

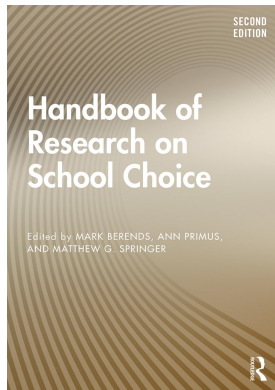
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THE NEW POLITICS AND GOVERNANCE OF SCHOOL VOUCHERS

Outcomes and Oversight in an Era of At-Scale Choice

Joshua M. Cowen

School vouchers are here to stay. Thirty years since the first publicly funded tuition program for private school students opened in Milwaukee, Wisconsin, 26 voucher programs operate in 15 states. From their urban beginning, statewide programs now exist in places like Indiana, Florida, Ohio, Louisiana, and Wisconsin. Other voucher-like systems like tax credit scholarships (plans that allow tax-free donations to private school tuition plans) and education savings accounts (which hold publicly subsidized deposits for private school tuition) operate in over 20 more (see EdChoice, 2018). The legal basis for these programs appears sound, or at least unthreatened where the programs actually exist. Blaine Amendments prohibiting sectarian institutions from receiving public funds are still in place in 38 states, but many—including Florida and Wisconsin—have interpretations that permit voucher-like programs. And at the federal level, the Supreme Court provided constitutional approval of school vouchers in *Zelman v. Simmons-Harris* in 2002 (see Institute for Justice, 2018).

Voucher opponents still, in some cases, issue broadside arguments against the “privatization” of education, seeing—in the words of critic Diane Ravitch—a “direct attack” on and an attempt to “kill public education” (Brown, 2016, para. 14). There is some fertile ground within the sphere of public opinion for these arguments to take hold: A majority of Americans remain opposed to universal vouchers, especially when framed as the use of government support to private schools (West, Henderson, Peterson, & Barrows, 2018). On the other hand, public opinion does appear to favor vouchers targeted to low-income families (West et al., 2018), suggesting that if Americans are conceptually skeptical of wide-scale shifts away from public education, there is at least some shared sense of possibility that the private sector can provide opportunity where the public sector has not (e.g., Chubb & Moe, 2011). Such a view is now among the more consistently articulated defenses of vouchers and voucher-like programs made by voucher advocates. An initial market-based defense of vouchers rooted in Milton Friedman’s notions of a consumer-driven system of education (Friedman, 1962) has been joined by the notion of school choice more generally, and perhaps vouchers in particular, as a modern issue of civil rights (Lee, 2016).

Notwithstanding this range of opinion—from vehement opposition to fundamental support and more nuanced beliefs in between—private school alternatives have, as introduced above, only increased in number and scope. And although early research on vouchers compared these private with more traditional public alternatives on measures of academic achievement, the implied

counterfactual in such scholarship was a system in which all voucher users remained in public school. The question now, from the standpoint of both research and policy, is less whether vouchers can or should exist—they do—but rather what the conditions are in which such programs seem to deliver or fail to deliver on the promises of their strictest adherents. Thus the issue of school vouchers is now a matter of governance, and politics, rather than a matter of mere existence.

In this chapter, I develop such an argument sequentially by first providing a brief review of research on vouchers, especially with respect to traditional academic outcomes (see Chapter 17 in this volume for a more comprehensive treatment), and then discussing more recent and clearly defined trends away from a focus on those measures of education quality. I go on to frame that earlier research, and those more recent trends, within the context of governance, particularly the context of regulation or oversight of voucher programs. I conclude by arguing that the question of oversight, and of different and perhaps even competing perspectives on underlying educational goals, will mark the next generation of voucher policy development.

Overview of Voucher Effectiveness

Whatever the intellectual or ideological appraisal of a school voucher system, any argument for or against vouchers as a viable policy alternative to traditional public schools is inherently an assertion that such a system improves or hinders educational opportunity. Indeed, even in the political arena where the ideological jockeying over policy alternatives occurs, the rhetoric is often centered on whether vouchers actually *work*. Former Governor Jeb Bush has asserted that “the simple fact is when you create a marketplace of choices and informed parents . . . the children do better” (Barnum, 2017, para. 4). Other officials cite similar research to make the opposite point. For example, in a letter to her Senate colleagues shortly after voucher supporter Betsy DeVos took office as Secretary of Education, Democratic Senator Patty Murray argued, “There have . . . been rigorous studies . . . to test the impact of receiving a private school voucher that have shown that voucher programs do not improve student achievement” (Murray, 2017, p. 4). Both sets of claims are empirically true, but rest entirely on the context, time, scale, and, to some extent, research design of individual studies.

The first evaluations of Milwaukee’s voucher program were mixed but tended to be positive, with two studies showing academic benefits, especially in mathematics (Rouse, 1998; Greene, Peterson, & Du, 1999), and one showing no impact one way or the other (Witte, 2001). Similarly mixed results were found in separate studies of Cleveland’s voucher program (Peterson, Howell, & Green, 1999; Metcalf, West, Legan, Paul, & Boon, 2003). The positive Milwaukee and Cleveland studies were based on experimental designs (via lotteries offering admission to oversubscribed schools), the null effects reported in quasi-experimental designs. Evaluations of other programs—in Charlotte, North Carolina; Dayton, Ohio; New York, New York; and Washington, D.C.—using lotteries from privately funded scholarships and mimicking public voucher systems found positive impacts on test scores in most years of the programs (Howell & Peterson, 2006; Cowen, 2008). In follow-up research, however, the New York results have been shown to be highly sensitive to modeling choices made by different research teams (Krueger & Zhu, 2004). The official evaluation of the first federally funded voucher program, in Washington, D.C., based on experimental designs, found minimal impact on test scores but gains to high school graduation rates for voucher students (Wolf et al., 2013).

Since that first evaluation of the D.C. voucher program, more recent studies of at-scale programs, not only in the nation’s capital but also in other states across the country, have shown almost without exception a negative, in some cases large negative, impact on student test scores. Two separate studies from Louisiana’s voucher program, both based on lotteries, found some of the largest negative impacts ever associated with an educational intervention (Mills & Wolf, 2017; Abdulkadiroğlu, Pathak, & Walters, 2018). A longitudinal evaluation of Indiana’s program, currently the largest in

the country, similarly found substantial negative impacts (Berends & Waddington, 2018; Waddington & Berends, 2018). Participant test scores from Ohio's statewide program were also negative, based on a rigorous regression discontinuity design (Figlio & Karbownik, 2016). The latest evaluation of Washington D.C.'s federal voucher program also found negative impacts in years one and two of the study, in contrast to the null effects found by evaluators in earlier years (Dynarski, Rui, Webber, & Guttman, 2018).

Thus, both sides of the voucher debate can find research-based evidence to support their positions, with earlier pilot versions of voucher programs demonstrating positive impacts on students, and more recent and larger scale programs exhibiting almost overwhelmingly negative results. As yet, however, no comprehensive explanation for these patterns—whether the gains associated with a particular program or the wider spread losses in a number of states—has been systematically demonstrated in the literature. Instead, advocates and opponents alike have pointed to a number of different and perhaps competing explanations. Two possibilities in particular—an emphasis on test score effects when other potential metrics are available, and the role of governance and accountability—will come to define the next phase in the political debate over vouchers.

Measuring Voucher Success: The Debate over Voucher Outcomes

Reacting to recent negative results from the District of Columbia, Education Secretary Betsy DeVos argued that although the voucher schools should improve, her administration would continue to support the program so that “D.C.’s most vulnerable students have access to the widest array of education options possible” (Askarinam, 2017, para. 6). DeVos has also stressed the diversity of student need with respect to school choice outcomes. “Too many children today,” she told Congress, “are trapped in schools that don’t work for them. We have to do something different than continuing a top-down, one-size-fits-all approach” (Depenbrock & Sanchez, 2017, para. 14).

Implicit within the emphasis away from a one-size-fits-all approach is the argument that parents value other qualities beyond student achievement in the schooling experiences of their children. Such an emphasis began to develop almost simultaneously with reports of the underwhelming achievement differences in the original Washington, D.C. evaluation (Wolf et al., 2013), coupled with more significant gains to student attainment (high school graduation or college enrollment) there and in Milwaukee (Cowen, Fleming, Witte, Wolf, & Kisida, 2013). That pattern of minimal achievement gains but larger effects on attainment outcomes is also empirically present in some charter school evaluations (see Chapter 12 in this volume). The presence of positive voucher impacts on attainment in programs where no test score gains are evident has been cited by voucher proponents to offset questions related to voucher effectiveness. As Robert Enlow, president of the pro-voucher research advocacy group EdChoice, has argued, “A kid may not be doing as well on a test score as we would like, but they’re graduating at higher rates [and] they’re going into college at higher rates.” He made that comment to a *Chalkbeat* reporter in an article summarizing the current case voucher supporters make: “School Choice Supporters Downplay New Voucher Research, Saying Schools Are More Than a Test Score” (Barnum, 2017, para. 6).

What other measures have researchers, advocates, or opponents used to consider voucher outcomes? Parents’ satisfaction with their children’s schools—typically determined via surveys administered by program evaluators—has been a common element of most voucher studies. The vast majority of such studies find that parents whose children use a voucher to attend school are more satisfied—in some cases far more satisfied—than the parents whose children still attend a public school (Rhinesmith, 2017). These satisfaction measures varied with respect to the specific component-driving differences between public and private school parents. In some instances, the academic environment, school discipline, or transportation barriers either strengthened or mitigated those differences. But the general result that voucher parents are more satisfied with their children’s

schools holds across states, program scope, and over time, as well as across programs regardless of impact on achievement. One exception is in the latest evaluation of Washington, D.C.'s voucher program (Dynarski et al., 2018), which found no significant differences in satisfaction levels between voucher and public school families in addition to lower test scores for the voucher users.

The Dynarski et al. (2018) evaluation in Washington, D.C. did, however, find meaningful differences in perceptions of school safety attributable to voucher use. School safety is, itself, another outcome considered in voucher research over the years, and has been used directly by voucher advocates—as attainment and satisfaction have—to offset minimal or even negative differences in test scores associated with voucher use (e.g., McCluskey, 2018). Earlier studies in places like Milwaukee, New York City, Dayton, and Washington D.C. also found that voucher users reported safer school climates than did those in public schools (e.g., Witte, 2001; Howell & Peterson, 2006; Wolf et al., 2010).

Educational attainment, school satisfaction, and perceptions of safety represent the major alternatives to student test scores that, with few exceptions, have exhibited gains for voucher users, even where achievement results are null or even negative. Other outcomes reported in the literature are measures of parental involvement, civic involvement, and reductions in crime (e.g., Howell & Peterson, 2006; DeAngelis & Wolf, 2016; Carlson, Chingos, & Campbell, 2017). More recently, with the new wave of decidedly negative test score effects of vouchers appearing across a number of states, the debate over which outcomes to focus on in voucher evaluations has intensified from an argument that outcomes other than achievement should be considered in appraisals of voucher success to a more aggressive, and broader, assertion that test scores as metrics of school quality may not matter at all (Hitt, Wolf, & McShane, 2019).

The research base for this argument appears to have two foundations. The first is empirical evidence that some educational inputs—teacher quality, in particular—have differential or weakly correlated effects on noncognitive skills. Such noncognitive outcomes may include measures of student character, grit, and behavior (e.g., Jackson, 2012, 2018; Cheng & Zamarro, 2016; West et al., 2016). The second is an exercise of logical reasoning, based on the observable pattern in the school choice literature already noted above, that positive choice effects have appeared on measures of educational attainment in programs with little or no effect on student achievement exams. Despite evidence that achievement scores in earlier grades are highly predictive of *individual students'* educational attainment in choice programs (e.g., Cowen et al., 2013), this reasoning holds that the presence of attainment impacts where test score effects are absent *at the program level* demonstrates a weak correlation between achievement and attainment and, *ipso facto*, achievement is a poor indicator of the quality of a school choice program (e.g., Greene, 2017; Hitt et al., 2019). Introducing a meta-analysis of choice impacts, for example, Hitt et al. (2019) wrote that “for school choice programs, there is a weak relationship between impacts on test scores and later attainment outcomes. Policymakers need to be much more humble in what they believe that test scores tell them about the performance of schools of choice” (p. 181).

That argument is based at least on an empirical pattern. More normative are arguments that neither parents, nor citizens, care about what test scores might measure anyway. Responses to the negative impacts from Washington D.C. are characteristic: “I understand that many reporters, foundations, and policymakers act like they mostly care about test scores and these new results from D.C. have them all flutter,” wrote the pro-voucher scholar Jay P. Greene. “But if people could only step back for a second and consider what we are really trying to accomplish in education, the evidence is clearly supportive of private school choice in D.C. and elsewhere” (Greene, 2017, para. 8). Serving Our Children, the group that runs the D.C. voucher program, simply asserted that attainment measures “are more important indicators [than test scores] of, and predictors of, future success” (Askarinam, 2017, para. 10). And EdChoice’s Robert Enlow put the point bluntly, “We want a vibrant society of people who know what they’re doing who are productive members of

society. A single test doesn't prove jack about that" (Barnum, 2017, para. 9). The implication of that argument is that school vouchers are objectively beneficial to students, so indicators that suggest otherwise must simply be the wrong indicators.

These arguments notwithstanding, parents who do have multiple options for school choice do appear to value test-based measures of academic quality. Survey research has found "educational quality" or "academic quality" as the chief predictor of which school parents say they will select (e.g., Fleming, Cowen, Witte, & Wolf, 2015; Mackinac Center for Public Policy, 2017). New data from common application systems in places like New Orleans, for example, where parents can select between charter, voucher, and traditional public schools, provides the opportunity to actually empirically observe the results of parents' process of weighing alternatives. There, schools' test-based accountability ratings are the strongest predictors of which schools parents ranked first among up to eight choices between the three sectors. While other factors like school location and extracurricular activities appear to matter—and while parents do place value on a school's location in the private sector, all else equal—schools with higher academic accountability grades were more likely to be ranked higher on parents' applications than others (Harris & Larsen, 2015; Lincove, Cowen, & Imbrogno, 2018). This interplay between parental preferences and accountability in school choice programs is the focus of the following section.

Monitoring Voucher Success: The Debate over Voucher Oversight

Which outcomes are indicative of voucher programs' success or failure are smaller, tactical skirmishes in the voucher debate; whether and to what extent private schools taking public money will be held accountable for their performance represents the larger, strategic direction in which that debate will head. This is the case because, as voucher programs expand in number and scope, taxpayer-subsidized expenditures on private school tuition will correspondingly grow, and the authority for allocating these funds within a particular program—and on what basis—is as a practical matter the salient determinant of a program's existence in the future.

From the standpoint of existing models within education policymaking, the simplest form of accountability for a voucher program is applying the same system of oversight to publicly funded private schools that exists in the traditional public sector. Although accountability in that sector has itself been a controversial question for decades, there is relatively recent evidence that test-based plans like the federal No Child Left Behind Act (NCLB) (e.g., Dee & Jacob, 2011) or a letter-grade system in places like New York (e.g., Winters & Cowen, 2012) can have positive impacts on student achievement. Applied to existing school choice systems, accountability is a question not only of retroactive, summative assessment of existing schools, but also of authorizing the creation of new (or newly publicly funded) schools in the first place. The strongest empirical argument for charter school effectiveness, for example, comes from places like Boston and New York City, where authorizers face substantial hurdles to establish and maintain their schools (e.g., Abdulkadiroğlu, Angrist, Dynarski, Kane, & Pathak, 2011; Dobbie & Fryer, 2013). These two bodies of scholarship would suggest an important role for test-based accountability of voucher programs administered by a state or local authority (Cowen, 2017).

To the contrary, however, voucher advocates have argued against direct government oversight of publicly funded private schools. These arguments began as forceful assertions that from the standpoint of test score outcomes, public oversight—which opponents call overregulation—hurts rather than hinders academic growth. In particular, Louisiana's regulatory system for its voucher program was blamed by a number of voucher advocates for the program's dismal test scores (e.g., Bedrick, 2016). The reasoning is that the rules required for private schools to accept public subsidies act as strong disincentives for high-quality private schools to participate in the system, leaving only poorly performing private schools as options for voucher users.

There is evidence that some of the highest performing private schools in that state, as well as in Indiana and Washington, D.C., did in fact elect not to take publicly funded vouchers (Austin, 2015; Sude, DeAngelis, & Wolf, 2017). There is also survey evidence to suggest that some of these rules—in particular admissions oversight and additional paperwork required for participation—may indeed keep some private schools away (Stuit & Doan, 2013). As with the disconnect between attainment and achievement outcomes, however, the “overregulation” argument takes on an *ipso facto* character: Governing rules dissuade some schools from accepting vouchers, therefore overregulation is to blame for the system’s poor performance. But the counterfactual implied by that argument—that the absence of regulation would lead to academic growth—has yet to be tested in the literature. There is as yet no direct evidence that the presence of more and better schools in a voucher system would push its average performance above the public sector. In fact, the only research thus far to directly examine whether accountability promotes or hinders a voucher system’s academic growth comes from Milwaukee, where Witte, Wolf, Cowen, Carlson, and Fleming (2014) used a difference-in-differences estimation approach to study the effects of introducing an NCLB-style system of public reporting of performance for voucher schools. There, the new reporting and oversight requirements led to substantial gains in student achievement in the first year that private schools were required to test and publicly report their results.

As with debate over which specific outcomes indicate the quality of voucher programs, the issue over voucher governance and oversight moves from empirically based arguments to a normative debate. Part of this debate is a stylized presentation of the theory that dates back to Milton Friedman (1962): Parents as consumers are the true underlying accountability mechanism for school choice, because parents who are displeased with their children’s academic experiences will simply abandon poorly performing schools in favor of others. In that framing, “educational choice IS accountability” (Bedrick, 2014), and substantial state or local oversight is unnecessary. Although there are testable hypotheses potentially contained in the implications of such an assertion, its basic tenet—that parents know and act upon the educational best interests of their children—is largely an ideological rather than empirical claim, but one made at the highest levels of voucher support. Education Secretary Betsy DeVos, for example, dismissed the negative results of the official, government-sponsored evaluation of Washington, D.C.’s voucher program by saying, “I’m not a numbers person . . . But to me, the policies around empowering parents and moving decision-making to the hands of parents on behalf of children is really the direction we need to go” (Askarinam, 2017, para. 11). “The bottom line,” DeVos said elsewhere, “is we believe that parents are the best equipped to make choices for their children’s schooling and education decisions” (Depenbrock & Sanchez, 2017, para. 14).

Absent from this framing is a detailed consideration for how parents can obtain the information necessary to act as consumers in a school market without requirements for schools to actually, and accurately, report it. As Senator Patty Murray summarized, “Without this information . . . schools and parents do not know whether the school is delivering on its end of the bargain” (Murray, 2017, p. 5). There is some general concession among oversight critics that such information is necessary to compare and contrast school options, but the assumption is that it is easily obtained from individual schools themselves or from third-party vendors rather than a government agency (Bedrick, 2014). But comparing school performance is no simple matter, especially across different metrics. And it assumes that schools have equal incentive, or ability, to provide information to parents who—for example—prefer college enrollment or school safety as performance metrics over test scores.

Perhaps the clearest empirical illustration of the weakness of that assumption comes from Jay Greene, now a critic of voucher program oversight, who with colleagues during the NCLB years conducted a study of public schools nominally required under NCLB due to their low performance to offer the option for parents to choose elsewhere (Greene, Butcher, Jensen, & Shock, 2007). After sending letters that simulated interested parents requesting information about those schools’ performance, Greene et al. found considerable lack of response or compliance by

the schools. The researchers' conclusion for these public schools may well be applied to private schools receiving public money under a voucher system today: "Of course, the reason why schools are not as likely to provide information is that it is not in their interest to do so" (Greene et al., 2007, p. 17). The scholars called for mandated "information dissemination practices" that are "independently monitored" by government agencies like the federal General Accounting Office to check "the accuracy and responsiveness of the information" schools do provide (Greene et al., 2007, pp. 19–20). The title of the Greene et al. paper summarizes the argument that proponents of voucher oversight make today when critiquing an accountability system that relies strictly on parents-as-consumers to monitor voucher performance: "You Can't Choose If You Don't Know."

Discussion

How voucher outcomes are measured, and where the ultimate source of accountability is located—with parents-as-consumers or through government oversight of performance—are the two key debates within questions of voucher politics and governance. Which outcomes are prioritized determines, in part, the definition of voucher success or failure. And the location of an accountability mechanism determines the eventual consequences for those results.

At present, the outcomes under particular debate are measures of school quality, and the issue of government oversight remains largely confined to accountability with respect to those goals. But already the debate is expanding into more fundamental questions like civil rights and educational access. Some of the provisions in the Louisiana and Indiana programs, for example, like those monitoring admissions procedures, are in place explicitly to protect against discrimination. And the religious nature of most voucher-receiving schools—including affiliations with organizations with known opposition to homosexuality for example—ensures that concerns over equity are likely to remain. In congressional hearings, Betsy DeVos refused to say whether her plan for federally funded vouchers would permit schools to deny vouchers to gay or transgendered children, focusing instead of the need for local discretion and control.

The tension between ensuring school quality, and equality, the prerogatives of states and local authorities to govern their educational systems, and the rights and expectations of parents is hardly unique to questions of vouchers and choice. Public and religious—especially Catholic—schools alike were formed in the 19th century in partial or in some cases explicit opposition to each other. And in the 20th century, public school systems were among the key grounds of battle between civil rights advocates and segregationists arguing for state and local control. Even within the traditional public school system today, questions about the responsibility of the government to monitor schools and to act based on the results of that monitoring—to close schools for poor performance, for example—remain controversial.

What makes these questions particularly pressing for school voucher systems is that they challenge distinctions that have historically served to make largely clear the rights and responsibilities of parents and schools. Private schools have long functioned with a degree of autonomy unknown to public providers, and parents with means have often selected these schools precisely for the benefits, or perceived benefits, that this independence can engender. If public-style accountability systems diminish those benefits, a major rationale for vouchers would disappear.

On the other hand, if these schools are operating mostly or even entirely through direct government support—where the vast majority of students enrolled do so via a voucher—what it means to be a "private" school in the first place may change. Whether those changes are desirable or anathema depends perhaps as much on one's ideological or political leanings as on any expectations for the purpose of education. In that sense vouchers only reflect larger and in some cases even more volatile arguments over the limits of government and the meaning of individual freedom. Within the

education community, however, the chief responsibility is still to ensure that the needs of children, especially children historically denied opportunity, remain prioritized. As critics and supporters of school vouchers accept the reality of this form of choice as a feature of the American educational landscape, how these questions are resolved will determine to a great extent how hospitable that landscape is to the students who pass through it.

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