What Can We Learn from the Nation's Oldest Voucher Program?

Scholars draw contrasting lessons from Milwaukee's 35-year experiment in private-school choice

WHEN THE MILWAUKEE PARENTAL CHOICE PROGRAM launched in 1990, it became the standard bearer for the school choice movement. Advocates expected it to fulfill Milton Friedman's vision of shrinking the government's role in K–12 education and expanding that of parents. The voucher program revitalized some private schools, led to the creation of others, and expanded competition citywide. But 35 years later, Milwaukee's public and private school students alike still struggle with their academic performance. What happened? Did an initially *laissez-faire* approach to regulation permit too many low-quality schools to proliferate? Or have policymakers' attempts to rein in the marketplace stifled entrepreneurial energies? With private-education choice programs on the march nationally, what lessons can reformers take from Cream City?

To tackle these questions, *Education Next* welcomes two scholars who offer divergent diagnoses of the voucher program's struggles—and their implications. Ashley Jochim, a researcher and consultant for the Center on Reinventing Public Education, argues that inadequate regulation of private-school choice options undermined the Milwaukee voucher program's effectiveness. Mike McShane, director of national research at EdChoice, posits that a shortage of good private schools has prevented the program from reaching its potential.

Unfettered Choice Has Not Delivered on Promises to Milwaukee Families

BY ASHLEY JOCHIM

The Problem with School Choice in Milwaukee Is There's Not Enough

BY MICHAEL Q. MCSHANE

A demonstrator shows support for private-school choice at a rally where Vice President Mike Pence spoke in favor of the Milwaukee Parental Choice Program in 2020.

USA TODAY NETWORK VIA IMAGN IMAGES

Unfettered Choice Has Not Delivered on Promises to Milwaukee Families

by Ashley Jochim

Around the United States, legislators and advocates are celebrating hard-won victories expanding access to private-education choice. For these proponents, the promise of choice programs rests in freedom: for parents to choose the alternatives that work for them and for entrepreneurs to benefit from those choices when they deliver schooling that families want. But the experience of Milwaukee, which hosts the nation's oldest private-school choice program, suggests this bargain can come with some unanticipated costs and may fail to achieve the very thing both families and policymakers seek: an effective, publicly financed system of education.

High Hopes, Dashed Expectations

Howard Fuller, architect of the Milwaukee Parental Choice Program and long-time civil rights activist, argued private-education choice would "empower parents" long left to the whims of a system unresponsive to them or their children's needs. Initially enrolling 341 students in seven private schools, the program now serves more than 29,000 students across 130 schools, or 27 percent of all students in the city.

These statistics give the false impression that Milwaukee's school choice journey was characterized by simple, steady growth over time. The reality is far messier. Between 1990, when the program began, and the end of the 2023–24 school year, 297 schools participated in Milwaukee's voucher program (see Figure 1). More than half of these (160) were founded after the program's creation, many purpose-built for voucher students. Others were financially strapped Catholic and Lutheran schools that became eligible to accept voucher payments in 1998 when the legislature opened the program to religious schools. Many of each type of school disappeared in the intervening years.

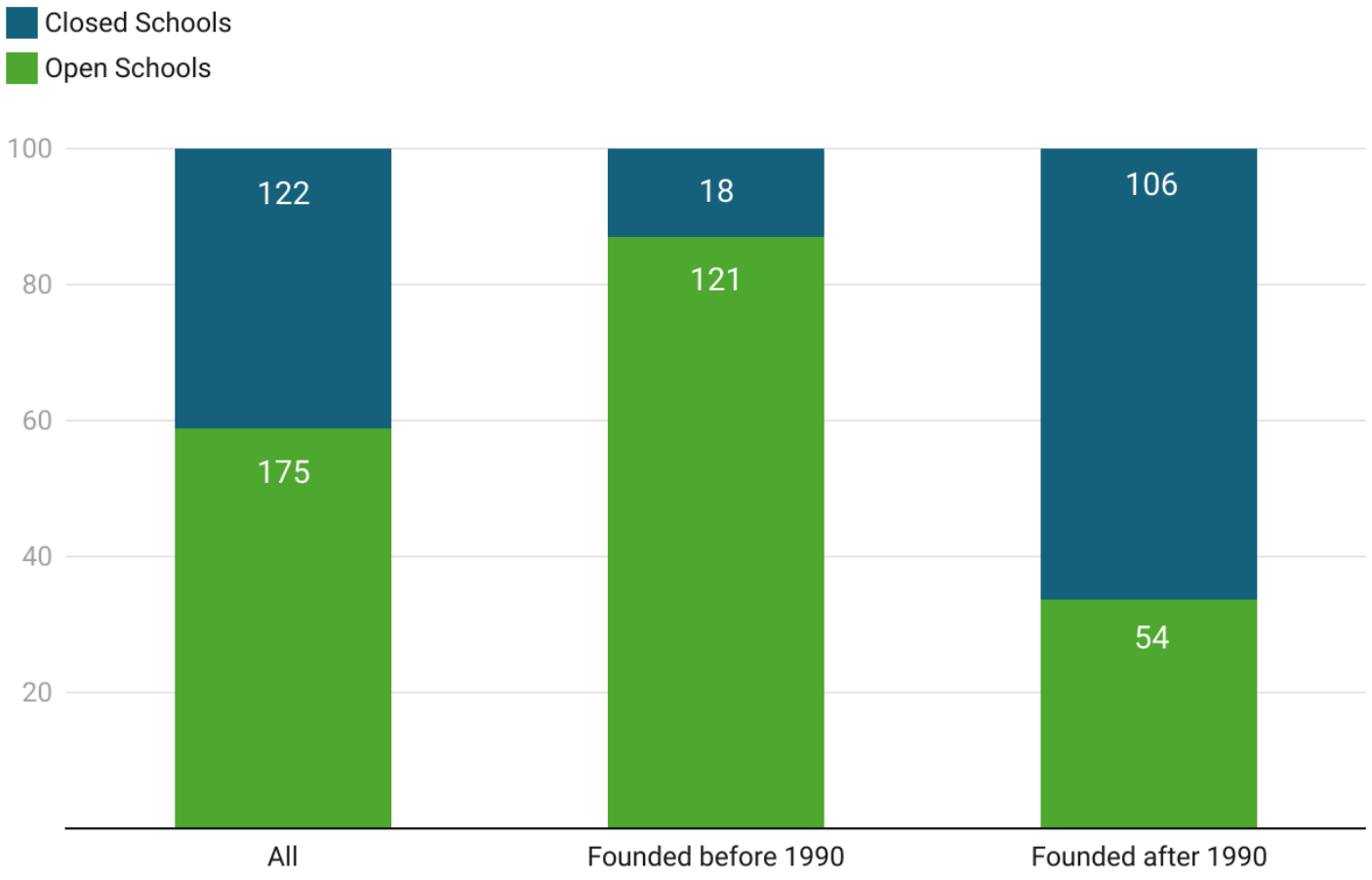
All told, according to data tabulated by the Institute for Reforming Government, 41 percent of the private schools that participated in the voucher program permanently closed their doors. Eighty-seven percent of these were new entrants, founded in the wake of Milwaukee's experiment with private-school choice and the entrepreneurial energy it unleashed. Their tenures were startlingly short, with a typical newly created private school lasting just six years.

LifeSkills Academy was one of these failed schools. Founded by a couple with no prior experience in education, the school opened its doors in 2008 and shut them "in the dead of the night," as one headline declared, just five years later, in December 2013. The school struggled from the start and was almost booted from the voucher program in 2010 when state officials discovered that neither of its leaders had a bachelor's degree as state law required. At the time of its closure, the school had already lost one-third of its student population, and only one of its 66 students met state standards in either reading or math.

LifeSkills Academy is not an anomaly. Embezzlement and fraud shuttered many voucher program schools; others closed in the face of financial difficulties stemming from unreliable enrollment and the hard-knock realities of running a small business. Michael Ford, who has studied the city's voucher program, estimates that taxpayers sent $196.6 million to schools that were nothing more than a fleeting blip in the city's education ecosystem—a phenomenon he named "funding impermanence."

High Rates of School Failure in Milwaukee's Parental Choice Program (Figure 1)

Four out of 10 private schools that participated in Milwaukee's voucher program eventually closed. Of those, nearly nine out of 10 were founded after the program launched in 1990.



Distribution of open and closed MPCP schools. Closed schools are those no longer operating, excluding schools that either merged with other schools or converted to charter status. Information on closures and mergers provided by Quinton Klabon, senior research director, Institute for Reforming Government. Some open schools no longer participate in MPCP.

Source: Wisconsin Department of Public Instruction • Created with Datawrapper

While the government can claw back taxpayer dollars and punish charlatans, it can't easily remediate the harm to children's futures caused by such high rates of failure. Closures sent parents scrambling—often in the middle of the school year—right back to the very schools they had been determined to leave behind. Some 10,000 low-income families participating in the voucher program were affected by these closures. An untold number of others left failing schools before they could shut their doors, amplifying the high rates of mobility that have complicated the city's efforts to close academic gaps.

Proponents of education choice argue that such failures are instrumental to how markets generate the benefits

families and policymakers seek. Government bureaucrats, they say, lack the motivation to rigorously assess schools and hold them accountable for what they actually deliver. Parents, in contrast, have both motive and real-time experience to guide their decisions, a potent combination for disciplining failing schools that might otherwise operate in perpetuity.

This perspective, however, overlooks the enormous costs families bear when forced to leave behind a school that fails to deliver. Compared to other market purchases consumers make, "buying" a school involves considerably higher stakes, requiring greater investments of parental time and money and posing higher risks to children's wellbeing—including the possibility of disrupted relationships and missed learning. When families can't readily secure something better, they are left to suffer the harms of failure while experiencing none of its supposed benefits.

Under ideal circumstances, families have meaningful opportunities to evaluate schools before committing their children to them, thereby avoiding the harms associated with buyer's remorse. But Milwaukee's families were disadvantaged from the start. Policymakers did not require schools to report information in a way that would enable ready comparisons. With new schools entering the market every year, nor could families rely on the reputational signals commonly available in the traditional private-school marketplace. As a result, families were left to rely on the signals entrepreneurs themselves provided—hoping, for example, that a school's religious label meant that it would provide the safety and academic excellence they sought.

These labels proved to be unreliable. The prototypical failed private school in Milwaukee was new, small, and focused on "Christian education." By 2004, the *Milwaukee Journal Sentinel* dispatched journalists Sarah Carr and Alan Borsuk to learn all they could about the private schools participating in the program. The reporters' observations became the basis for a new website that provided families and the public at large the first publicly available information source on Milwaukee private schools. But some of the lowest-performing schools had barred reporters from conducting observations, and by the time the website went live, 17 other schools had entered the program. The effort was not repeated.

Reining in the Unfettered Marketplace

Whether and how to protect families, children, and taxpayers from unscrupulous entrepreneurs in a publicly subsidized private-school market isn't entirely clear. Today, as in the early days of Milwaukee's voucher experiment, proponents argue that regulatory flexibility is essential to a robust education marketplace. Greater freedom for entrepreneurs, they believe, will increase the likelihood that transformative new schools could emerge. Reflecting this vision, opening a new school in Milwaukee for voucher students before 2003 required little more than filling out a participation form with the state.

As the promise of regulatory flexibility met head on with real-world results, the state legislature worked to rein in the worst impulses of an otherwise unfettered education market. Then, as now, school choice advocates worried that addressing the abuses of the program would quash opportunities for good new schools to take root.

But over the course of a decade, the legislature dramatically shifted the balance between state authority and private initiative in Milwaukee's voucher program. The first of these moves came in 2003, when the Wisconsin legislature added requirements that participating schools secure a certificate of occupancy and meet certain financial viability benchmarks. It also empowered the state superintendent to withhold payments from participating

schools deemed out of compliance with the rules and to bar schools permanently in the event of fraud or an imminent threat to students' health and safety.

Frustrations, however, continued to grow among the Black leaders who fought for the program and their Democratic allies in the legislature. "I don't think I understood how hard it is to create a really good school," Fuller confessed in 2004 upon witnessing families' continued struggles after 14 years of private-education choice.

In 2005, 2009, and 2013, the legislature acted to curb abuses and strengthen the quality of providers that participated in the program. The lawmakers increased application and fiscal oversight requirements and mandated that prospective schools seek accreditation, administer the state assessment, and publicly report student achievement results. By 2014, when the Thomas B. Fordham Institute ranked private-school choice programs based on their regulatory burden, Milwaukee's ranked number one.

The growing array of requirements was designed to serve both gatekeeping and exit functions: preventing some would-be operators from starting up, removing some from the program, and prompting others to leave on their own. According to data analyzed by the Wisconsin Institute for Law and Liberty, an advocacy and research organization that supports school choice, 57 schools were removed from the program as a result of state action, the vast majority of them new entrants that were purpose-built for the voucher program. None of the 18 schools that entered the program after this period of regulatory tightening have been ousted from the program as a result of state action, a sign that prospective schools have adapted to the new regulatory climate.

It's hard to say definitively whether the growing regulatory burden shut out operators that would have provided good new alternatives, or instead acted to prevent more needless failures that caused harm to children, families, and taxpayers. It may well have done both. Michael Ford documents that the number of entrepreneurs seeking entrance into Milwaukee's voucher program dropped dramatically after 2010—from a high of 55 applications in 2006 to just six in 2011. But among the schools that eventually opened, more of them proved durable. During the entrepreneurial "heyday" in Milwaukee between 2000 and 2009, 108 private schools—85 of which were new—entered the city's voucher program. Just 19 of these purpose-built private schools survive today. More recently, fewer new private schools have opened—just 29 sprang up between 2011 and 2020—but more of these have succeeded, shrinking the failure rate for new schools from 76 percent to 24 percent.

Encouragingly, some evidence suggests that Milwaukee's system of private-school choice has grown stronger and healthier thanks to legislators' efforts to tighten the reins. School choice evangelist Corey DeAngelis found that private schools that entered the program after the state imposed tougher regulatory standards had student-testing proficiency rates more than 24.5 percent higher than those that entered in earlier years. Families, too, were "voting with their feet" by enrolling their children in private schools that posted stronger results on state tests, an observation that suggests the state's regulatory efforts were well aligned with families' preferences for schooling.

Today, a majority of the remaining private schools in the choice program are Catholic and Lutheran schools that have long ties to the city and the church and that rely on "time-tested ways" that "rarely attract outside attention," as Borsuk and Carr put it back in 2005. A few purpose-built schools also found their footing, using methods familiar to any student of urban charter schools: longer days, high expectations for academic success, and universal access to academic supports like tutoring. Augustine Prep was one of these, founded by Milwaukee business leader and philanthropist Gus Ramirez in 2014 in the hopes of transforming educational opportunities for families in

Howard Fuller served as superintendent of Milwaukee Public Schools and was the architect of the Milwaukee Parental Choice Program. A longtime advocate of school reform, he has both touted the successes and acknowledged the struggles of MPCP.

Milwaukee's southside. Thanks in part to a $50 million investment by its founder, the school has since grown to serve more than 1,500 voucher students, with plans to expand to a second campus in 2025.

The Enduring Value of Problem Solving

Proponents have long argued that school choice will unleash a virtuous cycle of innovation and improvement as new operators gain the freedom to test promising new ideas, while families use their enrollment decisions to reward and punish providers based on the value of their offerings. Milwaukee shows that there is some truth to this theory: Private-school choice programs do, in fact, unleash the entrepreneurial impulses of private actors and create opportunities for families to "vote with their feet." But this bargain comes with unexpected costs—widespread school failure—and may fail to catalyze the very thing many proponents of school choice hope for: systemic improvement.

While private-education choice in Milwaukee hasn't instigated largescale, systemwide improvement—student outcomes remain stubbornly low across all three school sectors—it's hard to deny that some families have used the program to access better schools. As Fuller put it 25 years after he succeeded in securing vouchers for the city,

"There are thousands of Black children whose lives are much better today because of the Milwaukee Parental Choice Program. They were able to access better schools than they would have without a voucher." Capitalizing on these gains so all families have access to schools that enable their children to succeed is the central challenge for Milwaukee and any city that hopes to improve educational opportunity.

Milwaukee's experience suggests that catalyzing the creation of good new schools may take more than simply subjecting public education to the discipline of the marketplace. As Borsuk and Carr concluded in their early analysis of the voucher program's results, "Creating a new school through the choice program is easier than most people expected. Creating a good new school is harder than most thought it would be."

Top-down accountability pressures produced some good results in Milwaukee—eliminating the worst performing operators and raising the floor on performance citywide. But such pressure has proved a limited tool when it comes to producing more of the schools families want and children's futures depend on.

If neither free markets nor top-down accountability on their own can solve the challenges that face public education, it is incumbent upon policymakers and those that influence them to devise other, complementary strategies. What this will look like in practice isn't entirely clear, but Milwaukee's experience provides clues.

In a city that provided nearly limitless opportunities for entrepreneurs to build education alternatives and for families to choose them, it's remarkable that the most successful schools—and those that have endured the longest—all seemingly emphasize traditional teaching methods and complementary student supports long considered to be hallmarks of a good education. But today's most celebrated entrepreneurs have increasingly rejected these conventional notions of "good" education, choosing instead to wrap themselves in the cloak of progressive education, where the child's interests and instincts are the best and only guide to authentic learning. Philanthropists have contributed to the fervor over these alternatives, which are often celebrated as "new" even though they embrace the antique ideas of John Dewey and the storied Summerhill School, founded in 1921. Whether the schools families most want will succeed in securing the investment they need will hinge on closing this disconnect.

Many of the schools that have risen to the top of the education marketplace in Milwaukee also benefited from aligned ecosystems of support, suggesting such structures will be enduring features of education even in systems that rely more on private provision. Catholic and Lutheran schools have counted on resources from their respective faith communities, including donations and affiliated teacher preparation programs. Local philanthropists, too, have played critical roles, helping to launch new schools and strengthening those that may have otherwise struggled. Their investments shaped the trajectory of many of Milwaukee's best private and charter schools. They could have a hand in shaping the private-education market in other cities and states.

These ideas may not generate the same snappy sound bites found in debates about school choice or test-based accountability, but local civic leaders believe they are essential to strengthening public education in Milwaukee. As the Metropolitan Milwaukee Association of Commerce put it in a recent report, "We are asking schools to climb a Mt. Everest-sized challenge . . . and to do so without the oxygen of resources."

Closing this resource gap in ways that catalyze improvement across public, private, and charter schools is far from straightforward, but there are glimmers of hope on the horizon. The city successfully lobbied state legislators to secure more public investment in its schools, motivated by what local education leader Brittany Kinser called the "harsh realities of running an underfunded school." Both publicly and privately operated schools are targets of

a new statewide initiative designed to improve the quality of reading instruction.

Agents of civil society—nonprofits and local journalists—have played important complementary roles in improvement. Pioneering reporting by journalists such as Sarah Carr, Alan Borsuk, and Erin Richards (all through the *Milwaukee Journal Sentinel*) was critical to exposing the on-the-ground realities of Milwaukee's experiment in private-education choice and catalyzing policymakers' work to improve it. Today, City Forward Collective has taken up that mantle, working with local and state leaders to help Milwaukee families secure the educational opportunities they deserve. Other nonprofits have stepped in to strengthen the enabling conditions—like access to well-prepared teachers—that all good schools, regardless of sector, depend on.

The failure of vouchers to provide deliverance to Milwaukee's system of publicly funded education reminds us that simple theories of action rarely provide reliable mechanisms for solving complex problems. In 1993, just three years into Milwaukee's experiment with private-school choice, Fuller poignantly observed that "it is easier to wage revolution than it is to govern. . . . When you get in and you start trying to govern, you can no longer have the narrowest view because you got to now deal with a whole bunch of other issues and realities."

While school choice may have failed to deliver all that its proponents hoped for in Milwaukee, the city's experience makes clear that the results of any initiative depend more on continued problem solving than on unbending ideological commitments. Today's school choice supporters would be wise to heed this lesson. E

Ashley Jochim is an independent researcher and consulting principal at the Center on Reinventing Public Education at Arizona State University.

The Problem with School Choice in Milwaukee Is There's Not Enough

by Michael Q. McShane

ON DECEMBER 13, 2024, the San Francisco 49ers lost to the Los Angeles Rams 12–6 in a game with no touchdowns, a contest that prompted longtime NFL coach Jon Gruden to quip, "I didn't watch all of the game because I was removing a fork from my eyeball. That was the worst game of football I have ever seen."

Looking at comparisons between the performances of Milwaukee Public Schools and the Milwaukee Parental Choice Program (MPCP), one can start to feel a bit like Coach Gruden. Neither side appears destined for the education Super Bowl.

The most recently released testing data from the state of Wisconsin found that 37 percent of 8th graders attending private schools through the choice program met or exceeded state standards in English and 32 percent did so in math. Only 27 percent of Milwaukee Public School students met the same standards in English and only 19 percent did so in math. This method lacks sufficient rigor to make causal claims about one sector's superiority over the other, but it serves to show that neither is running up the score.

As in a football league, schools function as teams. These teams operate under a set of rules. Some teams perform better than others. And the types of things that make sports teams better (like better players, better coaching, and better strategy) also help make schools better.

But many critics of private-school choice see the problem in another light. To them, the solution is to hire more referees. To them, the problem is not that there aren't enough good schools, but that there have been too many bad ones. We need more regulations and regulators to enforce them. More regulations determining which schools can participate in choice programs. More regulations on what these schools can and cannot do. More regulations on how they report what they are doing and what is done with that information.

This is a distraction at best and a millstone around the neck of private-school choice programs at worst. It is a distraction because it does not address the core problem that plagues voucher programs: There are not enough good schools to go around. It is a potential millstone because when systems get the ratio of players to referees wrong and there are more regulators than builders, those systems stagnate.

Critics such as Ashley Jochim express disappointment in the results of the Milwaukee Parental Choice Program, our nation's first and longest-running experiment with private-school choice. Part of that dissatisfaction stems from the standard to which the program is held, which I will discuss further below. But even holding the program to an appropriate standard leaves serious room for improvement.

The best way to improve the Milwaukee program, and the new private-education choice programs that are now being stood up around the country, is to support the supply side of school choice. That means nurturing, incubating, and launching new and better private and religious schools. It means stabilizing existing schools and encouraging those that can to expand and serve more students. It means looking at the human capital pipeline into schools and working to create pathways for great teachers and school leaders to take up jobs in schools of choice. In short, it is the work of creation. It is a job for builders.

Where Critics Have a Point

The late Sir Roger Scruton once reminded us that "the work of destruction is quick, easy and exhilarating; the work of creation slow, laborious and dull." Jochim quotes Howard Fuller making a Milwaukee-themed but entirely Scrutonian point that "it is easier to wage revolution than it is to govern. . . . When you get in and you start trying to govern, you can no longer have the narrowest view because you got to now deal with a whole bunch of other issues and realities."

This observation applies to school choice policy as well. It is great fun waging legislative battles to get new programs passed. Rallies revved up by fiery rhetoric are invigorating. Campaigns make big promises. But then the work starts, and it is not so simple and not so easy.

Those who don't work in advocacy can cringe at some of the over-the-top language advocates use to advance their cause. Fair enough. Using words like "panacea," or "deliverance," or promising Lake Wobegon-like levels of student performance creates a recipe for disappointment. A decade ago, Rick Hess delineated the difference between talkers and doers. In the world of school choice policy, there are talkers (like Jochim and me) and there are doers (like Fuller). It is very easy for us talkers to say what advocates should or shouldn't say or how far they should or should not go or where they should compromise and where they shouldn't. We don't actually have to make it happen. Perhaps a bit of humility in our assessment of advocates' jobs is in order.

If the main point Jochim wants to make is that advocates should tone it down, OK, sure. But being scandalized by advocates pitching their ideas with overly rosy predictions of their results would cause one to be constantly scandalized by nearly every political movement everywhere in America and around the world, both now, in the past, and into the future.

This should not obscure the point that underlies the rhetoric. Creating great new schools is very, very hard. Creating a lot of them is even harder. It's not flashy work. It's not quick work. To reiterate Scruton, it is slow, laborious, and dull. Those who advocate for school choice and those who support it philanthropically and electorally should prepare for this reality. Implementing a new school choice program, however well designed, will not change the education landscape of a city or a state overnight. In cities and states with other problems, it will be even harder.

And to be sure, Milwaukee does have problems. According to the U.S. Census Bureau, the city's population has declined from 628,088 in 1990 to 561,385 today, an almost 11 percent decrease. Trying to create new institutions while people are heading for the exits presents great challenges. According to statistics compiled by Marquette University's law school, Milwaukee saw 97 homicides in 2019, rising sharply to 190 in 2020 and 214 in 2022. These kinds of challenges need to be considered when making promises about what schools can and cannot do.

Evaluating Choice

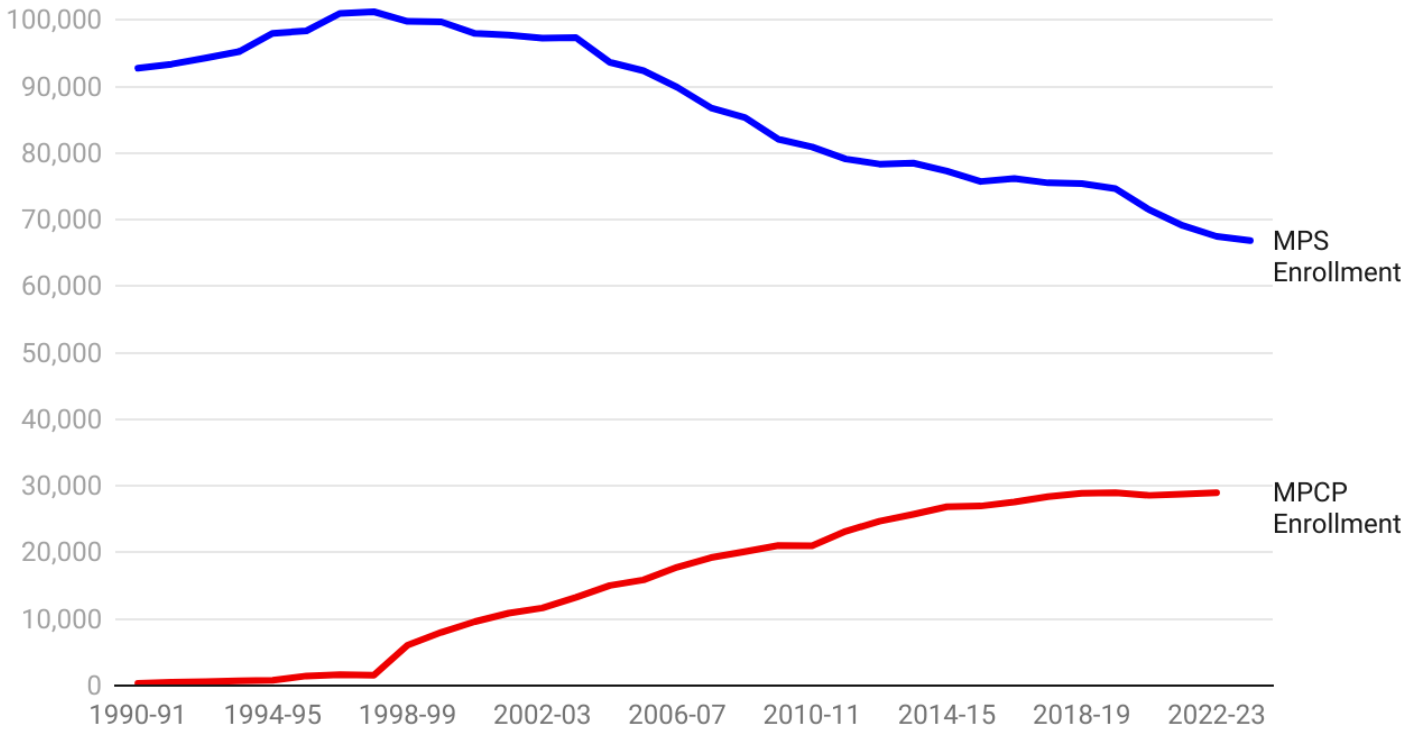
Jochim doesn't provide compelling evidence for the claim she makes in the headline of her piece, leaving readers to wonder: To what standard does she hold the program?

Her essay eschews any discussion of Milwaukee's public schools—yet those are the schools voucher students would likely attend if the choice program did not exist. Milwaukee Public Schools has been hemorrhaging students for some time now (see Figure 1). As a result of declining enrollment, the district has had to shutter a lot of schools.

According to Wisconsin Public Radio, the district hit its peak number of schools in 2008 (an interesting date, given that enrollment began declining a decade earlier), at 178 schools. Since then, the number of schools in the district has sunk to 149. The district is looking to close 13 more in the coming years, for a total of 42 closed schools. If shutting down large numbers of schools indicates failure for market-based systems, does it also indicate failure for centrally managed ones?

Enrollment Comparison: MPS vs. MPCP (Figure 1)

Since reaching its peak around 1998, Milwaukee Public Schools have seen a steady decline in enrollment and a corresponding reduction in its number of schools. Meanwhile, the share of students enrolled in the Milwaukee Parental Choice Program continues to rise, despite also experiencing some school closures.



Milwaukee Public School and Parental Choice Program Enrollments, 1990–2024

Source: NCES EdTables, EdChoice 123s of School Choice, Wisconsin Department of Public Instruction • Created with Datawrapper

That is just the tip of the iceberg. Milwaukee Public Schools had its bond rating put on hold for failing to file its audits in a timely manner, the former school board president was sentenced to two years in jail in a bribery scandal, and the federal government cut off Head Start funding after finding "incidents of maltreatment, physical abuse, verbal abuse and lack of supervision in the district's programs." And that is in the last six months of 2024.

But slinging mud won't get us anywhere, and the constant horse-race narrative pitting sectors against one another feels like an echo from an earlier age when the case for choice was made in adversarial terms. Given the

massive growth we've seen in choice, in both the public and private sectors, the time has come to think of a new standard.

To do so, we could look to an earlier advocate of school choice, Milton Friedman. In his 1955 paper "The Role of Government in Education," he concluded with what he thought would happen if a state adopted a sweeping parental choice program, writing:

> The result of these measures would be a sizable reduction in the direct activities of government, yet a great widening in the educational opportunities open to our children. They would bring a healthy increase in the variety of educational institutions available and in competition among them. Private initiative and enterprise would quicken the pace of progress in this area as it has in so many others. Government would serve its proper function of improving the operation of the invisible hand without substituting the dead hand of bureaucracy.

On this score, the Milwaukee Parental Choice Program has achieved some qualified success. It has reduced the direct activities of government, with more than 30,000 students now educated by institutions not directly controlled by the government. It has widened educational opportunities and has brought in a healthy increase in the variety of educational institutions. It has granted thousands of students—though not enough of them—access to better schools than they otherwise would have attended absent the voucher program. It has fostered competition among schools. It has been a while since the program has been studied, but several papers from earlier in the century found positive competitive impacts on students who remained in public schools in Milwaukee (a finding that has been replicated in sites across the country). The program has probably quickened the pace of progress, though again, not enough.

The Path Forward

"Improving the operation of the invisible hand without substituting the dead hand of bureaucracy." That describes the task before us.

Potential MPCP school operators are currently directed to a 90-slide presentation of all the requirements necessary to participate in the program, with Kafkaesque instructions like, "The Choice Administrator for new schools must send an email requesting an OAS username and password. This is required in order to complete the Intent to Participate (ITP), which will be explained on later slides." The state requires schools to submit documents such as their "application appeals process," "transfer of coursework policy," and even their visitors policy. Do any of these have anything to do with providing a quality education for students?

In talking to advocates for these regulations, it appears the justification is not so much that any of these requirements are individually necessary, but that jumping through all the hoops provides a way for potential operators to show they are serious about starting a school. This evinces a deplorable callousness toward those tackling the difficult job of creating a new school. Only people who don't have to spend their days trying to make a new schoolwork would think it appropriate to make potential school leaders dance like marionettes to satisfy the whims of administrators.

The problem is we don't know *ex ante* which schools will succeed and which won't. Research by Whitney Bross

CHARLES EDWARD MILLER / WIKIMEDIA COMMONS

Amid declining enrollments and shrinking budgets, Milwaukee Public Schools teachers protested funding cuts outside the MPS administration building in 2018.

and Doug Harris in New Orleans found that the standards used to authorize charter schools advocated by the National Association for Charter School Authorizers predicted which charter schools would be reauthorized, but not which charter schools would have a positive impact on student outcomes. Research by Adam Kho and others in North Carolina found that students in approved charter schools that received more votes by members of the state's authorizing board did better in math, but not in reading, but that the "ratings for specific application domains weren't predictive of new schools' success." Even if we agree on the yardstick by which school quality should be measured (and we don't), it does not appear we have identified reliable predictors of which schools will do better meeting students' needs. Given that, creating a thicket of regulations that must be waded through in order to open a school seems like a bad idea.

If Francis Fukuyama described the goal of international development as "getting to Denmark," we might define the aim of education regulation development as "getting to Delaware." Delaware has one of the highest proportions of private school enrollment in the nation, last estimated by the National Center for Education Statistics at 13 percent of all students, despite a lack of government programs subsidizing private school choice. While private schools and students (and homeschooled students as well) must register with the state, the state department of education, "does not require a specific number of days for nonpublic schools to be open during a school year," it "does not provide or recommend the curriculum of any nonpublic school (homeschool or private)," nor does it

"endorse, accredit, approve, or provide any curriculum for Delaware nonpublic schools."

In Delaware, every student and every school is "on the grid" but free to choose or operate as they see fit. (A look at Johns Hopkins's Homeschool Hub shows the rich data the state generates on homeschool students, outshining most states in the nation.) All school personnel in the state are mandated reporters of suspected child abuse, creating safeguards for child welfare. The state makes it clear that these choices sit outside of the traditional system and that parents should make themselves aware of what they are choosing. Everyone is clear-eyed about what is happening. And, from the outside, it seems to work just fine.

More-extensive regulation of education providers will quickly create challenges, particularly as more students take advantage of Education Savings Accounts to tap into multiple providers. Should the tutoring program that educates five students in math for an hour a week be subject to the same regulations as a private school with 500 or 1,500 students attending full time? State regulation can make these providers legible (and ensure child safeguarding through mandatory reporter requirements), but it probably can't make them effective, so state legislators and administrators should focus on what they can do and leave off what they can't.

And, even if we had some magic predictive model that could tell us, à la the psychics who could identify "precrimes" in the Tom Cruise thriller *Minority Report*, which schools would succeed and which schools would fail, that would still not create any new successful schools. Teachers and leaders would still have to do the actual work. And so, ultimately, the bulk of our effort should focus on trying to create more good schools and helping already successful schools scale up. This path offers the actual solution to the problem of too little educational opportunity. How can we get more teachers and school leaders into schools of choice? How can we help them get facilities? Great curriculum? Instructional resources? Technology? These are the levers that improve student learning.

Micromanagement of private-education choice programs risks tipping the ratio of builders to regulators—or players to referees—in the wrong direction. Regulation does not provide the path through which education improves. That can only happen through the hard work and dedication of talented and entrepreneurial educators. Let's get out of their way.

Michael Q. McShane is director of national research at EdChoice and an adjunct fellow in education policy studies at the American Enterprise Institute.

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