



Insight

# School Choice Suffers a Major Blow

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Last week school choice advocates and parents were dealt a serious setback by House Republicans in their attempt to move control of education policy to states and local school districts. With the introduction of H.R. 3989, the Student Success Act, parents whose children attend a persistently failing school will no longer have the opportunity to receive free tutoring services or attend a charter or other higher performing public school. While such a major policy change could be expected from liberal Democrats and their union allies, it is a big surprise coming from House Republicans who have been consistent and strong supporters of school choice policies for decades.

The Student Success Act makes major improvements to provisions in NCLB by consolidating numerous federal elementary and secondary education programs, recognizing effective teachers by how well their students perform academically, and eliminating the overly complicated and burdensome adequate yearly progress (AYP) provisions. However, in an effort to reduce the federal role in education and return education decision-making back to the states and local school districts, this legislation seems to eliminate all of the major accountability provisions in NCLB. While many of those provisions, especially adequate yearly progress (AYP), were overly burdensome and complicated, the consequences schools faced for not increasing student academic performance and narrowing the achievement gap were not. For the first time in any federal education statute, NCLB gave parents of disadvantaged children real options to change how and where their children could receive a quality education. Under the Student Success Act, those options will no longer be available. This is a step in the wrong direction which needs to be corrected.

School choice has given thousands of disadvantaged students the opportunity to receive a better education rather than be stuck in a failing school. During consideration of the NCLB legislation, requiring school choice alternatives was an especially hard-fought battle and one of the last items resolved during the negotiations. Teacher unions and the education establishment argued strongly that providing supplemental services by private providers and allowing children to attend charter schools would undermine the very foundation of our public school system. However, only through persistent efforts by Republicans, parents and school choice advocates have these educational alternatives been available to disadvantaged students attending failing public schools. Congress should be allowing more choices in public education, not less.

Advocates of school choice have worked tirelessly over the years to ensure that parents and students who lacked the resources to leave a failing school have options. Those options could disappear if changes are not made to retain them. Even the Senate bill, S 1725, to reauthorize the Elementary and Secondary Education Act, requires school choice options to students attending the worst performing five percent of our schools. However, all students should be given such options regardless of what school they attend. While supporters of H.R. 3989 will argue that this legislation allows school choice, even private school choice, to be offered as an intervention for schools needing improvement, school choice advocates know such options will rarely be available. Only a few states, such as Florida and Indiana, offer such options and those were only accomplished with the strong leadership of Republican governors. The majority of states have resisted school choice alternatives, even tutoring services from private providers, and now they will not be required to provide any of those options.

While returning control of education to the local level is a laudable goal, we cannot go back to the policies of the past where federal education funds were awarded to states and school districts with little expectation for academic results. But that is exactly what the Student Results Act does by not requiring states to establish annual goals and be held accountable for reaching those goals or suffer specific consequences such as allowing students to leave a low-performing school or receive extra tutoring assistance. Bruce Josten, Executive Vice-President for Government Affairs at the U.S. Chamber of Commerce, recently wrote to Congressman John Kline (R-MN), Chairman of the House Education and Workforce Committee, expressing his deep concerns about the lack of accountability in the Student Results Act. In his letter, Mr. Josten wrote,

*“NCLB set an ambitious goal of having all students in America reach grade level proficiency in reading and math in twelve years. While that goal is far from being accomplished, having both the overall target of proficiency, as well as assistance and interventions attached to annual targets has driven improvements in student academic achievement. Unfortunately, the draft legislation lacks a clear goal for student achievement. Additionally, states would not be required to set annual goals and hold all schools accountable for reaching those goals. Without annual goals, states and school districts could effectively identify no or few schools for school improvement and schools that have continually failed year after year would not be subject to rigorous, targeted interventions. By repealing Section 1116 of current law, the draft legislation would eliminate any options for students stuck in low performing schools to receive immediate assistance through public school choice and free tutoring.”*

As this legislation is debated over the next few months, Congress must find a way to return educational decisions to parents by retaining school choice interventions and ensuring that there are consequences if schools fail to meet state standards and state academic goals. Those consequences should include a reduction in federal education funds, closing or restructuring persistently failing schools and more options for students to receive extra tutoring assistance, attend a charter school, higher performing public school or even a private school.

Teacher unions and the education establishment have been pushing policy makers to give them back control over elementary and secondary education for years with no strings attached. Republicans should not give them that chance.