



Vouching for Public Education

The flurry of activity stemming from a recent Supreme Court decision makes it clear that your voice on the issues needs to be heard

BY MARK PAIGE

Any time the Supreme Court rules on an education case, it will likely influence education policy and, in some way, your school. Some cases are well known, especially if you took an education law class—highly recommended—in preparation for your role in school leadership.

In this column, I want to call your attention to a recent case decided by the court: *Espinoza v. Montana Department of Revenue*. Whether you have heard of it or not, its repercussions are now playing out in a flurry of school voucher legislation filed in statehouses across the country.

The drive for increased vouchers should be of concern to public school leaders. While the topic might seem far removed from your day-to-day duties, voucher programs ultimately will impact your school.

The Court Case

In 2015, the state of Montana enacted a tax credit voucher program: In exchange for donating money to independent scholarship organizations, businesses and individuals received tax credits. The organizations then gave the donated money to parents and students to help fund private-school tuition and fees.

Because the state's constitution includes a "no-aid" clause that prohibits public dollars from being sent to religious schools, the Montana Department of Revenue adopted a regulation limiting the voucher program to secular schools. Parents who sent their children to religious schools challenged this limitation, filing suit in state and then federal courts.

The Montana Supreme Court ruled to strike down the entire program, but ultimately, the U.S. Supreme Court

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found in favor of the parents. The court ruled that if the state created a statewide voucher program, it could not exclude religious schools.

The *Espinoza* decision—along with the COVID-19 pandemic, I suspect—partly explains the increased activity in promoting voucher programs through state legislation. Numerous state legislatures, including those of Arizona, Georgia, and Florida, are entertaining some kind of voucher bill.

Voucher Policy Concerns

The debate over school choice and voucher programs is intense. But research has highlighted significant questions concerning voucher programs.

Some education scholars have argued that voucher programs detract from the state's duty to provide a free public education to all students. And using public tax dollars to subsidize private education—religious or secular—often dilutes the resources available to public schools.

When enrollment drops in a school, that school typically loses the state funding associated with the students who left. Yet, the fixed costs of schools (maintenance, utilities,

staffing) remain. In most instances, schools must perform the same work with less money.

Private schools are not accountable to local and state taxpayers, and most voucher programs do not impose the same obligations to ensure quality that the public education system follows (e.g., teacher qualifications, achievement monitoring).

The lack of accountability and oversight has consequences. The media has reported numerous instances in which millions of taxpayer dollars have been misspent by entities receiving money through voucher programs. And there are many other concerns that question the wisdom of expanding voucher programs, including a lack of improvement in student achievement.

Speaking Out

Should a voucher program be enacted or expanded in your state, it will likely have some consequence for your school or district. For an excellent look at that impact, revisit Mark Kern's column in the May/June 2015 issue of *Principal*, "Speaking Up: Vouchers, a Principal's Take."

I'd like to expand upon that column by outlining several steps you can take—generally on your own time—as an advocate for your school and the kids you serve. While you are a public employee, you maintain your right to political speech. Use it! After all, who is in a better position to talk about what works—and what does not work—in schools?

So, what can you do? To begin with, find out what the status of any education legislation is in your state. What bills have been proposed, and where are they in the legislative process? Various websites and organizations make this relatively easy.

Second, call and write your state legislators. When legislators receive correspondence from their constituents, they listen. As the saying goes, all politics is local.

Third, organize. Find the local and state groups that share your view. Tap into their efforts, and help where you can. That might mean making calls or even testifying before legislative committees about the impact of a proposed bill.

The guiding principle (no pun intended) of this column is that you, as a building leader, have a depth of professional expertise that must be considered by the policymakers and lawmakers who make rulings in "faraway" capitals. Too often, educators and administrators are the last to be heard by the people passing laws and enacting policies that will have sweeping consequences for your work.

I know you have a lot on your plate. But I hope that you will make the effort to engage and influence education policy debates whenever you can, including those surrounding school vouchers. ●

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