



INTERCULTURAL DEVELOPMENT RESEARCH ASSOCIATION
MARIA "CUCA" ROBLEDO MONTECEL, PH.D., PRESIDENT & CEO
5815 CALLAGHAN ROAD, SUITE 101
SAN ANTONIO, TEXAS 78228
210.444.1710 • FAX 210.444.1714
CONTACT@IDRA.ORG • WWW.IDRA.ORG

Vouchers with No Real Safeguards and No Civil Rights Protections are “Civil Wrongs”

Testimony of IDRA presented for the Senate Education Committee, March 21, 2017

Thank you for allowing the Intercultural Development Research Association (IDRA) the opportunity to provide written testimony of its research and analysis on school choice. Our testimony focuses on school choice options, including vouchers, education savings accounts, tax credits, and the underpinnings of building strong public school options for Texas students.

Founded in 1973, IDRA is an independent, non-profit organization that is dedicated to assuring equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. Throughout its history, IDRA has conducted extensive research and analysis on a range of Texas and national educational issues impacting public school children, including school choice options.

Based on its review of the research, IDRA recommends that the Texas Legislature:

1. Improve its support for building strong public schools by providing more equitable and meaningful educational resources for all students and schools across the state;
2. Avoid other so-called “choice” options, such as vouchers, education savings accounts, and tax credits, which research shows: (1) fail to deliver on the promise of better learning opportunities and student performance; (2) siphon limited resources from local community schools; (3) open up the potential for violating students’ civil rights; (4) hinder transparency and accountability; and (5) tend to lead to more schools being racially segregated; and
3. Explore other public school options that *keep the public in public schools*, such as the development of magnet or charter schools that are operated by traditional public schools and increase racial and socioeconomic integration.

The Research on “Choice”

Providing public school students the very best, well-rounded equitable educational opportunities is at the core of our Texas public school system. Texas must strive to meet all students’ educational, social and psychological needs. While it may be tempting to explore options other than locally-controlled public schools rather than investing our public schools, the research strongly suggests that the additional expense and cost of diverting precious resources is hardly worth it. As shown below, at best, the results are mixed, but that is in schools where there are several accountability and civil rights protections built into the statute.

The other “choice” options, including those that are not targeted for children living in poverty and that have no accountability, tend to operate more as private school subsidies for the wealthiest families.

Research on Education Savings Accounts (ESAs)

Education savings accounts are the latest “choice” proposal shopped around in the states. Only a handful of states have adopted ESAs into law since their introduction in Arizona in 2011 (Education Commission of the States, 2016). Not surprisingly, the research on ESAs is still new. One review published by the National Education Policy Center of the Friedman’s Foundation report, “The Way of the Future: Education Savings Accounts for Every American Family,” found that the report’s assertion that injecting competitive market pressures into public school would improve the overall system baseless (Gulosino & Leibert, 2012). Using peer-reviewed evidence, the authors invalidated the report and found that *school choice options create and exacerbate social, economic and racial inequities*.

One analysis of pre-applications of Nevada’s ESA, judged to have the fewest safeguards from causing harm to public schools and recently found to have violated the Nevada Constitution, showed a significantly higher rate of applicants from more affluent neighborhoods and areas (Educate Nevada Now, 2016). Highlights of the analysis showed:

- Applications from households with incomes above \$100,000 outnumbered applications from households with incomes below \$25,000 by five times (28 vs. 146); and
- There were 35 applications received for every 1,000 school-aged children in households with incomes above \$100,000 compared to only three applications for every 1,000 school-aged children from households with incomes below \$25,000.

This analysis is consistent with studies of vouchers and tax credits showing that these programs typically do not serve the lowest poverty groups compared to other groups (Jabbar, et al., 2015).

Although vouchers, tax credits and ESAs can be debated on several fronts, researchers from a 2007 study of vouchers by RAND and a 2015 study by the National Bureau of Economic Research have suggested key design safeguards for those states still wishing to proceed with one of those “choice” options:

- Target vouchers to at-risk students.
- Require open admissions from participating private schools.
- Provide incentives for private schools to admit special needs students.
- Require participating private schools to set tuition at exactly the voucher value.
- Ensure all parents receive clear and timely information about voucher options.

Otherwise, private schools can expect to “cream” students that they feel are best suited for their school and students deemed to be the most at-risk will be left out. Without such protections, as well as civil rights protections and key accountability components, the ESAs will simply operate as a tax subsidy for private schools for the wealthiest Texas families.

Research on other “Choice” Models: Charters and Vouchers

Although ESAs tend to engage a different process than vouchers and other choice models, they tend to operate in the same manner (Mathis & Welner, 2016). Rigorous research on vouchers and other “choice” models like privately-operated charter schools shows that the effect of vouchers on student achievement and other outcomes is highly suspect. Below are some of the strongest studies in the field.

- A 2017 multi-state review of voucher programs by Carnoy with the Economic Policy Institute found that students in voucher programs scored significantly lower than traditional public school students on reading and math tests, and there was no significant effect of vouchers leading to improved public school performance.
- A 2016 review by Lubienski & Brewer of the “Gold Standard Studies” heralded by the Friedman Foundation found that these voucher studies have mixed results that show no “discernable or consistent impact on student learning.”

- A 2016 study by the Education Research Alliance for New Orleans found a statistically significant *negative* effect on student achievement in the first two years of Louisiana's statewide expansion of the voucher program.
- A 2016 review by Dr. Clive Belfield (Teachers College, Columbia University) of the Milwaukee voucher program by the University of Arkansas questioned the methodology of the study and concluded that there is little consideration of how voucher programs might actually influence criminality.
- A 2015 review by the National Bureau of Economic Research reached a similar conclusion (Epple, et al., 2015).
- A 2015 research brief by the Texas Center for Education Policy surveyed voucher studies finding that the most-disadvantaged students do not access vouchers (Jabbar, et al., 2015).
- A 2014 study by the National Bureau of Economic Research of the Florida Tax Credit Scholarship Program concluded that, on average, FTC students neither gained nor lost ground in achievement in math and reading compared to students nationally. Data for non-FTC Floridian students were incompatible because those public school students were not administered the national norm-referenced test (Figlio, 2014).
- A 2011 meta-analysis study of more than 30 studies (including the oft-cited 2011 Friedman Foundation Report) by the Center on Education Policy found that "the empirical evidence on vouchers is inconclusive and further found that any gains in student achievement are modest if they exist at all" (amicus brief, Schwartz v. López, 2016).
- A 2010 study by Witte, et al., of the Milwaukee voucher program found no difference in student performance (2012).
- A 2010 study published by the U.S. Department of Education found higher graduation rates for participants compared to non-participants but could not find any conclusive evidence affecting student achievement (Wolf, et al., 2010).
- A 2009 study by Rouse & Barrow on school vouchers and student achievement found relatively small achievement gains for students offered vouchers, most which were not statistically different from zero. The researchers further concluded that little evidence exists regarding the potential for public schools to respond to increased competition.
- A 2007 literature review of voucher and choice studies by the reputable RAND Corporation concluded that there was *no definitive evidence* that vouchers improved student performance (Gill, et al., 2007).

Segregative Effect of Voucher, ESA and Tax Credit Programs

Although school choice advocates often allude to the expanded options available through vouchers, ESAs and tax credit programs, the research shows that these programs tend to *increase* racial segregation. The risk of racial segregation is especially potent where choice laws do not have adequate protections built into the law (Mickelson, et al., 2008). This should be very concerning for policymakers because *decreased* racial segregation has been found to benefit both minority students and White students academically, socially and emotionally (Seigel-Hawley, 2012).

Studies finding segregative effects based on race and socioeconomic status include:

- A 2014 study by Portales & Vasquez-Heilig found that students of relatively higher socioeconomic status living in mid-high or mid-low poverty districts benefit from vouchers, while low-income students living in high-poverty areas tend to remain at their public neighborhood school.

- A 2009 study by Meléndez of Arizona’s Education Tax Credit program concluded that it exacerbated educational inequities since students eligible for free and reduced-price lunch were significantly less likely to benefit from ETC usage and funding.
- A 2007 review of Florida’s voucher and tax credit programs by Harris, et al., found strong evidence of increased school racial segregation.
- A 2007 study by Huerte & d’Entremont of Minnesota’s tuition tax credit program suggests that tuition tax credits did not significantly impact school competition as lower-income families tended not to claim the credits as frequently as already higher-income families.

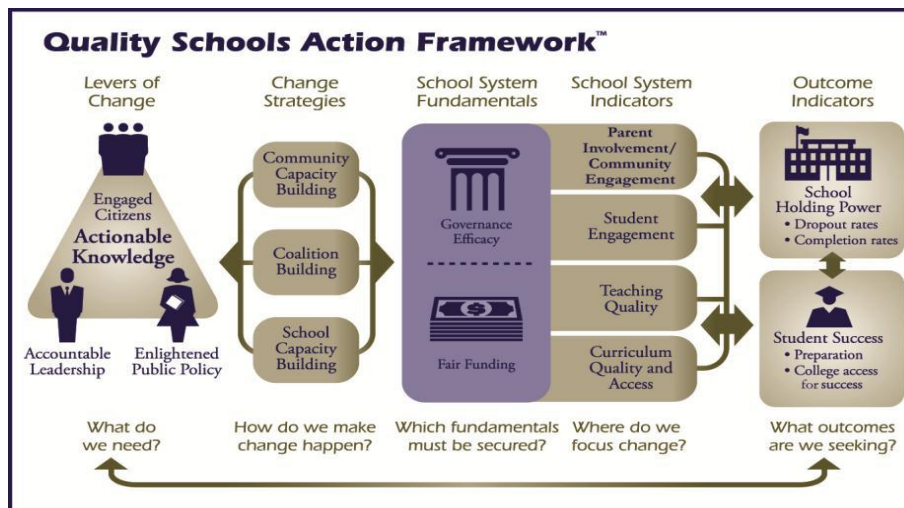
In addition, the latest figures from a state report on Indiana’s “Choice Scholarship Program” show an increasing number of White students participating compared to other racial groups.

Indiana’s “Choice Scholarship Program” Counts by Ethnicity								
Year	American Indian/Alskn Native	Black	Asian	Hispanic Ethnicity and of Any Race	White	Multiracial (two or more races)	Native Hawaiian or Other Pacific Islander	Total
2011-12	*	943	57	794	1,814	287	*	3,911
2012-13	26	1,855	148	1,736	4,704	656	14	9,139
2013-14	48	3,373	275	3,648	11,173	1,277	15	19,809
2014-15	54	4,184	429	4,864	17,794	1,797	26	29,148
2015-16	44	4,317	478	5,954	19,888	1,981	24	32,686

* Values have been asterisked to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA), which prohibits public disclosure of student level data. If a subset includes fewer than 10 students, the actual number may not be reported. Values are asterisked for student level counts of less than 10.

Keeping the Public in Public Education: A Proposal to Increase Real Choice

Below is the Quality Schools Action Framework™ developed by IDRA (Robledo Montecel & Goodman, 2010) that may assist the Legislature in drafting future laws that could help the state achieve its public education mission of ensuring that “all Texas children have access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation” (Tex. Educ. Code § 4.001).



INTERCULTURAL DEVELOPMENT RESEARCH ASSOCIATION

One example of this approach for the House to consider is legislation that would support the creation of diverse school district charter schools, or magnet schools, that integrate students along racial and economic lines in a college-going environment. These schools would capture the original intent of charter schools in 1998 which was to encourage local school districts to experiment with innovative ways of reaching students and to help “reinvigorate the twin promises of American public education: to promote social mobility for working-class children and social cohesion among America’s increasingly diverse populations” (Kahlenberg & Potter, 2014).

Texas could be a national leader in supporting these innovative schools, and it could not come at a better time with race relations suffering across the nation and schools experiencing severe racial segregation (Perrone & Bencivengo, 2013). Furthermore, the academic performance of students would not be compromised as integrated schools have been found to benefit both minority students and White students academically, socially and emotionally (Seigel-Hawley, 2012). And these schools could be created without running afoul of the Constitution (*Parents Involved in Community Schools v. Seattle School District No. 1*, Kennedy, J., concurring; OCR Guidance, 2011).

The design of these schools would need to ensure that there are no gatekeeping exams and that each of the elements in the framework shown above is applied. Of course, this also would mean that the Legislature would need to ensure that the proposed schools, as well as all other public schools, are supported with equitable and adequate funding. This type of true public charter school would help silence the critics of certain choice models that may be reinforcing racial and economic segregation, stripping control from local communities, “creaming” students, and inhibiting transparency of funding and accountability.

IDRA thanks this committee for the opportunity to testify and stands ready as a resource. If you have any questions, please contact IDRA’s National Director of Policy, David Hinojosa, at david.hinojosa@idra.org or 210-444-1710, ext. 1739.

References

- Belfield, C. (April 2016). Review of the School Choice Voucher: A “Get Out of Jail” Card? (Boulder, Colo.: National Education Policy Center). <http://nepc.colorado.edu/thinktank/review-school-choice>
- Brief for Nevada State Education Association and the National Education Association as Amici Curiae Supporting Respondents, *Schwartz v. López*, 15-OC-00207-1B (2016) (no. 69611), Doc 2016-10539.
- Carnoy, M. (February 28, 2017). *School Vouchers Are Not a Proven Strategy for Improving Student Achievement* (Washington, D.C.: Economic Policy Institute). <http://www.epi.org/files/pdf/121635.pdf>
- Educate Nevada Now. (2016). *Most ESA Applicants are from High Family Income Zip Codes* (Las Vegas, Nev.: Educate Nevada Now). http://www.educatenevadanow.com/wp-content/uploads/2016/03/ESA_Applcmt_Zip_Data_FINAL_3.11.2016.pdf
- Education Commission of the States. (August 2016). *Education Savings Accounts: Key Provisions and State Variations* (Denver, Colo.: Education Commission of the States). http://www.ecs.org/ec-content/uploads/08112016_Education_Savings_Accounts.pdf
- Education Research Alliance for New Orleans. (April 20, 2016). *Is There Choice in School Choice?* (New Orleans, La.: Education Research Alliance for New Orleans). <http://educationresearchalliancenola.org/publications/is-there-choice-in-school-choice>
- Epple, D., & R.E. Romano, M. Urquiola. (September 2015). “School Vouchers: A Survey of the Economics Literature,” NBER Working Paper No. 21523. <http://www.nber.org/papers/w21523>
- Figlio, D.N. (August 2014). *Evaluation of the Florida Tax Credit Scholarship Program Participation, Compliance and Test Scores in 2012-13* (University of Florida Northwestern University and National Bureau of Economic Research). https://www.stepupforstudents.org/wp-content/uploads/2015/09/ftc_research_2012-13_report.pdf
- Gill, B., & Timpane, P.M., Ross, K.E., Brewer, D.J., Booker, K. (2007). *Rhetoric Versus Reality – What We Know and What We Need to Know About Vouchers and Charter Schools* (Santa Monica, Calif.: RAND Corporation). http://www.rand.org/pubs/monograph_reports/MR1118-1.html
- Gulosino, C., & Liebert, J. (2012). *Review of “The Way of the Future: Education Savings Accounts for Every American Family”* (Boulder, Colo.: National Education Policy Center). <http://nepc.colorado.edu/thinktank/review-ESA>
- Harris, D.N., & Herrington, C.D., Albee, A. (January 1, 2007). “The Future of Vouchers: Lessons from the Adoption, Design, and Court Challenges of Florida’s Three Voucher Programs,” *Educational Policy*, Vol 21, Issue 1. <http://journals.sagepub.com/doi/abs/10.1177/0895904806297209?journalCode=epxa>
- Huerta, L. A. & d’Entremont, C. (2007). “Education Tax Credits in a Post-Zelman Era: Legal, Political and Policy Alternative to Vouchers,” *Educational Policy*, January/March 21(1), 73-109.

- Jabbar, H., Holme, J., Lemke, M.A., LeClair, A.V., Sanchez, J., Torres, E.M. (2015). *Will School Vouchers Benefit Low-Income Families? Assessing the Evidence* (Austin, Texas: Texas Center for Education Policy, University of Texas at Austin). <https://www.edb.utexas.edu/tcep/resources/TCEP%20Graduate%20Seminar%20DRAFT%20Vouchers%20Memo.pdf>.
- Kahlenberg, R.D., & H. Potter. "The Original Charter School Vision," *New York Times* (August 30, 2014). http://www.nytimes.com/2014/08/31/opinion/sunday/albert-shanker-the-original-charter-school-visionary.html?_r=0
- Lubienski, C., & Brewer, T.J. (June 29, 2016). "An Analysis of Voucher Advocacy: Taking a Closer Look at the Uses and Limitations of 'Gold Standard' Research," *Peabody Journal of Education*, Vol. 91, Issue 4, pp 455-472. <http://www.tandfonline.com/doi/abs/10.1080/0161956X.2016.1207438>
- Mathis, J., & Welner, K.G. (March 2016). *Do Choice Policies Segregate Schools?* (School of Education, University of Colorado Boulder). <http://nepc.colorado.edu/files/publications/Mathis%20RBOPM-3%20Choice%20Segregation.pdf>
- Meléndez, P.L. (2009). "Do Education Tax Credits Improve Equity?," dissertation (The University of Arizona). http://arizona.openrepository.com/arizona/bitstream/10150/194044/1/azu_etd_10499_sip1_m.pdf
- Mickelson, R.A., & Bottia, M., Southworth, S. (2008). *School Choice and Segregation by Race, Class, and Achievement* (Boulder, Colo.: National Education Policy Center). <http://nepc.colorado.edu/publication/school-choice-and-segregation-race-class-and-achievement>
- Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701, 782 (2007) (Kennedy, J., concurring in part and concurring in the judgment).
- Perrone, C., & B. Bencivengo, "InvestigaTexas report: State leaders, educators and courts grapple with segregated schools," *Dallas Morning News* (May 5, 2013). <http://www.dallasnews.com/news/education/headlines/20130504-texas-leaders-educators-and-courts-grapple-with-segregated-schools.ec>
- Portales, J., & Vazquez-Heilig, J. (2014). "Understanding How Universal Vouchers Have Impacted Urban School Districts' Enrollment in Chile," *Education Policy Analysis Archives*, 22 (72). <http://files.eric.ed.gov/fulltext/EJ1050053.pdf>
- Robledo Montecel, M., & Goodman, C. (2010). *Courage to Connect – A Quality Schools Action Framework* (San Antonio, Texas: Intercultural Development Research Association). <http://www.idra.org/change-model/courage-to-connect/>
- Rouse, C. E., & Barrow, L. (2009). "School Vouchers and Student Achievement: Recent Evidence, Remaining Questions," *Annual Review of Economics*, 1(1), 17-42. <http://www.annualreviews.org/doi/abs/10.1146/annurev.economics.050708.143354>
- Siegel-Hawley, G. *How Non-Minority Students Also Benefit from Racially Diverse Schools*, Research Brief (Washington, D.C.: National Coalition on School Diversity, October 2012). <http://www.school-diversity.org/pdf/DiversityResearchBriefNo8.pdf>
- U.S. Department of Justice. (2011). *Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools* (Washington, D.C.: U.S. Department of Justice and U.S. Department of Education). <https://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf>
- Witte, J.F., & Wolf, P.J., Carlson, D., Dean, A. (February 2012). *Milwaukee Independent Charter Schools Study: Final Report on Four-Year Achievement Gains* (School Choice Demonstration Project, Department of Education Reform, University of Arkansas, 201 Graduate Education Building). Fayetteville, Ark. <http://files.eric.ed.gov/fulltext/ED530068.pdf>
- Wolf, P., & Gutmann, B., Puma, M., Kisida, B., Rizzo, L., Eissa, N., Carr, M. (2010). *Evaluation of the D.C. Opportunity Scholarship Program: Final Report* (Washington, D.C.: Institute of Education Sciences, U.S. Department of Education). <http://ies.ed.gov/ncee/pubs/20104018/>

The Intercultural Development Research Association is an independent, non-profit organization led by María Robledo Montecel, Ph.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.