School Choice Expands in Variety and Scope, Despite Tumultuous Legal Landscape

Thirteen states enacted new K-12 school choice programs in 2011 and more than two dozen states are considering similar bills

CAMBRIDGE, MA – A bumper crop of school choice programs was passed into law in the last year, but education associations and teacher unions wasted no time in challenging virtually every new law in court. “In almost every instance,” writes Jonathan Butcher in a new article, “school-choice advocates had little time to celebrate before looking for an attorney.” Despite the legal challenges, programs that seek to implement wider school choice are increasingly varied, bold, and inclusive. “From Wisconsin to California, more students were included in the new laws, and the laws gave them more options,” says Butcher. “School Choice Marches Forward” will appear in the Winter 2013 issue of Education Next and is now available online at www.educationnext.org.

Butcher highlights the growing variety of recently enacted programs that expand parents’ options for their children’s education. These include

- A tax-credit scholarship program in North Carolina
- Maine’s new charter school law (41 states and the District of Columbia now have charter schools)
- The passage of “parent trigger” legislation in California, Texas, and Mississippi (and Louisiana in 2012)
- An expansion of Milwaukee, Wisconsin’s voucher program
- A new voucher program in Indiana with broad eligibility rules.

While to date, voucher programs have been restricted to low-income students, the Indiana program is the first to provide vouchers on a sliding scale for middle-class families with incomes up to $63,964. Despite a lawsuit filed by the state teachers union, the program has drawn 3,919 students from 185 school districts, the largest inaugural enrollment yet in a voucher program.

Education Savings Accounts (ESA) “continue to push the envelope of education reform,” notes Butcher, raising the possibility that “the system can successfully enable parents to shape a child’s entire schooling experience.” Last year Arizona created the first ESA program for K-12 students in the U.S. In contrast to vouchers (which are used for private school tuition), ESAs are accounts that families can use for a variety of education expenses—including tuition, online classes, tutoring, educational therapy services—or to contribute to a 529 college savings plan. The state teachers union and school boards association filed suit against the program, but it was upheld in court earlier this year.
“Parent trigger” laws are among the boldest of new initiatives and they provoke considerable controversy. As passed in California, Texas, and Mississippi, trigger laws allow parents to petition to convert a school to a charter school, close the school, or replace school leadership. Louisiana recently passed a trigger law as part of a package of reforms that included voucher program expansion.

Ben Austin, director of the Los Angeles based organization leading the parent trigger movement, notes that his group, Parent Revolution, is pro-charter but “unambiguously” opposed to vouchers, providing evidence, says Butcher, that “student- and parentcentric reforms” draw support from parents with diverse views on education reform. As Austin observes, “What normal people care about and what policymakers are beginning to care about is the very simple idea of giving parents real power over the educational destiny of their own children.”

About the Author
Jonathan Butcher is Education Director for the Goldwater Institute. He is available for interviews.

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