

# The Changing Landscape of Public Education in Wisconsin



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# Public Schools and Privatization: What's at Stake?



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Wilson H. Fisher, my dad



School Board  
Lanark Community Unit School District  
Lanark, Illinois  
1976

# What is Public about Public Education?



- Public Purpose
- Public Funding
- Public Access
- Public  
Accountability to  
Communities
- Public Curriculum



# What is Public about Public Education?



## ■ Public Purpose

- Education is not a private enterprise alone.
- We all benefit from an educated citizenry.
- Essential to democracy.
- Part of the “commons.”

WISCONSIN



1848

1848

## Wisconsin's Directive

- Article X, Section 3: “The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years; ...” (uniformity clause)

# What is Public about Public Education?



- Public Purpose
- **Public Funding**
  - We invest together.
  - Education is so important the state Constitution guarantees it and directs the legislature to fund it.

# What is Public about Public Education?



- Public Purpose
- Public Funding
- **Public Access**
  - Public schools serve everyone – all the public.
  - Fundamental state constitutional right to an education
  - Common school experience.



# What is Public about Public Education?



- Public Purpose
- Public Funding
- Public Access
- **Public Accountability to Communities**
  - We elect our neighbors.
  - We hold schools accountable by the laws and policies we enact.
  - We hold schools accountable by our votes.

# What is Public about Public Education?



- Public Purpose
- Public Funding
- Public Access
- Public Accountability to Communities
- **Public Curriculum**
  - We decide collectively what it means to be educated.
  - We decide collectively what is to be taught.
  - We decide on the standards for that education.

# What is privatization?

- Policies that use public funds for private purposes.
- Policies based on “market principles.”
- Policies that permit individuals – rather than elected bodies – to direct tax dollars.
- Policies that permit private entities to receive public funds earmarked for a public purpose.
- Refers to various forms of school choice
  - Voucher plans
  - Tax credit scholarship plans (neo-vouchers)
  - Education Savings Accounts
  - Charter Schools authorized by entities other than school boards and those operated by private management companies (especially for-profit companies)



# Vouchers and Charters? What's the difference?

## Voucher Schools

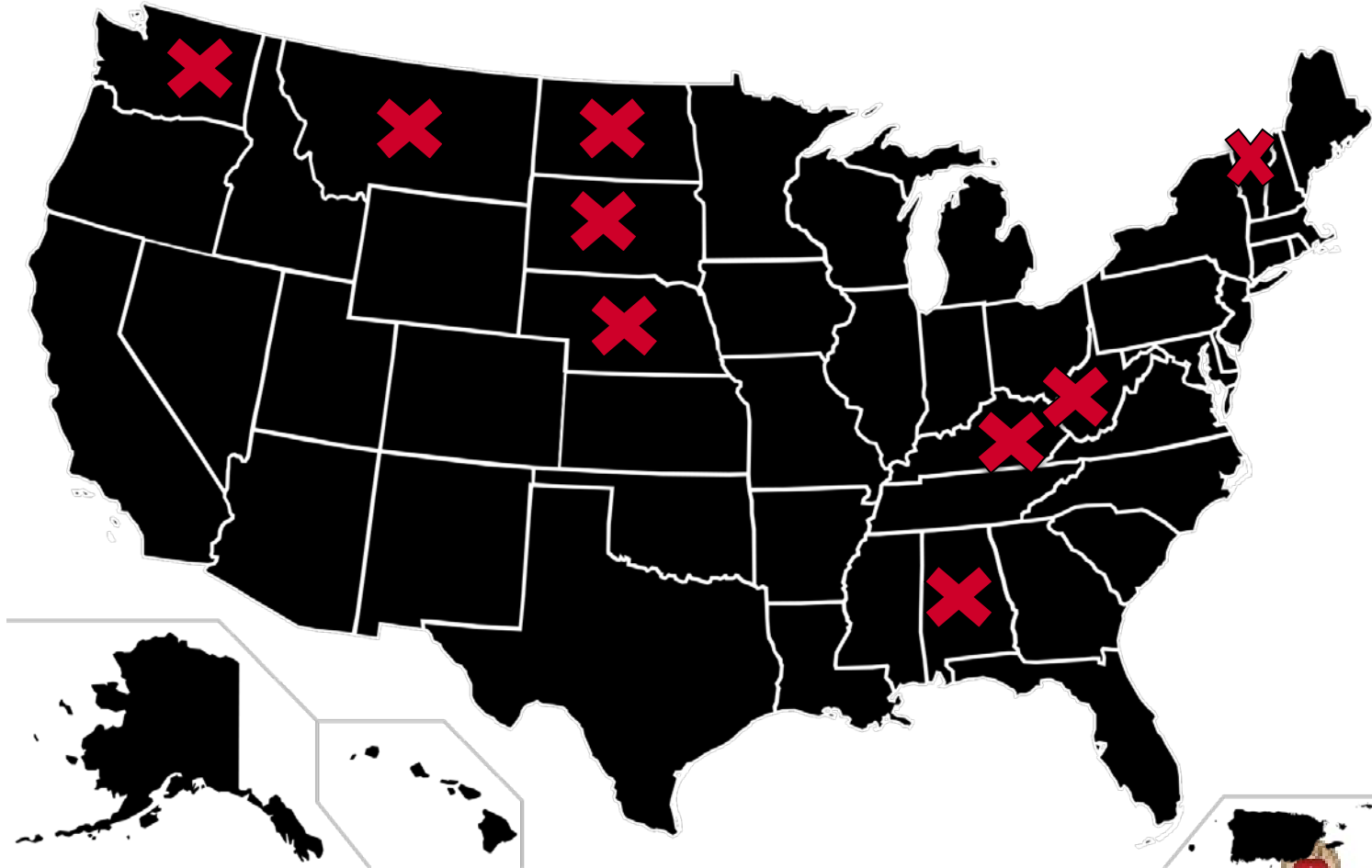
- Voucher schools are private schools.
- They are under private control.
- Voucher schools are private schools that elect to participate in a state's voucher program.
- In general, federal and state laws apply differently because they are private schools.
- Most federal and state laws that govern public education do not apply.

## Charter schools

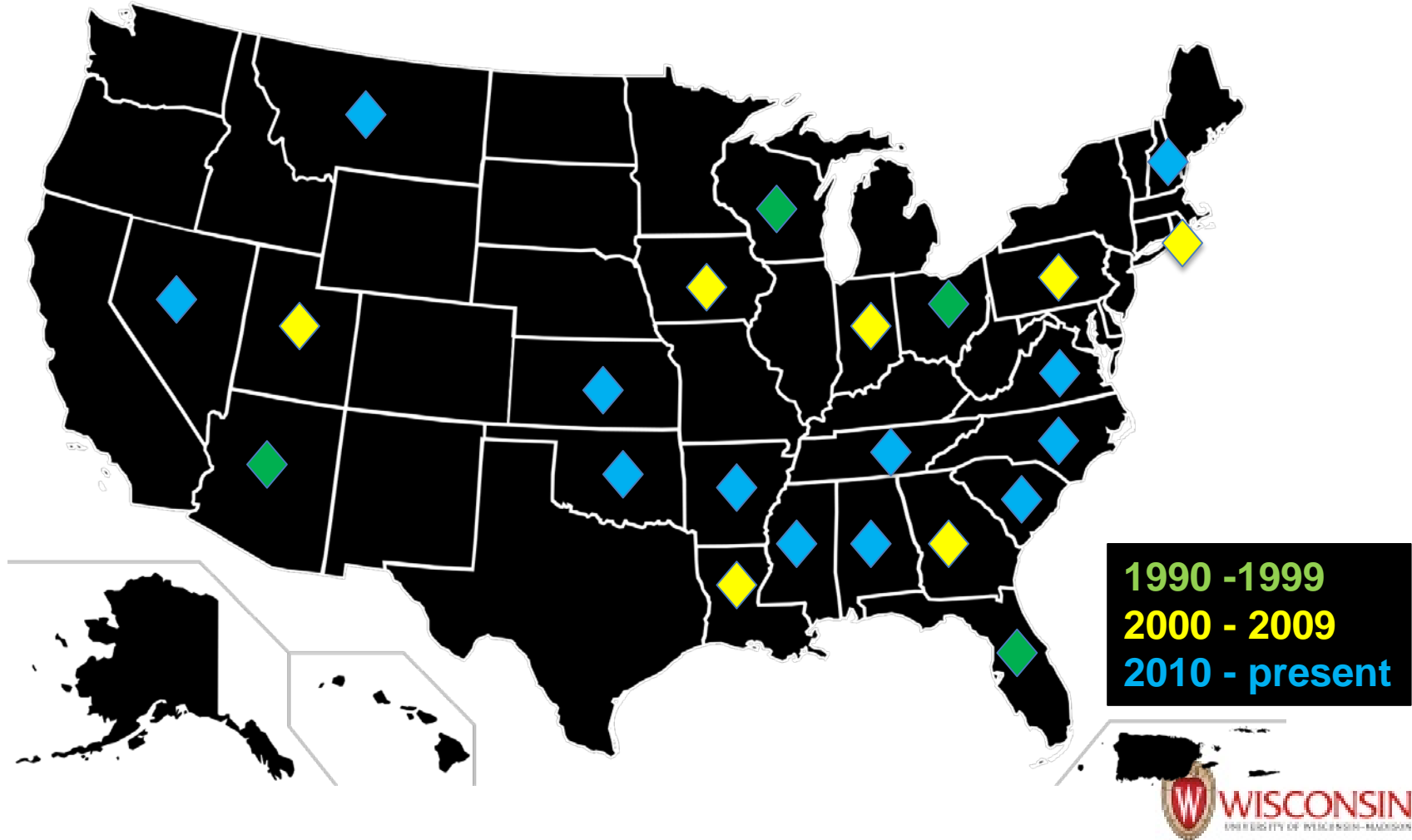
- Charter schools are public schools.
- They are created for a limited term by a contract (charter) between an authorizer and those who seek to run the charter school.
- Charter schools are relieved from some state laws and regulations.
- The charter contract can be revoked or non-renewed if the school does not satisfy the terms of the contract.
- Charter schools must comply with all federal laws that govern public education.



**Most states have charter school laws.  
Only 9 states do not.**



# States with Voucher & Voucher-like Programs



# Prevalence of Vouchers

- **23 states** now have some type of voucher program or voucher-like program
- **12 of the 23 states** have created two or more choice programs.
- **Traditional voucher programs**
  1. programs that serve children with disabilities (13 programs in 11 states);
  2. programs that are limited to a specific location (2 states);
  3. statewide voucher programs (5 states).
- **Tax Credit Scholarships** (16 states)
- **Education Savings Accounts** (5 states)

# What is Public about Public Education?

	Vouchers	Charters
<b>Public purpose</b>	Mix of public/private purposes	Mix of public/private purposes
<b>Public funding</b>	Retains	Retains
<b>Public access</b>	Schools control access Private choices may balkanize.	Theoretically the same, but research raises concerns about race, disability, & language
<b>Public accountability to communities</b>	Limited or no public accountability <ul style="list-style-type: none"> <li>• limited SEA (DPI) role</li> <li>• limited testing (though choice schools in WI are tested)</li> <li>• completely shielded from voters</li> </ul>	Some public accountability <ul style="list-style-type: none"> <li>• Participates in state testing</li> <li>• Ability for voters to influence depends on authorizer type</li> <li>• More attenuated accountability, generally</li> </ul>
<b>Public curriculum</b>	No public definition	Curriculum defined by state standards School can select curricular focus



# School Choice in Wisconsin

## Public School Choice

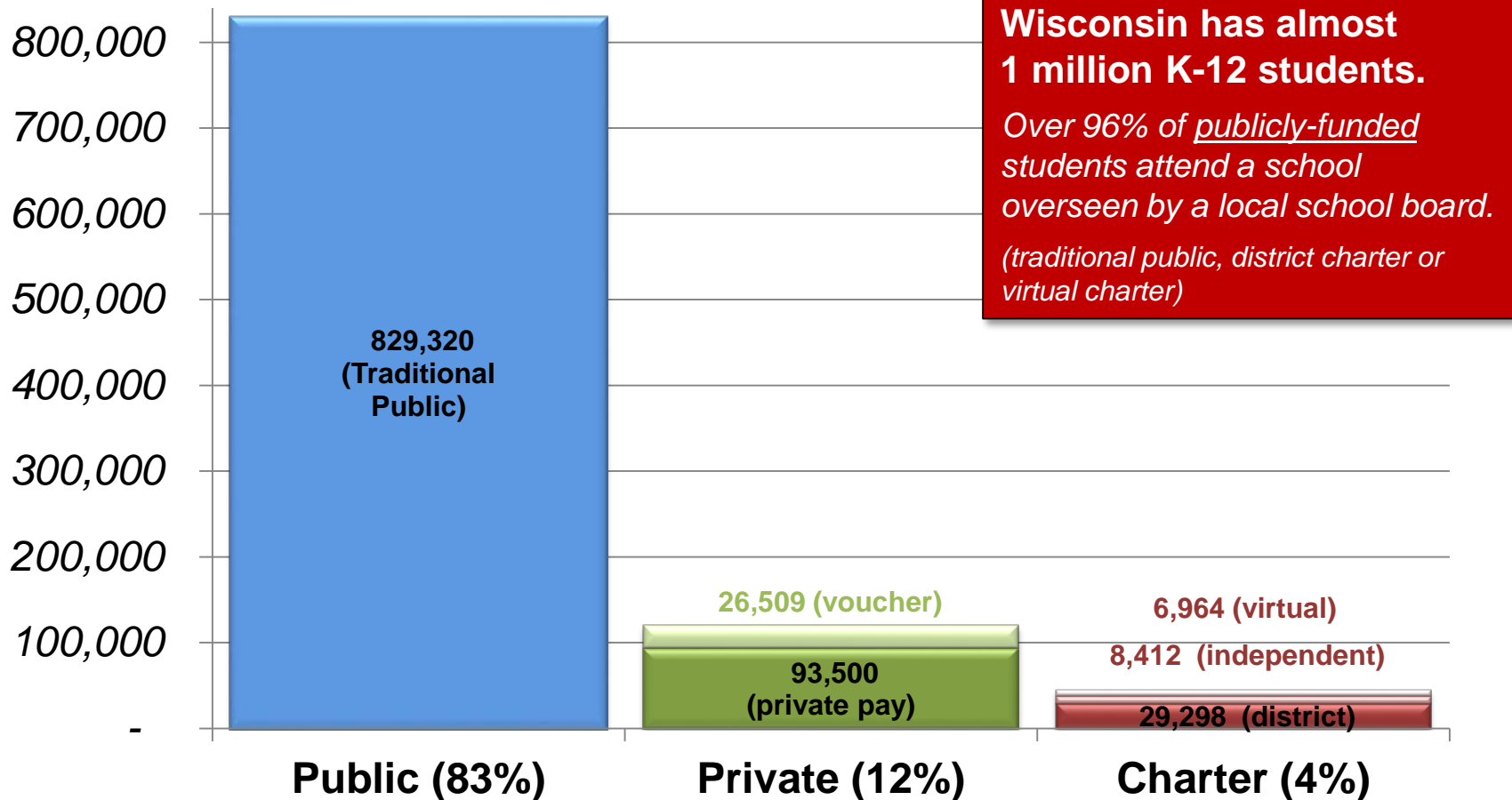
- Intra-district choice
- Magnet schools
- Virtual Schools
- ~~Chapter 220~~
- Statewide open enrollment
- Charter schools
  - Authorized by school districts
    - Instrumentality
    - Non-instrumentality
  - Authorized by other entities
    - Non-instrumentality

Being phased out

## Private School Choice

- Milwaukee Parental Choice Program (1990)
- Racine Parental Choice Program (2011)
- Wisconsin Parental Choice Program (2013)
- Tuition Tax Deduction (2013)
- Special Education Vouchers (2015)

# Most Kids Attend Public Schools



Source: Department of Public Instruction. Public School Enrollment Data [http://lbstat.dpi.wi.gov/lbstat\\_pubdata3](http://lbstat.dpi.wi.gov/lbstat_pubdata3)  
Private School Enrollment Data [http://lbstat.dpi.wi.gov/lbstat\\_privdata](http://lbstat.dpi.wi.gov/lbstat_privdata)

# Milwaukee Parental Choice Program (MPCP) – original provisions

- Passed in 1990
- The first publicly funded voucher program of its type in the United States
- Permitted up to one percent (1%) or approximately 1000 of the enrolled children in Milwaukee Public Schools (MPS) to attend private non-sectarian schools within the city's limits
- Students eligible if their family's income was no more than 175 % of the federal poverty level.
- Participating schools were limited to enrolling no more than 49% of their overall student population by means of the voucher
- which provided approximately \$2500/student.

# Milwaukee Parental Choice Program (MPCP) – current provisions

- Passed in 1990
- The first publicly funded voucher program of its type in the United States
- ~~▪ Permitted up to one percent (1%) or approximately 1000 of the enrolled children in Milwaukee Public Schools (MPS) to attend private non-sectarian schools within the city's limits~~
- Students eligible if their family's income was no more than **300** % of the federal poverty level.
- ~~▪ Participating schools were limited to enrolling no more than 49% of their overall student population by means of the voucher~~
- which provided approximately **\$7,214/student in grades K-8**  
**\$7,860/student in grades 9-12**

No  
limits

No  
limits



# MPCP Participation & Costs

Data from 2014-15 academic year (DPI – Nov. 2015)

- 117 participating private schools
- 27,619 students - Larger than all but 2 Wisconsin school districts
- Costs the state approximately **\$196,400,000**
- 28.8% (approximately \$56,600,000) of the MPCP funded by reducing state aid to MPS and 71.2% (approximately \$139,800,000) from general purpose revenues
- Average MPCP school enrolls 82% of their students by means of a voucher

# Analysis of the % of MPCP Students in Participating Schools' Total Student Population (2012-2013)

% of MPCP students in total school population	# of MPCP participating private schools	% of total participating schools	# of MPCP participating private schools in city of Milwaukee	% of total participating schools in city of Milwaukee
Schools w/o data to compute	3	2.7%	1	1.0%
0 – 9.9%	8	7.1%	2	2.0%
10 – 19.9%	1	.9%	1	1.0%
20 – 29.9%	2	1.8%	0	0.0%
30 – 39.9%	1	.9%	1	1.0%
40 – 49.9%	4	3.5%	4	3.9%
50 – 59.9%	4	3.5%	4	3.9%
60 – 69.9%	3	2.7%		2.9%
70 – 79.9%	6	5.3%		4.9%
80 – 89.9%	13			
90 – 99.9%	50			
100%	18	15.9%		7.6%
Total	113	100.0%		100.0%

Note the small number of schools that would meet the original requirement that the school's funding be more private than public.

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20 – 29.9%	2	1.0%		0.0%
30 – 39.9%	1	.9%	1	1.0%
40 – 49.9%	4	3.5%	4	3.9%
50 – 59.9%	4	3.5%	4	3.9%
60 – 69.9%	3	2.7%	3	2.9%
70 – 79.9%	6	5.3%	5	4.9%
80 – 89.9%	13	11.5%	13	12.7%
90 – 99.9%	50	44.2%	50	49.0%
100%	18	15.9%	18	17.6%
<b>Total</b>	<b>113</b>	<b>100.0%</b>	<b>102</b>	<b>100.0%</b>

In contrast, note the heavy reliance most MPCP schools have on public funding.

# Racine Parental Choice Program (RPCP) Participation and Costs

- Eligibility
  - 300% of federal poverty level
  - During previous school year, student attended private school with a voucher, was enrolled in a public school, was not enrolled in school, or is applying to attend kindergarten, 1st grade, or 9<sup>th</sup> grade
- Same voucher amounts: **\$7,214/student** in grades K-8; **\$7,860/student** in grades 9-12.

Data from 2015-16 academic year (DPI – Nov. 2015).

- 19 participating private schools.
- 2,127 students
- Costs the state approximately **\$15,100,000**.

# Wisconsin Parental Choice Program (WPCP) Participation and Costs

- Eligibility
  - 185% of federal poverty level.
  - No more than 1% of any one school district may participate for 2015-16; increasing 1% each year thereafter; no limit in 2025-26 or after.
  - During previous school year, student attended private school with a voucher, was enrolled in a public school, was not enrolled in school, or is applying to attend kindergarten, 1st grade, or 9<sup>th</sup> grade
- Same voucher amounts: **\$7,214/student** in grades K-8; **\$7,860/student** in grades 9-12.

Data from 2015-16 academic year (DPI – Nov. 2015).

- 82 participating private schools.
- 2,514 students (83.5% previously attended private schools).
- Costs the state approximately **\$18,300,000.**



# WPCP Participation

## Wisconsin Parental Choice Program Change in Applicant Numbers from 2014-15 SY to 2015-16 SY

	2014-15 Application Period 68 Registered Schools		2015-16 Application Period 90 Registered Schools		Year-to-Year Change	
	Applicants	Percent	Applicants	Percent	Applicants	Percent
Prior Year Attendance						
Continuing WPCP Students	483	14.2%	927	26.2%	444	91.9%
Wisconsin Private School	2,072	60.8%	1,902	53.7%	(170)	-8.2%
Wisconsin Public School	633	18.6%	526	14.9%	(107)	-16.9%
No School	145	4.3%	111	3.1%	(34)	-23.4%
Homeschooled	62	1.8%	66	1.9%	4	6.5%
Out-of-State	12	0.4%	8	0.2%	(4)	-33.3%
<b>Total Applicants</b>	<b>3,407</b>		<b>3,540</b>		<b>133</b>	<b>4%</b>
<b>New Applicants</b>	<b>2,924</b>		<b>2,613</b>		<b>(311)</b>	<b>-11%</b>

Source: Wisconsin Department of Public Instruction  
[http://dpi.wi.gov/sites/default/files/news-release/dpinr2015\\_53\\_enrollment\\_data.pdf](http://dpi.wi.gov/sites/default/files/news-release/dpinr2015_53_enrollment_data.pdf)



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<b>New Applicants</b>	<b>2,924</b>		<b>2,567</b>		<b>(311)</b>	<b>-11%</b>

Total:  
79.9%  
already  
in  
private  
schools

Source: Wisconsin Department of Public Instruction  
[http://dpi.wi.gov/sites/default/files/news-release/dpinr2015\\_53\\_enrollment\\_data.pdf](http://dpi.wi.gov/sites/default/files/news-release/dpinr2015_53_enrollment_data.pdf)

# WPCP Participation

## Wisconsin Parental Choice Program

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Out-of-State	12	0.4%	6	0.2%	(4)	-33.3%
<b>Total Applicants</b>	<b>3,407</b>		<b>2,608</b>		<b>133</b>	<b>4%</b>
<b>New Applicants</b>	<b>2,924</b>		<b>2,608</b>		<b>(311)</b>	<b>-11%</b>

526 of  
873,954  
or .06%  
of public  
school  
students  
applied

Source: Wisconsin Department of Public Instruction  
[http://dpi.wi.gov/sites/default/files/news-release/dpinr2015\\_53\\_enrollment\\_data.pdf](http://dpi.wi.gov/sites/default/files/news-release/dpinr2015_53_enrollment_data.pdf)



# The Grand Total is...

MPCP – \$196,400,000

RPCP – \$15,100,000

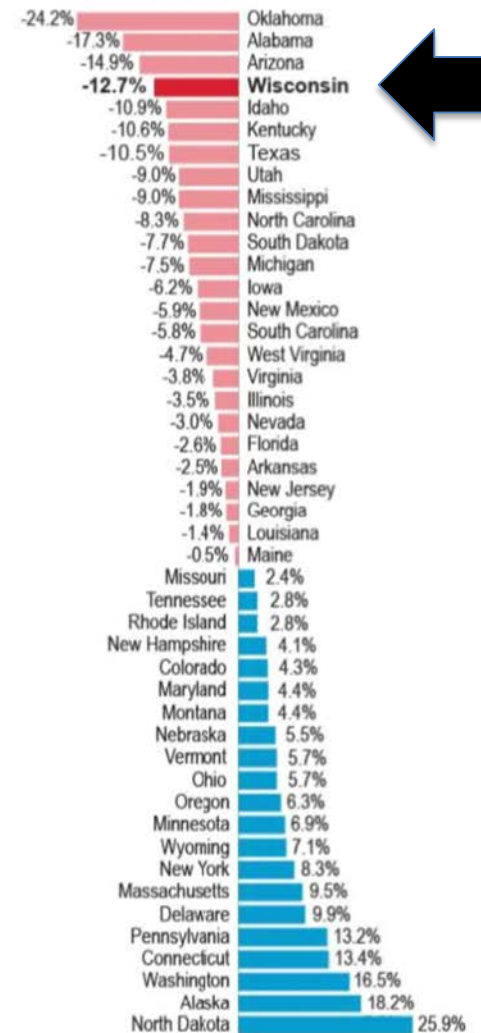
WPCP – \$18,300,000

**Total = \$229,800,000**

Co-exist with deep cuts to public education.

## Wisconsin Cuts to Education Among Largest in the Country

Percent change in state formula per student, inflation-adjusted, fiscal years 2008-2016.



General or formula funding is the primary form of state K-12 funding. States also typically provide revenue for other, more specific purposes, such as bus transportation and contributions to school employee pension plans. California, Hawaii, Indiana, and Kansas are excluded because the data necessary to make a valid comparison are not available.

# How about the next Biennium?

- Maintain revenue limits for main school funding
- No increase or decrease in special aid payment for 2015-16; \$100/student for 2016-17
- Expand Statewide voucher program removing all caps in 10 years. Legislative Fiscal Bureau estimates **\$37.1 million** additional dollars for the next 2 school years and **\$600 - \$800 million** over the next 10 years depending on participation.
- Creates 4 new charter school authorizers with authority to create independent charter schools
  - UW System – Office of Educational Opportunity (Madison & Milwaukee only)
  - County Executive of Waukesha County
  - College of Menominee Nation & Lac Courte Oreilles Ojibwa Community College
  - Gateway Technical College District Board
- Create special education voucher program - \$12,000/student
- Creates Opportunity Schools & Partnership Program (Milwaukee Schools Takeover Plan)



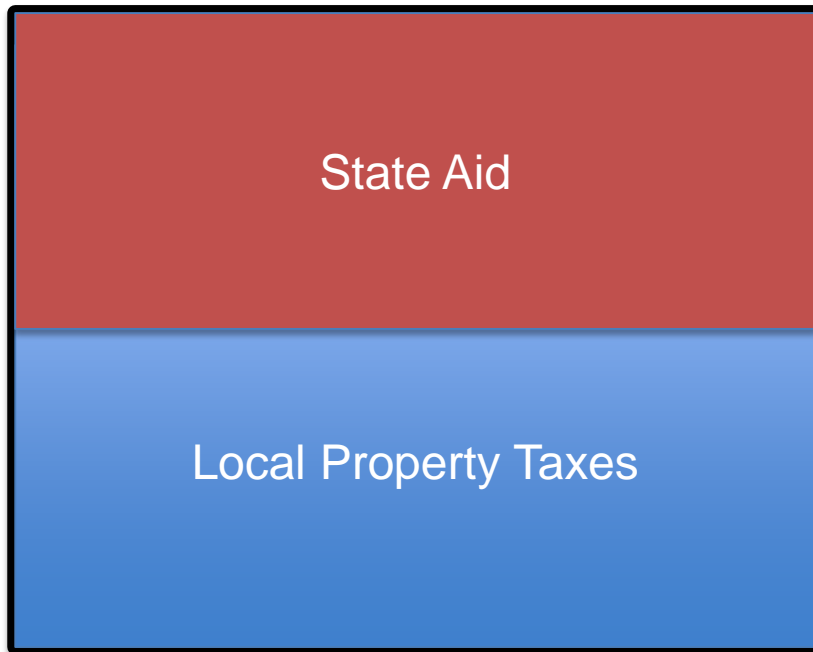
# Wisconsin school finance – a quick primer

Revenue limits create a fixed amount of funds available per pupil



# Wisconsin school finance – a quick primer

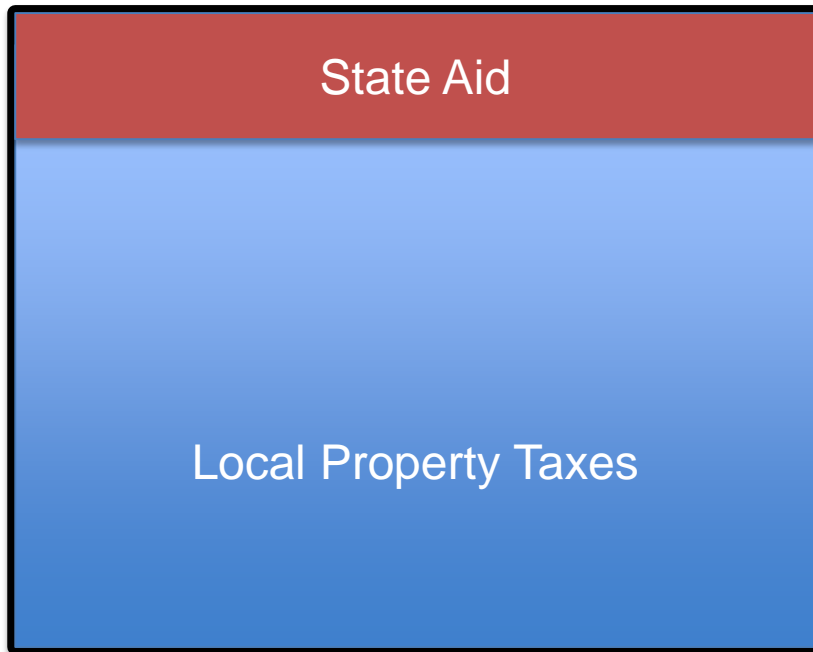
Revenue limits create a fixed amount of funds available per pupil



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# Wisconsin school finance – a quick primer

Revenue limits create a fixed amount of funds available per pupil



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- The system is meant to equalize school funding across districts.
  - Property rich districts get less state aid because they can produce more \$\$ through property taxes.

# Wisconsin school finance – a quick primer

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  - Property poor districts get more state aid because even when taxing at a high rate, they can't produce enough \$\$ locally.

# Wisconsin school finance – a quick primer

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  - Property rich districts get less state aid because they can produce more \$\$ through property taxes.
  - Property poor districts get more state aid because even when taxing at a high rate, they can't produce enough \$\$ locally.
- If Revenue caps are held constant – **NO MORE MONEY WILL GO TO CHILDREN** even if the amount of “state aid” is increased. Rather, that increase would simply result in a smaller amount collected from local taxes.
- For schools to get more \$\$ the Revenue Limit “BOX” must get bigger.



# Wisconsin school finance – a quick primer

Revenue limits create a fixed amount of funds available per pupil



Only 2 ways to make the box bigger:

- state legislature increases the revenue limit OR
- local voters must approve a school funding referendum.

- Two sources of funds combine to create that fixed amount per student: (1) State Aid & (2) Local Property Taxes
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  - Property rich districts get less state aid because they can produce more \$\$ through property taxes.
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# An Increased Reliance on Referenda

Overall	Passed	1,423	52%
	Failed	1,328	48%
	<b>Total</b>	<b>2,751</b>	

Overall 2012-14	Passed	151	64%
	Failed	85	36%
	<b>Total</b>	<b>236</b>	

Debt	Passed	955	54%
	Failed	800	46%
	<b>Total</b>	<b>1,755</b>	

Non-recurring	Passed	314	56%
	Failed	242	44%
	<b>Total</b>	<b>556</b>	

Recurring	Passed	154	35%
	Failed	286	65%
	<b>Total</b>	<b>440</b>	

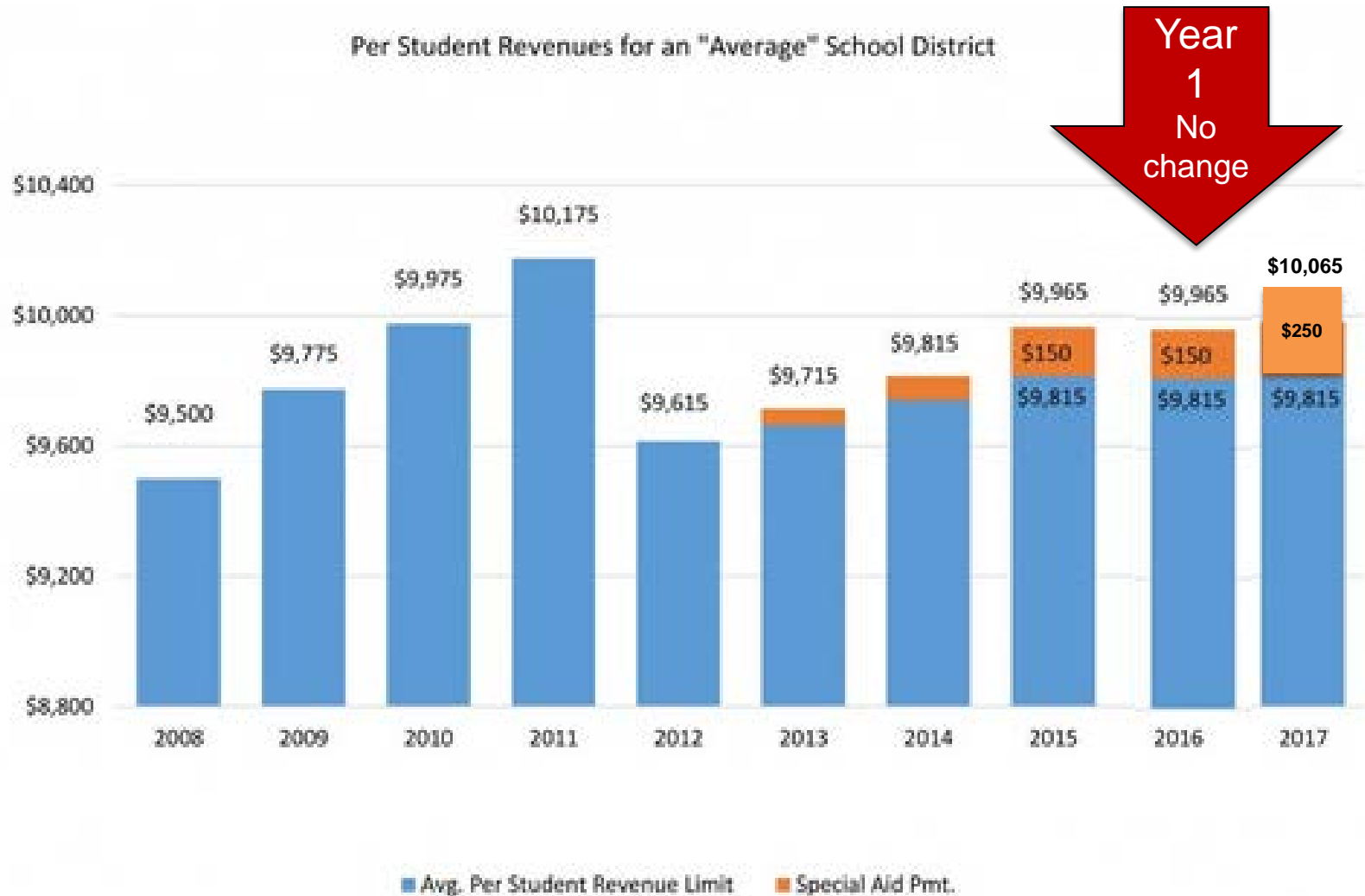
*80% of referenda are in rural schools.*

*Over the last few years, the pass rate has increased.*

Currently pending is AB 481/SB 355 that would limit school districts' ability to put referenda on the ballot.

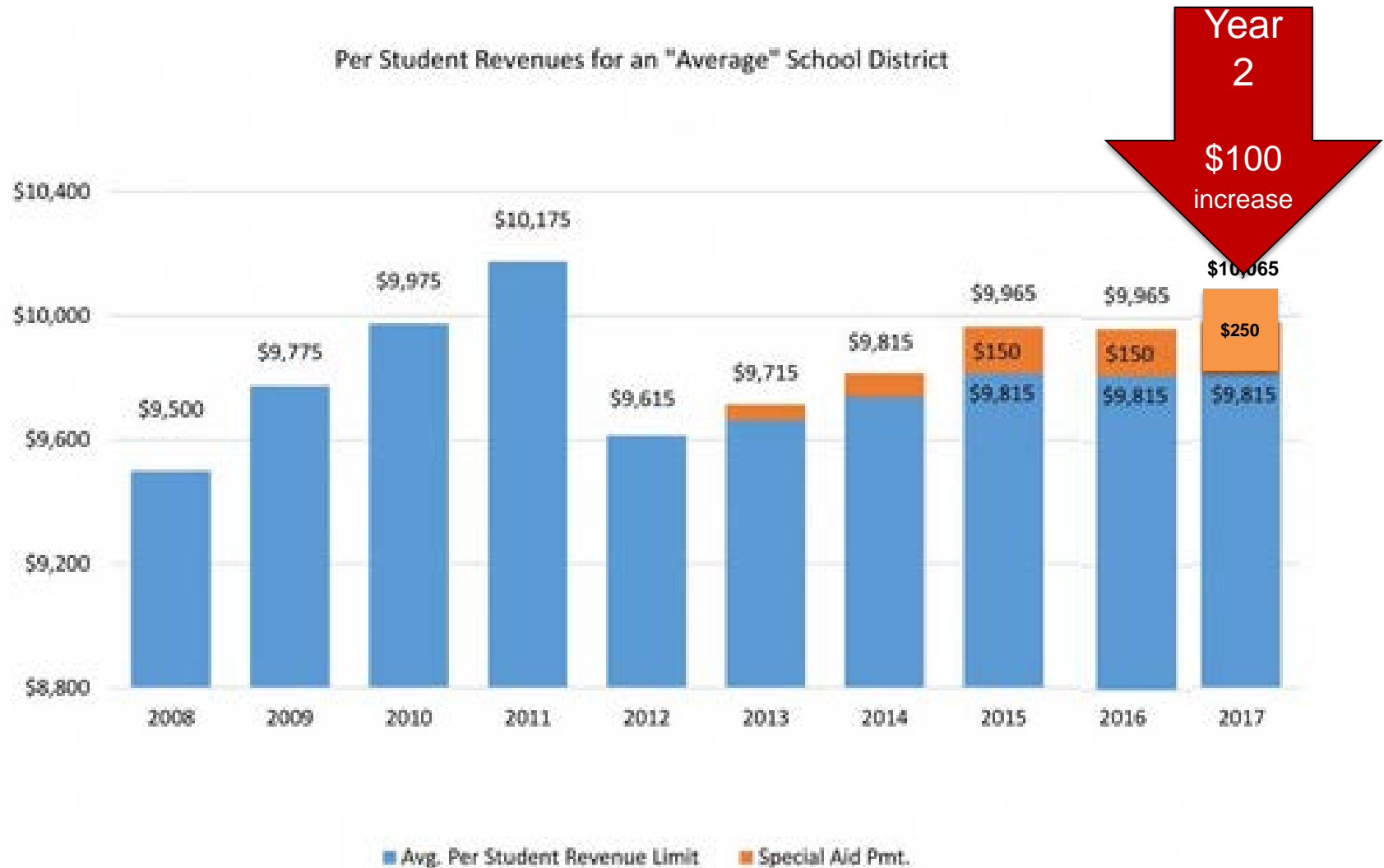
Source:

# How about the next Biennium?



Adapted from: Wisconsin Taxpayers Alliance, Feb. 5, 2015. available at: <http://wistax.org/blog/school-revenues-under-state-budget-proposal>

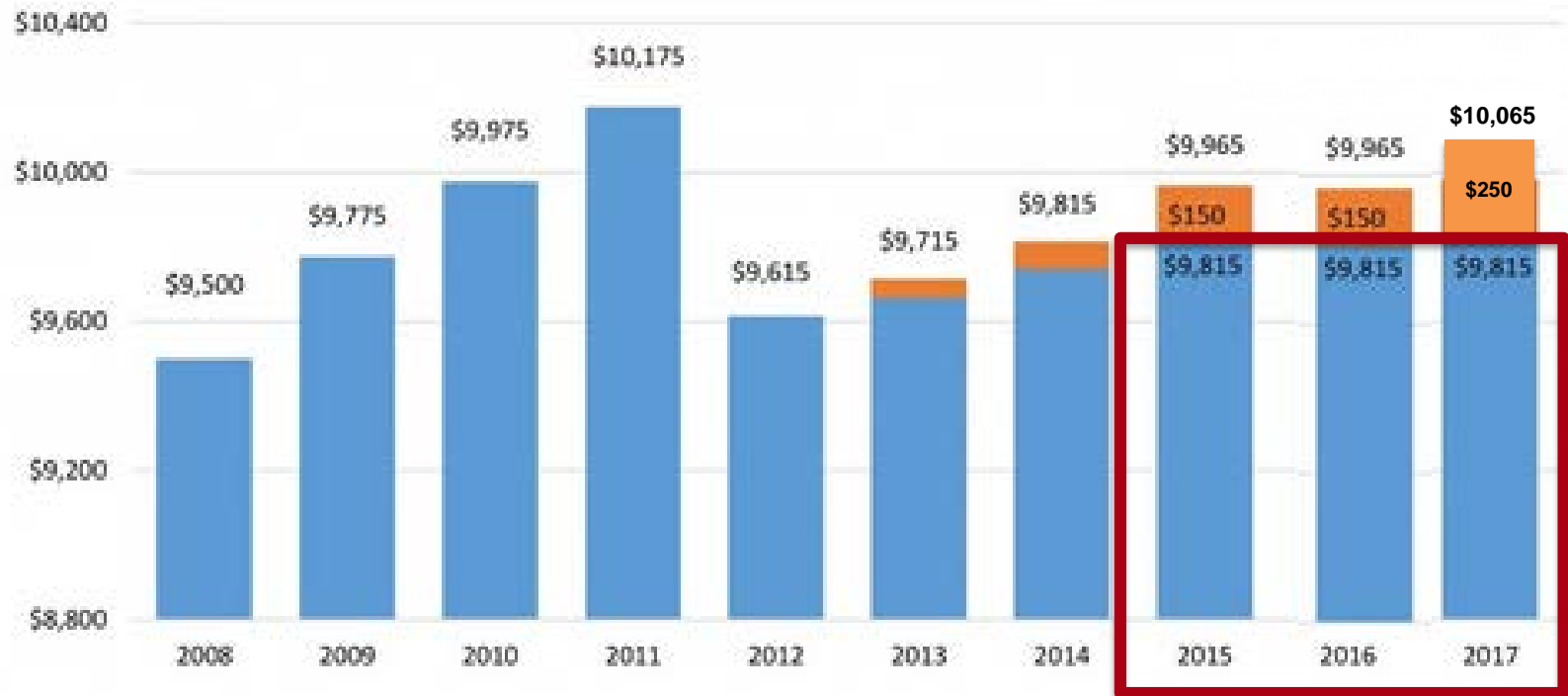
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# How about the next Biennium?

Per Student Revenues for an "Average" School District

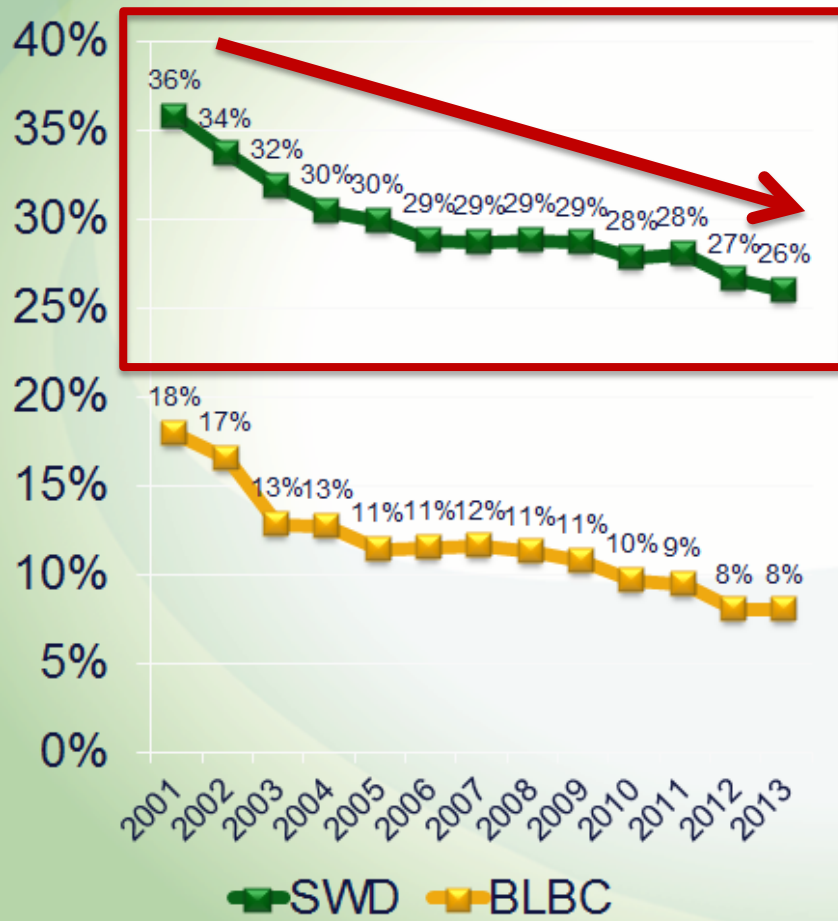


Revenue limits held constant

■ Avg. Per Student Revenue Limit ■ Special Aid Pmt.

Adapted from: Wisconsin Taxpayers Alliance, Feb. 5, 2015. available at: <http://wistax.org/blog/school-revenues-under-state-budget-proposal>

# Special Education & Bilingual Reimbursement Rates are Falling



## Special Education & Bilingual/Bicultural (BLBC)

This budget would mean 9 years of flat funding for students with special needs and ELL students

This budget will mean almost a decade of flat funding.

Reimbursement rates dropped 10 percentage points since 2000-01

Special Education (36% to 26%)  
Bilingual-Bicultural (18% to 8%).



# Who gets what and in what order?

1

## **Cindy Charter**

Attends 2r charter school.  
Gets \$8079 state aid/year.  
Gets aid 1<sup>st</sup>.

2

## **Victor Voucher**

Attends MPCP, RPCP, or  
WPCP school.  
Gets sum sufficient  
voucher amounts (\$7214  
or \$7860)  
Gets aid 2<sup>nd</sup>.

3

## **Penny Public**

Attends public school.  
Gets some share of  
what's left after the  
Cindys and Victors get  
their aid \$\$.  
Gets aid last.



# Opportunity Schools & Partnership Program (Takeover of MPS schools)

- Milwaukee County or more than 15,000 students
- Under supervision of Milwaukee County Executive
- Takes governance away from elected school board
- Requires take over of low performing public schools
  - give control to:
    - Independent charter school
    - Private nonsectarian choice school
    - “an individual or group not currently operating a school”
- Provisions would also apply to other school districts (West Allis, Madison, and Green Bay most at risk).

# 4 types of governance for schools receiving public \$\$ in Milwaukee



Milwaukee Public Schools

1997



Independent 2r charter schools

Shifts in governance do not address the real problem: educational effects of high poverty and student mobility

1990



MPCP – voucher schools

2015



OSPP schools

# Effects of these budget decisions

- 1<sup>st</sup> time since revenue caps instituted (1994) that no increase to the revenue cap in either year of budget
- 1<sup>st</sup> time EVER that Wisconsin will be below the national average for per pupil spending on education
- 9<sup>th</sup> consecutive year of no special education increases and no increases for those who need English instruction
- Continues pattern of voucher creation and expansion through budget bills – no opportunity for a vote on vouchers independent of votes on non-education items (prisons, bridges)
- Neglects issue of poverty and makes property poor districts even more vulnerable.

WISCONSIN



1848

1848

## Wisconsin's Directive

- Article X, Section 3: “The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years; ...” (uniformity clause)

# Vincent v. Voight (2000)

“We further hold that Wisconsin students have a **fundamental right to an equal opportunity for a sound basic education**. An equal opportunity for a sound basic education is one that will equip students for their roles as citizens and enable them to succeed economically and personally. **The legislature has articulated a standard** for equal opportunity for a sound basic education in Wis. Stat. §§ 118.30(lg)(a) and 121.02(L) (1997-98) as the **opportunity for students to be proficient** in mathematics, science, reading and writing, geography, and history, and for them **to receive instruction** in the arts and music, vocational training, social sciences, health, physical education and foreign language, in accordance with their age and aptitude.”

1

2

## Moreover . . .

3 *An equal opportunity for a sound basic education **acknowledges that students and districts are not fungible** and takes into account school districts with disproportionate numbers of **disabled students, economically disadvantaged students, and students with limited English language skills**. So long as the legislature is providing sufficient resources so that school districts offer students the equal opportunity for a sound basic education as required by the constitution, the state school finance system will pass constitutional muster. (Para. 87)(emphasis added).*

Special Ed.:  
was 39% - now  
26%

English Language  
Learners:  
was 25% - now  
8%



# Why privatization?

- Are people dissatisfied with public schools?
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- Does research show that that vouchers produce superior results?
- Does research show that that charter schools produce superior results?

# Grading U.S. schools

## Q18

Students are often given the grades A, B, C, D, and Fail to denote the quality of their work. Suppose the public schools themselves in your community were graded in the same way. What grade would you give the public schools here — A, B, C, D, or Fail?

## Q19

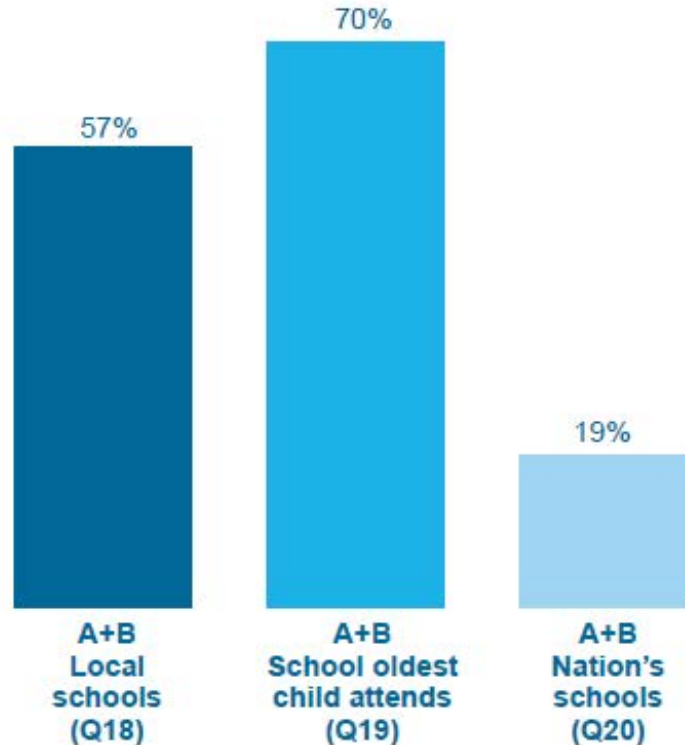
Using the A, B, C, D, and Fail scale again, what grade would you give the school your oldest child attends?

## Q20

How about the public schools in the nation as a whole?

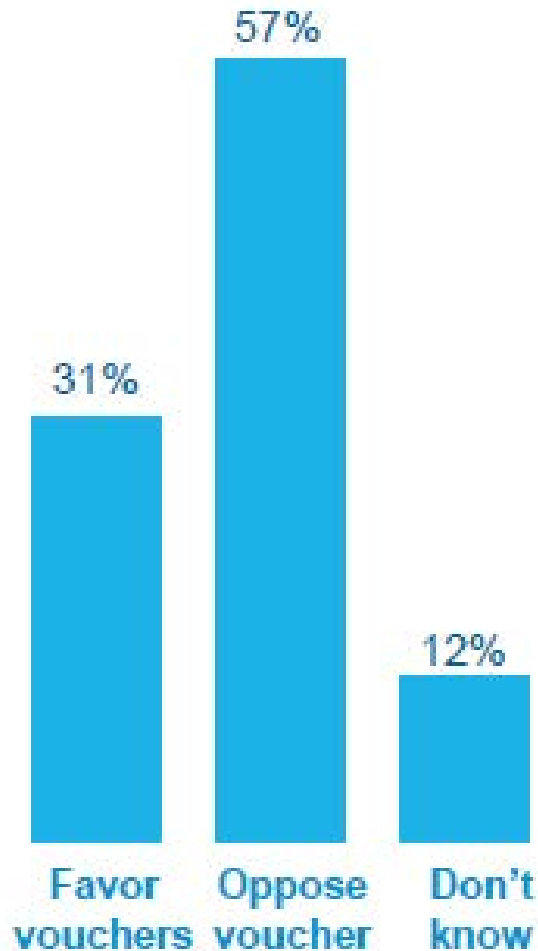
(Telephone)

2015 Public school parents



*Percentages may not equal 100 due to rounding.*

# Voucher Favorability



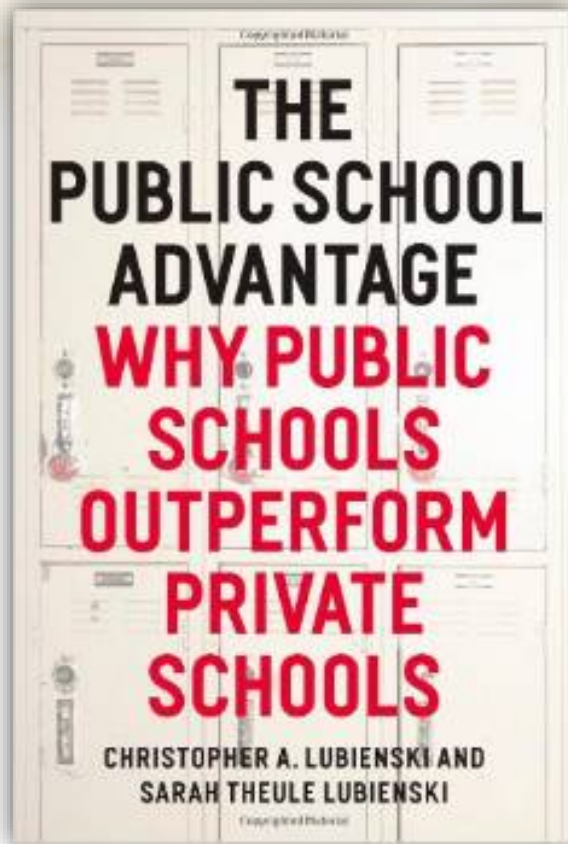
## Q23

Do you favor or oppose allowing students and parents to choose a private school at public expense?

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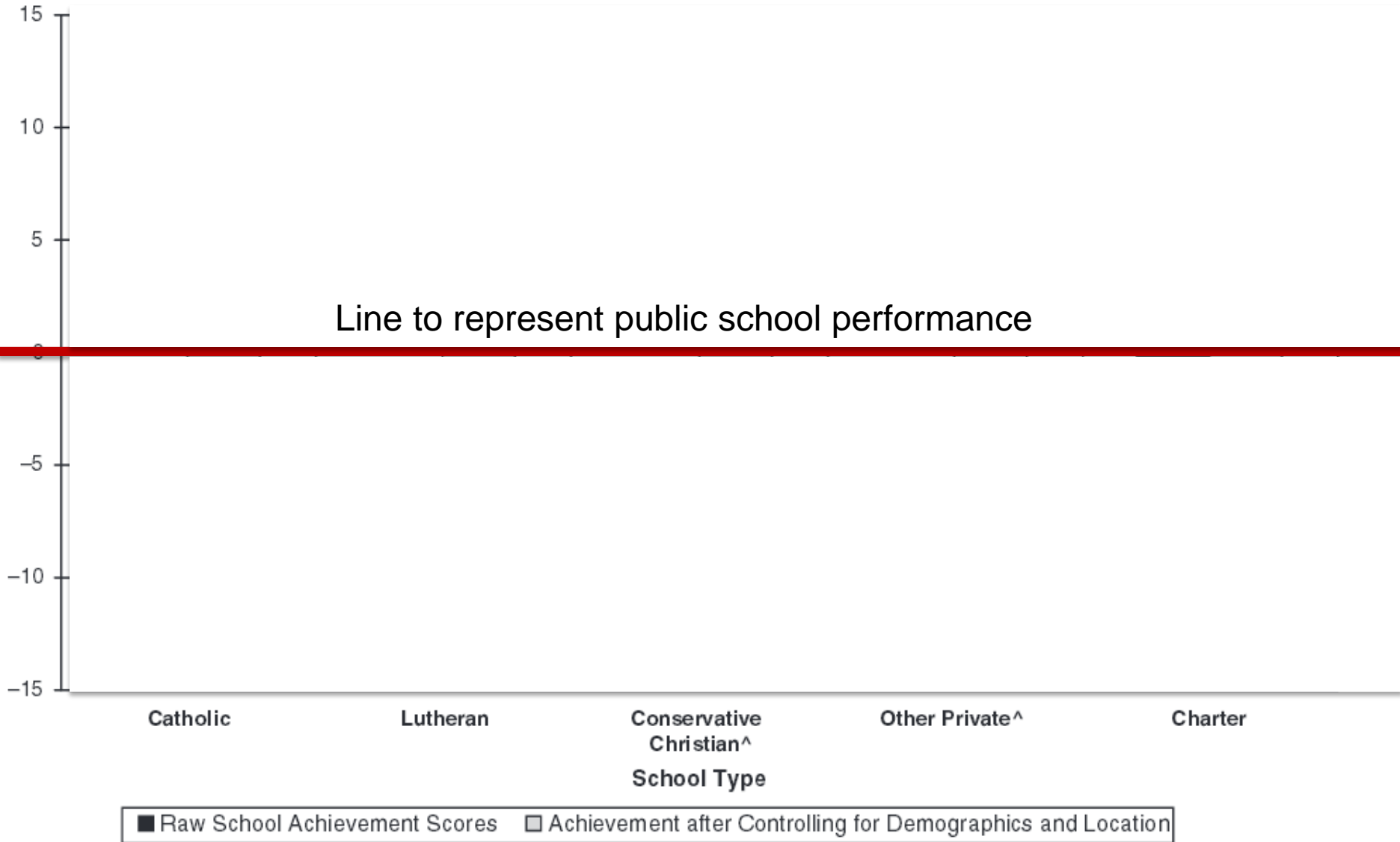




- Public Schools out-perform private schools
- Public Schools out-perform charter schools
- Public schools, where poverty rates were under 10 percent, scored the highest or among the highest in the world.
- Public schools, where the poverty rates were 10-25 percent of the student body, scored among the top few nations of the world.



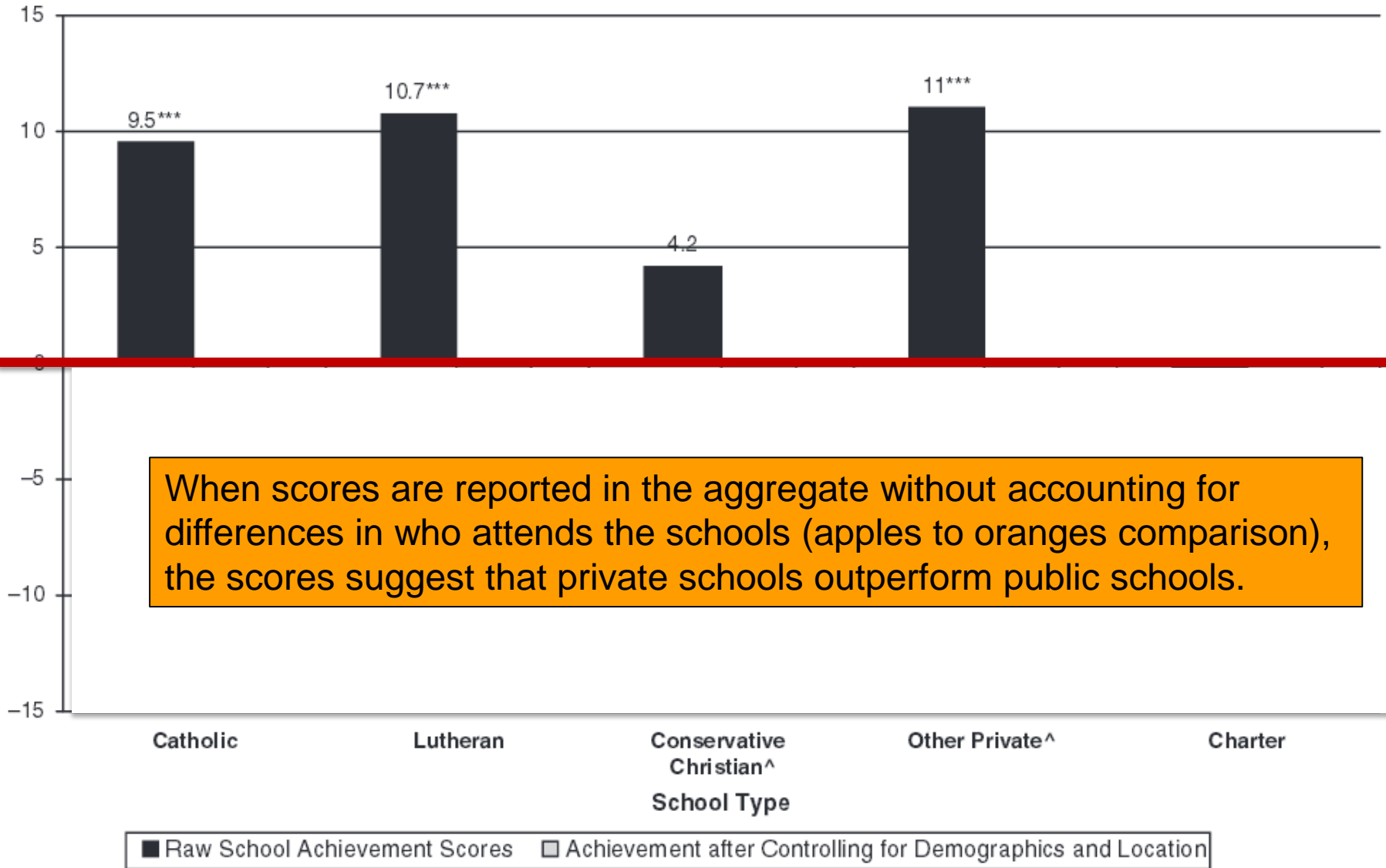
### 4th Grade



Source: Lubienski & Lubienski, The Public School Advantage (2013).



### 4th Grade

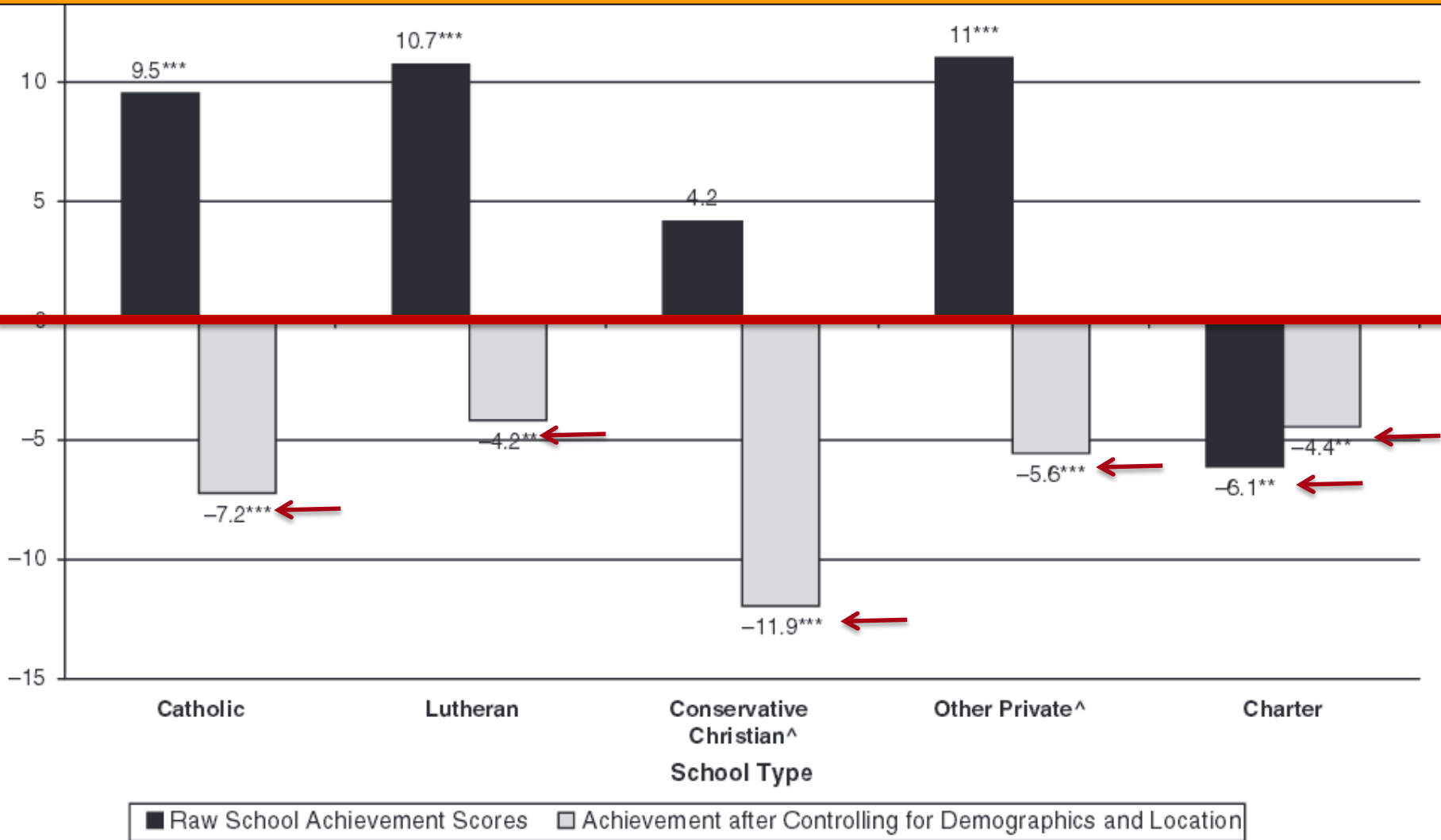


Source: Lubienski & Lubienski, The Public School Advantage (2013).





But when the comparison controls for student demographics and location (apples to apples comparison), a different picture emerges showing public schools outperform other types of schools. The arrows indicate statistically significant results.



Source: Lubienski & Lubienski, The Public School Advantage (2013).



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**NO**



# Voucher Comparison Studies

- Achievement Studies:
  - No consistent positive results for MPCP voucher users.
  - “Thus, in summary our best estimates over ten years of study were that for achievement tests, there were no consistent differences from the base year between voucher students and comparison groups drawn from public schools.”  
(John Witte, “Evaluating Voucher Programs: The Milwaukee Parental Choice Program,” Testimony before the U.S. Senate Homeland Security Committee Hearing, July 20, 2015)

# Voucher Comparison Studies

- Attainment Studies:
  - Students exposed to voucher schools 4-7% more likely to attend college. (Cowen, Fleming, Witte, Wolf, & Kisida (2013). School vouchers and student attainment: Evidence from a state-mandated study of the MPCP. *Policy Studies Journal*, 41, 147-167.)
- But:
  - Results based on only 44% of students who began the study
  - Measures “exposure” in that students were categorized where they started high school, not where they finished.
  - Relatively few high schools participate in the program (<25%), so study based on less than 5% of participating students

# Voucher Comparison Studies

- Attainment Studies:

“If policymakers should interpret these results as evidence that voucher students are performing slightly better on one metric—attaining a given level of education—the results nonetheless **do not** support a comprehensive conclusion that the Milwaukee voucher program necessarily provides a better learning environment than its public school counterpart.”

(p.164, emphasis in original.)

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The research is more mixed because of the variance of charter schools from state to state, but in the whole, the answer is:

# Why privatization?

So if the answer to each of these questions is “no”, what justifications are left?

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# Why privatization?

- Are people dissatisfied with public

**NO**



schools

Reasons that are ideological.

- Are

- Limiting government.

- Do

- Choice for choice-sake.

voluntary

- Do

- And....

charter schools produce superior results?

**NO**



# Public Education is a \$500+ Billion Enterprise



# What does Parental Accountability Mean?

- Shift from collective accountability to individual accountability.
- Parents have to vet options.
  - Program content.
  - Program quality.
  - Personnel qualifications.
- Parents accountable for choices.
- Problem with choice? – choose better.

# What is Public about Public Education?



- Public Purpose
- Public Funding
- Public Access
- Public  
Accountability to  
Communities
- Public Curriculum

# Final Thoughts

- The constitutional obligation of state legislatures to fund and nurture the common public school is paramount and may not be subordinated to a legislative desire to subsidize the private choices of individual parents.
- You can have a public school system without choice, but you cannot have a choice program without a healthy public school system.
- State constitutions have established that children have a genuine right to a quality education, not merely the privilege to shop for one.
- If we are going to redefine the “public” in public education, we need to do so mindfully after a full debate on what is at stake and what justifies a change.