



## Choice Struggles On

*National Review*  
October 11, 2004  
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"The year 2004 will be remembered as a pivotal year for the school-choice movement for multiple reasons, not least of which is that this was the year the president of the United States endorsed school choice. "Not George W. Bush -- he's been a backer for years. Rather, it was Jed Bartlet, the liberal president on TV's *The West Wing*, whose grudging endorsement of school choice in Washington, D.C., was symbolically significant. If even Hollywood recognizes the importance of this educational reform, can the rest of the nation be far behind? "The *West Wing* episode was a case of art imitating life. In September, more than 1,000 D.C. children were able to attend private schools using publicly funded vouchers. The program resulted from an impressive coalition, one that joined the Bush administration and congressional Republicans with D.C. mayor Anthony Williams, City Council member Kevin Chavous, and school-board president Peggy Cooper Cafritz. In the coming year, school-choice legislation will be in play in more states than ever before. Depending on state election results this fall, serious efforts could be mounted in a dozen or more states. "Predictably, teachers' unions have shifted into high gear to defeat the one reform that threatens their monopoly vise-grip on public education. Earlier this year, the National Education Association announced new partnerships with ACORN and MoveOn.org -- two of the nation's most sophisticated grassroots organizing groups -- in a campaign to 'protect' public schools. "At its most recent national convention, the NEA introduced a \$1-per-member increase in dues for each of the next five years, which will generate \$40 million for political activity. (By contrast, the Alliance for School Choice, the leading national pro-school-choice organization, has an annual budget of \$6 million, which must be raised from voluntary contributions.) In Washington state, unions are trying a new tactic: bankrolling a referendum to repeal the state's newly enacted charter-school law. If it passes, expect similar ballot efforts to become a staple of the anti-school-choice arsenal. "Can the rest of the nation be far behind? "Despite the validation of school choice two years ago by the U.S. Supreme Court in *Zelman v. Simmons-Harris*, union-backed legal challenges continue to vex school-choice programs. This year, the Colorado supreme court struck down that state's voucher program for poorer children under the state constitution's local-control provision. Meanwhile, a Florida appeals court invalidated a similar program under the state's Blaine Amendment, which forbids direct or indirect aid to religious schools. (So far, the U.S. Supreme Court has ducked the issue of whether state-court decisions that discriminate against religious options violate the First Amendment's guarantee of religious liberty.) "But school-choice forces are growing more sophisticated. Several organizations merged in May to lead the national school-choice effort, forming the Alliance for School Choice and its sister lobbying group, Advocates for School Choice. Together with the Black Alliance for Educational Options, the Hispanic Council for Reform and Educational Options, and the Milton and Rose D. Friedman Foundation, the national groups are pumping resources and lobbying acumen into states to create school-choice programs and protect them against attacks from unions and groups such as People for the American Way. "The movement has also developed a political arm. Two national groups, All Children Matter and LEAD, are carefully targeting state elections to improve legislative prospects for school choice. The groups scored impressive wins in primaries this year in South Carolina, Missouri, Florida, and elsewhere. But their biggest win was in Utah, where Gov. Olene Walker, who had vetoed a school-choice program for disabled children, was defeated for the Republican nomination by Jon Huntsman almost entirely on the issue of school choice. The teachers' unions can't point to a single candidate for office who was defeated because of support for choice. "Still, politicians and political parties lag behind on the school-choice issue. Only a handful of Republicans, such as Tommy Thompson and Jeb Bush, recognize that school choice is a powerful way to attract minority voters. Most Democrats, beholden to unions, cannot match what Republicans have to offer on the issue of most tangible concern to inner-city families: the chance for a decent education for their children. "Likewise, only a few Democrats, such as Sens. Joe Lieberman and Dianne Feinstein and former Milwaukee mayor John Norquist, recognize that their party is in danger of losing education -- one of its most important issues -- if Republicans ever get a clue about the political potential of school choice. "Sadly, the best thing going for the school-choice movement is the abysmal and declining quality of public education, particularly for minority children. Fifty years after *Brown v. Board of Education*, the racial academic gap suggests we are nowhere close to achieving true equality of educational opportunity. Nearly 50 percent of black and Hispanic students drop out of high school, and 27 percent of all 20- to 29-year-old black men who dropped out are in jail. Despite high attrition rates, the average black high-school senior achieves at a level four academic years behind the average white senior -- a gap that has increased by one-third over the past decade. "School-voucher programs have shown the potential to close



the racial academic gap by between one-fourth and one-third over four years. Perhaps more significant, competitive pressure from school-choice programs forces public schools to buck union pressure and adopt long-overdue reforms. Harvard economist Caroline Hoxby has found that public schools consistently improve when faced with competition from viable school-choice programs. "The best case in point is Florida, where public schools that earn an "F" grade from the state for two years face two consequences: state intervention and an opportunity-scholarship program that allows students to transfer to better-performing public schools or receive scholarships to private schools. In the program's first year, only two public schools qualified for the program (factoring in grades from previous years), but approximately 75 other schools had one "F," meaning that another failing grade would trigger vouchers. "Over that year, every failing school in the state lifted itself from the "F" list, taking steps they should have been taking for years: spending more resources in the classroom, moving to year-round schooling, and hiring tutors for failing students. Records obtained by the Institute of Justice through the Freedom of Information Act revealed that school-board officials referred to the threat of vouchers as a motivation for adopting remedial measures. Researcher Jay Greene found improved test scores state-wide for the poorest-performing students. "Right now, children in publicly funded school-choice programs account for fewer than 0.2 percent of American schoolchildren. Yet the potential is boundless. School choice is the nation's most urgent civil-rights issue. We cannot tolerate, or afford, the current racial gap in education if we are to continue to be a great nation." *Mr. B. Klick is president and general counsel of the Alliance for School Choice, and author of Voucher Wars: Waging the Legal Battle Over School Choice.*

