

GRADING THE STATES



A Report Card on Our Nation's Commitment to Public Schools

JUNE 2018

EXECUTIVE SUMMARY

The ability for every child to obtain a free, quality public education is a foundational principle of American society. This principle is based on the belief that everyone should be given the opportunity to learn and have an equal chance for achievement and success.

While most will not dispute the value of education, some challenge the value of public education. They contend that only through competition will public schools improve, and that options such as religious schools, private schools, and charter schools run by non-profit and for-profit corporations are systemically better than public schools run by locally elected school boards.

We disagree. Although the public school system is not perfect and has continual room for improvement, it is still the cornerstone of community empowerment and advancement in American society. The required inclusivity of the public school setting provides more opportunity for students to learn in culturally, racially, and socioeconomically integrated classrooms and schools, and that promotes social-emotional and civic benefits for students.

And yet our nation has embarked on a troubling course that steers us toward school privatization, exclusivity and division. The present Department of Education under the leadership of Secretary of Education Betsy DeVos promotes privatized programs and has a decidedly hostile view towards the support of students attending public schools. This attack on public education is also an attack on equal opportunity and civil rights. The reality is that too often there is little to no public accountability, fiscal transparency or maintenance of civil rights protections for students in privatized programs. History is replete with battles fought

and sacrifices made to protect all students' civil rights and to ensure equality of opportunity regardless of race, ethnicity, religion, gender, disability or other immutable characteristics. Privatization in public schools weakens our democracy and often sacrifices the rights and opportunities of the majority for the presumed advantage of a small percentage of students.

PURPOSE OF THIS REPORT CARD

This report examines our nation's commitment to democracy by assessing the privatization programs in the fifty states and the District of Columbia with the goal of not only highlighting the benefits of a public school education, but comparing the accountability, transparency and civil rights protections offered students in the public school setting versus the private school setting. States are rated on the extent to which they have instituted policies and practices that lead toward fewer democratic opportunities and more privatization, as well as the guardrails they have (or have not) put into place to protect the rights of students, communities and taxpayers. This is not an assessment of the overall quality of the public education system in the state — rather it is an analysis of the laws that support privatized alternatives to public schools.

This report card, therefore, provides a vital accounting of each state's democratic commitment to their public schools, by holding them accountable for abandoning civil rights protections, transparency, accountability and adequate funding in a quest for "private" alternatives. It is designed to give citizens insight into the extent of privatization as well as its intended and unintended consequences for our students and our nation.

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www.schottfoundation.org/report/grading-the-states

www.networkforpubliceducation.org/privatization-report-card

SIGNIFICANT FINDINGS

PRIVATIZATION

- Twenty-eight states plus the District of Columbia have some form of voucher program—traditional, ESA or tax-credit scholarships. The vast majority have multiple programs—Wisconsin, Ohio and Arizona have five different programs each.
- All but three states have either a voucher program, charter program or both.
- Thirty-three states and the District of Columbia allow for-profit companies to manage their charter schools and four states also allow for-profit charter schools.

OVERALL CIVIL RIGHTS PROTECTIONS

- Nineteen states fail to include additional state and local civil rights protections for voucher students beyond race, ethnicity and national origin. Only one state protects LGBTQ students in voucher receiving private schools.
- Among the states with voucher/neo-voucher programs, only one mandates providing services for ELL students, and eighteen states do not mandate services for students with disabilities in the program.
- Twenty-three states and the District of Columbia fail to specifically protect students in voucher/neo-voucher programs against religious discrimination.

TRADITIONAL VOUCHER AND NEO-VOUCHER (TUITION TAX-CREDIT AND ESA) PROGRAMS

- Fifteen states with voucher/neo-voucher programs fail to require background checks for teachers and employees in schools receiving vouchers.
- Eighteen states with voucher/neo-voucher programs have no mandate for transparency in student performance in one or more of their programs, and the majority do not require students to take state tests.
- Nine states have at least one program that does not require the private school receiving the voucher to be accredited or even registered.

CHARTER SCHOOLS

- Of the forty-four states with charter laws, twenty-eight of these states and the District of Columbia fail to require the same teacher certification as public schools.
- Thirty states and the District of Columbia allow enrollment advantage for children of board members, employees, and/or other groups.
- Thirteen states have no conflict of interest requirements between charter board members and service providers.
- Charter school students with disabilities are disadvantaged in thirty-nine states and the District of Columbia, which do not clearly and completely establish their provision of services.

RECOMMENDATIONS

- Taxpayer dollars should not flow from the public school system to support private school vouchers, ESAs, Tuition Tax-Credits or any future scheme to circumvent state prohibitions on the use of tax dollars for religious entities.
- There should be a moratorium on all voucher programs with an immediate phase out that does not displace children presently in the voucher system.
- Special tax credits for businesses and individuals should be eliminated with so-called scholarship programs receiving the same tax benefit (deductibility) as other charitable programs. Businesses, corporations and taxpayers should receive comparable benefits for supporting public schools.
- Because we recognize that many families have come to depend on charter schools we do not call for their immediate closure. We advocate instead for their absorption into the public school system. The state of Virginia is a fine example of a system in which the need for a charter is determined by a district, charter schools are accountable to the district, and are therefore governed by the taxpayers whom the district serves. We look forward to the day when all charter schools are governed not by private boards, but by those elected by the community, at the district, city or county level.
- We support the NAACP moratorium on charter schools, and insist that all states pass laws and regulations ensuring that all students have equal opportunity and rights, that schools are fully transparent and accountable to the taxpayers who fund them, and the corruption associated with the sector is weeded out. We advise states to use this report card for guidance.
- Instead of diverting resources, we should invest in public schools to make them better for all students. Evidenced-based and immediate actions steps include reducing class sizes, improving teacher training and recruitment, supporting pre-K education and increasing parental involvement.