that no public rationale should support choice. I am going to disagree vehemently on that. This is a civil rights issue. Every child has a right for an education.

Every child has a right for a choice of going to the right place. I think it is interesting because as we talk now about how 10 billion dollars is—it pulls away from our revenue, I mean of all times to talk about using that example. Let me just go back. We have Ms. Allen here. That is a great example of what could happen with choice.

Let me tell you about the other kids who have not had a choice. 2017, 75 percent of the black boys in the State of California could not pass standard reading and writing tests. 75 percent. No choice. Their parents did not have the chance to have this opportunity we are talking about right now.

Do you want to see the results of that? Look at what is going on in the streets of California across the board, and every single urban city where these kids have not been taught how to read, write, think or dream. 100 percent of the black kids here in D.C. in one district, have zero proficiency in math.

Now, it is one thing to commit to public schools. If it is a bad school system, why should we put our kids in there? Why should you put your kids in there? I would suggest no one in this room should approach to keep their kids in a school that is failing and say it is okay.

Some way we would put aside this empathy, and say it is okay for other kids, particularly blacks, Hispanics, those who cannot defend themselves. There is a result of us allowing this system not to have meritocracy put into this process. I want to address this real quick, Mr. Messer.



The Educational Choice for Children's Act, how does this impact the resources for public education? I think it is very important because this is what unions like to do is put fear in people's hearts. How does this impact those educational systems already in place right now?

Congressman MESSER. First, Congressman, let us thank you for your great leadership on the ECCA. Yes, as you talk through this, I think it is important to remember you might be entitled to your own argument, but you are not entitled to your own facts, right? There are 200 billion dollars in COVID monies that are out in schools across America.

100 billion, forgive me, we are in Washington, 100 billion of which have not even been spent. The money that would be used for this tax credit, it is not Federal Government money, it is the money of the individuals who would decide to give their private contributions to private SGOs, and then create better opportunities for kids.

You were describing what is happening across America and what happens to the kids that do not get a chance. I once had a chance to speak at the Basis Academy here in Washington, DC. This extraordinary mathematics academy, math and science academy, with kids from every zip code in Washington, DC, with graduation rates in the high 90's, 80 plus percent—90 plus percent going to college. The first question they asked me was Congressman, why do not my friends and neighbors have this same chance?

Mr. OWENS. Yes.

Congressman MESSER. Sometimes even my sibling, or cousin have this same opportunity. It is immoral in a country like ours. No child should be forced to go to a failing or unsafe school.

Mr. OWENS. I only have a few seconds here, and I would just say this. If you want the voice of those who are not being heard, those who say we represent, listen to Ms. Allen please. Ms. Allen, do you have any last comments on this topic of choice?

Mrs. ALLEN. I would just like to reiterate what you said that this is a civil rights issue of our time. I look at Baltimore, that is not too far from here, where dismal academic reports are pretty much every week being highlighted by the media. The scholarship program there is \$3,000.00, but the average per pupil spending is \$21,000.00.

Mr. OWENS. Thank you. Thank you so much and I yield back.

Chairman BEAN. Thank you very much. Our order is Sablan, Moran, Bowman, and Williams. Let us go to Congressman Sablan from the Northern Mariana Islands. You are recognized.

Mr. SABLAN. Thank you. Thank you very much sir. Good morning to our witnesses. Welcome. I am trying to figure out if we want most of our students to aspire to those coming out of charter schools, when what we should really do is improve our public schools so that they could all, you know, not just the few.

Professor Black, and again, proponents of school choice say that it will positively affect all schools and children. Is that true, sir?

Mr. BLACK. I am sorry. I missed the last couple of words there.

Mr. SABLAN. All right. It is said that school choice will positively effect all schools and children. Is that true? Positively effect?

Mr. BLACK. It is hard for me to concede as to how school choice would positively effect all schools, given the financial impacts of private school choice on public school budgets, and particularly given there was discussion earlier as to whether money matters.

The research consensus of decades is, in fact, public school funding levels are positively correlated to student achievement, and in fact, even those who have questioned it, when put on the stand in court, have conceded that of course, not all money matters. If we waste money it does not matter, but that money spent on things that matter in public schools have a very positive impact on student achievement, so I do not understand how removing funds from them could have a positive effect.

Mr. SABLAN. Again, Professor, our colleagues from the other side of the aisle like to frequently point out that the word education is not found in the United States Constitution when they are trying to justify school choice programs and funding private elementary and secondary schools. Can you please speak about the history of public education as a founding principle of our great nation?

Mr. BLACK. That is a long story. I will try to be brief. I will at least say that our founding fathers, such as Jefferson and Adams, in particular, well Madison and Washington were all keenly aware of the problem of an educated citizenry, even prior to the United States Constitution.

The notion was that we had to provide public education to have an educated citizenry, so that we could have a republican form of government. This sort of concept of a republican form of government with public education as its pillar was there before the United States Constitution.

I referenced earlier the Northwest Ordinance of 1787, many of the people who voted on that, Continental Congress, which preceded this one, are also the same people who attended the United States Constitutional Convention, but that Northwest Ordinance of 1787, required that every single square inch of land that remained in the United States of America outside of the original colonies, would be divided up into squares, right, and that each town would have 32 lots.

The 16th lot in each town would be reserved for public schools. The outer lying lots would generate resources for those schools. Anyone who has driven from Pennsylvania into Ohio, or from Kentucky into Ohio, and they used to carry around those little maps will notice something very different.

The lines between the counties in Ohio and every county that goes west are straight. That is because of the Northwest Ordinance and the standards that it sets for territories to become states in the United States of America. After the Civil War, Congress never admitted another State to this union without requiring them to mandate public education in their State Constitution.

Yes, it is the role of states to provide public education, but that is a function of the overall Constitutional structure of a republican form of government in the United States of America.

Mr. SABLAN. Thank you very much, sir. Thanks for coming. Chairman I yield.

Chairman BEAN. Thank you very much. Let us go to New York, where Representative Williams is standing by. You are recognized.

Mr. WILLIAMS. Thank you, Mr. Chairman. My wife and I both attended public high schools, and she performed much better than I did. She was valedictorian, and I will not comment further. In our choice in our family, we actually decided to home school our children. We actually did that across I think five or six different jurisdictions, including different states, always having to interpret the rules, and to comply with the rules.

That required a lot of effort, and again I salute my fantastic wife for the success of our children through that process, and their ongoing success as adults. In my district just in the last month I have visited two fantastic schools. The first is the Fremont Elementary School, part of East Syracuse Minoa School District.

It is a public school. It is extremely well-run and well organized. It has tremendous outcomes, it has great leadership, and most of all it has great teachers. Dr. DeSiato, who runs that school district, is truly exceptional in her work. I commend her.

In the poorest parts, or adjacent or near the poorest parts of Syracuse, there is another school, it is called the Syracuse Science Academies of New York. It is a charter school, run by Dr. Tolga Hayali, and also has spectacular success. I truly enjoyed getting to read my favorite books to a second-grade class there and answer questions about life on submarines.

Just in my district, we have two fantastic examples of both public schools, and charter schools, and yet also in my district we have some of the poorest schools, and some of the least, worst performing schools. I find that unfair. Mrs. Allen you are the star of the show. Thank you for being here.

With all respects to the others, but your personal story is truly inspiring. In your area of Jacksonville, where were the best public schools that you were aware of in Jacksonville?

Mrs. ALLEN. Unfortunately, there are still no schools of choice on the east side of Jacksonville where I grew up, and the schools that were underperforming when I went are still underperforming.

Mr. WILLIAMS. Which were the best performing in the greater Jacksonville area, what were the best?

Mrs. ALLEN. It would have been on the more affluent side of the city, on the south side, in the San Marco, downtown area private schools were probably the best pick for families.

Mr. WILLIAMS. It seems like a simple solution. Why did not your family simply move into the wealthy neighborhoods?

Mrs. ALLEN. We could not afford it.

Mr. WILLIAMS. Perhaps attend the private schools?

Mrs. ALLEN. Yep. We could not afford it. We do have a system of choice in this country, to your point, and it is based on zip code. If you can afford to buy a house in a wealthy community, you have school choice. Unfortunately, parents do not have that opportunity. Lower income parents, even lower middle-class parents do not have the opportunity to pay for a house in a great district.

Mr. WILLIAMS. Approximately how many miles would you say it is between the east side of your neighborhood and some of these south side schools that were high performing? Approximately how many miles would you say?

Mrs. ALLEN. I would say about five miles from Jacksonville to a great school, which is just right across the river.

Mr. WILLIAMS. Your opportunity to attend a school of your choice, did it require that you move?

Mrs. ALLEN. No, it did not. Actually, I was able to go to a private school on scholarship, and drive to that school. We did not have to move from the neighborhood, yes.

Mr. WILLIAMS. You were able to stay in your neighborhood, and because of the choice, you were able to markedly change your education opportunities?

Mrs. ALLEN. That is right.

Mr. WILLIAMS. Okay. Well, I think that is a wonderful story, and it seems like the easiest solution to overcome geography and a lot of the discrepancy that we see in our public school system, so thank you for sharing your testimony.

Chairman BEAN. Thank you very much. Let us stay in New York where Mr. Bowman is standing by and ready for his 5 minutes. He is recognized.

Mr. BOWMAN. Thank you so much, Mr. Chairman. Thank you to the witnesses for being here. I want to start by saying that I went to public schools my entire life, and I received an excellent education in my public schools, and now I am sitting here as a Member of Congress after beating a 31-year incumbent in 2020, without taking any corporate backed money, so that is pretty impressive, I would say.

I just wanted to add that for the record. Dr. Burke, you mentioned a New York City school spent how much per student?

Ms. BURKE. It just came out, \$38,000.00. North of \$38,000.00.

Mr. BOWMAN. \$38,000.00 and that is based on what year's data?

Ms. BURKE. Most recent available data.

Mr. BOWMAN. Which year?

Ms. BURKE. 2021–2022.

Mr. BOWMAN. 2021–2022, correct. This is the same time where New York State received American Rescue Plan money?

Ms. BURKE. Yes.

Mr. BOWMAN. The same time where New York State received CARES Act money, as the first time that New York State has been funded by the Campaign for Fiscal Equity, a lawsuit that they won 20 years ago that finally is going to be fully funded. So this \$38,000.00 is the most money ever invested in New York State schools. Is that correct?

Ms. BURKE. Correct.

Mr. BOWMAN. That is correct. Okay. Prior to this influx of money, New York State was not spending \$38,000.00 per student.

Ms. BURKE. Correct.

Mr. BOWMAN. Do you know how much they were spending?

Ms. BURKE. They were still spending among the most, if not the most.

Mr. BOWMAN. Do you know how much?

Ms. BURKE. It was north of \$30,000.00.

Mr. BOWMAN. North of \$30,000.00. Okay.

Ms. BURKE. Yes. I do not have an exact figure. I can get it for you.

Mr. BOWMAN. Okay. Let us say \$30,000.00 for argument's sake. Let me explain student funding and student spending to those in the room who may not understand how it works. It is not

\$38,000.00 for every single child in the school system. When you have a school system that has a disproportionate number of children with special needs, and a disproportionate number of English language learners, the school system receives additional funding for those students. Is that correct, Dr. Burke?

Ms. BURKE. That is correct.

Mr. BOWMAN. That is correct. Because New York City has a disproportionate number of children with special needs, and a disproportionate number of English language learners, New York City receives additional funding. When I was a school principal, I had 250 students. If I had \$38,000.00 per student, my budget would have been 8 million. It was never anywhere near that, because I did not have a large number of children with special needs.

In addition, this money is not per student in terms of we are giving students the money. This money is spent on teachers, staff, books, and different things like that. If you are a child with special needs, or a child that is an English language learner, you need additional resources to make sure you are meeting your academic needs.

Now Dr. Burke, is it true that charter schools by and large, take and receive less children with special needs than public schools?

Ms. BURKE. No. In fact, if you look at not only charters, but private school choice programs, private school choice programs in particular, are the fastest growing private school choice programs, are for those kids with special needs.

Mr. BOWMAN. Are you familiar with Success Academy in New York City?

Ms. BURKE. Yes.

Mr. BOWMAN. The Success Academy takes the same percentage of special ed students that public schools take.

Ms. BURKE. I would have to look.

Mr. BOWMAN. Okay.

Ms. BURKE. I do not know.

Mr. BOWMAN. They do not. I could tell you that. They do not.

Ms. BURKE. I cannot tell you if they do or do not.

Mr. BOWMAN. Well I am saying for the record, and anyone can look this up, Success Academy does not take the same percentage of children with special needs as New York City public schools. I have a few other questions. Mr. Messer, how are you doing? Do you support teachers' unions? Yes, or no?

Congressman MESSER. Teachers' unions have never supported me.

Mr. BOWMAN. Do you support teachers' unions, yes or no?

Congressman MESSER. Teachers' unions have never supported me.

Mr. BOWMAN. Okay. Is that a no? Yes, or no? Do you support teachers' unions?

Congressman MESSER. I do not have a yes or no answer to that.

Mr. BOWMAN. I am sorry?

Congressman MESSER. I do not have a yes or no answer to that.

Mr. BOWMAN. Okay. Dr. Burke, do you support teachers' unions?

Ms. BURKE. No.

Mr. BOWMAN. No. Mr. Black. Do you support teachers' unions?

Mr. BLACK. I have no objection to them, but I do not donate any money to them.

Mr. BOWMAN. Yes, or no?

Mr. BLACK. I support their mission, but I do not support them in any individual capacity.

Mr. BOWMAN. Ms. Allen, do you support teachers' unions?

Mrs. ALLEN. No.

Mr. BOWMAN. No, you do not. Okay. So we have three of the four people who have identified themselves as people who do not support teachers' unions. It feels to me that this support of voucher programs to move students out of public schools into private, and/or charter schools, is a direct attack on the public-school institution and infrastructure, and specifically on teachers' unions, as three of the four witnesses we have do not support teachers' unions.

Let me ask another quick question starting with Mr. Messer. Do you support the U.S. Department of Education, and do you think it should be dissolved?

Congressman MESSER. When I was——

Mr. BOWMAN. Dr. Burke, do you support the Department of Education U.S.?

Ms. BURKE. No. Dissolve.

Mr. BOWMAN. Okay. Ms. Allen, do you support the U.S. Department of Education?

Ms. ALLEN. I worked at the U.S. Department of Education for 2 years, so.

Mr. BOWMAN. Yes, you do?

Ms. ALLEN. I worked at the U.S. Department of Education for 2 years.

Mr. BOWMAN. No, you do not? It is a yes or no? Do you support it or not?

Mrs. ALLEN. I would rather not answer that.

Mr. BOWMAN. Okay. All right. Thank you. My time is up. I yield back.

Chairman BEAN. Thank you very much, Mr. Bowman. Let us go to Michigan, where Representative McClain is standing by, she is ready to go. Representative McClain, you are recognized.

Mrs. MCCLAIN. Thank you. Let us, just out of curiosity, stay with that same thing. I would like an answer from all of you. Do you support students?

Congressman MESSER. Yes. I do support students.

Mrs. MCCLAIN. You do. Wonderful.

Congressman MESSER. I think it is crazy to say that supporting students somehow makes you anti-teacher's union, or Department of Education.

Mrs. MCCLAIN. Let us understand. Unions are great, right? Teachers' unions are just that. They support the teachers. I thought we were doing the hearing on students, so you support the students?

Congressman MESSER. Yes.

Mrs. MCCLAIN. How about you? Do you support students?

Ms. BURKE. Yes ma'am.

Mrs. MCCLAIN. Next?

Mr. BLACK. Yes, I do.

Mrs. MCCLAIN. Wonderful. How about you ma'am?

Mrs. ALLEN. Of course.

Mrs. MCCLAIN. Okay. Just so we are all clear. We are all here about the students, right? The goal today is about the student, just checking. Okay. All right. In my home State of Michigan, and across the country, families have suffered through prolonged school closings, and lockdowns during COVID-19 pandemic.

It is what it is, right? Most students fell behind in math and reading, and we actually have data, facts, right to support that, and due to the force, remote instruction. I mean, I think the teachers did the best they could with the situation at hand. Dr. Burke, can you talk more about how school of choice actually helped families during the pandemic?

I think what the pandemic showed is that people learn in different ways, right? We should not go, and we should not just have this one size fits all because last I checked we are here about the student, right? Do you think school of choice helped parents get their kids back in school sooner?

Do you think in person instruction would help these students close the learning gap created by the pandemic? Can you just talk a little bit about that from the eyes of the most important, and that is the student?

Ms. BURKE. Yes. Thank you, Congresswoman, for reorienting us to the student question at hand today because it is all about students, and we do not want students trapped in unaccountable public schools. If we look at Catholic schools, in particular, during the pandemic, you are absolutely right. Private schools were much more likely to reopen much quicker than the district schools, largely because teachers' unions kept those district schools closed.

If we look at Catholic schools, they opened much quicker, as soon as they knew it was safe to reopen, when the science showed that it was safe to reopen schools. The result has been pretty phenomenal. There was a piece by Kathleen Porter McGee in the Wall Street Journal recently, and she found that if all Catholic schools, all 1.6 million children in Catholic schools were a State, they would outperform every other State on the math and reading.

Low-income kids in particular, minority students in Catholic schools gained 10 points in reading over the course of the pandemic, when students across the country actually lost 3 points in reading, and 8 points in math. I mean this is a phenomenal story to tell about how Catholic schools thrived.

Mrs. MCCLAIN. Well, Dr. Burke, let us not let the facts get in the way of a good story over here. Mr. Messer, in your testimony you mentioned the overwhelming support that school of choice has among parents. In Michigan, we provide zero, no public support for parents to choose private educational options.

The State is increasingly out of step with the other states that do help parents access private schooling options. Policies that have a clear record of success, again facts. Can you talk more about what the polls tell us about support for school of choice across the country in my last minute remaining?

Congressman MESSER. Yes. I mean overwhelmingly, we live in America today where we agree on almost nothing, but we all agree on school choice. Poll after poll, 90 percent, 80 percent, 70 percent of Americans support school choice, support—here are three simple

concepts. One, no child in America should be forced to go to a failing or unsafe school.

Every parent should be able to move their child if their kid is in that kind of school. 80 percent support across America. It is not fair that only wealthy parents get to choose where their child goes to school. 80 percent support all across America. Schools should focus on the basics, not pushing the political agenda.

Parents should have a right to send their child to a different school if they think their school has gotten too political. 80 percent across America, including by the way, 80 percent of African American parents, who support that same point of view. If this was about what the American people want, we would have universal school choice everywhere already.

Mrs. MCCLAIN. Imagine what we can do if we put the child first. We would leave politics at the home, and again, just really put the children first, and we focus on facts. Amazing what would happen if we had some accountability in some measurements, so with that I yield back. Thank you.

Chairman BEAN. Thank you very much. Let us go to Connecticut, where Representative Hayes is standing by for her 5 minutes. Representative Hayes, you are recognized.

Mrs. HAYES. Thank you. I am sitting here feverishly taking notes, because I would like to recenter some of the comments that have been made in this committee. As an educator, I know for certain that predictable and sustained investments in our public schools do in fact lead to better student outcomes.

What we are talking about here today is decades of disinvestment. I agree that it is not fair that only wealthy parents should be able to decide where they send their schools, and I think the answer to that is to make all of our public schools the best that they can be.

I also want to say, just as a followup to Representative Bowman's questions, is that we are mandated. We have two very important mandates by the Individuals with Disabilities and Education Act. Public schools have to take differently abled students, and we are mandated to address the needs of those students first.

Two very important things stand out. We have to provide a free and appropriate education to kids with disabilities, and we have to do that side by side with their peers in the least restricted environments. I will also say that this conversation about supporting students, supporting teachers, supporting teachers is supporting students. I hear over and over. I have heard that the COVID pandemic exposed what teachers were doing in the classroom, as if teachers were hiding something.

That teachers' unions, the work that they have done. I would remind you that teachers' unions are teachers. I can tell you that it was incredibly disturbing to hear one of the witnesses on the panel say that it took for you to go to a private school for a teacher to smile at you.

Educated in public schools, taught in public schools, my children go to public schools, and I can tell you that those environments are warm and nurturing, and could use additional Federal funds, but this idea that the panacea for academic success is charter schools is completely deceiving.



I will also note that there is a distinct difference between private charter schools, and public charter schools, and I would encourage anyone who is listening to this committee to look those things up because a lot of the statistics that we are hearing today is from in fact, public charter schools.

I am a proponent of public charter schools. I think that parents should be able to choose a school that has a specific stream, or a STEM academy, or arts education, or whatever it is their children are looking for, but I also believe that public funds should require public accountability, and that is what we are not talking about today.

90 percent of our children go to public schools, and we should make sure that all of those schools, whether it is the school two towns away, the school across the street, or the school around the corner is the best school that it can be with the highest quality of public education.

My question today is for Professor Black. The Department of Education collects extensive data on public schools, including achievement, enrollment, discipline, bullying, and harassment, and special education information. This data collection helps make an informed decision on children's education.

Unfortunately, in most states, private schools, and private charter schools are not required to report the same information, even if they accept vouchers or public funding. Professor Black, is there any transparency or oversight built into school choice programs to ensure that the schools parents choose for their children are high-quality, and is there any recourse if they are not found to be high-quality?

Additionally, do you believe states should fund voucher programs that do not meet high-quality education standards?

Mr. BLACK. I do not believe they should fund vouchers that do not meet high-quality education standards. There is tremendous lack of transparency in what happens outside of the public school system, and therefore studies are often thinner because they do not have the data to which you referenced.

For the record, I would say I do support the public U.S. Department of Education because it is the institution that ensures the enforcement of anti-discrimination statutes in this country. I also would note for the record, that no voucher program ever put to the people in the history of the United States of America has ever succeeded on the ballot.

The most recent one of which I am aware was in Arizona, and it failed 65 to 35 percent in the State of Arizona.

Mrs. HAYES. Thank you. As an educator by profession, I also support the U.S. Department of Education, and their mission to ensure that every child in every zip code has a high-quality public education, and in my last seconds I just would like to amplify some of the challenges with charter schools that are not public.

They vary by State. There is a messy admission process that excludes many students. There is high teacher turnover and low student diversity. Those are all things that we can look at and address if we truly want to make an argument for the charter school movement, and I am open to doing that, but I quite frankly, I do not

believe that that is the direction that this hearing is going, and with that I yield back. Thank you, Mr. Chairman.

Chairman BEAN. Ms. Hayes, thank you very much. Representative Moran represents the great State of Texas, and he is recognized for 5 minutes.

Mr. MORAN. Thank you, Mr. Chairman from the great State of Florida. We appreciate that. Dr. Burke, I want to turn my attention to you and give you an opportunity to elaborate about some of the things that you mentioned in your brief and in your opening statements.

In particular, you mentioned about the D.C. Opportunity Scholarship Program. It is something democrats have long criticized. That is especially unfortunate, because as you pointed out, the DCOSP has been remarkably successful. This program has helped rescue students from underperforming public schools and gives them better options.

What can you say to my democratic colleagues on the left who argue that this program should be terminated?

Ms. BURKE. Yes. I mean what a travesty that would be for the thousands of children and their families who are currently enrolled. This, as I mentioned earlier, has been one of the great public policy success stories, and D.C. is home to a pretty robust choice marketplace now. Over 40 percent, probably over 50 percent at this point of students, have access to public charter schools, or are enrolled in them.

There is public school choice and then the D.C. Opportunity Scholarship Program. It has been a lifeline for children to attend safe and effective schools in the district. You can see that play out. They show up at rallies where we see thousands of children who are rallying in order to keep this program secure.

During the Obama administration, nearly every budget cycle President Obama tried to zero out funding for what is the Nation's only federally supported school choice program, and these families showed up day after day to fight tooth and nail to secure this option. I genuinely hope that we can put it on more firm footing moving forward.

Right now, the OSP is really at the whims of the Federal appropriations process every year, and of course that can get politicized. We need to move toward formula funding. The D.C. Opportunity Scholarship Program, so that it is a stable revenue source, we need to make it open to every single family in Washington, DC. Every child should have access to a safe and effective school.

If I could just really quickly, we keep hearing that public schools are underfunded, and as Mr. Messer alluded to a few minutes ago, they are still sitting on 100 billion dollars of unspent art funding. I mean there is more money than they can spend right now at the moment. We have to reorient toward funding families directly, and move away from funding these unaccountable systems of government schools to which we are assigning children.

Mr. MORAN. Thank you. I appreciate that. I appreciate the concept of accountability. That is something that I think, when we get into this discussion about teachers' unions, gets lost because effectively the teachers' unions resist accountability for performance in the classrooms, and that is unfortunate.

If we could actually have true accountability it might work out a whole lot better. Let us turn now to education savings accounts, in particular for our military personnel. We know that there are a lot of military personnel that get assigned to new bases, new locations or families are then effectively put in a geographic area where they do not have a public school choice, but they are forced into a certain area.

Talk about why education savings accounts, and particularly for military personnel are so important.

Ms. BURKE. Thank you for that. I mean this is something that Congress should do as soon as possible in my opinion. I mean the national security is not only an enumerated power, but it is a responsibility of the Federal Government. We know from survey after survey that about a third of military families have thought about leaving the service altogether because of the public school their child would have to attend at their next duty station.

Military, kids of military families, are assigned to the closest public school to the duty station to which their parent is assigned when they move from State to State. We have to break that link, and we can do that by funding them directly through education savings accounts. A few military connected children attend DOD schools.

It is only actually about 4 percent of those children. The rest, 96 percent, attend public schools that are close to the duty station, and that has given a lot of heartburn to military families who need options when they are assigned to their next duty station in order to serve effectively.

Mr. MORAN. Thank you, Dr. Burke. With the minute that I have remaining, I just want to ask you about this notion that seems to be arising from the other side about well, if we are for school choice, somehow we are against public schools. Is that the way you see this debate going?

Is it really that easy to say well if you are for school choice you are against public schools?

Ms. BURKE. No. Not at all. Look, if we look at State Constitutions across the country, they do mandate for public education. We have to make a distinction between public education and public schooling. Yes, as I said earlier, publicly fund education, but allow families to choose what that looks like for them, what school works well for them, what school is safe and effective, and aligns with their values.

We are getting to that point now, if we look across the country we have got universal education choice now in six states, which is a really phenomenal development.

Mr. MORAN. That is right. I will just conclude by saying that I personally had the option to send my kids anywhere I want to. I have the means where I can do that if I want to, but I choose to send them to a public school because for me and my family and my kids, that is the best choice. I want other parents to be able to make the choice that is best for their kids as well. Thank you for your testimony. I yield back.

Chairman BEAN. Thank you very much. Here is our new order. Miller, Kiley, Scott, Foxx, Good, so let us go to Illinois, where Rep-

representative Miller is standing by, and she is recognized for her 5 minutes of questions.

Mrs. MILLER. Thank you. Mr. Messer, I have a question for you. In my home State of Illinois, very sadly, only 30 percent of students are reading at grade level, and only 26 percent are proficient in math. How do you think school choice would better serve parents and students in Illinois?

Congressman MESSER. Yes, look, I think that is a great question, and as was alluded to by Mr. Moran, there is a sort of false premise being thrown out there that we believe that somehow there is some panacea. Here is, I think, the panacea. Empowering parents through education freedom.

If you have a child who is unable to be at academic standards, you can find a school that fits their needs better. Through programs like the ECCA, the tax credit scholarship bill that Congressman Owens, Smith, Walorski, and others have supported, you have the option to pay for tutoring through, you know, a math tutoring course, if you need to.

I think the key that we have to remember is it is not enough to just tell folks well, tough, the reality is, and I am going to say it. We have a lot of folks in America who can afford to have choice, and send their kids wherever they want. We are ready to fight to make sure others do not.

Mrs. MILLER. Yes. I agree along with many of the other members at the thought that we have disabled our young people by not giving them the proper education, and definitely parents should have the power to make the educational decisions, which are best for their children, including moving them out of failing schools and into schools where they can succeed.

Thank you so much, and I want to yield my remaining time to Congressman Owens.

Chairman BEAN. Congressman Owens you are recognized for the remaining time.

Mr. OWENS. Thank you so much. I would like to first of all just make a point that you know the panacea is that when a mom and dad look at their child, it is all said and done, said I did my best, and I succeeded. Unfortunately, we have millions of children today, and millions of parents who do not feel that way. They think they are failures.

They think that the system is not for them. We see the results of that as we speak. With the Educational Choice for our Children Act, help us understand also the scholarship organizations, how that works out, and is that something that comes out of Federal budget, or can you help me understand that?

Congressman MESSNER. Well, you have 21 states in America today that have educational SGOs, scholarship granting organizations. The reality is that means that you also have 29 who do not. The scholarship organizations will operate differently in the states where they already exist, and they just build on top of that. The reality is many of the scholarships that are available for families today do not get them all the way to where they need to be to have an actual choice.

An important part of these ECCA is it will allow for there to be scholarships in states that do not currently have any other choice

option, and frankly, states where the teachers' union has such a political entrenchment, that those options probably will not come to those states for quite some time. Illinois, an example of State that is like that.

How does the ECCA do that? Simply through freedom. It allows a donor to write a charitable tax contribution to a scholarship creating organization that then will be able to decide, you know, and give parents opportunities.

Mr OWENS. That donor gets a tax credit, and the understanding that they are finally building our country back with good education by educating those kids that do not have it. Let me just ask you. How many children do you have?

Congressman MESSER. I have three.

Mr. OWENS. Three. One, two, okay. Would you agree that you know what is best for your child? Can we do that sitting up here right now?

Congressman MESSER. Yes.

Mr. OWENS. That is the conversation with friends. You do, and so does every other parent out there. These parents love their children like we love our children, so it is time for us to stop putting down parents, and it is time for us to stop acting like they do not know what they are doing. They cannot sit down and think this process through, what is best for their child.

If a system is not working with the public, private, parochial, home school, it is not working, they will do their best to make sure you get to a safe place that does work. Thank you for your participation. Thanks for your passion, and Ms. Allen, I cannot say it enough, thank you for your success. That is what we need to see more of. Thank you so much. I yield back.

Chairman BEAN. Thank you very much. Let us go to California. Representative Kiley is standing by. Representative Kiley, you are recognized.

Mr. KILEY. Thank you, Mr. Chair. Starting first with just a brief point of clarification. We heard a lot of references on the other side to private, charter schools. Mr. Messer, are charter schools public or private schools?

Congressman MESSER. They are public schools.

Mr. KILEY. We also heard the other side say that somehow charters get to pick and choose their students. Is that true?

Congressman MESSER. No.

Mr. KILEY. What are charter schools required to do when it comes to admission?

Congressman MESSER. There may be others on the panel that can answer better than me, but essentially public schools are required to meet the standards of public schools.

Mr. KILEY. Accept all students?

Congressman MESSER. Yes.

Mr. KILEY. Thank you. Professor Black, you are an opponent of school choice, correct?

Mr. BLACK. Not in all forms, but at least in the form of that we have been discussing thus far yes, but private choice can, or I should say school choice, as mentioned earlier in the form of magnet, is tremendously successful, and charters with appropriate re-

restrictions could also produce positive benefits that I would support. I would not say I am all for or all against.

Mr. KILEY. You oppose the use of public funds for private education, private schools?

Mr. BLACK. If there are, in most instances, I would not say there are no instances in which I would say it is appropriate.

Mr. KILEY. Oh, and where would you support that?

Mr. BLACK. You know there are students who need residential housing. Situations because of severe physical, and mental disabilities that simply cannot be delivered in a regular public education setting, and that seems to me to be—

Mr. KILEY. By and large you are opposed to the use of public funds.

Mr. BLACK. By and large I would think of it, by and large the State Constitutions are opposed to it, and I stand in accordance with that.

Mr. KILEY. Sure. You do not think private schools should be abolished, or anything like that?

Mr. BLACK. No, I do not.

Mr. KILEY. You do support the right of families to send their kids to private school if they could afford it?

Mr. BLACK. I support, yes.

Mr. KILEY. The likes of, you know, President Biden, Governor Gavin Newsom, Nancy Pelosi, Elizabeth Warren, who have paid large sums of money to send their kids to private school, you would support their right to do that?

Mr. BLACK. I support an individual's choice to spend their money in whatever way they choose to, so long as it does not violate State or Federal law.

Mr. KILEY. You make an interesting argument in your testimony. You say that the U.S. Constitution, Article 4, Section 4, says that Congress must guarantee a republican form of government in the states. You go on to say that since the Nation's founding the tradition of public education has been understood as a central pillar of democracy in a republican form of government.

Professor Black, did COVID era school shutdowns violate the republican government clause of the United States Constitution?

Mr. BLACK. Could you repeat your statement?

Mr. KILEY. Did COVID era school shutdowns violate the republican government clause of the U.S. Constitution?

Mr. BLACK. Public schools continued to provide education, so when you say shutdown, in what respect do you mean shutdown?

Mr. KILEY. Well for example, Burbio, the in-person instruction tracker for the 2021 school year, has an index of in-person instruction of the vast majority of states were above 50 percent, but the 5 lowest states below 25 percent were Hawaii, Washington, Maryland, Oregon, and last of all my home State of California.

Would you say that those states violated the republican government clause of the U.S. Constitution by refusing to offer an in-person instruction to their students when other states were able to do so?

Mr. BLACK. I would not say, the premise of the question as I understand it, and maybe I misunderstand it, is that they must provide public education at a particular time on a particular day in

a particular method. The republican form of government does require public education, but it does not specify the time of day, or the location of which that could occur, and thus times in which one was not in school could be made up at later points.

I think you asked a very complicated question, I would be happy to have further discussions about, but I think there is a lot of nuances to—

Mr. KILEY. Do you think it was a mistake for those states to keep their schools closed that long?

Mr. BLACK. You keep saying closed.

Mr. KILEY. Or failing to offer in-person instruction?

Mr. BLACK. I am not a scientist. I do not think I am prepared to say at what point we should have had in-person instruction or not. I would ultimately think we would follow the CDC guidelines.

Mr. KILEY. Okay. You also note that Florida has received an F when it comes to spending rankings. You then go on to note that several other states received A and B ratings. I looked up one of those at random, Washington, DC, which received an A rating, and then compared how those two jurisdictions, Florida and D.C. have done when it comes to education outcomes and the national assessment of education progress for students eligible for free or reduced lunch.

For fourth grade reading, Florida, 61 percent achieved at the basic level of achievement. D.C. was 38 percent. Eighth grade reading, it was 62 percent to 49 percent. Why is it that you care more about the level, the amount of money that is being spent, than the amount that students are learning?

Mr. BLACK. I do not care more about the amount that is spent. I care about studies that show what the amount spent correlates, and as to the comparison you make, the percentage of students with disabilities, low-income in the District of Columbia, is exponentially greater than it is in the State of Florida.

Mr. KILEY. If I may just add that I did a comparison of students who are eligible for free or reduced lunch. This is an apples-to-apples comparison.

Mr. BLACK. My apologies.

Mr. KILEY. Thank you.

Chairman BEAN. Very good. Thank you very much, Mr. Kiley. Well done, to keep it in the time. He represents the great Commonwealth of Virginia. He is also the Ranking Member of the full Education and Workforce, and I am happy to recognize him for his 5 minutes, Representative Scott, you are recognized.

Mr. SCOTT. Thank you. Thank you, Mr. Chairman. Professor Black, are there public and private charter schools?

Mr. BLACK. All charter schools are public, but some of them are run by private entities as opposed to public or non-profit entities, so the distinction would be those that are run by non-profits versus those that are run by private entities.

Mr. SCOTT. Okay. One of the criticisms throughout vouchers is that if you start a voucher program, the first thing you do is fund those already in private schools. Is that right?

Mr. BLACK. A very substantial portion of those programs do fund children who are already in private schools.

Mr. SCOTT. Do the vouchers cover the tuition at the private school?

Mr. BLACK. It does not cover the tuition of many private schools, and thus children who cannot make up the difference, or cannot afford to go to all private schools.

Mr. SCOTT. If you cannot afford the difference, then you do not get any help. You mentioned disinvestment. Is that because the political pressure, when you have vouchers and a public school system, the political pressures increase the vouchers, and not so much increase the investment in public schools?

Mr. BLACK. You certainly know politics far better than I, Representative, but I would say that it is my experience that vouchers are very popular inside of State legislative buildings, but not very popular at all outside of them.

Mr. SCOTT. Do the private schools get to select who their students are based on academics, better behavior, or parental involvement?

Mr. BLACK. Yes.

Mr. SCOTT. On evidence of success, Dr. Burke mentioned the success of the D.C. schools in terms of academic success. I think you mentioned that when you equate for parental involvement, education level of parents, other demographics, can you say what happens to the achievement level after you have done that?

Mr. BLACK. My reading of those studies is that the achievement levels are not higher in the private schools.

Mr. SCOTT. Say it again.

Mr. BLACK. My reading is that those studies, when we account for the things that you mentioned, do not demonstrate higher achievement in D.C.'s private schools, for the students participating in those programs.

Mr. SCOTT. In civil rights, you are talking about civil rights laws, one of the problems we are experiencing today is increased segregation in public schools. *Green vs. Newton County, Virginia*, is from my home State, that found freedom of choice unconstitutional. Can you say what these school choice programs do to the integration or segregation of our public schools?

Mr. BLACK. They do not contribute to it, and my understanding based upon what I am looking at is they are perpetuating, or at least facilitating additional—various forms of additional segregation and stratification in private schools, as opposed to public schools.

Mr. SCOTT. In terms of discipline, if the private school expels problem students, or does not accept private students, what happens to those students?

Mr. BLACK. They could raise the contract breach that the United States Constitution does not apply to them.

Mr. SCOTT. They would end up back in the public school system?

Mr. BLACK. Yes.

Mr. SCOTT. Are private schools covered by the Individuals with Disabilities Education Act?

Mr. BLACK. No.

Mr. SCOTT. What happens to all the students who need those services?



Mr. BLACK. They would not get them. They would not be legally entitled to them in a private setting.

Mr. SCOTT. Now we have talked about some students who were stuck in a failing school, and they need choice. It seems to me that the rational choice was everyone would get up and leave. The fact is that whatever choice system you have, 90 percent of them are going to be left behind with less resources, less political pressure.

How is it a good idea to leave those 90 percent behind? How are they helped with a choice program?

Mr. BLACK. They are not. As one study of Chicago's schools aptly put it, the real privilege in America is not having to make a choice as to where to go to school.

Mr. SCOTT. Thank you, Mr. Chairman. I yield back.

Chairman BEAN. Thank you very much, Mr. Scott. Let us go to the Chair. How about that, she is the Chair of the full committee. I was honored when she was on our subcommittee. She is also a former educator. She is from the great State of North Carolina, and she is recognized now. Dr. Foxx, you are recognized for a question and answer period.

Mrs. FOXX. Thank you, Chairman Bean. I think you have held an excellent hearing today, and I appreciate that. Congressman Messer, it was a pleasure to serve with you, and it is a pleasure to see you in the role that you are in right now, working on such a great cause. Thank you very much.

Congressman MESSER. Thank you.

Mrs. FOXX. You obviously have extensive experience on the issue of school choice at all levels. I have long believed that education is best handled at the State and local level, and not the Federal Government. One of the best ways to empower parents, rather than the D.C. bureaucrats, is to put educational choices back in the hands of parents.

You have served as President of School Choice Indiana, consistently advocated for school choice during your time in Indiana State House. What principles do you think D.C. policymakers should keep in mind when it comes to education? What can State and local leaders do to keep the Federal Government from micromanaging schools?

Congressman MESSER. Well, I think I have got kind of a high minded answer, and then a really practical answer. Okay. The high minded answer is to remember the stakes, and we talk a lot in this building about the Constitution, appropriately so. I do not think we talk enough about the second paragraph of the Declaration, which says we are all endowed by our creator, with certain inalienable rights.

Rights that cannot be taken from you, the rights to life, liberty and the pursuit of happiness. You cannot do that in America today. You cannot pursue happiness if you do not have access to a quality education. We need to make sure every family has that choice. How do you do it? That is the practical part. This is not complicated. Empower parents. Parents know best.

It cannot both be true that our current public school system is doing a fabulous job and be true that if we give parents an option, everybody is going to pour out of the school and somehow destroy them, right?

The reality is that we are now 30 years into this debate. Parents leave when it is best for their child to leave. The rest of the system improves.

Mrs. FOXX. Thank you. Ms. Allen, I was quite moved by reading your personal story and hearing it today. Your story perfectly encapsulates why we need school choice. I am overjoyed that Florida's tax credit scholarship was available to you and had such a positive impact.

What troubles me is that many children in our country do not have that opportunity. Republicans are absolutely committed to making sure every child has the opportunity you have had, to find the educational option that works best for them, and their families. I know you are the first in your family to graduate from high school, college and graduate school, which is a remarkable accomplishment.

Can you talk about what it means to you and your family to be the first in your family to achieve such a high level of education?

Mrs. ALLEN. It is a tremendous success. It is a pleasure for me to serve as this trailblazer in my family. My niece is now also a college graduate. She is a nurse traveling across the country. It is a pleasure that she looks up to me, and so we have been able to set a new trajectory, and it is because of education freedom.

Mrs. FOXX. Thank you very much. Dr. Burke, one of the arguments we have already heard from our democrat colleagues is that school choice hurts traditional public schools, and I think Congressman Messer explained it very well just now. The public schools are doing such a great job, and why are we afraid of choice, and the fact that people will leave?

It is not true, and we know it is not true. We also know that competition creates an incentive for anybody to improve. It breaks up the monopoly power, traditional public school districts. That is what it would do. I believe in school choice, not only because it helps students of private schools and charter schools, but because it helps traditional schools.

I know you have spent your career analyzing the evidence on school choice. Could you give us quickly some findings from the research on how school choice affects traditional public schools?

Dr. BURKE. Thank you, Chairwoman Foxx. I appreciate that. You are right. It is a competitive pressure that creates that rising tide that lifts all boats. We know that school choice improves academic outcomes for children who choose to stay in their district schools as well.

There are 28 empirical evaluations of the effect of school choice and the competitive pressure that it puts on public schools as well. These are matching and longitudinal studies. Of those 28, 26 show positive effects for students and public schools as more and more private schools begin to participate in a school choice program, one finds a null effect, and only one found a negative effect.

Mrs. FOXX. Thank you very much. I yield back.

Chairman BEAN. Thank you very much, Dr. Foxx. Our final member in the spotlight just entered the building, or entered our room, and he is from the Commonwealth of Virginia, let us go to Virginia, where Mr. Good is standing by for his 5 minutes, and he is recognized.

Mr. GOOD. Thank you, Chairman Bean, and thank you to our witnesses. I think I am the only thing standing between you and being paroled from this hearing today, but thanks for your time today. First, just a question or two to Ms. Allen, I appreciate you again being with us today.

Our backgrounds are somewhat similar, where I grew up in a lower income family, grew up on food stamps, free school lunch, and I am old enough that it was the days when not everyone had free school lunch. You had to qualify for it and went to rough inner-city schools.

Low-income white kids, low-income minority kids, rough background schools. Through the benevolence of others, my family could never afford it. I was able to go to a private Christian school for high school, which made a tremendous impact on my life, similar to what I have seen in your testimony on the impact that it made for you.

As you know, Title I of the Elementary and Secondary Education Act, was created to help, and theoretically anyway, disadvantaged students. In a community like where you grew up on east side Jacksonville, how would you comment on the effectiveness of the Federal funds, what kind of impacts are being made, effectively being leveraged I should say, to help disadvantaged students in your experience?

Ms. ALLEN. Of course. Every school that I went to in elementary school was a Title I school and did not meet my needs. The schools are currently still Title I, and currently still poor performing and lower income. With my work at the American Federation for Children, I started a special project called Black Minds Matter.

I actually have the first and the only directory of black school founders, and these are folks who started schools. Many of these black school founders used to be public school teachers in Title I schools, and what is interesting is that they reached the ceiling, and they saw that they could not help, they could not do as much as they wanted to really help kids learn.

They just decided to start their own school. Many of the colleagues and members, we are talking about teachers in the public schools, in the system. Teachers who are teaching in private and charter schools are doing a tremendous job at trying to help give students more opportunity, and so they are also benefiting from what we are talking about today.

Mr. GOOD. You know, you certainly see the other side, you know, we talk about school choice a lot on our side, if you will, and I hate to say sides like that. The other side is very much against school choice, and will say, you know, that school choice harms the public schools.

Their feeling is if a public school is toxic, if it is failing, if it is dangerous, if it is not meeting the needs of the children, or the families that are subjected to those schools, then everyone should have to share in that misery, and no one should have the opportunity or school choice.

I have a bill that is called The Choice Act, which would allow Federal dollars allocated for education to follow the child through the school choice of the family, whether it was another public school. You know, some districts charge you to go outside your dis-

trict of course, a few thousand dollars in Virginia in some cases, whether it is the private or Christian school, or a home school expenses, or what have you.

How might it have made a difference, or for people like others in your situation or yourself maybe, if Federal dollars went to the school choice of the family instead of being restricted to that public school where the child happens to reside.

Mrs. ALLEN. It would make a tremendous difference. You know, folks who have backgrounds similar to ours are wanting better options for their students. There is a very sad story of a mom from Ohio who tried to pick a different public school for her daughter, and ended up in jail because she was violating the law by sending her kid to a school outside of her district's assigned zip code.

That is not a free, equitable system. We need one though.

Mr. GOOD. You know, and sadly, unfortunately, there is not a correlation that we can demonstrate in terms of achievement, or excellence in education, and the dollars allocated by school district. Some of the areas across the country where we spend the most money in the public school system, or government school system, we get the worst outcomes in those systems.

This is for Dr. Burke, and again thank you for being with us, and in the limited time that I have left, could you just comment on how you feel like the effectiveness is demonstrated by the Federal Government's role in education?

What is the proper role of that education, and what is the demonstrated effectiveness for the mandates and the controls that come with the Federal Government's small amount of dollars that are allocated?

Ms. BURKE. Well education is not an enumerated power of the Federal Government, so the more that we can do to start winding down Federal intervention in K-12 education, the better. The track record has been incredibly poor, unfortunately, since Lydon Johnson launched his war on poverty. We have spent two trillion just at the Federal level alone, which remember is just 8.5 percent of all K-12 education funding.

Outcomes, if you look at the long-term trend assessment, are flat for reading and math achievement over time. We are still in the middle of the pack internationally. Disadvantaged students are still struggling with graduation rates, et cetera, so we have got to change that dynamic, start winding down Federal spending, and intervention in K-12 education, and allow education choice to flourish in the states.

Mr. GOOD. Thank you. In Virginia, 94 percent of our funding for the schools come from State and local, and I would submit that the 6 percent we get from the fed's is not worth it. We can make do on the 94 percent without the Federal mandates, and the negatives that come with it. Thank you so much, and I yield back Mr. Chairman.

Chairman BEAN. Thank you, Mr. Good. At the beginning of our program today, I promised that it would be an interesting debate, robust concepts, and big thoughts and ideas, and thanks to each of our panelists today, that was a promise fulfilled. You all did a great job, and thanks for the time this morning.

Before we adjourn, Ranking Member Bonamici and I discussed the need to review our audio system, and maybe we can improve it going forward, or at least review it, but what a great day. So to all the members, thanks for doing your homework, coming in before, coming in prepared. Let us go have a great day. Since there is no business before the committee, we stand adjourned.

[Additional submissions by Ms. Bonamici and Mr. Grijalva:]



Representative Aaron Bean  
Chair  
Subcommittee on Early Childhood, Elementary,  
and Secondary Education  
1239 Longworth House Office Building  
Washington, DC 20515

Representative Suzanne Bonamici  
Ranking Member  
Subcommittee on Early Childhood, Elementary,  
and Secondary Education  
2231 Rayburn House Office Building  
Washington, DC 20515

April 25, 2023

Dear Chair Bean and Ranking Member Bonamici:

On behalf of the National Parent Teacher Association (National PTA), we thank you for holding the hearing on Tuesday, April 18, 2023 "School Choice: Expanding Educational Freedom for All" and appreciate the opportunity to submit this letter for the record.

National PTA represents millions of families, students, teachers, administrators, and business and community leaders across all 50 states, Washington D.C., the U.S. Virgin Islands, Puerto Rico and DoDEA schools in Europe. As the nation's oldest and largest child advocacy organization, PTA is a powerful voice for all children, and our members are committed to making every child's potential a reality by engaging and empowering families and communities to advocate for all children.

National PTA recognizes that changes must be made within the public schools to provide an equitable and excellent educational opportunity for every child. However, vouchers, tax credits, deductions and other such funding sources do not provide the means for bringing about improvements in our public schools. It is during this challenging time that the federal government should focus on providing more resources to our public schools, which serve the vast majority of our nation's students, particularly students from under-resourced communities and students of color.

We disagree completely that Congress should divert public money into any private school choice proposal and/or voucher system, including the District of Columbia private school voucher program. Although sometimes well intentioned, private school choice systems can have detrimental effects on our public school systems which serve around 50 million children across the country or 90% of our nation's students. Moreover, many voucher programs have proven ineffective in improving students' academic achievement, lack accountability, deprive students of the rights and protections they would receive in public schools, and fail in providing adequate services for students most in need, including students with disabilities, low-income students, and students who are English learners. Such funding would promote division without diversity, create division and separation within current school communities and negate the long, historic struggle of our nation to desegregate our schools and our society. It is the opinion of the National PTA that vouchers and similar systems would violate the constitutionally mandated separation of church and state in some cases.

It is for these reasons that our association opposes education voucher proposals for public and nonpublic preschool, elementary and secondary school students. Our association also opposes tax credits and deductions for elementary and secondary school tuition and other education-related expenses for public and nonpublic school students. Instead, Congress must not abandon public



education and should focus on the improvement of public education for all children. Any changes in school structure or funding should be measured by the likely outcomes for all children in accord with the obligation to prepare all children to become effective, productive adult citizens. That is why public dollars must remain invested in public schools for the benefit of all students and for the future of our nation.

At the same time, we know that no one educational program is best for all children. Our association works every day with public school personnel and parents to address the different ways that children learn and to improve how public school systems can provide the best education for all children. National PTA supports educational choices within public schools and believes that parents should be involved in the planning, development, implementation, and evaluation of public school choice plans. We also acknowledge charter schools as one of many avenues to improving student achievement and support charter schools, as outlined in our association's [Position Statement on Public Charter Schools](#).

National PTA supports our nation's public education system as the major vehicle for perpetuating the basic values of our democratic system of government. This system must be strengthened and continue to be governed by public officials accountable to the public and supported by adequate funding in order to operate successfully.

We appreciate the opportunity to provide this letter for the record in response to the hearing on Tuesday, April 18, 2023 "School Choice: Expanding Educational Freedom for All" within the House Subcommittee on Early Childhood, Elementary, and Secondary Education. We look forward to working with your offices and members of the Subcommittee to ensure that public funds are not diverted to any private school choice proposal and/or voucher system and to improve public education for all children in our nation. If you have any questions or would like additional information, please feel free to contact Kate Clabaugh, National PTA Director of Government Affairs, at [kclabaugh@pta.org](mailto:kclabaugh@pta.org).

Sincerely,

Anna King  
President  
National PTA

Nathan R. Monell, CAE  
Executive Director  
National PTA

**Statement for the Record on the Subcommittee on Early Childhood, Elementary, and Secondary Education's hearing: School Choice: Expanding Educational Freedom for All**

Today, the Republican led Subcommittee on Early Childhood, Elementary, and Secondary Education of the Education and the Workforce Committee held a hearing pushing their private school voucher and school privatization agenda.

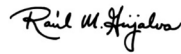
Under the guise of school choice, Republicans want to expand the spending of public dollars on private schools. Sadly, this intentional degradation of public schools by Republican legislators was on full display at today's hearing.

I know all too well the impact of private school voucher expansion programs. Arizona was one of the first states to enact legislation resulting in extreme deregulation of voucher programs. While Republicans claimed that this would bring opportunity to marginalized students, the reality is far from it. Over 70% of Arizona voucher recipients have never attended public schools and largely use vouchers on private schools that they were already attending. This flow of public dollars to private schools reduces academic accountability and fiscal responsibility – two things that my colleagues across the aisle state that they value.

Beyond issues of funding, private school voucher programs also lead to the exclusion of students that need nurturing school environments. This again has been experienced in my state of Arizona where there have been reports of gay parents being excluded from their child's private school -- one that was receiving state voucher program funds.

All children should have the option of attending an academically and socially enriching local public school. The false promise of opportunity presented by private school vouchers works to oppose this. That's why I stand in opposition to the Republican's private school voucher agenda.

Sincerely,



Raul M. Grijalva  
Member of Congress

[Whereupon 12:24 p.m., the Committee adjourned.]

