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**EDUCATION VOUCHER PROPOSALS: A COMPARATIVE POLITICAL  
ANALYSIS OF SUCCESSFUL AND UNSUCCESSFUL ATTEMPTS AT  
LEGISLATION IN COLORADO AND PENNSYLVANIA**

A Thesis in

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by

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## Abstract

This study focused on the politics and policy specifics surrounding voucher proposals and the factors affecting their legislative outcome. The central questions guiding this research were: (1) What factors contributed to the successful voucher bills? (2) How were these factors present or absent in unsuccessful proposals? (3) What was different in the political process, "policy windows," and circumstances surrounding the successful bills? (4) Why were the opponents not able to defeat the successful bills? In short, why did a few voucher proposals succeed where the others failed?

In order to address these questions, a comparative case study was conducted. The study used interviews and document analysis to collect data about the political environment and events surrounding education voucher proposals in Colorado and Pennsylvania. Interviews with twenty four individuals identified by various sources as key voucher actors in the two states provided much insight to the events surrounding each proposal. Coverage from major newspapers and legislative archives offered additional data. A review of the literature on successful proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. provided points of contrast and comparison for the successful Colorado voucher proposal.

The framework for policy agenda setting established by John Kingdon (2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]), was used to identify, sort, and analyze the data of this study. Specifically, the events surrounding the voucher proposals were aligned with the policy streams identified by Kingdon. These streams included the *problems* that vouchers were to address, the *politics* involved in the legislative process, and the specifics of each policy

offered as *solutions* to the problems. Other *contributing/contextual factors* were also considered that were associated with the legislative outcome of each proposal.

In response to the guiding questions, this study found a combination of factors that were associated with the success of a proposal. All successful proposals were based on a perception of a problem with public schools failing to provide an adequate education to all students, or as the catch phrase refers to “students trapped in failing urban schools.” The problem was most notable among poor, minority students. The specifics of the successful voucher proposals included both sectarian and religious private schools, and provided enough money to allow students to attend the school of choice. The successful proposals were also all targeted at and limited to disadvantaged students. In terms of the politics surrounding the successful voucher proposals, all were introduced with Republican leadership. The teachers unions were identified as the most significant group in opposition to the proposals.

Other contributing/contextual factors including, funding for the proposals, non-traditional voucher advocates, disarray of the opposition, careful planning of a proposal, and a “best alternative” attitude also seemed to impact the outcomes. More than one of these contributing/contextual factors was associated with each of the successful proposals. In Milwaukee, the funding was shifted from a failing desegregation law and a strong coalition of urban parents, led by policy entrepreneur Polly Williams, pushed for the law. The Cleveland proposal also found support from a coalition of urban parents, and the plan was passed as part of the overall state budget. The Florida proposal, also passed as part of the overall budget, had strong leadership from the Governor and support from the Democratic State Attorney General. The disarray of the teacher’s union in

Washington, D.C. along with support from the Democratic mayor and school board president were associated with the success of that proposal. Finally, the Colorado plan found support from the Democratic attorney general as well as a prominent, liberal child advocacy group. The successful Colorado voucher proposal was well-crafted and noted as the “lesser evil” of the three proposals introduced during the same legislative session.

While these positive influences in terms of passing voucher legislation were found with the successful proposals, negative influences were coupled with the failed proposals. In Pennsylvania, many participants discussed legislators being turned off by the doggedness of the Governor leading the charge for vouchers. Participants suggested that legislators were turned off by the Governor’s heavy handedness, and many simply did not want to give him what he wanted. In both Colorado and Pennsylvania, the failed proposals were identified as vague or in constant flux. Participants and media coverage in PA discussed how the details of the plans were often argued until the bitter end. And, in Colorado, the two proposals introduced simultaneously with the successful plan, left many of the details to be determined after legislation.

The findings from this study can contribute to a discussion on future successful voucher legislation, both from an advocacy and opposition standpoint. Also, a more careful examination of the role of the contributing/contextual factors may further enhance the policy agenda setting framework used in this study. Further studies on other failed attempts at legislation may increase the validity of this study. Finally, it is suggested that future research look at the role of the teachers unions in voucher legislation. More specifically, research should focus on how well union opposition reflects the views of its members.

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## Chapter I

### Introduction

Perhaps the most controversial component of the school choice debate is that of vouchers (Krueger & Ziebarth, 2002; Moe, 2001, Bulman & Kirp, 1999). The voucher idea surfaced in the 1950s when Milton Friedman argued that vouchers would improve educational efficiency. Today, vouchers are considered to be payments, usually from public funds, made to a parent, or an institution on a parent's behalf, to be used to pay for a child's education expenses, oftentimes at a private or parochial school (Clearinghouse on Educational Management, 2002). While some voucher programs are financed through private sources, the more controversial programs use public tax dollars to fund tuition at private institutions. As an alternative to traditional public schools, voucher advocates believe that the competition they create will motivate improvement and boost achievement in public schools. Opponents argue that the vouchers will simply drain the public schools of money they need to operate and leave these schools in worse condition than before the attempt at reform. Opponents also contend that voucher plans that allow tax monies to go to sectarian schools violate our Constitutional separation between church and state. As William Boyd (2007) suggests, "What the long-term outcomes of the struggle between advocates and opponents, zealots and pragmatists, will be remains uncertain but it is clear that schools are quite unlikely to return to the old public school monopoly model."

In the wake of successful voucher proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. and the Supreme Court's *Zelman v. Simmons-Harris* (2002) decision upholding the legality of the Cleveland plan involving sectarian schools, many attempts to enact vouchers are being pursued across the United States. While most of

these voucher bills may continue the trend to go down in defeat, some of the proposals will likely be passed. In order to understand the political process and the factors promoting or inhibiting the likelihood of voucher plans being enacted, the history of previous attempts to pass voucher proposals needs to be examined carefully. Focusing on two states that have experienced numerous voucher proposals, this study analyzed the political dynamics surrounding the outcome of voucher proposals introduced in Colorado and Pennsylvania over the past decade. An analysis of data from previously successful voucher proposals in other states contributed to the study.

### *Background*

Since the early 1990s, voucher proposals have grown in popularity across the United States. In 1998 alone, 40 states introduced bills to route public dollars to private and sectarian schools through vouchers or tuition tax credits. As of September 18, 2006, eight states had enacted new initiatives or expanded existing private school choice programs in that year alone (Lips & Feinberg, 2006). State-funded voucher proposals have achieved legislation in at least four states—Wisconsin, Ohio, Florida, and Colorado (although both the Florida and Colorado proposals were overturned by the courts) and are being, or have been, considered in many other states (Richard, 2003; Moe, 2001). In 2004, the U.S. Congress passed voucher legislation for the District of Columbia.

The Milwaukee Parental Choice Program was the first public voucher program and began in the 1990-91 school year. The plan provides an opportunity for low-income students, under specific circumstances, to attend at no charge, private sectarian and nonsectarian schools located in the city of Milwaukee. Since 1996, the Cleveland school

voucher program has given children from low-income families the opportunity to opt out of the city's failing public schools to attend private schools. The *Zelman v. Simmons-Harris* U.S. Supreme Court decision in 2002 on the Cleveland program has been hailed as a major victory for voucher advocates. This case established the right for public school dollars to be transferred to sectarian schools under certain circumstances (The Heritage Foundation, 2001). Of the systems achieving legislation before 2007, Florida was the first to adopt a statewide voucher system. The "opportunity scholarships," enacted for the 1999-2000 school year, allowed students to take their per-pupil funding from a school that has failed state assessments for two or more years and attend the school of their choice, whether private or parochial (Garrett, 2001). As is typical in voucher controversies, opponents engage in legal attacks on voucher plans they were unable to defeat in the legislative political process. Accordingly, the Florida voucher plan was recently overturned by the Florida Supreme Court on the grounds that it violates the state's constitution requirement for a uniform system of free public education (National Education Association, 2006, January).

Although each of the voucher programs has provided money to public school students to attend the school of their choice, the differences between the programs are significant. As stated previously, the Florida program was the only one to operate statewide, while the Cleveland, Milwaukee and Washington, D.C. programs are limited to schools within the city borders. The amount of the voucher also varies from one program to the next, with the Florida program offering the average state per pupil allowance while the Milwaukee plan covers only the state cost-per-pupil and the Cleveland program provides a flat rate for all eligible students. Additionally, each of the programs

individually restricts who is eligible for the program as well as which schools can receive voucher students.

In their report, *Grading Vouchers: Ranking America's School Choice Programs*, the Milton Friedman Foundation suggests that voucher plans encompass three core elements: student eligibility, purchasing power and school restrictions (Enlow, 2003). Acknowledged in this report, as well as by others concerned with voucher programs (Moe, 2001), is the reality that voucher proposals and programs vary a great deal from one another. In his book *Schools, Vouchers, and the American Public*, Terry Moe (2001) notes:

While virtually all assessments of public opinion on this issue are based on how people respond to the generic concept of vouchers, the fact is that a voucher system is not a single thing, but a family of very different possibilities. One voucher system may include religious schools, another may not. One may involve government regulation of private schools, another may allow them to chart their own paths in the free market. One may limit vouchers to children from low-income families or from failing schools, another may make vouchers available to all children. (p. 8)

Indeed the idea of vouchers, while often referred to as a single concept, implies a wide range of policy alternatives.

The original intention behind the voucher agenda was to promote a market system for education where competition would force schools to improve. With his advocacy of the voucher idea in the 1950s, Milton Friedman established a “gold standard” for voucher

programs. He declared that vouchers should be available to all students, should provide sufficient funds that can be augmented by the parents, and should carry few, if any, restrictions (Enlow, 2003). This view of vouchers typically receives support from Republicans and conservatives alike, as well as various religious and business groups. The modern voucher movement, however, brings additional advocates concerned with social equity issues, exemplified by the increasing support of school choice programs by African-Americans (Cibulka & Boyd, 2003, vii). These new players see vouchers as an opportunity for disadvantaged pupils trapped in poor performing schools to attend higher performing private schools like their wealthier peers (Moe, 2001). This broadened support base and new combination of equity issues and market competition has increased the focus on voucher legislation, and on the specifics of the design of each plan.

The federal *No Child Left Behind Act* (NCLB), has also contributed to the school choice issue. The law is based on four main principles: greater accountability for results, increased flexibility, expanded options for parents, and teaching methods that have been proven to work. The principle of expanded options for parents generally refers to the choices available to parents of students enrolled in schools identified for improvement. After two years of a school being identified as in need of improvement, all students enrolled in such schools are allowed to transfer to any “high performing” public school in the same district. There are some who believe that the purpose of the school choice requirement in NCLB is to pave the way for a federal voucher system (Jennings, 2003).

With this recent federal legislation creating school choice for students in “failing schools,” and the growing support base for voucher proposals, the voucher movement is gaining momentum. The critical component, it seems, is exactly what is being proposed

in each proposal. The idea of vouchers has become commonplace. It is now a matter of what purpose the vouchers are to achieve and the specifics of the design of each plan. Policy makers are driven to consider constitutional issues, eligibility requirements, amount of financial support provided, transportation challenges, and other policy specific details. Each potential law reflects the priorities established by the authors of the plan. The success of a proposal may depend on these priorities and how they appeal to or upset potential supporters.

Of all the states considering voucher proposals over the past decade or so, two of the most active states have been Colorado and Pennsylvania. Former Pennsylvania Governor Tom Ridge made vouchers a top priority during his time in office. Three voucher bills were introduced in the General Assembly during his administration. Much to the Ridge's dismay, each of these bills failed to garner enough support to pass legislation, even though his party, the Republicans, had majority control of the legislature. In Colorado, two citizen proposals were voted down in the 1990s and another bill was proposed and turned down in 2002. In April 2003, however, the General Assembly passed legislation for a public voucher program called the Colorado Opportunity Grants Pilot Program. While this Colorado program was eventually struck down by the courts in 2004, it was the first bill in the State to pass, and most likely will not be the last (Mitchell & Sanko, 2004).

### *Problem Statement and Research Questions*

This study focused on the politics and policy specifics surrounding voucher proposals and the factors affecting their success in Colorado and Pennsylvania. The

various unsuccessful plans were analyzed in comparison with the successful Colorado bill. (Although subsequently overturned by the courts, the term “successful” is used in relation to its legislative success.) A section of the literature review focuses on the factors associated with the success of voucher proposals in Cleveland, Milwaukee, Florida, and Washington, D.C. and contributes to the study by identifying factors associated with other successful proposals.

The central questions guiding this research were: (1) What factors contributed to the successful voucher bills? (2) How were these factors present or absent in unsuccessful proposals? (3) What was different in the political process, "policy windows," and circumstances surrounding the successful bills? (4) Why were the opponents not able to defeat the successful bills? In short, why did a few voucher proposals succeed where the others failed?

Prior to the study, it was the researcher’s contention that while Milton Friedman popularized the idea of public school vouchers, proposals that vary greatly from his proposed “gold standard” had a greater chance for approval. The study showed that it was a combination of factors that were associated with the success of a proposal. In fact, there was a concern for social equity issues related to the mostly urban, poor, and minority students. This commonly referred to idea of “students trapped in failing urban schools” found support from non-traditional voucher advocates and contributed to the successful proposals. Other factors, including political party control, teacher union opposition, careful planning of the proposal, and a “best alternative” attitude were also linked with the outcomes.



### *Conceptual Framework*

In his widely cited book *Agendas, Alternatives, and Public Policies*, John Kingdon (2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]) outlines how “separate streams of problems, solutions, and politics converge to move an issue onto the public policy agenda toward potential governmental action” (p. viii). Writing about Kingdon, Michael Mintrom (2000) observes that Kingdon shows how “agenda setting and policy change emerge through a combination of the actions of participants and the operation of both formal and informal social processes” (p. 42). It is through a study of these participants and social processes that the outcome of certain legislative proposals can be explained.

Specifically, Kingdon suggests that at any given time there are a series of problems that government can attend to. Various indicators, focusing events and feedback mechanisms highlight different problems. For example, safety in schools has always been a concern, but not until the tragic events at Columbine High School did the governmental leaders show much involvement in the topic. Since this tragedy, however, numerous bills have been introduced and passed which relate directly to school safety issues. Kingdon emphasizes that a focus on specific problems, like the Columbine incident, contributes to the policy making process. Therefore, identifying existing problems within the public schools that might be solved by a voucher program can be an important factor in the political process. These problems were identified through the research and are presented in the literature review as well as in the data analysis.

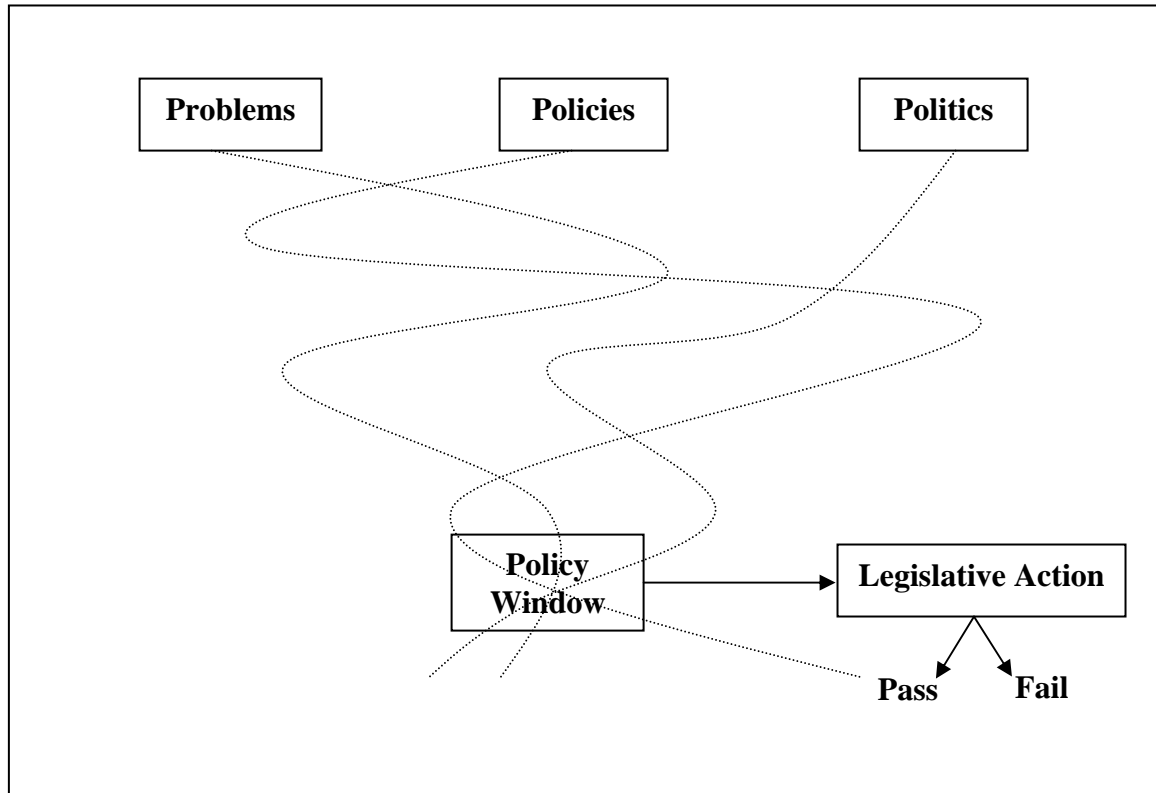
The policy stream refers to a set of possible “solutions.” It is generally policy specialists who work within this stream to consider a variety of policies. These solutions are often new ideas prompted by unusual circumstances, such as proposing an

amendment to the U.S. Constitution to define marriage, as States consider recognizing same-sex marriages. Usually, however, policy makers are simply reconsidering old ideas and reworking them to develop new policies. For this study, it was important to identify the variation in the details of voucher proposals that have flowed through the policy stream.

The third and final stream of Kingdon's framework refers to the political climate. The simplest way to look at this stream is through the partisan lens of American political parties. Abortion rights, gun control, and the death penalty have traditionally been partisan issues. Depending on the political environment, each of these issues will receive different consideration. Vouchers have also been a highly debated issue, with Republicans and Democrats traditionally on opposite sides of the debate. This study focused on the political climate surrounding each of the proposed voucher proposals to describe the influence of the climate on the outcomes of the bills.

Finally, throughout his book, Kingdon shows how these streams "flow" through the policy making process, and sometimes come together, providing leverage in support of a policy. This coupling of the streams creates a "policy window" through which a policy achieves agenda status and legislative action. Figure 1.1 is an illustration of the process outlined by Kingdon.

As with any framework, the one set forth by Kingdon carries some limitations. In his book *Policy Entrepreneurs and School Choice*, Michael Mintrom (2000) notes that Kingdon's framework leaves the development of policy windows to chance by not adequately outlining what causes the policy streams to come together. Drawing on the



*Figure 1.1* The figure shows how the problems, policies and politics streams merge to produce a policy window for government action (attributed to Kingdon, 2003 [1984, 1995]).

work of political scientists March and Olsen (1989), Mintrom suggests, “individuals or small groups [can] deliberately manipulate the policymaking process to achieve desired policy change” (p.45). More poignantly, Mintrom notes:

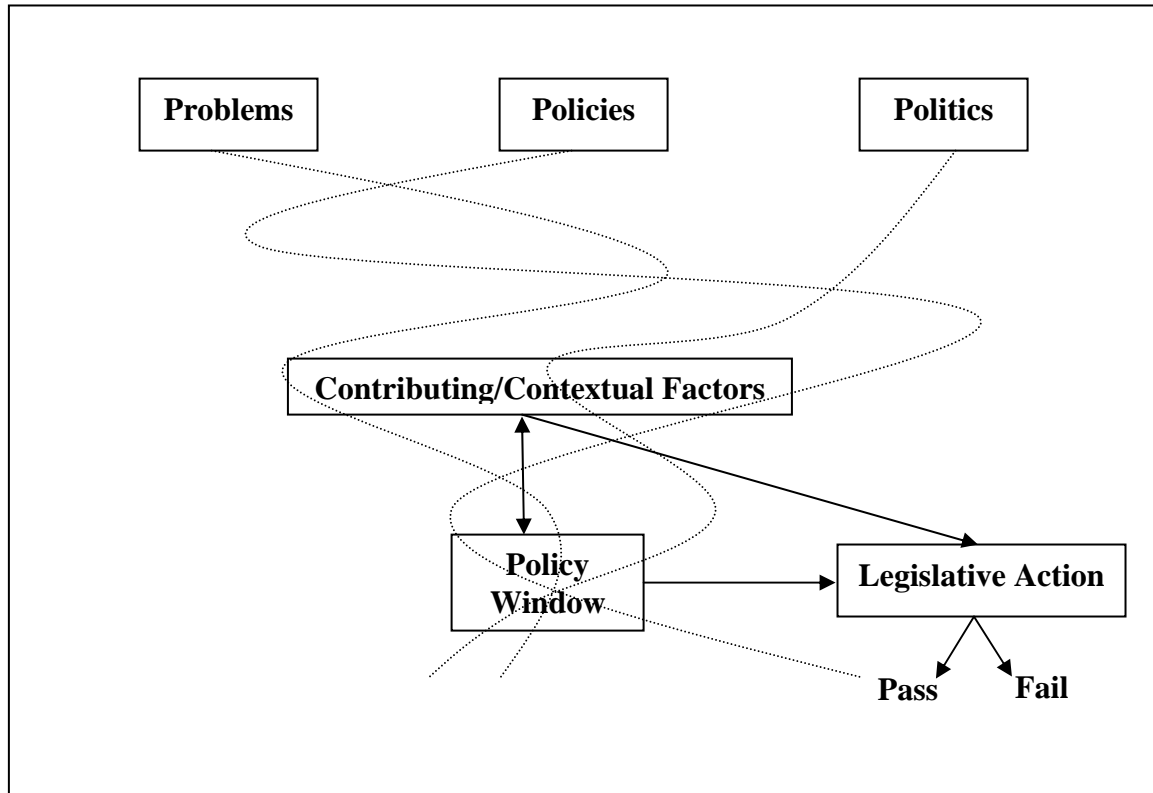
On reflection, it seems reasonable to expect that individuals in a policy community are constantly, and simultaneously, working at problem definition, policy design, and politicking. Such effort can be expected to increase the likelihood that windows of opportunity will open.

Presumably, those who advocate policy change see things this way. We should not expect eager policy entrepreneurs to patiently ‘lie in wait’ until the timing for agenda change is propitious. Rather, we might see them as making deliberate efforts to draw the attention of decisionmakers to given problems and, wherever possible, to force agenda change. (p. 45)

Mintrom argues that this latter point compliments and further explains the process outlined by Kingdon by illuminating the relationship between agency and structure in the policy making process. Through empirical research, Mintrom goes on to show how deliberate efforts by policy entrepreneurs contribute to this process.

While Mintrom promotes the influence of policy entrepreneurs as one element to consider when looking at the success of voucher proposals, he also cautions that some bills do pass in the absence of policy entrepreneurs while others fail in their presence.

This suggests that there are other variables that have not been considered. Therefore, the framework can be extended to suggest that there may be other *contributing/contextual factors* that explain the legislative outcome of each bill. For this study, the term



*Figure 1.2* The Problems, Policies and Politics streams merge to produce a policy window for government action. Combined with the contributing/contextual factors affecting a specific bill, a policy will either pass or fail.

contributing/contextual factors was applied to any intervening factor that either did not fall under a specific policy stream, or it was distinct, or unusual, and associated with the outcome of the proposal. Figure 1.2 illustrates this extended version of the framework.

### *Significance*

As a prominent topic in today's discussion on education, information on vouchers is plentiful. Much of the current data on the issue stems from opinion polls, legal analyses, and media coverage. Actual research on the topic is still limited. According to the Clearinghouse on Educational Management [CEM] (2002), more objective research studies on public vouchers are needed. The CEM report states that "virtually no studies conducted to date are credible to both sides of the issue" (p. 18).

The research that currently exists is often focused on the effectiveness of existing voucher programs, which are few. Effectiveness studies include student achievement, funding, accessibility, accountability and transportation issues as related to voucher programs. The purpose of most of these studies was to determine if voucher plans really work and the studies have tried to answer the question of whether or not vouchers are a viable alternative to traditional public education. Unfortunately, the available research is inconclusive (Clearinghouse on Educational Management, 2002).

Discussions on the constitutional issues involved in the voucher debate also contribute much of the published material on the topic. As with the voucher plans in Milwaukee, Cleveland, and Florida constitutionality concerns often trigger considerable debate. The Supreme Court ruling on the *Zelman v. Simmons-Harris* case in Cleveland (2002) has somewhat shifted this debate away from the issue of Establishment of

Religion to a greater focus on the specifics of individual state constitutions. Still, the debate centers on implementation details and validity issues of research on voucher programs.

The purpose of this study was to examine the actual political processes involved in proposing and passing or defeating voucher legislation. As Terry Moe (2002, p. 12) has asked about the voucher debate, “Can serious progress really be made at all, or are the barriers to success simply prohibitive?” Looking at actual legislative efforts and examining the barriers as well as the other factors involved in successful voucher proposals may have provided some answers to his question.

Voucher scholars have proposed various explanations for the fate of voucher proposals. In 1992, Rudiak and Plank completed a study that examined the “Politics of Choice in Pennsylvania.” Their study focused on the process by which the issue was placed on the legislative agenda. In their conclusion, they found that:

Control of the debate proved no match for the known political power of the PSEA and established interests. Only if advocates of choice can demonstrate comparable levels of organization and commitment can a private school choice bill be passed in Pennsylvania. (p. 6)

In his book *Schools, Vouchers, and the American Public*, Terry Moe (2001) states that:

The voucher movement will gain greatest political support when it moves away from the free market ideals toward limited, regulated approaches that begin with the neediest children. Over time, this path to reform is likely to succeed in transforming American education—leading not to a fully privatized system of

vouchers, but to a mixed system of government and markets, much as we have in our economy.

When discussing a failed voucher ballot proposition in California, Bulman & Kirp (1999, p. 47) refer to a poll taken prior to the election that suggested “the real problem resided in the particulars of the voucher plan, not in the attitudes of the citizenry.” And, as noted earlier, Michael Mintrom (2000) argues that strong individuals he calls “policy entrepreneurs” contribute to the coupling of policy streams and, ultimately, policy change.

While these are some thoughts about why voucher proposals achieve agenda status, and ultimately succeed or fail, a commonly agreed upon explanation had not been established prior to this study. Some of the ambiguity may be eliminated with the in-depth comparative case study presented here that examines the policy specifics and politics surrounding previous proposals. Such a study is well justified with determined school choice advocates certain to bring forth more proposals. As William Boyd (2007) suggested, “Like rust, they [school choice advocates] will never sleep about the school choice and privatization issue for it goes to the heart of their beliefs about liberty and the proper role of government.”



## **Chapter II**

### **Review of the Literature**

This review of the literature presents a discussion of the leading research that is relevant to the voucher debate. Keeping Kingdon's framework in mind, there is a focus on the problems, solutions and politics streams related to voucher proposals as they appear in the literature. While the focus of this review is on vouchers specifically, the literature often refers to the general concept of school choice. Therefore, data on both terms has been considered and identified accordingly.

The literature review is presented in two parts. First, is an overall review of vouchers followed by a review of the legislation of voucher proposals in Cleveland, Milwaukee, Florida, and Washington, D.C. The latter section looks at the attributes of other successful initiatives and serves as a point of comparison for the successful Colorado proposal. The information presented here is referred to in the data analysis and findings of this study.

## **Part 1: Literature Review of Vouchers and School Choice**

The following section provides an overview of the literature on school choice issues, most specifically vouchers. The review is presented in terms of the three policy streams: problems, policy specifics, and politics.

### *Problems*

From Friedman's advocacy of the voucher idea in 1955 to the controversies of today, vouchers have been thought of as a way to address certain ills of our public school system. When Milton Friedman advocated vouchers (Enlow, 2004; Brighthouse, 2000; Moe, 2001), he was suggesting that giving parents choice and taking away governmental control would create competition among schools, and, ultimately, lead to improvement. According to a report from the Friedman Foundation (Enlow, 2004), Friedman believed "that K-12 education in America would vastly improve if all parents were given a government funded voucher to purchase educational services at any private or public school. Such an arrangement, he argued, would denationalize schooling and lead to a more creative and vibrant educational industry" (p. 1). According to Terry Moe (2001):

Friedman's argument for vouchers was founded on the economic theory of markets. The traditional public school system, he observed, is a government-run monopoly in which schools are guaranteed students and resources regardless of how well they perform. The inevitable result is that public schools have few incentives to produce high-quality education, to respond to parents, to allocate

their funds efficiently, or to innovate in socially productive ways. The system, by its very logic, breeds mediocrity and stagnation. (p. 17)

Although Friedman's ideas received some attention from academics and educators, at the outset there was very little political support for the voucher concept (Moe, 2001; Brighthouse, 2000). Public schools in the 1960s and 1970s, however, saw significant changes in the diversity of the student body. According to Bulman and Kirp (1999), with the increasing heterogeneity of schools, more and more white, middle and upper-class families were looking for a way to reclaim what they saw as the private benefits of education. The release of *A Nation at Risk* in 1983 contributed to the growing discontent with public schools (Weil, 2002). Eventually, "the choice remedy was embraced by political conservatives who sought to improve the quality of local schools and advance the cultural and political homogeneity of particular communities" (Henig, p. 96).

In addition to the support from conservatives, some liberals in the late 1960s and throughout the 1970s also developed an interest in the voucher concept. Terry Moe (2001) suggests that this different perspective on vouchers grew from the capacity of such a system to promote social equity. The public schools were seen by some as an incredibly inequitable system, with poor, urban, minority students receiving the lowest quality education. As Moe (1995) notes, "white suburbanites already have choice, which they exercise by buying houses in the best school districts they can find...poor and minority populations in the inner cities, in contrast, tend to be trapped in the nation's worst schools—trapped because, for financial reasons, they have no choice" (p. 4). Additionally, upward mobility was becoming more elusive with minimum-wage jobs on

the one side and high paid technology jobs on the other pushing out the middle-class (Fuller et al, 1996). Scholars like Christopher Jencks, John Coons, and Stephen Sugarman saw vouchers as a way of “bringing educational opportunities to disadvantaged families” (Moe, 2001, p. 21).

In 1990, John E. Chubb and Terry Moe released the book *Politics, Markets and America's Schools*. According to Bulman & Kirp (1999), the Chubb and Moe treatise restated Friedman's proposal, but “capitalized on a moment when choice was the mantra” (p. 45) and, moreover, used empirical data to support their claims. Moe (2001) explained that he and Chubb drew on an established theoretical tradition and developed a new theory of educational governance and its impact on schools. “The bottom line,” he stated, “is that, given the way incentives are structured in politics, the usual top-down forms of democratic control inherently tend to bury the schools in bureaucracy and erode their performance” (p. 31). They were ultimately claiming that democratic control normally produces ineffective schools, and that school choice (specifically, in the way of vouchers) would be a panacea for public school woes (Chubb & Moe, 2001).

While “panacea” may not be a commonly agreed upon term, the possibilities offered through school choice have created enough support to work their way into federal legislation. As noted previously, the school choice option in the *No Child Left Behind Act* (2002) has been chided by some as a first step toward a federal voucher system (Jennings, 2003). The *NCLB* Act significantly increases the choices available to the parents of students attending Title I schools that fail to meet state standards. According to the Center on Education Policy (2003), “the choice requirements of NCLB are an outgrowth of earlier provisions for choice in the 1994 Improving America's Schools Act

(IASA) that allowed, but did not require, school districts to use funds to develop and implement public school choice programs for Title I children” (p. 56). Eugene Hickok, U. S. Undersecretary of Education, said that the purpose of the school choice requirement is to produce better schools (as cited by Schemo, 2002). Krueger and Ziebarth (2002) observed that the school choice requirements in NCLB put “a great deal of faith in the school choice movement, increasing federal support for charter schools and other voluntary public school choice programs” (p. 1).

The specifics of the choice provisions require that schools that have not made adequate yearly progress for two consecutive years or more must allow students the option of transferring to another public school or public charter school in the same district that has not been designated as in need of improvement, corrective action, or restructuring. School districts also have the option of developing agreements with neighboring districts in order to meet the choice requirements. Students who transfer to another school are allowed to remain at the school of choice until the highest grade offered at that school level. Under the regulations, “a student can be denied choice only in the very limited situation where state law specifically prohibits certain kinds of choice” (Center on Education Policy, 2003, p. 60).

The initial stages of implementation of NCLB’s school choice requirements have been shaky at best. The process was complicated by short deadlines and delayed performance data with some schools not receiving standardized test score data until after the start of the 2002-2003 school year, the first year of implementation. According to the National Working Commission on Choice in K-12 Education (2003), harm can result from school choice implementation if it is done “quickly, carelessly and on the cheap”

(p.8). Some states already had “open enrollment” policies and were, therefore, familiar with the *NCLB* choice provisions, but oftentimes this experience interfered with tracking students eligible specifically under *NCLB* (Education Commission of the States, 2002). Additionally, the use of the public school choice option has been limited to date. While some counties have experienced a significant impact, most have seen few students opting to transfer to a higher performing school. The Center on Education Policy (2003) attributes the limited use of school choice partially to lack of awareness by parents. Still others (Boyd, 2004) point out that the problems with the school choice provisions in *NCLB* highlight the limitations of vouchers overall. Specifically, choice is only possible when viable alternatives are available.

Of course, there are those who believe that the problems with public schools are overstated. In their book, *The Case Against School Choice*, Kevin Smith and Kenneth Meier (1995) state, “The ‘solution,’ however, may not have a problem to cure. Despite the gloomy statistics and the firm public perception of a system in crisis, a convincing argument can be mounted that America’s schools are not only performing well but are improving” (p. 15). While one cannot discount this perspective, it is not an answer to the problem per se, but rather an argument in itself against the need for vouchers.

In general, vouchers remain one of the most controversial elements of the overall school choice debate (Krueger & Ziebarth, 2002; Moe, 2001, Bulman & Kirp, 1999). Leaders of the voucher movement see the problems with public schools as insurmountable under the current system (Moe, 2001). But how would vouchers solve these problems? A look at specific voucher considerations may address this question.

### *Policy Solutions*

Policies are developed to eliminate or reduce problems that exist or might exist (Kingdon, 2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]). Therefore, one might conclude that voucher proposals are developed to eliminate or reduce the problems with public schools. Just as one might argue to what extent a problem really exists in public schools or what that problem really is, one might find a variety of solutions. Throughout this section, the wide range of solutions considered with voucher proposals and programs will be discussed.

The Milton & Rose D. Friedman Foundation developed grading criteria to evaluate current voucher programs (Enlow, 2004). This “gold standard...reflects Milton Friedman’s vision of a system of education where all students, regardless of income or any other criteria, are able to use 100 percent of the state and local funds to attend public and private schools that are largely free from government interference” (p. 2). The three criteria denoted in the report are (1) student eligibility, (2) purchasing power, and (3) school restrictions. Friedman believed that vouchers should be available to all students regardless of income and should include all schools, both public and private. For a voucher program to be effective, Friedman argued that it must “provide enough financial leverage to actually leave the public school system” (Enlow, 2004, p. 5).

Michael Mintrom (2000) suggests that a more liberal tradition started with the ideas of Christopher Jencks who suggested that “private schools could help remedy educational problems in the inner city.” In his book, *Social Choice and Social Justice*, Harry Brighouse (2000) counters Friedman’s criteria with a proposal more representative of the liberal ideas of Jencks. Brighouse agrees with Friedman that parents should be able to choose from among any type of school, and that the funds should cover the total

amount of the chosen education. However, unlike Friedman, Brighthouse argues that families should not be able to augment the voucher amount. Otherwise, wealthier families will be able to afford better educations and the divide will continue between them and their less fortunate peers. Additionally, Brighthouse suggests that schools should strive for diversity and be held to national standards. He believes schools should be regulated in terms of staff, physical plant, curriculum, admissions policies and financing in order to provide equal opportunities for students, and that accountability measures should be made public so that all families can make informed decisions.

As noted, the proposal from Harry Brighthouse (2000) offers a voucher program that addresses the equity concerns as highlighted by Jencks and echoed by the works of people like Coons and Sugarman. Bulman & Kirp (1999), however, question if “insisting on an equity component risks losing support of existing private schools and middle class parents--who may prefer charter schools” (p. 61). Levin looks at this idea optimistically when she asks if “decoupling school choice from its emphasis on unregulated tuition-vouchers and its market-driven ideology, and moving to other varieties of school choice [would] help garner more support from these [civil rights] groups” (p. 27)? Overall, Weil (2002) suggests that choice programs should not simply give more opportunities to already advantaged students, but create new opportunities for their disadvantaged peers.

Other elements that must be considered are both federal and state Constitutional issues. While the *Zelman* decision ended much of the discussion about the Establishment of Religion clause in the US Constitution (The Heritage Foundation, 2001), other state issues continue to plague the debate. Accordingly, accountability and transportation issues offer significant challenges for authors of voucher proposals. As the demand for



public accountability of schools grows in this country, private schools have not been held to the same standard. The regulation of private secular and sectarian schools is minimal, with significant autonomy in curricular, enrollment, financing, and employment issues. As for transportation issues, opponents and proponents alike are uncertain how to best manage such considerations.

In order to further outline the solutions offered with voucher proposals, it is helpful to look at current programs as well as notable failed attempts at legislation. The current programs include those in Milwaukee, Cleveland, and Florida while the failed attempts are Proposition 174 and the Alum Rock proposal in California, as well as a notable proposal in Jersey City, NJ. Table 2.1 highlights the key provisions of the Milwaukee, Cleveland, Florida and Washington, D.C. programs.

In the 1960s, the Office of Economic Opportunity (OEO) commissioned Christopher Jencks to develop a voucher program to “give greater voice to economically disadvantaged families and make schools more responsive to their needs” (Bulman & Kirp, 1999, p. 41).

Jencks proposed giving vouchers to the parents of public school students. The vouchers could be redeemed at any school, public or private, that participated in the experiment. Poor children would receive vouchers worth additional dollars as a way of encouraging schools to accept these students and providing those schools with the extra funds needed to educate them. Schools that opted to join this experiment would be required to accept the voucher as full payment. If there were more applications than a school could accommodate, it could admit up to half of its students using its own selection criteria, but the remaining slots would

|  | <b>Cleveland Scholarship and Tutoring Program</b>  | <b>Milwaukee Parental Choice program</b>   | <b>Florida's A+ Opportunity Scholarship Program</b>   | <b>Washington, D.C.</b>   |
|--|--|--|---|---|
| <b>Student Eligibility</b>                           | Cleveland residency. Priority to families with income below 200% of federal poverty level.   | Milwaukee residency. Income may not exceed 175% of federal poverty level.  | Students assigned to a Florida public school with an "F" state rating twice in the previous 4 years.  | Students of families whose household income does not exceed 185% federal poverty level.   |
| <b>Other Eligibility Standards</b>                   | K-8 eligibility. Some restrictions apply involving prior year school attendance.   | K-12 eligibility. Some restrictions apply involving prior year school attendance.  | K-12 eligibility, continuing through grade 8 or grade 12, depending on the grade levels offered by the chosen school.   | Previous scholarship recipients and victims of school violence get priority.  |
| <b>School Eligibility</b>                            | Private schools in Cleveland and Municipal School district or public schools in adjacent districts.  | Private schools in the City of Milwaukee.  | Private schools in Florida or public schools with a state rating of "C" or better within or adjacent to the district of eligible students.  | All private and public schools in the District of Columbia and surrounding areas  |
| <b>Maximum Student Participation</b>                 | Depends on funds allocated by the legislature. Participation for 2001-02 is 4,195 scholarship recipients in 50 schools.  | No more than 15% of the Milwaukee Public Schools' enrollment, or about 15,000 students. Participation for 2001-02 is 10,739 students in 106 schools.   | No limit. Participation for 2001-2002 is 47 students in 5 private schools and 82 students in other public schools.  | N/A   |
| <b>Voucher Amount</b>                                | Either 90% or 75% of a private school's tuition (depending on family's income level), or \$2,250, whichever is less.   | In 2001-02, the lesser of \$5,553 per pupil or the private school's audited per pupil cost of education.   | Based on the local district's per pupil cost or the private school's tuition, whichever is less.  | \$7,500   |
| <b>Selection Criteria</b>                            | Students are accepted on a random basis. Siblings of current participants are given preference.  | Same.  | Same.   | N/A   |
| <b>Regulations for Participating Private Schools</b> | May not discriminate on the basis of race, ethnicity or religion, nor advocate hatred or foster unlawful behavior. Must register with the state education superintendent and attain minimum enrollment requirements. | Must follow laws that apply to all Wisconsin private schools. Must follow state accounting standards and file an independent audit. Must comply with health and safety codes and with specified federal civil rights laws. | Must comply with state's private school laws and specified federal civil rights laws. Must meet health and safety codes and demonstrate fiscal soundness. Subject to criteria adopted by a nonpublic school accrediting body. | In General. An eligible institution participating in the scholarship program under this Act shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this Act. |

*Table 2.1.* A comparison of Voucher Programs in Ohio, Milwaukee, Florida, and Washington, D.C. (Center for Education Reform, 2002; Heritage Foundation, 2006).

be filled by lottery. As a way of aiding parents to make informed choices, participating private schools would be required to publicize the school's programs and its students' academic performance. (p. 41)

Intense opposition grew to the plan and eventually only one California school district, Alum Rock, signed on. By the time the plan was implemented, it differed significantly from the ideas of Jencks. Eventually, funding for the program ran out and the program ceased to exist. (Bulman & Kirp, 1999)

Designed on the equity-based ideas of Coons and Sugarman, California's Proposition 174 would have provided a voucher worth about half the average per pupil expenditure to all families with children in private schools (Bulman & Kirp, 1999). Riding on the success of the Milwaukee proposal, however, the traditionalists wanted "voucher systems built around free markets and universalism—and they believed the American people would move in this direction if given a chance to vote on it" (Moe, 2001, p. 359). Their efforts, however, were futile as the proposal was defeated by 70 percent of California voters (Weil, 2002; Moe, 2001).

Not long after the defeat of Proposition 174, the mayor of Jersey City, NJ began his attempt at passing voucher legislation. As a Republican mayor with a Republican governor, the conditions seemed favorable to establish a voucher program in an urban area with a large minority population. According to Bulman & Kirp (1999), when proposed the proposal lacked clear guidelines. "The plan for a five-year experiment did not specify the size of the voucher, but it was plainly modest: estimates hovered around \$1,000. Vouchers would be granted to economically disadvantaged, but only those then enrolled in the first and ninth grades, and could be redeemed at parochial schools"

(p. 51). After considerable opposition by the teachers' union, the legislature removed the Jersey City voucher plan from the election agenda (Bulman & Kirp, 1999).

The influence of the teachers' union is noted many times as a significant barrier for voucher proposals (Bulman & Kirp, 1999; Rudiak & Plank, 1992). As large, financially strong organizations, such unions can have great influence on legislative decisions. These, and other organizations, can place considerable political pressure on voucher proposals. The next section addresses the political climate surrounding the voucher debate.

### *Politics*

As is the nature of a debate, there are two sides to every issue—sometimes even more. The voucher issue has advocates and opponents with a variety of political interests and concerns. According to Kingdon, the political stream is “composed of such things as public mood, pressure group campaigns, election results, partisan or ideological distributions in Congress, and changes of administration” (p. 145).

The annual Phi Delta Kappa/Gallup Poll collects information on public opinion on school choice issues. Before proceeding further, it is important to note that while this poll is often viewed as authoritative, it has been strongly challenged by Terry Moe (2002, Spring; 2002, Fall; Rose & Gallup, 2002) who contends that the poll has “cooked the questions” to bias the results against vouchers. According to the 38<sup>th</sup> Annual Phi Delta Kappa/Gallup Poll (Rose & Gallup, September, 2006), the percentage of participants favoring vouchers dropped slightly—from 38% to 36%—since the previous poll in 2005. The findings of the poll noted that the percentage of participants in favor of vouchers has

varied from 24% in 1993 to 46% in 2002, with the current number similar to the mid-1990s

Other voucher related questions asked in previous polls but not in 2006 offered slightly different responses. The majority of respondents in 2003 believed that students who use vouchers to attend private schools would make improvement in academic achievement while the achievement of students remaining in public schools would remain the same. Accordingly, 62% of the public said that they would send a child to a private school if given enough money to cover the cost of tuition. (Rose & Gallup, 2003)

Some of the literature suggests a variance in these responses when broken down by race. In reference to a 1998 Gallup poll, Betsy Levin noted that “72 percent of blacks said they favored the right to choose a private school at ‘government’ expense.” Weil (2002) makes reference to the fact that African-American support is growing for vouchers. Weil claims this is due to the fact that they think it is “unfair that white, rich, or upper-middle class parents can opt out of public schools” while minority students are trapped in failing, urban schools. Additionally, the Milwaukee voucher program gives a lot of credit for its legislative success to minority parents who were angry over the closure of many schools due to poor performance (Bulman & Kirp, 1999).

In addition to his objections to the Gallup Poll, Terry Moe (2001) argues with poll findings in general, noting that much of the public knows little, if anything, about vouchers. A survey he conducted found only 35 percent of the respondents had ever heard of vouchers. Those who are well informed about vouchers are generally higher in education, income and age. Moe continues that responses to questions on vouchers vary greatly depending on the wording of the question. His main conclusions are: (1) An

interest in going private is by far the most important determinant of parent support for vouchers; (2) Support for vouchers is especially strong among parents who are low in social class, minority, and from low-performing school districts; (3) Religious affiliations relate directly to support for vouchers with Catholics and born-again Christians showing the most support. Political party affiliations, however, are only significant for the more well informed; (4) Parent dissatisfaction with schools leads to greater support for vouchers.

Parents, however, are not the only group with an interest in the voucher debate. The teachers unions create some of the strongest opposition to voucher proposals. “To the question, are the teachers unions in favor of school choice? The simple answer is no” (Buss, 1999, p. 300). This echoes the discussion by Rudiak & Plank (1992) on the impact of the Pennsylvania School Education Association on failed proposals in that state as well as findings by Moe (2001) and Bulman & Kirp (1999). Democrats and civil rights groups are also typically in opposition to voucher plans (Moe, 2001). On the other side of the debate are right-wing religious groups, Republicans, and conservative businesspersons (Moe, 1995, 2001; Weil, 2002).

Much of the opinion on voucher proposals stems from the traditional arguments for and against such plans. Table 2.2 illustrates these common arguments.

**FOR****AGAINST**

|  |  |
|--|--|
| <p><b>Liberty</b> – Fosters liberty &amp; freedom of choice for parents and students, including the right to a religious education and/or one consistent with family values.</p>     | <p><b>Equality</b> – Freedom to choose schools will undermine equality and democracy. The disparities between rich and poor will increase. “Freedom for the sharks is death for the minnows.”</p>  |
| <p><b>Efficiency</b> – Market forces will force all schools to operate more efficiently &amp; effectively. Productivity and achievement will improve in all schools.</p>             | <p><b>Destruction of a ‘public good’</b> – Market forces will destroy the public education system by siphoning off both funding and advantaged children, making the public schools low prestige schools of last resort.</p>  |
| <p><b>Shared community</b> – Allowing students and teachers to choose schools will create school communities of shared values, maximizing engagement with teaching and learning.</p> | <p><b>Destruction of societal consensus &amp; democracy</b> – Allowing school choice will fragment society by fostering ‘separatist’ schools, undermining civic culture and shared national values. Inequalities between social classes, ethnic groups, etc., will increase.</p> |

*Table 2.2.* Main arguments for and against school choice. Chart created by William L. Boyd. (Reprinted with permission from Dr. William L. Boyd (November 11, 2003).

## **Part 2: Review of Successful Voucher Legislation**

This section provides a review of the literature concerning the attributes of successful proposals in Cleveland, Milwaukee, Florida, and Washington, D.C. In keeping with the framework of the overall study, the review considers the problems, solutions, politics, and other contributing/contextual factors associated with legislation of each bill. The cases are presented individually with a brief synthesis provided at the end of the chapter.

### *Milwaukee*

The Milwaukee Parental Choice Program (MPCP) was the first publicly funded voucher program that allowed funds to be distributed to private schools (Milwaukee Parental Choice Program, 2005, January). As such, it has been the most visible and intensely examined program. The proposal was also the first of its kind targeted specifically at poor, minority students (Moe, 2001).

### *Problems*

In 1965 a lawsuit was filed in Milwaukee alleging deliberate public school segregation. As a result, a voluntary desegregation plan was adopted, Chapter 220 (Thompson 'intrigued', 1990, April 10). Despite the good intentions of the plan, other economic forces and demographic changes in the population saw a greater shift of white students to the Milwaukee suburbs. What remained were poor, black students in neglected, under-funded schools (Bulman & Kirp, 1999) where the African-American grade point average was a D (Weil, 2002).



Chapter 220 remained as the only available solution to the increasingly segregated city until a group of urban school parents, led by a state representative named Polly Williams, decided that their children deserved a quality education in their neighborhood schools (Moe, 2001). Supported by then Governor Tommy Thompson and other Republicans and led by Rep. Williams, the parents designed a voucher program that would be available to poor, inner-city students who deserved the same opportunities as their white peers (Bulman & Kirp, 1999). The MPCP was established in 1989 Act 336 (Kava, 2003) and allowed up to 1,000 poor Milwaukee children to attend private, non-sectarian schools at state expense (Schuldt, 1990, May 9).

In early 1990, the Chapter 220 plan came under scrutiny for its lack of results, and Mayor John O. Norquist threatened to dismantle the program. Opponents of the program argued that it “arbitrarily punishes city residents and promotes residential segregation” (Schuldt, April 4, 1990). The director of the city’s Department of Administration proposed that “district funding should be transferred to a new system that would provide vouchers to all Milwaukee parents to pay for their children’s education in any public or private non-sectarian school in the city” (Thompson ‘intrigued’, 1990, April 10).

A public opinion poll released in September 1990 found more than half of Milwaukee residents in favor of abolishing the desegregation policy. Additionally, 48 percent of the respondents believed that the Milwaukee Public Schools (MPS) had gotten worse over the past five years versus only 13 percent believing they had improved. Seventy-two percent of those surveyed believed private schools offered a superior education to MPS, some 69% of black respondents favored a plan that would allow city residents to bus their children to any school in the district, and nearly a third of those

surveyed stated that they would use the vouchers to attend a private school. (Schuldt, 1990, September 22)

The MPCP first went into effect for the 1990-1990 school year. The program was funded through a shift in monies from the Chapter 220 program after a city attorney declared no new law needed to be passed to enroll public school children in private schools.

#### *Policy Specifics*

The most unique factor of the MPCP proposal as compared to previous voucher ideas was the focus on the problems of urban education. It was the first time a voucher program was designed exclusively with poor, minority students in mind. Specifically, eligible families had to reside in the City of Milwaukee and their income could not exceed 1.75 times the national poverty level. The private school tuition for voucher students could not be greater than the value of the voucher. The vouchers were worth approximately \$3,500 per child, or more in special cases (Schuldt, 1990, April 4). Initially, 1.5% of the students in the City of Milwaukee were eligible for the MPCP. (Bulman & Kirp, 1999)

The original Milwaukee plan also limited participation to public and secular private schools. Religiously affiliated schools were not included in the plan. This aspect of the plan was changed with amendments to the bill five years later, with religiously based schools subsequently accounting for the majority of voucher students (Henig & Sugarman, 1999). The student population of participating schools was not to consist of more than 65% voucher students. If a participating school was over capacity with voucher applicants, a lottery system was to be used to determine which students would be

granted admission. The State Superintendent was to ensure that private schools accepted pupils on a random basis.

Participating private schools were required to meet all state health and safety laws and other federal laws and regulations. Additionally, the proposed program required that at least 70% of the pupils in the program advance one grade level each year, that the school's average attendance rate for pupils in the program is at least 90%, that at least 80% of the pupils in the program demonstrate significant academic progress, and that at least 70% of the families of pupils in the program meet parental involvement criteria established by the school. (Kava, 2003)

Under the MPCP, transportation was established as the responsibility of the Milwaukee Public Schools. However, it was only required to the extent that transportation is provided for other private school pupils.

### *Politics*

Attempts at voucher legislation in Milwaukee began prior to the involvement of State Representative Polly Williams. The Republican governor at the time, Tommy Thompson, was a strong advocate of the voucher movement. His voucher plans reflected the traditional free-market emphasis of the early voucher movement. His proposal was for a universal voucher program available to all students and including private, religious schools. (Weil, 2002)

After defeat of this proposal in 1988, and with growing dissatisfaction with Chapter 220 and the Milwaukee Public Schools, Governor Thompson joined forces with Polly Williams and other disgruntled Milwaukee Public School parents. Together they developed a voucher plan that was limited to underprivileged, inner-city students and

included only secular private schools. This new and unusual alliance faced the traditional opposition.

The Wisconsin Education Association Council (WEAC) and the superintendent of the Department of Public Instruction, Herbert Grover, were outspoken in their opposition to the voucher program. Mr. Grover and the teacher's union filed a lawsuit trying to block implementation of the program on the grounds that the private schools adhere to "a blizzard of rules and forms never specified in the law. Among them are that each school have facilities to handle every type of learning disability, a requirement that each individual Milwaukee public school need not meet" (Wall Street Journal, June 27, 1990). The lawsuit was dismissed in August 1990.

Both the teacher's union and the superintendent were highly criticized for their stand against the program. The Wall Street Journal (1990, June 27) blasted Mr. Grover, comparing him to George Wallace who stood in the schoolhouse door to block two black students from enrolling in the school of their choice in 1957. The WAEC was accused of putting its function as a labor union—to ensure job security, high pay, good working conditions and protection from outside competition—above education initiatives (Greenfield, 1990, December 15,).

In the end, the social justice aspect of the proposed program proved too powerful for the opponents to defeat (Moe, 2001). As Terry Moe notes, the traditional voucher movement "came to an end with the victory in Milwaukee which showed for the first time that vouchers could be politically potent when targeted solely at kids who need help the most" (p. 371). It was not until five years after the MPCP was adopted that a legislature newly controlled by Republicans amended the program to include religious

schools and students already attending private schools—much to the chagrin of Polly Williams (Henig & Sugarman, 1999).

*Contributing/contextual factors*

State Representative Polly Williams was a true “policy entrepreneur” (Mintrom, 2000) who devoted her energies toward passing voucher legislation. Additionally, Ms. Williams, who had been a welfare mother, represented the minority population underserved by the city schools and was able to rally other Milwaukee Public School parents to fight along with her. Her unique coalition with a Republican governor created an alliance difficult for the traditional voucher opponents to defeat.

Also specific to the Milwaukee case was the ability of the legislature to shift funds from the failing Chapter 220 program to the voucher program. The availability of funds made it difficult for the opposition to include a discussion of costs in their debate against the program.

### *Cleveland*

Inspired in part by Milwaukee's program, the Cleveland voucher program began in 1996-97 and was the first to include religious schools as options. The Milwaukee program later made these accommodations, but did not originally include sectarian schools.

#### *Problems*

Referring to the Milwaukee program where participants were predominantly black, Cleveland Catholic Bishop Anthony M. Pilla, argued that a voucher program would further improve the racial and economic mix in non-public and public schools. Prior to implementation of the Cleveland voucher program, Bishop Pilla and other bishops were running a campaign to seek increased state aid for parochial schools. Pilla suggested, "the present governmental policy of denying most types of public financial aid to church-run schools takes away the ability of the poor to have a choice about their children's education." (Holland, 1991, October 4)

At the same time, the city was suffering from a failing public education system. In *Cleveland's School Voucher Program: The Politics and the Law*, Robert Alt (1998) states that:

despite spending \$6,195 per pupil in 1995—sixteen percent more than the state average—the Cleveland City School District's (CCSD) performance was abysmal. The dropout rate was more than twice the state average; only nine percent of Cleveland ninth graders passed a basic proficiency test; students were statistically more likely to become victims of crime than to graduate on time with basic proficiency. The district's debt-to-revenue ratio was a crippling twenty-five

percent, making it the hands-down debt leader in the state. The Auditor of the State of Ohio declared that “the educational delivery system is not accomplishing its purpose,’ and a federal judge ordered the state superintendent of education to assume control of CCSD’s finances and administration. In short, Cleveland spent a tremendous amount of money on public education, yet failed to produce educated students. (p. 1)

The Cleveland City School District was unarguably the worst system in the state. Not only were students failing, but buildings were beyond repair and student health and safety were becoming serious issues (Kozar & Domask, 1998). Republican Representative Michael A. Fox wrote, “It’s hard to imagine things being worse. The Cleveland public schools reap an annual harvest of failure that is nothing short of educational genocide. Unfortunately, this system-wide failure not only robs these children of their piece of the American dream but, more ominously, it endangers the dream itself” (Fox, 1992, March 8). In order to address the problem of failing schools, and after other reform efforts had failed (and perhaps in response to the Catholic Bishop campaign, although not noted in the literature), the state legislature enacted the Cleveland voucher program.

### *Policy Specifics*

As previously noted, the Cleveland voucher program was adopted with the inclusion of religious schools. Other secular private schools and public schools in neighboring districts were also invited to participate. When the program began, Cleveland students in Kindergarten through third grade were eligible to participate.

However, the grades eligible for enrollment have increased each year so that students through the eighth grade are now able to apply for vouchers. (Hanauer, 2002)

The vouchers were granted via a lottery system, with only 50 percent of vouchers allowed for students attending private schools at the time of application. As of 2003, families below 200 percent of the poverty level received \$2250, or 90% of the tuition rate—whichever was less. Families above that income level were eligible for \$1875 and had to supplement the remainder of the tuition cost out of their own pockets.

In consideration of teachers in the CCSD, severance packages or early retirement plans were designed to alleviate possible layoffs. Finally, the Department of Education was to fully reimburse the Cleveland public schools and cover transportation costs for voucher students. (Kozar & Domask, 1998)

### *Politics*

The idea for a statewide voucher program was first introduced in the Ohio legislature in the early 1970s and then again in 1989. However, neither of these bills received enough attention to achieve legislation. When Republican George Voinovich ran for office in 1990, it was no secret that he was an advocate for school choice options. After being elected into office, Governor Voinovich organized a “Commission on Educational Choice.”

The mission of the commission was not to push a voucher agenda, but to ease legislators into the idea by conducting research on the topic and encouraging debate about solutions for failing schools. One of the most powerful reports sponsored by the



Commission was the Kearney Report. The consulting firm that prepared the report found that Ohio would save over \$600 million by launching a statewide voucher program.

In 1992 and 1993 bills for statewide pilot programs appeared in the state legislature. In both cases, the state teacher's unions were strongly opposed. The unions were joined in opposition by the AFL-CIO, the Ohio PTA, and the Ohio School Boards Association. These groups combined forces and put enough pressure on state legislators that both the 1992 and 1993 bills died in committee. But, the lessons learned from these bills provided ammunition for the resolute voucher advocates.

When the 1994 elections came around, there was a strong push for school choice supporters to be elected into office. The push was successful and support for vouchers grew in the General Assembly. Another bill was introduced in 1995. Unlike previous proposals, the 1995 bill was designed as an appropriation of the overall budget bill. The usual opponents tried to pressure the General Assembly into dropping the voucher program from the overall budget. Both the Cincinnati Federation of Teacher's and the American Civil Liberties Union of Ohio threatened to take the proposal to court even before it was introduced in the legislature (School voucher opponents, 1994, December 13). While they failed to intimidate the House, they succeeded with the Senate. Eventually, the scope of the bill was narrowed to the state's most troubled school district—Cleveland.

In February of 1995, Cleveland Councilwoman Fannie M. Lewis and nearly 300 supporters marched into the Ohio capitol city of Columbus and demanded the legislature approve the voucher program for their city. The group confronted state legislators opposed to the plan and spoke to reporters about their demands. In the excitement of the

events, Councilwoman Lewis declared, “I’m sure no legislator in his right mind is going to tell us we can’t have a choice.” (Stephens, 1995, February 1)

After amending the budget to accommodate some of the concerns of Democratic legislators, the plan was approved in April 1995 and signed on June 29, 1995.

*Contributing/contextual factors*

As was the case in Milwaukee, the Cleveland voucher program gathered support from non-traditional advocates. Inspired by the actions of Polly Williams in Milwaukee, a group of Cleveland residents began fighting for a voucher program. Cleveland Councilwoman Fannie Lewis, “that city’s Polly Williams” (Moe, 2001), represented one of the poorest neighborhoods in the city. She was able to mobilize parents in this and other Cleveland neighborhoods in support of the voucher movement. After rallying outside of the Statehouse, the media attention given to these parents put a face on the voucher plan that neither side of the argument was able to ignore. (Kozar & Damask, 1998)

Success of the Cleveland program was also linked to the plan being included as part of the overall state budget. This was dissimilar to the two previous attempts at legislation in that state, and took some of the focus off of the voucher program. The two earlier proposals were also introduced as statewide plans while the third plan was limited to Cleveland city schools.

### *Florida*

On June 21, 1999, the Florida A+ Opportunity Scholarship Program became the first statewide voucher system in the nation. Unlike the Milwaukee and Cleveland programs that were limited to city residents, the Florida program was designed to include all students from around the state that attended failing schools.

### *Problems*

Similar to the situations in Milwaukee and Cleveland, failing public schools were identified as the primary reason for the push for vouchers in Florida. According to the Florida Department of Education (2004), when Jeb Bush took over as Governor of Florida, only 50 percent of the state's fourth graders were performing at the fourth grade level. Over one-third of Florida's ninth graders failed to earn a C average. And, the high school graduation rate was only 52 percent.

State standards and comprehensive achievement tests had already been established and a school grading system was in place. At the time the law was adopted, nearly 170 out of 2,370 K-12 public schools across Florida were projected to be classified as "failing" on the five-level, A-to-F, grading scale (Elam, 1999).

### *Policy Specifics*

The Florida voucher program was introduced as a plan to help students in failing schools. As part of the plan, schools were to be graded annually by the state department. Grades are based on Florida Comprehensive Achievement Test (FCAT) scores, out-of-school suspension rates, percentage of students absent more than 20 days, dropout rates,

promotion rates, percentage of students eligible for free or reduced-price lunches, and mobility rates. The FCATs were, and still are, given every year in the third through 10<sup>th</sup> grades for reading, writing, and math. Science was to be added in 2003. All students, including voucher students, were required to take the annual exams. (Elam, 1999)

It was proposed that students who attend schools that fail two out of four years were eligible for vouchers. These children were allowed to transfer to another public school in the district or surrounding district, or accept a voucher to attend a private school. Private schools that accepted students had to do so on a random basis. These schools were to be pre-existing schools (at least one year) and had to adhere to many state guidelines for private schools. (Elam, 1999)

The voucher amount was set as equal to the per-student funding in the child's home district, ranging between \$4,000 and \$5,000. In 1999, Elam wrote that, "the new law increases the scope of subject areas that teachers must master in order to be certified by the state...School districts are barred from promoting students to a higher grade on the basis of age or social factors...School districts have the right to hire or fire any teacher at failing schools, regardless of seniority or tenure....In 1999-2000, state appropriations for education will have increased by about 10%."

### *Politics*

Republican Governor Jeb Bush led the Florida voucher movement and was supported by a Republican-dominated legislature. Although the Florida Attorney General was one of the highest-ranking state officials in the Democratic Party, he also supported the Bush plan. And, longtime Miami Urban League president T.W. Fair was

another atypical voucher advocate. Fair was also a board member of the advocacy group, Floridians for School Choice. (Silva, 1999, June 27)

On the other side of the debate, a coalition of teachers, parents, union representatives and civil rights groups opposed the Bush proposal. The Florida Coalition for Public Education argued that the Bush plan did nothing to improve conditions for public schools. The American Civil Liberties Union (ACLU) was determined to show that “Opportunity Scholarships violate Florida’s constitutional separation of church and state provision by using government money to fund religious schools” (Anderson, 1999). This argument was also made by the National Association for the Advancement of Colored People, and has continued to the most recent court cases (NAACP, 2004). A statement by the National Education Association (NEA) President suggested that a voucher program would only make it harder for Florida public schools to improve (National Education Association, 1999). The teacher’s union spent more than \$1 million on advertisements opposing the tuition vouchers. The NAACP, ACLU, and teacher’s union filed a joint lawsuit against the plan (Silva, 1999, June 27).

Despite the opposition, Governor Bush and his allies were able to gather enough support for the voucher legislation. In June 1999, “the Florida House approved the A+ plan by a vote of 70 to 48, and the Senate by a vote of 25 to 15” (The Heritage Foundation, 2004). The plan, although enacted, was in the courts ever since its adoption. On January 5, 2006, the Florida Supreme Court decided that the program could not offer scholarships to students attending private schools. Students remained able to transfer to higher achieving public schools. (Florida Department of Education, 2006)

*Contributing/contextual factors*

Unlike the Milwaukee and Cleveland cases with Polly Williams and Fannie Lewis, the literature on the Florida plan does not identify a specific, non-traditional advocate of the Florida program. Instead, Republican Governor Jeb Bush is identified as the greatest advocate for the program. The literature does note that Governor Bush and his supporters gave a great deal of thought to creating a social justice element in their proposal. Not only was the plan designed to help students—generally poor and minority—in failing schools, but the name for the plan itself was given careful consideration. Originally drafted as a voucher program, the title “Opportunity Scholarship Program” received greater support from the media and public, as they saw the plan as giving an opportunity to those who would otherwise not have one (Elam, 1999).

An article in *The Miami Herald* (Silva, 1999, June 27) captured the essence of the debate over semantics when highlighting a dialogue between Attorney General Bob Butterworth and Governor Jeb Bush.

Bush has sympathy for the political pain Butterworth suffers. “I said that vouchers are a bad idea,” Butterworth concedes. “These are opportunity scholarships,” says Bush, approaching from behind and clasping hands on shoulders. “I think opportunity scholarships – governor – are fantastic,” blurts Butterworth, laughing. “But those damn tuition things, I don’t know.”

The support of the Attorney General as well as the leader of the Miami Urban League was linked with success of the program. These high-profile Democrats were non-

traditional voucher advocates who turned the focus of the voucher debate to the needs of the underprivileged students.

Finally, as in the Cleveland case, the Florida Opportunity Scholarships were included in an overall state budget. While this study in no way suggests this influence will determine the outcome of a voucher bill, the data shows a link between including the proposal as part of an overall bill and legislative success in some cases.

*Washington, D.C.*

As the newest of the publicly funded voucher programs, there was the least literature available on the D.C. plan. However, this recently adopted program has generated enough debate that the available editorials and articles provided a clear summary of the problems, policy specifics, and politics surrounding the plan.

*Problems*

According to Deroy Murdock (2003), a contributing editor for the National Review Online, there were a variety of problems in the D.C. Public Schools (DCPS). The school district spent on average almost twice per-pupil than the average of each of the fifty states. Meanwhile, DCPS showed a 42 percent high-school dropout rate, only six percent of eighth graders performed at grade-level math on the 2000 National Assessment of Education Progress (NAEP) exams, and only ten percent of fourth graders read at grade level. A federal report card required by the No Child Left Behind Act showed that 83 of 151 city schools tested failed to make adequate progress (D.C.'s Report Card, 2004, April 3).

Additionally, according to one critic, the "DCPS ethical environment is virtually toxic. The Washington Teachers Union's labor bosses allegedly embezzled \$5 million in membership dues to purchase antiques, fine art, furs, and more. WTU's parent, the American Federation of Teachers, apparently let its affiliate run loose" (Murdock, 2003). Ironically, part of this money was used to send the grandchildren of the WTU president to private schools. Many of the city's elite, including four out of 13 City Council members, also sent their children to private schools due to dissatisfaction with the DCPS.



### *Policy Specifics*

In his article, *How Vouchers Came to D.C.*, Spencer Hsu (2004) noted that the first ever federally funded voucher program provided as much as \$7,500 each to children in DCPS. Overall, the “D.C. School Choice Incentive Act of 2003 provides \$65 million (plus \$5 million for administrative costs) over five years to send as many as 1,700 low-income D.C. students to private and parochial schools starting in the fall of 2004. The grants are limited to those households earning up to 185 percent of the poverty level, about \$34,873 for a family of four in 2004. Scholarships are aimed at students from low-performing D.C. public schools” (Hsu, 2004).

The program also provides \$13 million for charter schools and \$13 million for the D.C public school system. (Hsu & Blum, 2004, January 23)

### *Politics*

According to Spencer Hsu (2004), how school voucher advocates engineered the breakthrough is the story of a complex alignment of interests among conservative education activists, the Republicans who control Washington, and the local leaders of a majority African-American city. The legislation’s passage, the culmination of a nine-year fight in Congress, attested to the school choice movement’s persistence, deep pockets, and ability to capitalize on Washington resident’s frustration with their struggling public schools.

(p. 1)

The Republicans who controlled Washington, D.C. included the self-proclaimed school choice advocate, President George W. Bush, as well as a Senate and House of Representatives both with a Republican majority. When speaking about the likelihood that a voucher program would pass legislation, Erik Robelen (2003) noted, “Republicans, by and large voucher proponents, control both chambers of Congress. President Clinton is no longer around to wield the veto pen” (p. 1).

Adding legitimacy to their fight for vouchers, the Republicans were joined by non-traditional Democratic supporters, including the Mayor of Washington, D.C. According to Craig Timberg and Justin Blum of the *Washington Post*, Mayor Anthony A. Williams “supports private school vouchers as a way to improve educational offerings for D.C. schoolchildren and to transform the lagging of the public school system” (p. 1). The Mayor’s support, however, hinged on the additional assistance to DCPS and additional funding for charter schools in the District (Timberg, 2003, May 3).

In addition to the Mayor, other non-traditional voucher advocates began to endorse the proposal. School board president Peggy Cooper Cafritz originally declared the school board in strong opposition to the voucher plan, but changed her tone in an editorial piece in the *Washington Post* (D.C.’s Report Card, 2004, April 3) where she conceded that they must find some good in the plan. A Democratic D.C. council member Kevin P. Chavous also came out in support of vouchers, as did the *Washington Post* itself. (Hsu, 2004; Timberg & Blum, 2003) Venn Strategies, a lobbying firm, was hired by the American Education Reform Foundation to advocate for the plan.

The Coalition for Accountable Public Schools lobbied against the plan. The group included the D.C. activist group Parents United for the D.C. Public Schools, People for the American Way, the NAACP, and the D.C. PTA.

*Contributing/contextual factors*

Perhaps the most telling reason for the success of the D.C. voucher program was the status of the traditionally forceful teacher's union. As Hsu (2004) noted, "the most powerful force opposing vouchers in D.C. politics, the local teachers union, had fallen into disarray" (p. 2). The embezzlement problems noted previously "neutralized the union's clout just as its political influence would be tested most" (Hsu, p. 2).

The non-traditional support from a Democratic mayor and school board president were also associated with the success of the D.C. proposal. As in the Florida case, this advocacy shifted the focus of the program from a partisan issue to one concerned with the education of the city's disadvantaged students.

Unique also to the D.C. case was the control of the decision by the U.S. legislature. This was not a state issue, but a federal one, in a time dominated by Republicans. (Timberg, 2003, May 3)

### *Case Comparison*

In analyzing the literature on each of the four current programs, many similarities were evident across the policy streams—problems, policy solutions, and politics. Of course, some differences were also apparent. In this comparison, the guiding questions for the study were revisited in order to provide an understanding of why the current programs all gained legislation. These questions are: (1) What factors contributed to the successful voucher bills? (2) How were these factors present or absent in unsuccessful proposals? (3) What was different in the political process, "policy windows," and circumstances surrounding the successful bills? (4) Why were the opponents not able to defeat the successful bills? In short, why did a few voucher proposals succeed where the others failed? The understandings drawn here are referenced in Chapter IV, Data Analysis, in relation to the findings in Colorado and Pennsylvania.

When looking at the problems identified by the literature, failing public schools were common to all of the programs. Opponents and advocates of each case agreed that the public schools were not adequately serving poor, minority children. In Cleveland and Milwaukee the schools were described as the worst in the state, and the D.C. public schools were touted as some of the worst in the country. The Florida case varied because it was introduced as a statewide plan. Instead of referring to the abysmal conditions of the public schools in general, the literature noted failure of just some schools as a driving force.

The set of criteria established by the Milton Friedman foundation for evaluating voucher programs were considered when analyzing the policy specifics of the current programs. As Friedman outlined, the three criteria were (1) student eligibility, (2)

purchasing power, and (3) school restrictions (Enlow, 2004, p. 5). Other similarities and differences not distinguishable with the Friedman criteria were also identified.

Based on the perceived problem of failing public schools, all of the adopted plans were targeted at students suffering from these schools. Only the Florida case would have gained points toward Milton Friedman's gold standard as it was not limited by income. The specifics of the Cleveland, Milwaukee, and Washington, D.C. plans made vouchers available only to poor students. In Florida, the emphasis was on identifying failing schools across the state and allowing students attending these schools to attend another public or private school of their choice.

Also in common to each of the plans, was the significant dollar amount allocated to each voucher recipient. The amount of the voucher is significant in its ability to allow poor students the opportunity to afford a private school. As Milton Friedman had argued, a voucher program is only effective if it enables students to leave the public schools (Enlow, 2003). In each of the successful cases, the voucher amount was enough to at least cover most of these expenses.

In terms of school restrictions, only in Milwaukee were religious schools not originally included as part of the program. Since implementation the Milwaukee program has expanded to include sectarian schools while the Florida Opportunity Contracts no longer allow money to go to any private schools.

An analysis of the political stream showed, to no surprise, each of the successful voucher proposals was led by a Republican governor or, in Washington D.C. a Republican President and Congress. In each of the cases, opponents included the teachers unions, civil rights groups, parent/teacher organizations, and the majority of

Democratic legislators and leaders. However, there were exceptions to each of these groups in at least one of the successful cases.

The teacher's union was not nearly as visible and forceful in Washington, D.C. Instead, the literature discussed the disarray of the union as one reason why the plan passed. In both Milwaukee and Cleveland, urban parent groups were identified as showing strong support of the voucher proposals. In Cleveland, Florida, and Washington, D.C., powerful Democratic leaders voiced their support of the typically Republican plans. In all cases, a unique combination of advocates, or lack of opponents, was evident.

In terms of contributing/contextual factors, only two of the successful proposals had strong policy entrepreneurs with Polly Williams in Milwaukee and Fannie Lewis in Cleveland. However, both the Florida and Washington, D.C. plans had strong political leaders (ironically, both were Bushes) who were determined to pass voucher legislation.

The literature discussed the specific naming of the Florida program as well as the inclusion of the plan as part of the overall budget as other explanations as to why that plan passed legislation. Interestingly, the Cleveland plan was also adopted as part of an overall budget, and money for the Milwaukee plan was shifted from another program without needing to create a new law. Specific only to the Washington D.C. plan, the literature discussed the unusual disarray of the teacher's union as preventing this typical force against vouchers from creating much difficulty for the supporters of the plan.

In summary, the literature suggested a few distinct factors that contributed to the success of voucher proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. All of the proposals were in response to the perception of failing public schools, and they

were all directed at helping students trapped in these schools. The funds available to voucher recipients in each case were substantial enough to allow even the poorest students to attend a private school. In all but one case, the inclusion of religious schools did not prevent legislation.

Republican leadership was another common thread to each of the proposals. While opposition by the teachers' union, civil rights groups, and parent/teacher organizations existed in all four cases (although weak union opposition in the D.C. case), a non-traditional advocate was identified for each case. Finally, at least one other contributing/contextual factor was discussed in relation to each case. In Milwaukee it was the transfer of funds from the Chapter 220 program. Both the Cleveland and Florida programs were included as part of overall budgets. And, the D.C. program was passed by the U.S. Congress at a time of great upheaval for the local teachers' union.

The comparison of these four cases provides a reference point for this study. The Data Analysis presented in Chapter IV shows how the successful Colorado case and unsuccessful Colorado and Pennsylvania proposals compare to these four successful proposals. Only by comparison of both successful and unsuccessful proposals can an understanding of why a few proposals succeeded where most others failed be developed.

## Chapter III

### Design and Method of the Study

This study involved a qualitative, comparative case study of unsuccessful and one successful voucher proposals in Colorado and Pennsylvania. The design and methodology of the study are presented here.

#### *Logic and Rationale for Qualitative Research*

Deciding between qualitative and quantitative research methods is choosing between a certain set of assumptions. As Rist (n.d.) writes, “research methods represent different means of acting upon the environment.” To choose one form of research over another is to assert an individual interpretation of reality. From the quantitative perspective “human events are assumed to be lawful...the development, elaboration, and verification of generalizations about the natural world become the first task of the researcher” (p. 41). The qualitative approach assumes that a “complete and ultimately truthful analysis can only be achieved by actively participating in the life of the observed and gaining insights by means of introspection” (p. 42). Qualitative research seeks to establish the meaning of a phenomenon from the views of participants. As Firestone (1987) suggests, “qualitative research is more concerned with understanding the social phenomenon from the actors' perspectives” (p. 16) than the objective measurement and analysis of a quantitative study.

According to Howe and Eisenhart (1990), it is important that the purpose and research questions posed drive the type of study to be carried out. It certainly would be possible for one to look to a quantitative study to determine what caused the voucher



proposals to fail, as studies by Moe (2001) and Mintrom (2000) suggest. The purpose of this study, however, was to develop an understanding of how some proposals succeed where most others fail. As Ronald Heck (2004) notes, “the object of policy research is to understand the policy world in terms of its patterns and idiosyncrasies and to formulate the explanations of our observations” (p. 185). Because the purpose of this study depended on the interpretation of key players in each case, such a subjective view of events lent itself to a qualitative study.

Another advantage of taking a qualitative approach was the exploratory nature of such a study. Qualitative research was the best way to identify the critical variables and issues related to each voucher proposal. Specifically, interviews provided key data in terms of advocates and major opponents, public attitudes, political interests, and major participants. Much of this information would not be pertinent to a quantitative study of the voucher proposals, yet was critical in addressing the purpose of this study. Only participant descriptions could provide access to the inside story of what happened with these proposals.

### *Research Design*

As qualitative research, this study used a comparative case study design. In general, case studies involve a wide range of different methodologies, are concerned with how things happen and why, and do not attempt to control events or intervene (Wellington, 2000). A multi-case study allows the researcher to compare findings across cases. This technique is useful in developing a general explanation of events, even though the details of individual cases (in this study, voucher proposals) may vary.

There are many other research strategies, each with specific advantages and disadvantages. While these strategies may have large areas of overlap, it is important to determine the strategy that will best fulfill the purpose of a particular study. In order to select the most appropriate strategy, Yin (1994) suggests considering three conditions: (a) type of research question(s) posed, (b) the extent of control an investigator has over actual behavioral events, and (c) the degree of focus on contemporary as opposed to historical events. Table 3.1 illustrates how these conditions relate to different research strategies.

This study focused on the politics and policy specifics surrounding voucher proposals in Colorado and Pennsylvania, with additional data and comparison to successful proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. The study examined the constellation of influences on each voucher proposal and attempted through comparison to determine how one proposal succeeded where the others failed. The central questions guiding this research were: (1) What factors contributed to the successful voucher bills? (2) How were these factors present or absent in unsuccessful proposals? (3) What was different in the political process, "policy windows," and circumstances surrounding the successful bills? (4) Why were the opponents not able to defeat the successful bill? In short, why did a few voucher proposals succeed where most others failed?

As Yin (1994) explains,

if you wanted to know 'what' the outcomes of a new governmental program had been, you could answer this frequency question by doing a survey by examining economic data...But if you needed to know 'how' or 'why' the program

| Strategy          | Form of Research Question            | Requires control over behavioral events? | Focuses on contemporary events? |
|-------------------|--------------------------------------|--|---------------------------------|
| Experiment        | How, why                             | Yes                                      | Yes                             |
| Survey            | Who, what, where, how many, how much | No                                       | Yes                             |
| Archival analysis | Who, what, where, how many, how much | No                                       | Yes/no                          |
| History           | How, why                             | No                                       | No                              |
| Case study        | How, why                             | No                                       | yes                             |

*Table 3.1.* Relevant Situations for Different Research Strategies (Yin, 1994, p. 6).

had worked (or not), you would lean toward either a case study or a field experiment. (p. 6)

Considering the overall purpose of this study as well as criteria presented for choosing a research strategy, a comparative case study design was determined to be the most appropriate.

### *Site and Sample Selection*

With a comparative case study design, one must look at site and sample selection. Selecting an appropriate site may often be difficult for a researcher not limited to a specific location. For the study conducted here the site selection was rather clear.

As Stake (1995) suggests,

It is not unusual for the choice to be no choice at all. Sometimes, we are given, even obligated to take it as the object to study. It happens when a teacher decides to study a student having difficulty, when we get curious about a particular agency, when we take the responsibility of evaluating a program. The choice is given. We are interested in it, not because by studying it we learn about other cases or about some general problem, but because we need to learn about that particular case. We have an intrinsic interest in the case, and we may call our work intrinsic case study. (p. 3)

To address the purpose of this study, data collection from key actors in each proposal and media coverage within Colorado and Pennsylvania was integral, especially those centered on the State Capitols in Denver and Harrisburg, respectively.

As for sample selection, an initial assessment of the system as a whole was completed. Using the literature, newspaper articles, and knowledgeable experts in the field, leading actors with voucher proposals were determined. From there, the technique of “snowball sampling” was applied. Snowballing is the process by which a researcher asks individuals to name other individuals who would be candidates for the research (Bernard, 2002). This method of sampling is effective when the sample can not be defined by a list and when access to individuals may be difficult. For this study, initial participants were identified through document analysis and personal contacts. During conversations with these individuals, referrals to other key individuals were obtained. Access to these oftentimes high-profile individuals was aided by the personal references. Important to the reliability and validity of the study, participants on both sides of the debate were sought. In cases where one side was over represented, additional participants were found. The search for participants concluded when the conversations became repetitive with little new information being reported.

#### *Research Strategies/Instrumentation*

“Access is difficult; it requires time, effort and perseverance” (Wellington, 2000, p. 64). Certain guidelines are suggested to improve the process. First, it is important to strive for a positive relationship between the researcher and the participants. Next, specific key contacts should be identified to help the researcher follow the appropriate protocol and not leave anyone out. It is also important to clearly define the purpose, extent and demands of the research to all participants, and, finally, the researcher needs to

become aware of any sensitive or controversial issues which might arise. (Wellington, 2000)

The business of access can seriously affect the design, planning, sampling and carrying out of educational research (Wellington, 2000). Because this study involved conversations with prominent political and advocacy figures, access could have been difficult and was in some cases. However, with personal referrals coming from previous participants and flexibility on behalf of the researcher, interviews with most of the key players was achievable. As for the media and legislative documents, all of these documents were in the public record and were very accessible via the internet.

#### *Data Collection*

According to Bassey (1999), there are three major methods of collecting research data: asking questions, observing events and reading documents. Yin (1994) expands the list by including specific sources of evidence. He refers to documentation, archival records, interviews, direct observations, participant-observation, and physical artifacts. Both authors, however, suggest that a complete list is nearly impossible to record with sources of evidence ranging from videotapes to life histories. What is important is that the data collection methods are selected for their practicality in fulfilling the purpose of the study, and that multiple data sources are used. Because the strength of a case study is “the ability to bring multiple sources of evidence to bear on a phenomenon” (Heck, 2004, p. 222), it is important to corroborate data between sources.

This study relied on interviews and considerable document analysis—specifically policy archives and newspaper coverage. The policy archives provided the specifics of

each proposal as well as a timeline for revisions, votes, and/or implementation as well as votes recorded by each legislator when applicable. The newspaper articles served a variety of purposes. Initially, the articles helped to identify key individuals as well as a timeline of events. Through continued analysis, identification of main themes, triangulation of data, and verification of specifics were all gathered from the news sources. The newspapers in each state with the largest circulation were utilized for the study as well as smaller newspapers that carried significant coverage of events surrounding the voucher proposals. These included: *The Denver Post*, *Rocky Mountain News*, and *The [Colorado Springs] Gazette* in Colorado, and *The Philadelphia Inquirer*, *Philadelphia Daily News*, *Pittsburgh Post-Gazette*, *The Intelligencer Journal* [Lancaster, PA] and the *Lancaster New Era* in Pennsylvania.

Through interviews, information was obtained that was not obvious otherwise. It was a way of learning about a participant's perspective on events. (Patton, 2002) Interviews, therefore, were critical to this study as the interpretations and perspectives of various players contributed to an understanding of what happened with each voucher proposal.

In all, 24 initial interviews were conducted—13 related to the Pennsylvania proposals and 11 related to the Colorado plans (see Appendix A.1). Of the initial interviews, two were conducted in person, 21 over the phone, and one was conducted via email as a way to accommodate the schedule of the participant. Follow-up questions were asked of a number of participants, mostly for clarification of points, additional referrals, or to obtain specific documents. Most of the interviews were open-ended, allowing participants to share their experiences and interpretations as they wished.

However, a semi-structured interview protocol (see Appendix A.2) was used when time was limited and to verify that the questions driving the study were addressed.

In order to present a balanced analysis of the issues, self-identified participants on both sides of the debate were included. In Pennsylvania, there was equal representation with six voucher advocates, six opponents and one neutral participant. Finding opponents in Colorado willing to discuss the issue was not quite as simple despite numerous attempts. In the end, six participants in favor of vouchers, three opposed, and two neutral participants were interviewed for the study.

### *Kingdon's Framework and Data Analysis*

According to Patton (2002), “qualitative analysis transforms data into findings. No formula exists for that transformation. Guidance, yes. But no recipe” (p. 432). The analysis can be an ongoing, reflexive process that lasts as long as the researcher permits. Fortunately (or unfortunately), deadlines and budget constraints often put an end to the indefinite process.

In order to make sense of the data collected in this study, the data was coded. In their book, *Using Ethnographic Data*, Schensul et al. (1999) define coding as “organizing data into categories related to the framework and questions guiding the research so that they can be used to support analysis and interpretation” (p. 45). Therefore, the streams identified by Kingdon's (2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]) framework—problems, policy solutions, and politics—served as initial codes for analysis of the data generated from this study. The utility and details of this framework were discussed in some detail in Chapter 1. Other “contributing/contextual factors” were also coded as they emerged.



Deductively, additional sub-codes, or sub-categories, were identified during the analysis. Once the data was grouped according to the framework, it was coded again to identify themes under each category. It was in this way that an interpretation of the specific problems, policy solutions, politics and contributing/contextual factors was feasible.

Once the coding was identified, the data was sorted, explored, and explained through “thick, rich description.” As Patton suggests (2002), the data were explained through the theoretical framework of the study—in this case Kingdon’s framework. As Patton notes, “Analysts have an obligation to monitor and report their own analytical procedures and processes as fully and truthfully as possible” (p. 434).

### *Validity and Reliability*

The validity and reliability of a study vary with the type of study being conducted. Generally, quantitative studies are noted for their validity (the same results will occur over and over again) while qualitative studies are more reliable (the data represents the “truth”). John Creswell (1998) provides a list of procedures of verification and suggests that a combination of at least two procedures is necessary to build validity for a qualitative study. Of the eight procedures noted, triangulation of data, peer review, and rich, thick description were implemented with this study. To triangulate the data, the researcher looked for corroboration of data through various sources. Specifically, themes and interpretations were given more validity when suggested by more than one participant and when supported by newspaper articles and other artifacts. Significant deviations were included at times as points of contrast, but were identified as specific to

an individual or artifact. The data and analysis were reviewed by more than two peers for accuracy of the interpretation, and thick, rich description was used to present the data, analysis, and findings.

The reliability was ensured with participant member checks as well as the triangulation of sources. As Patton (2002) suggests, “you may establish an ‘audit trail’ to verify the rigor of your fieldwork and confirmability of the data collected because you want to minimize bias, maximize accuracy, and report impartially” (p. 93). The balance of participant views on vouchers was critical to the reliability of this study. Similarly, it was important to interview participants identified through various sources as knowledgeable about the events surrounding the voucher proposals.

## Chapter IV

### Presentation and Analysis of Data

The collection of data related to voucher proposals in Pennsylvania and Colorado provided great insight to the political process involved with each of the proposals. While an analysis of this data uncovered many similarities across the cases, there were also distinct variations. This chapter provides a synthesis of the data surrounding each case.

The data are first presented in relation to each state—Pennsylvania and Colorado. A timeline of events is presented for each case as an overview for the reader. The data are then analyzed using the policy streams of the conceptual framework, including: problems, solutions (policy specifics) and politics. The contributing/contextual factors contributing to the outcome of the bills are also discussed.

A case comparison follows the individual cases and refers also to the literature review of the four successful proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. The stories created through the analysis provide an understanding of why one Colorado proposal succeeded where the others in Colorado and Pennsylvania failed.

## *Pennsylvania*

The 1990s was a tumultuous decade for the voucher debate in Pennsylvania. The state saw four voucher proposals between 1991 and 1999, with the latter three all proposed by former Governor Tom Ridge. While much time has passed since the latest voucher proposal, the issue remained at the forefront in the minds of many of the participants. As the data show, vouchers were, and still are, a very volatile issue in the state and created a great divide between many political figures.

### *Timeline*

The first Pennsylvania voucher proposal was introduced in April 1991 by Rep. William Adolph, Jr., R-Delaware. The bill proposed \$900 per student, with a total cost estimated at \$300 million. The plan was limited to families with incomes less than \$75,000. While the Senate passed the bill in November of 1991, it was ultimately voted down by the House in December of that year. An article in the *Philadelphia Daily News* suggested that it was because enough House members doubted the constitutionality of vouchers that the plan was defeated (Baer, 1991, December 12).

Tom Ridge was elected Governor of Pennsylvania in November of 1994. Shortly after his inauguration, Ridge released his state spending plan. Among other items, the plan called for money to support a voucher plan, the Keystone Initiative for a Difference in our Schools (KIDS). The proposed statewide system would have given \$700 to elementary students and \$1000 per high school student. While the House passed the overall spending plan in June of 1995, the specific voucher element was to be addressed with an authorization bill. A vote count showed the Governor seven votes short when a

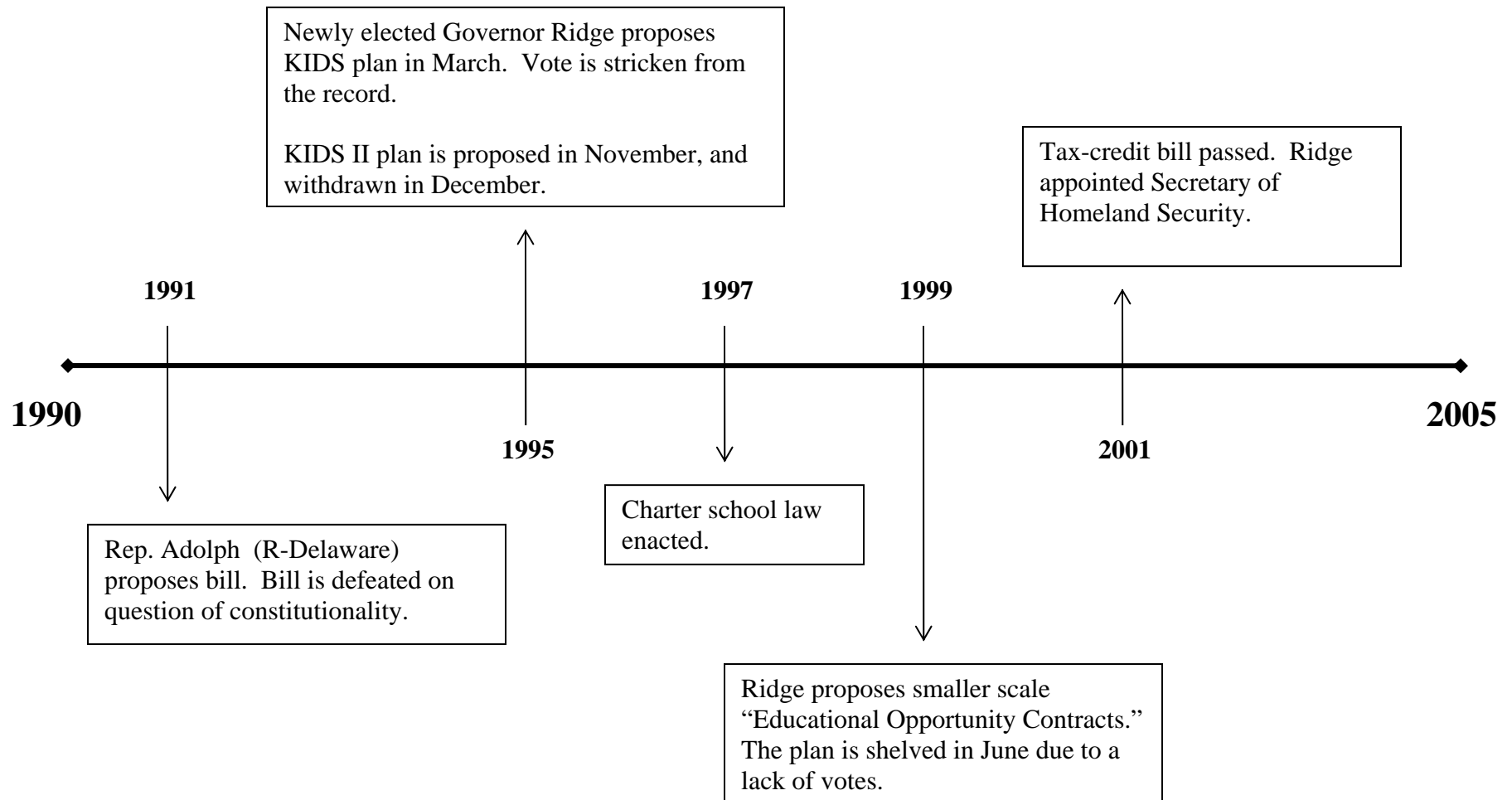
“malfunction” occurred and the vote was stricken from the record. While the validity of the malfunction was questioned by the opponents, the vote was permanently erased.

Believing he only needed a few modifications to the bill, Governor Ridge launched a new plan, KIDS II, in November of that same year. The new plan was smaller in scale and carried an income cap of \$70,000. Once again, a vote count showed the proposal short of the votes it needed to pass, and the plan was withdrawn.

The voucher issue faded for the next few years of Ridge’s administration. In the meantime, a charter school law was passed in 1997.

In the spring of 1999, Governor Ridge renewed his fight for implementing a voucher plan. His third, and ultimately final, plan reflected the input he gathered over the years and was presented as a pilot program targeted at academically troubled schools. After several modifications to the proposal, in an attempt to garner enough support, the Ridge team shelved the plan in June of 1999.

No additional attempts were made by the Ridge administration before the Governor was named Secretary of Homeland Security by President George W. Bush in 2001. However, a significant piece of school choice legislation passed earlier that year. A tax credit program was adopted to give corporations a tax credit for donations to scholarship organizations or school improvement organizations (The Heritage Foundation, 2006). While the former Governor was never able to realize his dream of a voucher program, many interviewees pointed to the tax-credit program as his compromise.



*Figure 4.1* Timeline of voucher activity in Pennsylvania, 1990-2005.

### *Pennsylvania and the Policy Streams*

While the 1990s were active for the voucher movement in Pennsylvania, the first few years of the 21st century have been nearly silent on the topic. Given the lapse in time, many of the participants approached for interviews were hesitant to discuss their involvement with the voucher proposals. Once they started to talk, however, the information flowed freely. In addition, the numerous newspaper articles and available political archive data helped to unfold the events as they occurred. In all, there was a plethora of data waiting to be gathered.

The data in this section are presented in the context of John Kingdon's (2003, [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]) conceptual framework described in Chapter I. Specifically, the data are aligned with the three policy streams: problems, politics, and solutions (policy specifics) as well as the contributing/contextual factors identified by the research.

#### *Problems in PA*

Failing public schools, or the perception of such, is a national problem with Pennsylvania sharing the burden. However, poor performing public schools were not the only reason why vouchers became a hot political topic in PA. Social inequities, a lack of competition and choice in public education, religious liberty concerns, and political ambitions of the Governor were all suggested as motivations for a voucher push.

Oftentimes, support for vouchers is fueled by frustration with public schools. As a citizen responding to a poll on vouchers was quoted by the *Pittsburgh Post Gazette* (Lester, 2002, August 7), "If public education got its act together, then we wouldn't need vouchers. It's not the fault of these kids that the school isn't good enough to teach them." An article in the *Philadelphia Inquirer* (Mezzacappa, 1990, April 24) quotes City Councilman James J. Tayou as saying, "there is absolutely no question that American

education as it exists today will not be tolerated by the American people, by our business community, by our policy leaders for more than another few years.”

As a means, however controversial, of assessing student performance, Pennsylvania adopted state standards in reading, writing, speaking and listening, and mathematics in 1999. According to the Pennsylvania Department of Education (PDE) website (2006), “the annual Pennsylvania System of School Assessment (PSSA) is a standards based, criterion-referenced assessment used to measure a student's attainment of the academic standards while also determining the degree to which school programs enable students to attain proficiency of the standards. Every Pennsylvania student in grades 3 through 8 and grade 11 is assessed in reading and math. Every Pennsylvania student in grades 5, 8 and 11 is assessed in writing.” The data on the results of the PSSAs were available on the PDE website. Data from earlier examinations have been compiled retroactively in compliance with the requirements of NCLB. The data are presented here as one indicator of the performance of public schools in Pennsylvania at the time of the voucher proposals.

Tables 4.1 and 4.2 show the academic performance of Pennsylvania students as reported on the PDE website from the years 1996 and 2002. The year 1996 was selected because it was the closest recorded year to the first voucher proposals. The results for the 2001-2002 school-year represent the first time the scores were based on the PSSAs and reported on a statewide basis. The results for 1996 are drawn from three of the lower performing districts (as suggested by the media as well as current performance data)



## 1996 Assessment Results

| <b>Philadelphia City SD</b> |                             | <b>Percent of Students Achieving Scores in the Following Quartile Groups:</b> |                    |                   |                  |
|-----------------------------|-----------------------------|---|--------------------|-------------------|------------------|
|                             | <i>School Scaled Scores</i> | <i>Top</i>  | <i>High-middle</i> | <i>Low-middle</i> | <i>Bottom</i>    |
| Grade 5 Math                | 1300                        | 5   | 9                  | 20                | 66               |
| Grade 5 Reading             | 1300                        | 5   | 9                  | 20                | 66               |
| <b>Lancaster SD</b>         |                             | <b>Percent of Students Achieving Scores in the Following Score Categories</b> |                    |                   |                  |
|                             |                             | <i>Excellent</i>  | <i>Good</i>        | <i>Fair</i>       | <i>Weak/Poor</i> |
| Grade 6 Writing             | 1250                        | 2   | 18                 | 50                | 29               |
| <b>Pittsburgh SD</b>        |                             | <b>Percent of Students Achieving Scores in the Following Quartile Groups:</b> |                    |                   |                  |
|                             | <i>School Scaled Scores</i> | <i>Top</i>  | <i>High-middle</i> | <i>Low-middle</i> | <i>Bottom</i>    |
| Grade 5 Math                | 1070                        | 15  | 14                 | 23                | 49               |
| Grade 5 Reading             | 1070                        | 12  | 15                 | 24                | 50               |
| <b>Pittsburgh SD</b>        |                             | <b>Percent of Students Achieving Scores in the Following Score Categories</b> |                    |                   |                  |
|                             |                             | <i>Excellent</i>  | <i>Good</i>        | <i>Fair</i>       | <i>Weak/Poor</i> |
| Grade 6 Writing             | N/A                         | N/A   | N/A                | N/A               | N/A              |
| <b>Pittsburgh SD</b>        |                             | <b>Percent of Students Achieving Scores in the Following Quartile Groups:</b> |                    |                   |                  |
|                             | <i>School Scaled Scores</i> | <i>Top</i>  | <i>High-middle</i> | <i>Low-middle</i> | <i>Bottom</i>    |
| Grade 5 Math                | 1200                        | 11  | 18                 | 27                | 44               |
| Grade 5 Reading             | 1200                        | 13  | 17                 | 27                | 43               |
| <b>Pittsburgh SD</b>        |                             | <b>Percent of Students Achieving Scores in the Following Score Categories</b> |                    |                   |                  |
|                             |                             | <i>Excellent</i>  | <i>Good</i>        | <i>Fair</i>       | <i>Weak/Poor</i> |
| Grade 6 Writing             | N/A                         | N/A   | N/A                | N/A               | N/A              |

Table 4.1 1996 Pennsylvania assessment results by district.

| <b>PSSA Results (2002)</b>   |             |                      |                 |                   |              |                    |
|--|-------------|----------------------|-----------------|-------------------|--------------|--------------------|
| <b>Mathematics and Reading Assessment Results</b>                          |             |                      |                 |                   |              |                    |
| <i>Percent of Students Achieving Scores in the Following Score Groups:</i> |             |                      |                 |                   |              |                    |
|  |             | <i>Scaled Scores</i> | <i>Advanced</i> | <i>Proficient</i> | <i>Basic</i> | <i>Below Basic</i> |
| Grade 5  | Mathematics | 1320                 | 26              | 27                | 22           | 25                 |
|  | Reading     | 1320                 | 18              | 39                | 23           | 20                 |
| Grade 8  | Mathematics | 1320                 | 18              | 34                | 21           | 27                 |
|  | Reading     | 1310                 | 20              | 38                | 21           | 21                 |
| Grade 11   | Mathematics | 1320                 | 23              | 27                | 21           | 29                 |
|  | Reading     | 1320                 | 16              | 43                | 21           | 20                 |
| <b>Writing Assessment Results</b>  |             |                      |                 |                   |              |                    |
| Grade 6  | Writing     | 1290                 | 11              | 45                | 29           | 14                 |
| Grade 9  | Writing     | 1330                 | 15              | 46                | 18           | 21                 |
| Grade 11   | Writing     | 1330                 | 14              | 56                | 16           | 14                 |

*Table 4.2* 2002 Pennsylvania statewide PSSA results

because statewide data were not collected at that time. The data for 1996 show a significant number of students achieving scores in the low-middle and bottom quartiles. The information for 2002 shows the majority of students at least proficient in mathematics, reading and writing at all levels. The results, however, cannot be compared between years because the assessment tool was different in each case. Also, the system for reporting data was developed after the fact for the 1996 results. Despite these caveats, the data provide an overall look at the performance of public schools in Pennsylvania in 1996 and 2002. In summary, the data show a significant percentage of public school students performing at or below proficiency on state assessments.

Interviews supported the perception that the public schools in Pennsylvania were not performing well. Tom Gentzel, Executive Director of the Pennsylvania School Board Association (a group in opposition to vouchers) stated, “We don’t like to talk about it much, but there are some public schools in this state that are really having a tough time.” In an interview with Charles Zogby, former PA Secretary of Education and a policy director for Governor Ridge, he suggested that “everybody knew enough to know that schools in Pennsylvania were not where they needed to be. In many places they were not even close.”

There was, however, evidence that the schools were not necessarily “failing” in the public’s opinion. As Tom Gentzel noted in his interview, “Most people don’t think their own public schools are failing.” Results from the 1995 Phi Delta Kappa/Gallup poll of the public’s attitudes toward the public schools nationally support this assertion. The poll showed that while only 20 percent of respondents graded public schools in the nation with an A or B, 41 percent gave those grades to the schools in their community. This

number jumped to 49 percent in 1999, the year Ridge proposed his third voucher bill. Overall, the public was generally satisfied with the performance of their local public schools.

In addition to the performance of public schools, participants described the inequities in funding, socio-economic class, and achievement as problems to be addressed by vouchers. An article in the *Philadelphia Inquirer* (Mezzacappa, 1995, June 2) perhaps best highlighted these inequities. The article summarized a trip by Sen. James Rhoades (R-Schuylkill County) to the Philadelphia public schools, described as “the unwieldy, 209,000-student school district in what ... is the state’s most maligned most misunderstood city.” The article described the Senator standing “at the window of what passes for a gym at Key [elementary school] – a converted classroom with cardboard covering holes in the wall and a basketball net nailed to a blackboard. They watched children playing outside on a bare concrete lot.” Joe Bard, Executive Director of the Pennsylvania Association for Rural and Small Schools (PARSS), pointed out during his interview that the inequities in funding were at the forefront of the minds of many legislators at the time vouchers were being proposed. This concern was based on a recent lawsuit PARSS had brought against the state asserting that the Commonwealth was not providing the Constitutionally required “thorough and efficient” system of public education for all children because “kids in some areas have much less money behind their education than kids in other areas.”

Another article in the *Pittsburgh Post Gazette* (Ridge’s budget, 1995, March 9) declared that the disparities in per-pupil expenditures between richer and poorer school districts were “one of the most vexing problems facing the state’s public schools.”

However, the same article suggested that the proposed KIDS voucher program did little to solve the problem. Most participants, and nearly all media coverage, agreed that each of the proposed plans would ultimately have taken money away from the public schools leaving poorer districts with even less money. Although the total number of students might have decreased slightly for a district, the transfer of a few students would not have decreased the required number of teachers, staff members, and other resources. Yet, there would have been less money. During an interview with Eugene Hickok, Secretary of Education under Governor Ridge, he proposed that the disparities would eventually lead to a demand for greater school choice. "I just think that the way things are, I just think, you are going to see over time a broader coalition state by state seeing the need to make more opportunities available for our poorest performing and low income kids. I think that is going to happen."

The perceived lack of choice and competition in public education was another factor influencing the voucher advocates. Hickok's successor as Secretary of Education, Charles Zogby, summed up the situation in his interview by saying, "I mean one of the things that we really lack in Pennsylvania all together, outside of certain areas, is any form of choice...I mean we need a broader array of choices within the public system." In terms of competition and choice, Pennsylvania school districts are not required to offer intra-district transfers. This is a matter decided by local school boards according to The Pennsylvania Code, Subpart A, Miscellaneous provisions. Cardinal Anthony J. Bevilacqua, as quoted in the *Philadelphia Inquirer* (Mezzacappa, 1991, December 1), proclaimed that a voucher program was "the very medicine that will help cure public schools by forcing them to compete with private schools."

The data suggested that a significant problem with a lack of choice is that it most affects the students with the greatest need. As Robert O’Hara of the Pennsylvania Catholic Conference mentioned during his interview, “Only people with money can have choice. Let’s help the children with the greatest need. He continued, “Kids in failing schools have the right to get out.” A December 1, 1991 *Philadelphia Inquirer* (A case for voucher bill) article observed that competition “will force public schools to mend their ways and find cheaper and more effective ways to educate students—even those students who are poor, or sick, or emotionally troubled.” During an interview with Fred Cabell, former education lobbyist for the Pennsylvania Catholic Conference and current Chief Counsel to Senator Jeff Piccola, he suggested some voucher advocates are “very much motivated by a concern for educational reform. The desire [is] to bring competition into the system, and through competition, promote excellence.”

Mr. Cabell also discussed religious liberty concerns as a major motivating factor for many voucher supporters. While public schools are now considered the non-denominational “common school,” they used to be perceived as schools to promote the dominant religion of Protestantism. Fred Cabell, Dr. Robert O’Hara, and Richard Komer of the Institute for Justice, all discussed in their interviews how Catholic schools were formed by Catholic immigrants dissatisfied with the Protestant emphasis of the public schools. Their argument is that voucher opponents are against public tax money being used for religious schools when public schools were, in their opinion, originally set up as sectarian institutions. Dr. O’Hara added that, “Catholic teaching believes that parents are first teachers, and they should choose wherever they want their kids to go. Tuition is now an issue. From a Catholic social teaching point-of-view, it [vouchers] is to allow those

who can't afford schools of choice. The fact that schools are failing is a later point.”

Therefore, from a religious liberty perspective, vouchers are a necessary ingredient for Catholic families and a missing component of the current system of public education.

There was a perception, however, that Catholic school supporters were only looking out for their own best interests with a voucher proposal. A declining enrollment in Catholic schools across the state was problematic and the money generated through a voucher program could alleviate this concern. Part of the campaign against the proposals by the Pennsylvania State Education Association (PSEA) declared that the vouchers were intended to “bail out Catholic schools.” (Baer, 1991, December 12) When asked what was driving the pursuit of vouchers, John Baughman of the PSEA stated, “What was driving this was Catholic schools were no longer making money. Vouchers would allow them to raise the price of education by covering the difference.” One lawmaker was quoted in a *Philadelphia Daily News* article (Baer, 1991, December 12) as saying, “the bill would mean some Catholic churches could do away with a second collection on Sundays.”

A final “problem” that existed at the time was the political desires of then Governor Tom Ridge. It was thought that Ridge had aspirations of holding a federal office. In his interview, John Baughman of the PSEA declared that, as a pro-choice Republican, the governor had to find something to appeal to the right wing voters. According to Mr. Baughman, vouchers were a means of doing so. Timothy Potts of the Pennsylvania School Reform Network noted during his dialogue that the governor “wanted from day one to be a national figure to run for President or to be considered for vice President and then run for President later on. That was an explicit goal.” Media

reports from the time speak to the same idea referring to “Ridge’s national ambitions.” An article in the *Philadelphia Daily News* (Baer, 1999, June 18) stated that “there is little question a voucher win would have put Ridge on the map, especially with conservative Republicans. It’s a group critical to any GOP candidate, a group for whom vouchers is a grail-like item.” These sentiments were reflected in a *Philadelphia Inquirer* story (Dilanian & Justice, 1999, June 22) which declared, “Despite Thursday’s defeat, Ridge can perhaps take solace in the fact that some analysts do not believe the loss will hurt his chances of becoming the GOP vice presidential nominee.”

### *Pennsylvania Politics*

The politics of vouchers went far beyond the ambitions of the governor. During the interview with Charles Zogby he offered, “I think the driving factor for just about everyone was the politics.” Fred Cabell, formerly of the PA Catholic Conference, stated more directly during his interview, “It was pure brutal politics.”

Unlike most cases discussed in the literature review, partisan politics was not necessarily the case in Pennsylvania. Instead, demographics, geographic location, and constituent support, or lack thereof, played into the stand of legislators. As with most other cases, however, the teachers’ union played the largest role in opposition to the proposals. In support of vouchers, the Governor and the PA Catholic Conference were identified as the most influential players.

Research in Pennsylvania did not necessarily support the perspective that vouchers are a highly partisan issue with Republicans typically in support, and Democrats generally against them. In an interview with Joe Bard of PARSS, Mr. Bard



offered that “Party is one of the least useful ways of determining why people support or oppose something today.” Former Secretary of Education Eugene Hickok echoed Mr. Bard’s comments by mentioning in his interview that education issues “are not traditional partisan issues...I think education issues cross party lines a lot.” An article in the Lancaster, PA *Intelligencer Journal* (Ridge withdraws proposal, 1995, June 15) noted that although Republicans were in control of the state legislature, the party was divided on the voucher issue. Chris Bravacos, President of the Reach Alliance, stated in his interview that the voucher debate “was more of a regional cultural thing. Yes, in Pennsylvania my recollection was that we always carried at least twenty Democrats in the House that were for this, which you certainly wouldn’t find elsewhere.”

The idea of “urban politics” was identified in an interview with Timothy Potts, co-founder of Democracy Rising PA and former Director of the Pennsylvania School Reform Network. Mr. Potts was referring to the notion that vouchers could “create a wedge in traditional Democratic constituencies” by appealing to blue-collar, Catholic Democrats who would get money to remove their children from the “failing” inner-city public schools and transfer them to private schools. Voucher advocate Fred Cabell discussed during his interview that “Pennsylvania has a tradition of moderate Democrats and oftentimes those moderate Democrats come from a Catholic background. They come from Philly and they come from Pittsburgh and they come from some other big cities like Scranton that are fairly elite Catholic cities. They have a lot of Catholic schools, and they are good schools. A lot of times these [people] are products of those schools. I think because of that, it made them more sensitive to the issue involved, and they could see the wisdom of vouchers.” Chris Bravacos discussed the support the 1995 plans received

from the large city Democrats. However, he noted during his interview that this support generally came from the “white legislators, white constituencies that were by and large popular with kids going to Catholic schools.” Support from members of the black community did not begin, according to Mr. Bravacos, until after the Charter school legislation in 1997.

One of the leading African-American Democrats who supported vouchers was Senator Dwight Evans of Philadelphia. In his interview, former Policy Director for Governor Ridge, Charles Zogby, identified Senator Evans as a converted voucher supporter. “For instance, a guy like Dwight Evans who was not for us the first time around had been a key broker on Charter schools. He was supportive of vouchers on the third time around.” In an interview with Al Ferguson, Policy Representative for Senator Evans, Mr. Ferguson stated that Sen. Evans is now a “pretty consistent supporter [of vouchers].” According to Mr. Ferguson, the Senator believes vouchers “provide options to students in struggling schools.”

While vouchers had some appeal to urban Democrats, there was a perceived lack of relevance in the more rural, typically Republican, areas. As Joe Bard of PARSS discussed in his interview, “The majority of the people who represent rural areas are Republicans. We [PARSS] were very, very effective in making sure that those representatives and senators knew that vouchers did not benefit and were, in fact, a fiscal negative for rural areas, and rural taxpayers would be paying for the vouchers for kids elsewhere. So there were very few representatives from rural areas who would have said they were voucher supporters.” However, referring to the idea of urban Democrats supporting vouchers, Mr. Bard continued, “Now on the other hand, a number of

Democratic Representatives from more urban areas and suburban areas with much larger Catholic constituencies were on the fence or were for it.”

The voting inclinations of senators and representatives were oftentimes based more on pressure from influential organizations than personal beliefs or convictions. As Senator James Rhoades said during his interview, “The first one I voted for, and I will say my reason voting for it was I did not have anyone who was writing to me opposing it. Okay? I remember I had a teacher afterward ask me, ‘Why did you vote for it?’ I said, ‘Well, you never wrote to me and said you were opposed to it. Okay?’ ‘Well, do I have to do that?’ ‘Well, yes. I mean it is just an assumption.’” As mentioned previously, Joe Bard of PARSS discussed in his interview the influence his organization flexed on rural representatives. Pressure was applied to senators and representatives by groups on both sides of the voucher debate.

According to the research, the most influential voucher supporter, aside from the Governor, was the Pennsylvania Catholic Conference. The Catholic Conference was also part of a larger organization, The Road to Achievement through Choice (REACH) Alliance. Other members of the Alliance were the Keystone Christian Education Association and the Pennsylvania Conference of Teamsters. (Phila Catholics, 1995, May 21)

In opposition were the Pennsylvania State Education Association (PSEA), the Philadelphia Federation of Teacher’s (PFT), the Pennsylvania School Board’s Association (PSBA), the Council of Churches, and to a lesser degree the ACLU and AFL-CIO. One group, the Public Education Coalition to Oppose Tuition Vouchers (PECOTV), was formed specifically as an opposition to voucher proposals. Members of

the umbrella group included a mix of public school teachers unions, the League of Women voters, the NAACP, and the American Jewish Congress. Of all the groups in opposition to vouchers, the Pennsylvania State Education Association (PSEA) was identified as the most influential organization.

“One of the biggest reasons vouchers doesn’t pass is the teacher’s unions,” Dr. Robert O’Hara of the PA Catholic Conference stated during his interview. PARSS Executive Director Joe Bard acknowledged during his conversation that, “The majority of the leadership and the funding for it came through PSEA. There were a large number of organizations that joined in that, but without the leadership, without the relatively deep pockets of the education association, I do not think it would have gotten traction.” An article in the Lancaster *Intelligencer Journal* (Ridge withdraws proposal, 1995, December 14) stated that Governor Ridge “blamed the state’s largest teachers union, the Pennsylvania State Education Association, for the plan’s failure.” The chief legal counsel for Senator Jeff Piccola, Fred Cabell, declared in his interview that, “At the end of the day, it was because the teacher’s union made it their cause to stop it, and the teacher’s union has tremendous political influence in the capitol.”

Mr. Cabell suggested that the pressure from the teacher’s union oftentimes came behind the scenes in terms of political support, or opposition, to a candidate. When talking about legislators voting against vouchers, Mr. Cabell stated, “I never got the sense that folks were dead set against vouchers. There were some sincere people, but most of it was just, ‘Hey, I cannot run afoul of the teacher’s union. They are just too politically powerful, and they hate this thing.’” REACH Alliance President, Chris Bravacos, agreed that voting for vouchers may have been “a very popular vote from a political constituency

standpoint. It was just a bad vote [because] the teacher's union was going to come after you." The Philadelphia Daily News dubbed the PSEA as "a political grim reaper," looming over the voucher debate (Baer, 1999, June 18). One voucher advocate was quoted in this article saying, "Many legislators were told if they supported vouchers PSEA would make sure they had a primary opponent next year." The Government Relations Manager for the PSEA, John Baughman, spoke to this notion during his interview, when he suggested that the PSEA spent considerable money on the candidates and, therefore, did not have to spend it on the specific issue.

While voucher advocates talked about pressure from the PSEA, those in opposition discussed force from the Governor's office to support the proposals. An article in the *Lancaster New Era* (Buckwalter & Vulopas, 1995, December 14) referred to comments by a State Representative, "Vote for Gov. Tom Ridge's school voucher plan...and make friends in high places. Oppose it, and get little done for your district in the future." A spokesman for the Governor was quoted in the *Philadelphia Inquirer* (Dilanian & Justice, 1999, June 22) stating, "This was the governor's highest priority, and he is keenly aware of those lawmakers who reciprocated by making it their priority...He is also keenly aware of those who did not." Tom Gentzel of the PSBA noted in his interview that vouchers became a "litmus test" for the state government. "Either you were with them on vouchers or you weren't," Gentzel noted.

Despite the influence of the Governor, his support of vouchers did not ensure their passage. PSBA executive Tom Gentzel mentioned during his interview that new governors often come in believing they can mandate their agenda. "They just want to put a proposal out and have the legislature vote on it, and they just expect it to happen,"

Gentzel stated. Joe Bard of PARSS echoed this idea in his interview when he stated, “I have always thought that it was less because they had any real argument with the concept of vouchers and more with the way it was done.” As Timothy Potts suggested during his conversation, “there was the political overlay of not wanting to give the Governor that kind of break.” Ridge Policy Director, Charles Zogby, discussed the problems with a white, Republican governor asking for the support of black Democrats. He stated during his interview that the latter group felt the governor was only paying attention to them because he needed their vote. Former Secretary of Education Eugene Hickok noted that legislators were being asked to look at the second bill shortly after a special session on crime, and they just did not want to have to do that much work. In each case, the Governor’s agenda was not enough to sway the legislators.

### *Searching for Solutions*

In setting policy, getting the right mix of supporters is one key to success. As Governor Ridge’s policy director Charles Zogby discussed during his interview, “As you well understand, or should understand, with the process, the goal is not just the believers, it is getting 103 [102] and 26 [votes in the House and Senate] to pass a bill.” Senator James Rhoades noted in his conversation that, “If you want to know what policy is in Pennsylvania, it is 26 votes in the Senate and 102 votes in the House and a Governor that will sign it.” As demonstrated in the previous section, these votes are often swayed by pressure from organizations and political leaders, as in the case of the PSEA and Governor Ridge. However, the research showed that the specifics of a policy also played a key role in its outcome.

The specifics of the bills noted in Table 4.3 represent what might be called a “snapshot” of each proposal. The details were in constant flux as the sponsors tried to appeal to as many legislators as possible. In the words of former Secretary of Education, Eugene Hickok, “You had to keep moving things around to find the right combination and you never could find the right combination.” Hickok added during his interview,

I mean we would suggest various models and you could not find the right combination of models to satisfy enough people to get enough votes. If you did statewide, you get some people, but lose some people. If you hit some areas based on population or school district size, you would win some and you would lose some. ‘Am I in or am I out,’ the legislators would ask. ‘I do not win with this one because I am not a part of it’ or ‘I can’t win with this one because I do not want it.’ So it is one of those really interesting dynamics where you always had this core group in the House and in the Senate who were supportive, but you had this core group that was opposed, but you could never get enough additional numbers in either chamber to come up with a winning recipe.

As suggested in these remarks, there was a variety of issues at play in the debate, and legislators argued them until the bitter end. Senator Dwight Evans of Philadelphia was quoted in the *Philadelphia Daily News* (Baer, 1999, June 18) as saying, “It got to the point people were talking past each other and not listening and not reading the proposal.” Amidst all of the arguing, the main issues identified through the research were the

|  | <b>1991 Proposal<br/>(H.B. 981, S.B. 992)</b>   | <b>KIDS I (Spring,<br/>1995) H.B. 38, S.B.<br/>1073</b>   | <b>KIDS II (Fall, 1995)</b>  | <b>Opportunity Grants<br/>(1999)<br/>S.B. 866</b>  |
|--|---|---|--|--|
| <b>Student Eligibility</b>                           | School age student who is a resident of the Commonwealth (Pennsylvania), H.B. 981 includes home education students. | School age students within the Commonwealth (Pennsylvania), other than those who are homeschooled .<br><br>Program would begin in 167 of the state's poorest performing districts and move into the remaining districts over a three year span. | School age students residing in one of the 15 identified cities and townships where the plan would be piloted.   | School age students within the Commonwealth (Pennsylvania), other than those who are homeschooled . Students must attend public schools in identified academically distressed school districts.                      |
| <b>Other Eligibility Standards</b>                   | Available to students of families with total annual income less than \$75,000. (TBD)                                | Available to students whose parents received taxable income which did not exceed \$70,000   | Available to students whose parents received taxable income which did not exceed \$35,000  | Available to students whose parents received taxable income which did not exceed \$75,000  |
| <b>School Eligibility</b>                            | Public and all non-public schools. Home education programs included in H.B. 981                                     | All public and non-public schools   | N/A  | All public schools and those non-public schools wishing to participate   |
| <b>Maximum Student Participation</b>                 | N/A   | Limited to the amount of money appropriated for that fiscal year  | N/A  | Limited to annual appropriations made by the General Assembly  |
| <b>Voucher Amount</b>                                | \$900 or 90% (S.B. 992)<br><br>\$750 after five years, not to exceed cost of tuition (H.B. 981)                     | Lesser of \$700 or 90% of tuition for elementary school students.<br><br>Lesser of \$1000 or 90% tuitions for middle and high school students.<br><br>Lesser of \$350 or 90% tuition for half-day kindergarten students                         | For parents earning \$15,000 or les, \$350 for half-day kindergarten, \$700 for full-day through 8 <sup>th</sup> grade, \$1500 for 9-12 grades.<br><br>For parents earning \$15,001 to \$35,000, same for K-8, \$1000 for grades 9-12. | Lesser of \$700 or 90% of tuition for elementary school students.<br><br>Lesser of \$350 or 90% tuition for half-day kindergarten students<br><br>Amounts is doubled for families with taxable income below \$15,000 |
| <b>Selection Criteria</b>                            | A school shall not refuse to enroll any student because of race, color, ancestry or disability.                     | Application process and guidelines were to be developed by the Department of Education  | N/A  | Application process and guidelines were to be developed by the Department of Education   |
| <b>Regulations for Participating Private Schools</b> | Not required to participate   | Not identified  | N/A  | Tuition cannot be more than for students not receiving grants.<br><br>Non-public schools are not required to administer any additional tests for evaluation purposes   |

Table 4.3 A comparison of Pennsylvania voucher proposals.



expanse of the program in terms of school districts, criteria for the eligibility of students, accountability, government control, financial concerns, and religious and constitutional issues.

In determining the expanse of the programs, legislators considered a great many alternatives. Statewide plans, plans targeted at troubled districts, and pilot programs were all studied. Tom Gentzel of the PSBA discussed during his interview the possibility that “Ridge hurt himself by really overreaching on this thing.” Gentzel noted that his organization would most likely have opposed the voucher proposals on philosophical grounds, but believed a more targeted plan would have been more politically salable. As he stated, “They kind of wanted the whole ball of wax. I think in so doing they gave a lot of legislators frankly a good excuse to vote against them.” Sen. Noah W. Wenger of Stevens, PA stated in an article in the Lancaster *Intelligencer Journal* (Delaney, 1999, June 15), “I’ve indicated that I’d be interested in doing a pilot program, but not statewide.” Interestingly, only the first two proposals were introduced as statewide plans. The third proposal (KIDS II in December 1995) identified 15 cities and townships for a five year pilot program. The fourth program was originally intended to include all 501 Pennsylvania school districts, but was eventually narrowed down and focused on “chronically failing school districts” (Reeves, 1999, June 13). Ultimately, only six districts were to be included in the 1999 proposal (Baer, 1999, June 18). With variations from six districts to statewide, a universally acceptable program size was not determined.

The debates continued over the issue of who was to be eligible for the grants. In each of the cases, the former bills included all school age students residing in the appropriate districts. The argument stemmed from the inclusion of students already

attending private schools. During his interview, former Secretary of Education Eugene Hickok offered, “One of the big issues that kept coming up was, ‘Does this money that would go to the core school choice go to families that have already exercised that choice or to families that have not exercised that choice?’”

It was estimated at the time of the KIDS proposal in early 1995, 83 percent of the first-year grants would have gone to students already attending private schools. An article in the *Lancaster New Era* (Buckwalter, 1995, June 7) noted that this number meant that “\$35.3 million of the program’s first-year cost of \$42.3 million would be used to help with tuition of students already in private schools.” Many legislators believed that offering grants to students already choosing to attend a non-public institution was wasteful and did not allow for as much money to be spent on students really in need of the financial assistance. On the other side of the argument, a spokesman for Governor Ridge was quoted in the *Lancaster New Era* (Buckwalter, 1995, June 7) saying, “It would be untenable to make students who already attend a private school ineligible for the tuition grants. While those people have already made the choice, they are clearly struggling to exercise it, and they shouldn’t be penalized for exercising it.”

Another issue directly related to students in attendance at non-public schools was that of accountability. As noted in the *Pittsburgh Post-Gazette* (Reeves, 1999, June 13), “Whether students who use vouchers to attend private or religious schools should have to take statewide achievement tests is emerging as a key issue in the debate over Gov. Ridge’s school choice proposals.” Former Director of Communication for the House Democrats, Timothy Potts, discussed this issue during his interview.

Another argument that I continued to use was the lack of accountability. The Ridge proposals explicitly precluded the auditor general from evaluating the programs. That struck me as extraordinarily bad public policy, and we argued at the time unsuccessfully, we continue to argue unsuccessfully for this, that any money that goes to any school whether public, private or parochial, it does not matter, ought to be accompanied by an accountability standard that is consistent with the accountability standards that are used for the public schools. We generally talk about it as a universal accountability system. It does not matter what kind of school it is, we should have—and especially if you are going to argue that parents should have choice—we should have a consistent way of measuring the performance of schools so that parents can exercise an informed choice.

The 1995 Senate Bill 1073 (1310.1.J) and House Bill 38 (1310.1.J) and 1999 Senate Bill 866 (1305.B.7.i) and House Bill 1374 (1305.B.7.i) included a phrase that specifically prohibited additional requirements being placed on participating non-public schools. It was stated, “Nothing in this section shall be construed to empower the Commonwealth or any of its agencies or officers or political subdivisions to impose any additional requirements on any non-public school which are not otherwise authorized under the laws of this Commonwealth.” No reference to such requirements appeared in either the House or Senate Bills introduced in 1991.

When questioned about the accountability issue, John Baughman of the PSEA referred to the current status of charter schools in Pennsylvania. Mr. Baughman cited

data that showed that the local charter schools were doing worse than public schools and had no accountability. He suggested that the same could be true of private schools receiving public money through vouchers. Timothy Potts offered during his interview that the opponents would have stopped objecting if the other side would have agreed to a universal accountability system. However, Mr. Potts added, “They would not do it. They did not want those schools to be accountable in the same way that public schools were accountable.”

The accountability issue was generally linked with the idea of governmental intervention—an idea that conflicted with members of the Pennsylvania Catholic Conference and other religious organizations. Fred Cabell, formerly of the Catholic Conference, explained during his interview that “the reason they [Protestant groups] were leery about vouchers—and I mean these are folks that are sending their kids to private schools—it was because they were concerned about government coming into their schools.” The Policy Director for Governor Ridge, Charles Zogby, talked about the idea of testing playing “right into the fears...of those sorts of religious conservatives who saw it as government regulation.” Mr. Zogby mentioned in his interview that the Ridge administration discussed having just the “voucher kids” tested and not the entire private school student body, but the idea failed to make an impact. Fred Cabell summed up the situation when he discussed conservative groups growing weary of government involvement in education issues. In his interview, Mr. Cabell suggested the conservatives to believe that, “You folks are better off without this indirect government support...You are better off without it because if you get it, it might destroy the good thing that you’re doing.”

The cost of each voucher plan also drew much criticism and concern. Former Chair of the House Education Committee, Ron Cowell, noted during his interview that cost was certainly part of the debate, as was the idea of how big this thing could get and what kind of impact it would have on the state budget. Mr. Cowell questioned whether a voucher program was the best use of the money and discussed the opposition's point of view that the money could be better spent on fixing the already troubled schools.

An article in the *Philadelphia Inquirer* (Woodall & Mezzacappa, 1991, November 28) noted that although the 1991 plan called for only \$300,000 in start-up costs, the total cost was estimated at nearly \$300 million. Opponents of the plan were cited in another article as believing the money would be better spent on Head Start, full-day kindergarten across the state, and reduced class size (A case for voucher bill, 1991, December 1). A PSEA lobbyist was quoted in a *Philadelphia Daily News* article (Baer, 1991, December 12) as saying, "The cost of the proposal, conservatively estimated at \$300 million in the first year, killed it."

According to the *Philadelphia Inquirer*, the initial KIDS program was proposed as a \$38.5 million appropriation for the first year (Eshleman, 1995, March 8). A later article in the *Lancaster New Era* (Buckwalter, 1995, June 7) quoted this figure closer to \$42 million. The plan was estimated to cost about \$250 when it was implemented statewide five years later. As it appeared in the *Pittsburgh Post-Gazette* (Ridge's budget, 1995, March 9), Governor Ridge's plan provided an additional \$124 million to support basic education. However, state legislator Ron Cowell suggested in the same article that with the proposal some of the state's poorest school districts would have received no increase in state aid if it were not for a mandated one percent minimum. Representative

P. Michael Sturla of Lancaster City states in a *Lancaster Intelligencer Journal* article (Ridge withdraws proposal, 1995, December 14) that the money Ridge proposed for the voucher program could be better spent on “putting more computers and technology into classrooms, for promoting safe schools and alternative education for disruptive students, charter schools, academic standards and accountability.”

As noted earlier, the 1999 Ridge proposal began as a statewide program that was eventually scaled down to include only a few school districts. The initial tab was set at nearly \$63 million (Delaney, 1999, June 15). In the end, the proposal called for no new state money to be spent on vouchers. “Even Ridge reportedly grumbled at a bid for so little. It’s significant that he lost even this,” wrote one reporter for the *Philadelphia Daily News* (Baer, 1999, June 18).

The issues of religion and constitutionality appeared in the literature review as major points of contention in the voucher debate. In his interview, former State Representative Ron Cowell agreed that the separation of church and state was a main issue in Pennsylvania. Mr. Cowell discussed another clause in the Pennsylvania State Constitution that prohibits giving state money directly to individuals as a major point of debate. Senator James Rhoades referred to these same two sections of the constitution during his interview. He did, however, note that these issues have been addressed and resolved with other policy proposals.

Albert Silvers, president of the American Jewish Congress, expressed “grave concerns” about the 1991 bill’s attempt to “bridge the separation of church and state required by both the U.S. and Pennsylvania Constitutions (Woodall, 1991, December 6).” Members of the PA House of Representatives agreed with this perspective when they

voted the bill down based primarily on doubts about the constitutionality of school choice (Baer, 1991, December 12). There was further mention of the issue of constitutionality in a June 17, 1995 article in the *Philadelphia Inquirer* (Moran & Eshleman) in regard to the first KIDS proposal. It was noted that the “House decided, 110-93, that the bill was unconstitutional.”

Former Secretary of Education, Eugene Hickok, referred to discussions on constitutionality during his interview. Mr. Hickok noted, “I cannot tell you how many times we had members of the General Assembly say it is not constitutional. Of course, they would say that only because that was a line they could give and they couldn’t give any argument for why it wasn’t constitutional.” This perspective was echoed by legislative policy director, Fred Cabell, who noted, “A legislator, who will remain nameless, who is no longer in the State House, once told me that it was the State Constitution that kept him from being able to vote for vouchers. He thought they violated the State Constitution. Well, this individual went on to become a federal legislator, and I had an opportunity to lobby them on the same issue and suddenly that was not the issue anymore. It was a new issue.”

Joe Bard of the Pennsylvania Association of Rural and Small Schools, mentioned the Constitution briefly during his interview when he suggested, “The other major point of opposition, at least with our organization and with a number of others, other than our belief that it violated the state Constitution, was the fact that it did not help kids.” Tom Gentzel of the Pennsylvania School Boards Association agreed with Mr. Bard’s comments. “But I think there was also a very strong feeling among a number of our folks

about the separation of church and state...that just wasn't acceptable to a lot of people to be using tax dollars to support religious education.”

*Contributing/contextual factors*

Contributing/contextual factors were described in Chapter I to include the efforts of policy entrepreneurs, grass roots campaigns, and other factors outside of the main policy streams that contributed to the outcome of each proposal. Such factors were not clearly identified through the research in Pennsylvania.

In terms of non-traditional individual support, Senator Dwight Evans in Philadelphia was put forth as one example. Other Philadelphia legislators were also mentioned sporadically. However, there was little, if any, mention of non-legislative individuals who crossed the traditional debate lines and the influence of Senator Evans came late in the fight for vouchers.

When asked specifically during his interview about the “grass roots” support of vouchers, former state legislator Ron Cowell argued that there had been a great deal of support of this type. He referred to the REACH Alliance and its members as one example. PARSS President Joe Bard responded to a question about citizen support by stating, “I did not see that, and I think it was probably the failure of the so-called REACH Alliance that was the major organization to support vouchers. It was their failure to move that support, that vocal support, beyond the Catholic schools.” In other interviews, Timothy Potts stated “nobody comes to mind” who was a non-traditional citizen advocate. Legislative policy director, Fred Cabell, noted that he did not think “the public feels really strongly about it.”



While the Florida governor was discussed as a policy advocate—someone who both initiates and pushes for implementation of a proposal (Levin, 2001)—for that state’s successful proposal, Governor Ridge’s staunch support of vouchers was identified as one possible reason for their ultimate defeat, rather than an explanation for success.

Participants suggested that legislators were put off by the Governor’s determination to pass voucher legislation without what they saw as careful planning and consideration of the issues. The heated debates over the specifics of the proposals best supports this argument. In general, a perspective of “not wanting to give him [the governor] what he wanted” was identified as a factor in the outcome of the proposals.

## *Colorado*

The voucher debate in Colorado was fresh in the minds of participants with the most recent proposal achieving legislation in 2003. The newly enacted law was ultimately overturned by the courts in 2004, making the topic a sensitive one to many of the participants.

This section includes a timeline of voucher events over the past 15 years as well as a presentation of the data in alignment with Kingdon's policy streams: problems, politics and policy specifics (solutions). The contributing/contextual factors are identified at the end of this section. An analysis of the data shows the characteristics of the political process surrounding the successful Colorado proposal.

### *A Timeline for Colorado*

It was the citizens of Colorado who first began the push for vouchers by way of a voter ballot initiative. In 1992, a group of voucher advocates gathered enough signatures to add Amendment 7, a statewide voucher plan, to the ballot. While the initiative lost with 67 percent of the voters voting against the amendment, it was the beginning of a long string of school choice proposals in Colorado.

Charter schools became a public school alternative in 1993 when the Colorado *Charter School Act* became law. In 1998, the first tax-credit proposal, Amendment 17, appeared. Similar to the first voucher proposal, Amendment 17 was a ballot initiative that was ultimately voted down by 60 percent of the voters. Additional tax-credit proposals were introduced by the General Assembly in 2001 and 2002. Both failed to achieve legislation.

In 2003, shortly after the Supreme Court decision in Cleveland and with a Republican governor and Republican control of the House and Senate, three voucher proposals were introduced by the Colorado General Assembly. Additionally, two tax-credit proposals made their way through the House and Senate. In total, five different school choice proposals were introduced during the 2003 legislative session. As expressed in *The (Colorado Springs, CO) Gazette* (Nieves, March 3, 2003),

The voucher movement has gained momentum in Colorado, where lawmakers are considering three bills that would direct state money to send children to private schools. Two other bills propose tax credits for people who contribute to scholarships for children who want to go to private school. A U.S. Supreme Court ruling this summer upholding a voucher program in Cleveland paved the way for lawmakers to introduce similar systems in Colorado.

While each of the bills offered slightly different elements (see *Solutions* for details), it was a targeted, pilot voucher program, HB 1160, that gained the most support. The voucher bill was successful in both the House and the Senate and became law in June of 2003. Although the program was ultimately overturned by the court in 2004 on the grounds that it violated the State Constitution, HB 1160 was the only legislatively successful bill in Colorado and Pennsylvania of all those considered for this study.

A follow-up law was introduced in 2004 that was written to avoid the Constitutional violations of HB1160. This bill failed to gather enough support to become law. Elections were held in November 2004 and Republicans lost control of the

Colorado General Assembly which, according to an interview with Senator Nancy Spence, put an end to the string of school choice proposals.

Figure 5.2 provides a graphic description of school choice activity in Colorado. All major school choice events are highlighted, but only data related to the voucher proposals will be examined and presented in the following sections.

### *Problems in Colorado*

The problems identified by the participants and media coverage to be addressed by vouchers boiled down to one major point—schools failing poor and/or minority students. As Eric Hubler wrote in the Denver Post (2003, February 14) about the 2003 proposals, “The five bills have different eligibility criteria, but all stem from a belief that public schools are letting some kids down.” Colorado Commissioner of Education, William Moloney, spoke passionately about the topic during his interview.

What drives this is the fact...I once campaigned with Robert Kennedy and well remember what he said in 1968. He said, ‘If these appalling conditions are not remedied, the next administration will be nothing less than a stain on our national honor.’ So the fact is, those schools he was pointing out not only didn’t get better, they are worse. So hey, how long do we wait in the wealthiest, most powerful nation in the world? How long do we stand for situations such as Senator Joseph Lieberman, Democratic Senator of Connecticut, said, ‘It is totally unacceptable and shameful that children of color graduating from the 12<sup>th</sup> grade only read as well as white children finishing the 8<sup>th</sup> grade.’ These are appalling

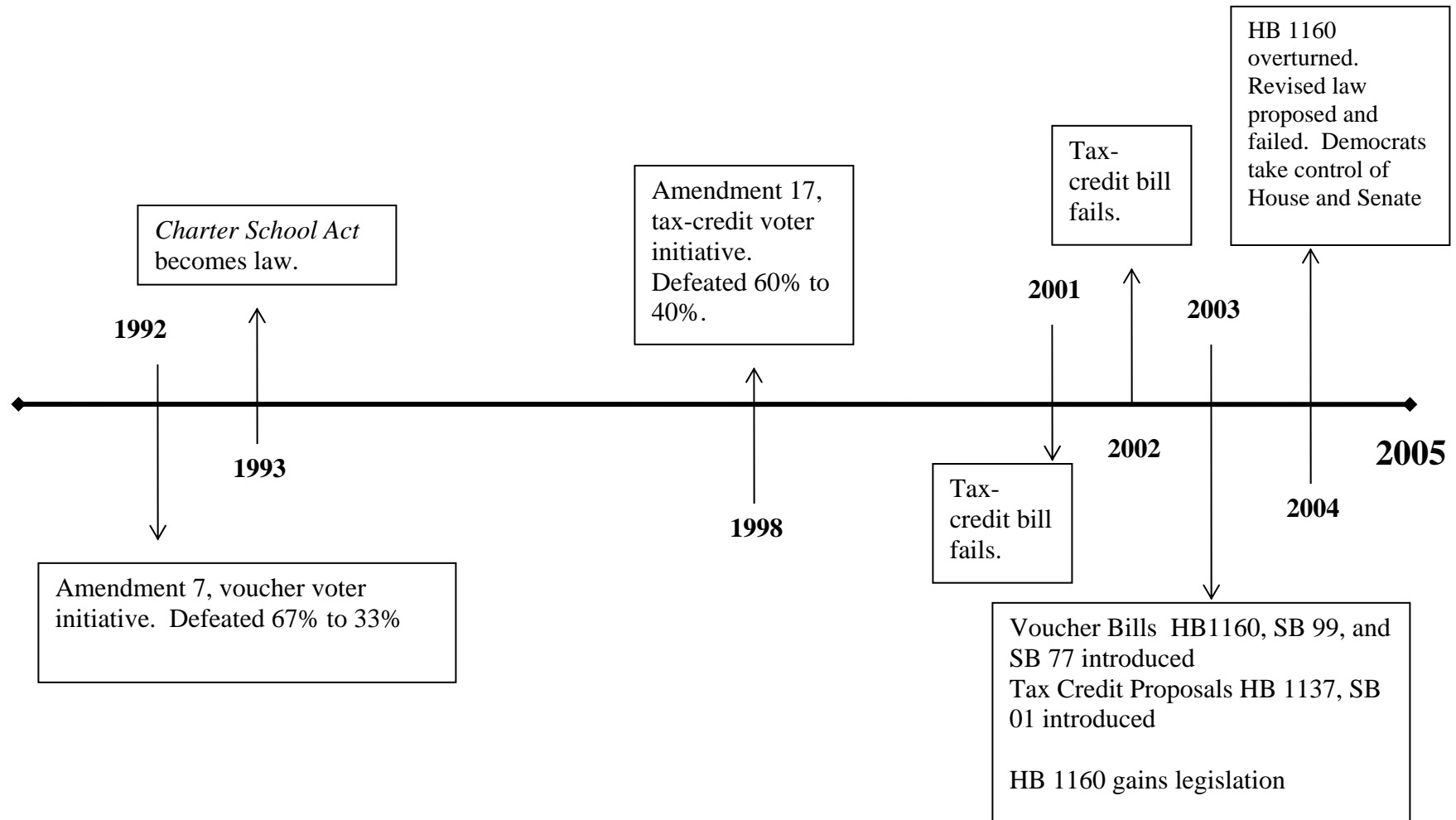


Figure 4.2 Timeline of voucher activity in Colorado, 1990-2005

conditions. It's beyond explanation. It's beyond excuses. So at some point the anger and the frustration build up.

Senator Nancy Spence, sponsor of HB 1160, explained during her interview how she transitioned from anti-school choice to a Senator leading the charge because of the problems she saw with the public schools.

When I had the responsibility of being chairman of the Education Committee, I felt like I did have to look at what was happening statewide and didn't feel that there were opportunities created for kids in other districts. Particularly poor kids, mostly minority kids, didn't have an opportunity to move to a Cherry Creek or to a higher performing district or even to a higher performing school within their district because their parents couldn't buy a home. Many of them single parents, by the way, and they couldn't afford private school tuition. So I began opening my mind to some opportunities and to some questions that I had never thought about before.

A representative of the Colorado Education Association referred during her interview to Senator Spence as a "strong public education proponent whose message has always been about being able to help kids out of failing schools."

Voucher advocate Steve Schuck suggested during his interview that the reason he got involved with the voucher movement was because "any person who pays attention to what is going on and has any concern has to recognize the deficiency in Colorado and

across the country that [many children] do not read or write at grade level.” Mr. Schuck continued, “My advocacy has nothing to do with dismantling the public schools. I just want to dismantle the system, create a marketplace for poor children. We already have a choice system for those who can afford it. Poor kids do not have a choice. All are found in low socioeconomic communities. Anybody with an ounce of humanity says that things have to change. This country...why do I persist...my kids are taken care of. I worry about the future.” In his interview, Dan Njegomir, Minority Director of Legislative Initiatives, agreed that “we’ve got to change the way we do things, particularly [for the minority] student population in America.”

From the standpoint of the opposition, Vicki Newell of the Colorado Parent Teacher Association (PTA) argued, “There will always be certain parents who want to send their children somewhere else, especially when the reason has to do with religion or a private school that they think is better.” Ms. Newell added that she would prefer that “the people who are proponents of vouchers would use their energy to improve all our public schools. The ‘cut and run’ philosophy doesn’t help anyone and it masks other problems.”

A recently passed school report card system highlighted the performance of Colorado public schools at the time of the 2003 proposals. According to Jeanne Beyer of the CEA, “this is also the time when our legislature passed a statewide school report card on school accountability reports when we had CSAP [Colorado Student Assessment Program] long enough that the legislature could finally decide to compare schools using CSAP scores.” The School Accountability Reports (SARs), as they are now officially called, are a compilation of objective indicators of the academic performance of every

public school. According to the *School Accountability Reports: A five year review of progress (2000-2005)* (2005, February), “The purpose was to enhance the ability of the General Assembly and the State Board of Education to monitor the progress of our schools, and it allowed for the measurement of a thorough and uniform system of education throughout our state.”

Table 4.4 shows the ratings of the public schools in Colorado in the first three years of the program, the years leading up to the 2003 voucher proposals. Information from the SARs was used to determine the districts eligible for the vouchers under HB 1160. As Senator Spence explained during her interview, “At that time we were using the year 2001 as a baseline year and any district that had eight or more unsatisfactory [schools were included].”

An article in the *Denver Post* (Stevens, 1993, December 11) declared, “A whopping 65 percent of Coloradans think the state’s public school system is on the wrong track.” A research strategist was quoted in the article as saying “The level of dissatisfaction about public schools appears to be so severe that voters could prove impatient about giving the system time to fix itself. While a proposal for publicly subsidized school vouchers was soundly defeated in the polls last year, that doesn’t mean Coloradans will remain idle while public schools wallow.”

Writing for the *Denver Post* (1997, May 29), William Raspberry commented, “Many parents are so pessimistic about these failing schools that they’re ready to give up on them. Bring on vouchers or tuition tax credits or choice, they say. If well-off parents see value in the ability to choose their children’s schooling, how can you deny similar choices to poor kids and then insist that they keep up?” Nita Gonzalez, president and



| <b>Ratings</b> | <b>2000-2001</b> | <b>2001-2002</b> | <b>2002-2003</b> |
|----------------|------------------|------------------|------------------|
| Excellent      | 129              | 119              | 187              |
| High           | 403              | 451              | 507              |
| Average        | 631              | 665              | 634              |
| Low            | 398              | 421              | 394              |
| Unsatisfactory | 30               | 49               | 32               |
| No Rating      | 154              | 16               | 21               |

*Table 4.4* Colorado School Accountability Report Ratings, source School Accountability Reports: A five year review of progress (2000-2005).

chief executive of a Colorado private school, echoed Raspberry's comments in another *Denver Post* article (Hubler, 2002, February 22), "Here you have parents wanting to find alternatives, but because they're poor they can't afford alternatives."

Colorado Education Association president, Ron Brady, declared to the contrary, "While the CEA and voucher supporters agree that public schools could get better, that's already happening" (Hubler, 2003, February 14). The data presented in Table 5.4 support this assertion in terms of the objective indicators used for the school accountability reports. However, the overriding opinion of most participants and media coverage was that public schools in Colorado were not providing an adequate education for all students, particularly poor, minority students.

### *Colorado Politics*

A data analysis of the politics surrounding the voucher proposals in Colorado showed Republican control played an integral part in the introduction of legislation. Interestingly, a break from traditional party alignment by a significant Democratic leader was noted in relation to HB 1160, the successful Colorado plan. Objection from the Colorado Education Association remained consistent across all plans, but support from an atypical advocacy group was identified for HB 1160.

The political environment in Colorado is unique in that the first voucher proposal was a voter initiative. The significance of this scenario was that politics in the electoral or partisan sense was not involved. Instead, the first initiative stemmed from the interests of private citizens who gathered enough signatures (at least 60,000) in support of their cause. However, as John Kingdon (2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]) suggested in his

definition of the Political Stream, “political” factors also include the presence and activity of pressure groups. While a thorough analysis of the politics involved with ballot initiatives may require another study devoted to the specific issue, some data from the first proposal was political in that it involved individuals or groups maneuvering for power and position within the voucher debate. This data will be presented here in addition to that of the politics involved with the legislative proposals.

According to most of the participants, it was no coincidence that voucher proposals appeared in the legislature when there was Republican control of both Houses as well as a Republican governor. Speaking during her interview about this issue, Jeanne Beyer of the Colorado Education Association noted,

And we anticipated, with the change in the governor’s office, that we would be faced with a legislative voucher proposal. That we probably would not see another ballot issue for a while, but that the only way the voucher proponents could succeed would be to try to get the legislature to pass something. So in the ’99, 2000, and 2001-2002 legislative sessions the legislature was Republican controlled with a Republican governor and there were dozens of issues...and so the atmosphere in the legislature changed gradually, but perceptibly so that you can really tell—if you’re paying attention—to an atmosphere in which we felt one of these bills was going to pass. There was just no way to continue to hold them all back.

Marti Houser, an attorney for the CEA, echoed the sentiments of Ms. Beyer when she noted, “So this was the makeup of the legislature. We were anticipating that they would have a much better chance of getting the legislation through.” When interviewed, Scott

Groginsky from the Colorado School Board Association, discussed the significance of party politics by stating, “I wouldn’t put a number to it, but it’s definitely a very large, significant factor.” According to a policy director for state school board member Jared Polis, “In ’03 was the first time—the ’02 election the Republicans took the Senate back—you’re in that situation again where the Republicans controlled all three branches, and I think they felt that was fertile ground to try to propose that bill, except one thing, the partisan thing.”

The selection of then Representative Spence as sponsor of HB1160 was also considered a political move by some participants. As Senator Spence stated, “I was I believe selected for the fact that I had some credibility in the school establishment community, if you will. Yes, I wasn’t a right wing, if you will, who was trying to grab something from the public schools and turn everything into a voucher.” Jeanne Beyer of the CEA agreed, “One legislator in particular who was very persistent, Representative Nancy Spence, from Aurora, a former Cherry Creek school board member, we believe was kind of selected by the governor as the legislator who was going to finally get a voucher bill passed.”

The success of Senator Spence’s bill, HB 1160, was attributed much to the alignment of the parties at the time the bill was introduced. William Maloney, Colorado Commissioner of Education, agreed with the impact of the party alignment: “When Nancy Spence’s bill passed you had Republicans controlling both houses, you know, legislature. [And, you had] a pro-voucher Governor, Bill Owens.” Senator Spence declared during her interview, “You know, the bottom line...And you can talk about grass roots support and you can talk about Polly Williams. You’ve got to have in this

body 33, 18, and 1, and that's the most important thing." "33" and "18" refer to the number of votes in the House and Senate, respectively, needed to pass a bill as well as the "1" vote of the Governor. Vicki Newell, a lobbyist for the Colorado Parent and Teacher Association (PTA), noted during her interview, "The bill fell along partisan lines and either supported or contradicted the philosophical positions of the two parties." When asked if she found the issue to be a very party-dominated one, Senator Spence responded, "Absolutely." "Nothing was crossing [party lines], no. The teacher's union in Colorado has an iron-fisted grip on the vote of every Democrat and very seldom will they break rank."

The data presented a few exceptions to straight party alignment in reference to HB1160, Colorado Opportunity Contracts. According to Marti Houser of the NEA, one Democratic Senator voted for the bill, Senator Bob Hagedorn. Although Senator Hagedorn did not respond to phone calls or emails for this study, other participants discussed his stand on the voucher issue. Senator Spence discussed how Senator Hagedorn had once been a Republican and switched parties. She noted, "He's very courageous. He's a very conservative Democrat and always supported pro-choice, so we counted on him."

There was also one Senator, Lou Entz, on the Republican side who voted against the voucher bill. During an interview with Marti Houser, attorney for the NEA, she suggested, "Senator Entz has always been a big supporter of public education and he is a Republican and he doesn't fit the mold." Senator Entz was also from a more rural area of Colorado where few, if any, private schools were available. Both Marti Houser and

Senator Spence agreed that this was one reason the Senator did not vote for the voucher plan. He did not see it benefiting his constituents.

Outside of the legislature there were others who crossed the traditional sides of the voucher debate for HB1160. The most significant of these advocates, according to many of the participants, was then Colorado Attorney General, now US Senator, Ken Salazar. According to an article in the *Rocky Mountain News* (Salazar upends voucher debate, 2003, February 22),

Attorney General Ken Salazar set of a tremor this week that may reshape the political landscape in Colorado. Salazar just happens to be the state's leading Democratic office-holder, the fellow whom everyone expects to run for governor in 2006, and here is what he said: 'I support a limited experimental constitutionally defensible voucher program targeted at poor inner-city children.'

For this study, many attempts were made to speak with Senator Salazar, or a representative; however, his aides declined to arrange for a conversation with the Senator. Senator Nancy Spence explained that Senator Salazar showed great support for vouchers until he ran for State Senator. "All of a sudden that support for the voucher bill sort of dropped off of his political agenda, but occasionally it would be mentioned. Obviously, he didn't showcase that, but people knew he supported it and I think that gave him a lot more appeal for Republican voters because he didn't have the whole liberal Democrat line."

Scott Groginsky, policy director for Colorado School Board Member Jared Polis, stated during an interview, "At the time what happened was when the bill was proposed

Attorney General Salazar came out and said these are the kinds of programs that could be successful. Usually it's not typical for Democrats to support vouchers, but in the limited way that it's being proposed, HB1160, that this could be something that works."

Colorado Commissioner of Education, William Maloney, noted, "He courageously came out and said, 'I'm going to support this bill. It's carefully drawn and constitutional, and it deserves a chance.' So he came out and supported it. He got great abuse, you know, from the State Teacher's Union and so forth."

Other notable, non-traditional supporters of HB1160 included Republican State School Board member, Jared Polis, and the traditionally liberal-minded Colorado Children's Campaign. While Senator Spence discussed the support of Jared Polis, a policy director for Mr. Polis cautioned during an interview that this was not necessarily the case. According to Scott Groginsky, Mr. Polis's policy director, the State School Board member lauded Senator Salazar for his non-traditional stand on HB1160. Some took support of the Senator to mean support of the bill. Mr. Groginsky did not, however, confirm that Mr. Polis was against the voucher plan, just that he was not necessarily an advocate. Support from a State School Board member is unusual because unless there is a unanimous opinion, the elected School Board is to remain neutral on any issue.

Support from the Colorado Children's Campaign was less debated, but similarly unusual. The Campaign's shift to support for vouchers made headlines in the *Rocky Mountain News* (Mitchell, 2003, January 29) with an article titled, "Voucher Plan Gets Support—Campaign for Kids Now Backs Proposal for Children at Risk." As stated in the article, Campaign President Barbara O'Brien worked with Senator Spence to craft HB1160 as a plan to help children not achieving in the public schools. Minority Director

of Legislative Initiatives, Dan Njegomir, explained in an interview that the Colorado Children's Campaign was "without question liberal, liberal, liberal." In his words, "Elbow to elbow with all of her [President, Barbara O'Brien] fellow urban, Volvo-driving, NPR listening, PBS viewing, prairie home, cabana chuckling, sun tea jar out on the front porch of the restored Victorian house living—that whole world, and there she was and she would tell them we are pro-voucher." Scott Groginsky suggested during his interview that, "Sometimes people think of state children's advocacy groups as liberalish." He continued, "They tend to have a liberal reputation. But the children's campaign kind of debunked that with the 1160. They took a pro position on it."

In the broader voucher arena as well as with HB 1160, most participants agreed that the Colorado Education Association (CEA) was the key player in the opposition. In fact, voucher advocate Steve Schuck suggested during his interview that the influence and financial backing of the teacher's union was the very reason a ballot initiative would not succeed in Colorado. After the 1998 tax-credit initiative failed to become law, Mr. Schuck declared "we agreed that initiatives didn't make sense because they required too many votes and CEA could outspend us no matter what." A spokesperson for the CEA, Jeanne Beyer, discussed the organization's opposition to the ballot initiatives during her interview.

In both '92 and '98, we basically ran the campaign against both initiatives using CEA money and NEA money. There were other players who contributed small amounts of money, very small amounts of money, and a little manpower... We spent about \$350,000 in '92 and about \$650,000 in '98.



An article in the *Rocky Mountain News* (Hernandez, 1992, November 4) also referred to the strength of the education association when noting, “Opponents—bankrolled by teachers and the education establishment—campaign hard in recent weeks, warning voters that vouchers would jeopardize the public school system.” Another article in the *Rocky Mountain News* (Sanko, 1997, November 25) highlighted how the CEA had prevented a voucher proposal from becoming a ballot initiative in 1996 by keeping it “tied up in the Colorado Supreme Court.”

Senator Nancy Spence suggested during her interview that the CEA and NEA opposition to vouchers is purely a “labor union issue.”

Do you know how many teachers they would lose, how many union members they would lose? It’s all about labor unions. And it was painful for me to say, there are teachers that aren’t able to reach certain numbers of kids, particularly low-income minority. They have been failing, failing year to year. How long do they have to wait to get a decent education? It’s painful for me to make an attack on public school teachers. You know, I have family members who are teachers and teachers have incredible challenges when it comes to trying to educate kids whose first language isn’t English, kids who are low income, kids who have no family history of a focus on education. So it was painful, but I tried to do it as delicately as I could, but occasionally I have to have a full frontal attack on the teacher’s union and say, ‘This is a labor union issue. Teachers, this isn’t about teachers, it’s about your control over the dollars and the kids that would leave the public schools and go to a private school.’

In a conversation with Richard Comer of the Institute for Justice, he agreed with Senator Spence's assessment of the union opposition. "Teacher's unions don't want competition. They have a bad product, but they are a monopoly. That's what it is all about." These sentiments were shared by political analyst Dan Njegomir who stated during his interview, "I happen to believe teachers unions, by and large, oppose vouchers for the same reason they oppose Charter schools, by and large, and that's because the unions are worried about losing union membership toward our generally nonunion schools."

Jeanne Beyer of the CEA argued that the opposition of the teacher's union to vouchers is a reflection of the opinion of its members.

We've had many, many, many midnight conversations where we've said, "Are we in the right place. Is our position just old fashion? Should we just shut up and how long will our members go along with this?...How long can you have this opinion before somebody says, 'Oh, for gosh sakes, why don't you guys just give up on that?' And one of the reasons we haven't is because our member polling of our own members shows that this is the thing they care about the most, with full funding right behind it.

Other groups noted as opponents to public school vouchers included the Anti-Defamation League (ADL), the Colorado PTA, and the Colorado Association of School Executives (CASE). An article in the *Rocky Mountain News* (Mitchell, 2003, January 29) identified "school groups traditionally opposed to vouchers, including CASE, the Colorado Education Association, the Colorado PTA and the Colorado Association of School Boards." The same article quotes a lobbyist for the school boards' group as

saying, “Board members statewide do not support vouchers because they give public money to private schools.” Vicki Newell of the PTA explained via email that the PTA was “opposed to vouchers in the broadest sense of the word. She continued, “Vouchers are simply unhealthy for a ‘thorough and uniform’ public school system as our Constitution requires. We need every cent we have to make all our public schools better for every single child in Colorado that will attend them.” Opposition was most obvious when the PTA and ADL filed the lawsuit that ultimately overturned the Colorado Opportunity Contracts program.

Private citizens were also very involved with the voucher issue in Colorado. As noted in *The Denver Post* (Dust, 1998, October 14) about the 1998 tax-credit ballot initiative, “several wealthy businessmen have donated tens of thousands of dollars to support a ballot initiative that would funnel public money to families to send their kids to private schools.” A thorough discussion of these individuals as policy entrepreneurs is presented in the *Contributing/contextual factors in Colorado* section later in this chapter.

#### *Colorado Policies (Solutions)*

Unlike in Pennsylvania where the specifics of each proposal were highly contested and modified, it was the careful process of crafting a successful bill that was highlighted in the Colorado data. Testing for students attending private schools, criteria for districts selected for the program, income criteria, and other student eligibility criteria were all discussed as issues of concern. However, creating a plan that was legally defensible and acceptable to the majority of legislators proved the most critical elements to the successful Colorado plan.

In a conversation with Jeanne Beyer of the Colorado Education Association, she discussed the determination of Senator Spence “to craft a measure that could pass in her opinion.” Reference is made in a *Rocky Mountain News* article (Mitchell, 2003, January 29) to supporters “crafting” a pilot plan. And, *The (Colorado Springs, CO) Gazette* discussed one voucher advocate “who has worked with legislators to craft this year’s voucher proposals.” In each instance, emphasis is placed on the careful designing of the voucher plan.

When discussing during an interview the specifics of her bill, Senator Nancy Spence noted that, “Many of the opponents said the citizens of Colorado have already spoken on that issue of vouchers [in reference to the previous ballot initiatives] and had defeated them both times. Well, they were different questions than I was putting forward in my bills.” Senator Spence highlighted that her plan was income tested, tested by an academic means, and it was a pilot program targeting just eleven school districts. Each of these program specifics varied from previous voucher bills and initiatives. Table 5.4 notes the specifics of each policy using the same categories as those identified for Pennsylvania, Florida, Cleveland and Washington, D.C.

The focus in Colorado was on each final bill or initiative and what advantages and disadvantages were offered. Colorado Education Association spokesperson Jeanne Beyer did refer in her interview to bills being “written over and over and over again until she [Senator Spence] thought she had the right one;” however, there was no discussion about different interests being involved in this drafting process. Instead, Ms. Beyer claimed that, “We examined every bill and discussed on our staff and leader lobby team whether or not we could support them.”

|  | <b>1992 Ballot Initiative (Amendment 7)</b>                            | <b>2003 Legislative Bill H.B. 1160</b>   | <b>2003 Legislative Bill S.B. 77</b>  | <b>2003 Legislative Bill S.B. 99</b>   |
|--|--|--|---|--|
| <b>Student Eligibility</b>                           | Colorado students in kindergarten, elementary and secondary education. | Children who reside in participating school districts who: receive free or reduced lunch, in grades 4-12, attend a public school, perform “unsatisfactory” on statewide assessment, or children in grades K-3 who attend a public school and lack overall learning readiness   | School age students residing in one of the 3 eligible districts to be determined by the state board who are eligible for free school lunches and attended a public school that has received an “unsatisfactory” academic rating.  | School aged students residing in eligible districts determined by a majority of eligible electors voting to participate and the school district has two or more “low” or “unsatisfactory” schools.   |
| <b>Other Eligibility Standards</b>                   | N/A  | See above  | See above   | Child is from a low-income family.   |
| <b>School Eligibility</b>                            | Government (public), non-government, and home schools                  | All public schools in eligible districts and non-public schools.   | All public schools in eligible districts and non-public schools.  | All public schools in eligible districts and non-public schools.   |
| <b>Maximum Student Participation</b>                 | All students   | Limited to a certain percentage of a school districts enrollment.  | Not identified.   | TBD by school district policy  |
| <b>Voucher Amount</b>                                | All state moneys apportioned among the Colorado students.              | Lesser of actual cost per pupil at a nonpublic school or 75% of the school district’s per pupil cost for grades 1-8, 85% for grades 9-12, and 37 ½ % for kindergarten..  | The lesser of the tuition charges of the nonpublic school or the full per-pupil operating revenues of the school district of residence or \$5200.   | Lesser of the tuition charges of the nonpublic school of 80% of the school district’s per pupil operating revenues. Requires an increase in the amount of the scholarship for mainstreamed disabled children and separately educated disabled children.  |
| <b>Selection Criteria</b>                            | N/A  | Students must apply to program. If participation cap is reached, priority is given to students already participating in program and then to siblings. A lottery can be used as a last resort.  | Directs state board to establish an application process, criteria, and deadline for eligible students.  | Each school district that seeks to participate in the program shall adopt a policy that establishes an application process and deadlines.  |
| <b>Regulations for Participating Private Schools</b> | N/A  | Nonpublic schools must notify the school district of its intent to participate in the pilot program, does not discriminate on the basis of race, color, religion, national origin, or disability, does not advocate or foster unlawful behavior or teach hatred, meets all health and safety laws that apply to all public schools, administers statewide assessments to the eligible children, submits fingerprints for employees, permits eligible student to withdraw and provides information regarding the school’s history and administrative structure. | Commissioner of education must approve nonpublic schools. Nonpublic schools must not discriminate on the basis of race, color, or ethnic background, does not advocate unlawful behavior or teach hatred, does not knowingly provide false or misleading information to the public, agreed not to charge tuition in excess of ten percent of the scholarship amount, agrees to permit tuition payment by program. | Nonpublic schools must not discriminate on the basis of race, color, or ethnic background, does not advocate unlawful behavior or teach hatred, does not knowingly provide false or misleading information to the public, meets all requirements of the federal “Americans with Disabilities Act of 1990,” permits a parent to pay and remaining balance due for the costs of providing educational services, and permits school district to give statewide assessment to eligible students. |

Table 4.5, Specifics of Colorado Proposals

Many participants and much media coverage talked about the careful planning involved in designing a program that would gain legislation. As quoted in *The Denver Post* (July 22, 2002), Representative (at the time) Nancy Spence said, ‘I don’t want a traditional voucher program. I want to look at what other states are doing and combining some ideas and come up with options for low-income families and see what we can craft for Colorado.’ During her interview, Senator Spence described the group of voucher advocates and opponents who visited Milwaukee prior to drafting HB1160. A group of twelve individuals—including Senator Spence, a Democratic State School Board Member, a member of the Denver Arch Diocese, and others on both sides of the debate—flew to Milwaukee to see for themselves how it worked there. The Senator also discussed her relationship with the Institute for Justice in determining the language of the bill from a legal viewpoint. The Institute for Justice is a libertarian public-interest law firm that has litigated several voucher cases, including the 2001 Zelman case and ultimately the Colorado Opportunity Contracts case. Based on their experience, the Institute helped the Senator write a plan that was both politically viable and, they believed, constitutionally sound. Richard Comer of the Institute for Justice discussed his organization’s involvement with the plan during an interview. Mr. Comer noted that the Institute, “Would have been involved in the consideration of how to structure the program. And, how to create it in such a way so that it is legally defensible.”

During an interview with Jeanne Beyer of the CEA, Ms. Beyer suggested, “Representative Spence, I would say, thought that she could by signaling out a small number of school districts and calling this a pilot program and choosing school districts

which had a relatively high number of what are called low-performing schools under our school accountability system, that the legislature would pass the bill and they did.”

Issues that Senator Spence discussed as important in drafting her bill included state testing for students attending private schools, criteria for districts selected for program, income based, and other student eligibility criteria.

In reference to the first issue, Senator Spence noted that leaders of the Catholic schools would agree to offer release time for students to return to their home districts for state testing as long as they could maintain other controls pertinent to their philosophy of education, such as, religious training for all students and limited restrictions on teacher certification. The idea that the Catholic schools would allow students to return to their neighborhood schools for testing was, according to the Senator, “the bottom line accountability issue for those that opposed the bill.” The 2003 Senate Bill 99 was the only other voucher plan that offered the same condition for private school participation.

Careful consideration was also given to district selection in order to maintain appeal to the legislators. In its final form, the plan included all districts where eight or more schools had “unsatisfactory” performance on state report cards. As Senator Spence discussed,

We picked eight specifically to exclude anybody on the West Slope because we knew that if we started we could lose a vote or two from Republicans...They don't have very many private schools to choose from in rural Colorado or on the West Slope. Now Grand Junction would have a few, but we also knew there was a Republican who was the representative who would get a lot of pressure from the school district and we didn't want to lose her vote. So we just wanted to keep it

cleaner by excluding all the districts on the West Slope. And, we wanted to keep Boulder in because we weren't going to get any votes out of Boulder anyway.”

Boulder eventually amended themselves out of the program, but the vote was always against vouchers so the change did not affect the outcome. Jeanne Beyer of the CEA agreed that district selection was important to the bill's success, noting that all districts were metro area, large, front-range districts. (Front-range refers to districts lying directly to the East of the Rocky Mountains. Colorado is geographically divided into three ranges: the West Slope, the Mountains, and the Front-range. Most of the population and metropolitan areas of the state are found on the Front-range.)

Of the three remaining voucher proposals, none defined the specific districts to be included in the program. The 2003 S.B. 77 limited the program to a small number of districts—just three. However, the districts were to be determined by the State School Board. The 1992 ballot initiative was to include all districts and the 2003 S.B. 99 described a process that involved the local electorate determining what districts were to be included.

Targeting the program at low-income students was another issue that involved careful planning. All three legislative bills included criteria for income eligibility. Only the 1992 ballot initiative allowed students of all income levels to participate in the voucher program. According to voucher advocate, Steve Schuck, during his interview, “It was not politically feasible to get choice for universal vouchers. That forces us to do means-tested plans.” Senator Spence suggested, “Wealthy, upper income, upper middle income people can afford those schools and they can do it on their own...I was thinking



about the learning gap that occurs between middle and upper and the lower, and this was a way to begin to close the learning gap.” Republican Policy Director, Dan Njegomir, agreed that targeting the program to low-income students was critical to the success of HB 1160. As he stated during his interview, “The final few pieces were put in place by this cross-pollination, by having this thing that has populist appeal that can reach out and touch catalysts in non-traditional and non-ideological circles.”

Critics of the voucher proposals argued that targeting the bills at low-income students was just a ploy and a first step toward a universal voucher program, but others countered that regardless of the ultimate reach of the plans, they could still benefit the neediest children. The founder of the Colorado Springs Chapter of the Black Alliance for Educational Options was quoted in the *Rocky Mountain News* (Olvera & Mitchell, 2003 June 9) as saying, “[The] claim that white lawmakers are using minority children may even be true. But right now, we have a problem in the black and Hispanic community. Those are the kids who are most disengaged, who most need it now. If it benefits middle-class white kids down the road, so be it—as long as we get quality education for all kids in the country.”

Also making HB 1160 more palatable was the fact that it was introduced as a “pilot” program. SB 77 was also proposed as a pilot program, but the 1992 ballot initiative and 2003 SB 99 did not carry the same title. A *Rocky Mountain News* article (Mitchell, 2003, January 29) quoted Senator Spence as saying, “I don’t believe this is the right time for a universal voucher bill to pass. I think we need to start with a pilot program that we can look at after a period of time and evaluate whether it has actually done what we said it would do.” As noted earlier, Jeanne Beyer of the CEA agreed

during her interview that calling the Colorado Opportunity Contracts a pilot program was an important strategy to gain legislation for the bill. An article in the *Rocky Mountain News* echoed the sentiment noting, “Supporters argued it was only a pilot program designed to help the neediest children.”

#### *Contributing/contextual factors*

The framework for this study includes identification of contributing/contextual factors that may be present when a proposal seeks enactment. In Colorado, these factors included the presence of determined policy entrepreneurs, a national legal climate supportive of vouchers based on the recent Cleveland voucher case ruling, and, as discussed previously, support from a high-profile individual and community group traditionally in opposition to vouchers.

As defined by John Kingdon (2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]) and Michael Mintrom (2000), policy entrepreneurs are “people willing to invest their resources in return for future policies they favor” (Kingdon, p. 204). The research identified a small, but powerful coalition of wealthy individuals in Colorado who have made it part of their mission to enact a voucher program. In the media, reference was made to “wealthy national and Colorado advocates of school vouchers quietly building support in minority Denver neighborhoods for trial voucher programs that they hope will eventually be major competition for public schools (School voucher plans, 1999, September 13).” As reported by the *Denver Post*, “several wealthy Colorado businessmen have donated tens of thousands of dollars to support a ballot initiative that would funnel public money to

families to send their kids to private schools,” and “there are heavy dollars going into this voucher campaign (Dust, 1998, October 14).”

Two of these individuals, Steve Schuck and Alex Cranberg, were referenced regularly in the media and during participant interviews. As discussed during an interview with Dan Njegomir, Minority Director of Legislative Initiatives, “Both are businessmen and both are major, major voucher believers. They are true believers in school choice. For each of those it’s life passion.” Mr. Njegomir continued,

These are guys who in some cases came from traditional conservative ideological backgrounds, but who get it. They see if we’re going to have a public education in America the way we deliver that service has to be dramatically different than what we’ve been doing...Particularly for disadvantaged [students] because you say everyone, everyone can take care of themselves and the disadvantaged can’t and they want to reach those kids. They are incredible. Either you’re going to accept that or not...There is nothing in it for these guys.

When interviewed about his involvement in the voucher debate, Steve Schuck declared, “We already have a choice system for those who can afford it. Poor kids do not have a choice. All are found in low socioeconomic communities. Anybody with an ounce of humanity says that things have to change. This country...why do I persist...my kids are taken care of. I worry about the future.” As Alex Cranberg suggested during his interview, “This is not a sprint, it’s a marathon.”

Both of these individuals have been involved in the Colorado voucher debate since the first ballot initiative appeared in 1992. As one *Rocky Mountain News* article

noted (School voucher plans, 1999, September 13), “after two well-financed but unsuccessful ballot measures in 1992 and 1998, Schuck said he and his allies have learned that future success must come from the ground up and not primarily benefit the affluent.” All of the data suggest a determination on behalf of these voucher advocates to see a voucher program be enacted in Colorado. In fact, both Mr. Schuck and Mr. Cranberg have sought other avenues for providing school choice options for underprivileged children. Alex Cranberg is the founder of the Equal Educational Opportunity Foundation (formerly the Alliance for Choice in Education), which provides scholarships to low-income children in K-12 to attend private school (*This Week @ Metro*, 2004, October 20). In addition to establishing a similar program in the Colorado Springs area, Steve Schuck has spent a lot of his own money trying to implement a voucher program in his hometown. After devoting much time and energy to the statewide programs, Mr. Schuck discussed during his interview that he decided to focus his attentions on Colorado Springs. Twice he has launched a campaign to elect school board members in support of vouchers. However, Mr. Schuck said that his efforts could not compete with the opposition, and financial backing from the Colorado Education Association.

In 2003, the determination of voucher entrepreneurs was supported by a national, legal climate in favor of voucher programs. The Cleveland voucher program had recently been found to be not in violation of the Religion Clause of the US Constitution. Therefore, the strength of many of the legal arguments against vouchers was, at least, uncertain. As referenced in *The Gazette* (Nieves, 2003, March 3), “A U.S. Supreme Court ruling this summer upholding a voucher program in Cleveland paved the way for

lawmakers to introduce similar systems in Colorado.” An article in the *Rocky Mountain News* (Mitchell, 2003, January 29) declared, “A U.S. Supreme Court ruling in June upholding a Cleveland voucher program for low-income students has prompted ‘a tidal wave’ of choice legislation.” The *Boulder Daily Camera* (Fish & Bounds, 2003, March 27) discussed HB 1160, “If the bill becomes law, Colorado will be the first state to start a voucher program since the U.S. Supreme Court’s decision last summer upholding Cleveland’s voucher program.” And, as noted in another article (Mitchell, 2003, April 10), “Colorado is drawing national attention because it is the first state to approve vouchers since July, when the U.S. Supreme Court upheld Cleveland’s voucher plan, which funnels public money to private and religious schools.”

In addition to the legal climate surrounding the 2003 voucher proposals, HB 1160 had the unusual situation of being supported by key individuals and groups traditionally opposed to vouchers. For a variety of reasons discussed earlier in this chapter, non-traditional voucher advocates were found for the Colorado Opportunity Contracts plan. Jared Polis, a democratic school board member, Attorney General, Ken Salazar, and the Colorado Children’s Campaign all voiced support of the Spence bill. Of course, analysts argued over whether such support would help pass legislation. One opinion piece in the *Rocky Mountain News* (Rosen, 2003, March 21) cautioned, “Beware of Johnny-come-lately supporters who would strangle the voucher baby in its crib.” One senator was quoted in the *Rocky Mountain News* (Mitchell, 2003, February 22) in reference to the stance of Attorney General Ken Salazar, “So I think we’re respectful of his position, but I’m not sure our minds will be changed because he might support vouchers. We’re answering to our constituents and the will of the people.” From Senator Spence’s

perspective (Mitchell, 2003, February 22), however, “I absolutely think it [the support] will have an influence.”

### *Comparison of Successful and Unsuccessful Proposals*

The data from the Pennsylvania and Colorado cases provided an outline for the factors involved with the outcome of various voucher proposals. In comparing all of the proposals, the factors present with the successful proposal were contrasted with those of the unsuccessful attempts at legislation. Information from the literature review of the successful proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. was compared with the factors associated with the success of the Colorado Opportunity Contracts. As intended in the design of this study, an examination of this data provides an understanding of why a few proposals succeed where the others failed.

Using the framework established by John Kingdon (2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]), factors relating to the problems, politics, and policy specifics were analyzed for each case. In addition, contributing/contextual factors were also considered for their contribution to the outcome of each proposal. As noted in the introduction of this study, the contributing/contextual factors are significant in allowing a policy window to lead to voucher legislation. The data collected for this study supports this assertion.

As the comparison shows, the successful proposals, while varying to some degree, shared many common attributes. All of the proposals were rooted on the assumption that at least some public schools were failing to provide a quality education, specifically for poor and/or minority students. The specifics of the programs were based on this assumption with three of the programs limited to poor students, one limited to

students in failing schools, and the Colorado proposal requiring both criteria. Four of the five successful proposals included religious schools and all provided at least half of the per pupil cost of attending a public school. Politically, all of the successful programs were introduced with Republican Party control and all saw the teacher's union as the greatest opposition.

The specifics of the unsuccessful proposals demonstrated many similar characteristics, with a few notable exceptions. The total amount of the vouchers across all of the Pennsylvania proposals was far less than any of the successful proposals. In fact, the highest proposed amount was \$1,500 and was limited to high school students from a household with an annual income below \$15,000. The 1992 Colorado ballot initiative also varied in its specifics as it was to be available to all K-12 students in the state.

An analysis of the three remaining Colorado proposals showed that the eligibility, selection criteria and regulations varied across the plans. The two unsuccessful proposals left many of the specifics to be determined by either a vote by the local electorate, as in the case of SB 99, or as SB 77 proposed, by the State School Board. Only the successful HB 1160 had the specifics all detailed and outlined prior to introduction.

Based on a very simplistic analysis, therefore, it could be suggested that any well defined plan focused on allowing disadvantaged students in failing schools an opportunity to attend any school of their choice with a voucher for at least half of the total per pupil expenditures could achieve legislation. Provided, of course, a Republican legislature and Governor were in control to vote on the proposal and sign it into law. An

analysis of the contributing/contextual factors, however, contributes to a deeper understanding of why a few proposals succeeded where the others failed.

Most poignant to an analysis of the contributing/contextual factors was the terse conversation on such influences in Pennsylvania. In the Pennsylvania case, the data suggested a lack of grass roots support and resentment toward the governor as reasons the bills did not pass rather than suggesting influences that could have enabled legislation. And, in terms of non-traditional political support, the advocacy by Philadelphia Senator Dwight Evans (Democrat) came late in the pursuit of vouchers. Additionally, the Senator represented only one district of the many included in the proposals. While the Senator remains an advocate for choice, no proposals have come close to a vote since the Ridge administration.

An analysis of contributing/contextual factors in Colorado as well as with the successful proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. suggests similar characteristics. In all of the cases, those pushing for the vouchers found strong support from non-traditional advocates. Cleveland and Milwaukee had policy entrepreneurs with Fannie Lewis and Polly Williams, respectively. These individuals led the charge for vouchers and rallied urban parents behind their cause. In both cases, the otherwise liberal groups supported vouchers for poor/minority children, who they believed deserved a better education than they were getting from the city public schools.

None of the remaining successful proposals saw such grass roots support, but all three found high-profile Democrats to support the plans. The voucher proposal in Washington, D.C. was strongly supported by the mayor and school board president who were both well-respected Democrats. Democratic Attorney Generals in both Colorado



and Florida spoke out in favor of the successful attempts at legislation. In both cases, these individuals were condemned for their support of voucher plans, but both publicly discussed their obligation to help the neediest children. HB 1160 also found the support of a notable state school board member as well as a children's advocacy group which typically opposed vouchers.

Important to this analysis is the realization that the non-traditional support in Colorado was found only for the successful proposal and not for the three unsuccessful attempts at legislation. More than one participant suggested that the support came because opponents knew that legislation was inevitable and HB 1160 was decidedly the lesser evil. Regardless, this support was suggested by many as one reason why HB 1160 achieved legislation where the others failed.

*Additional contributing/contextual factors*

While this analysis offers an understanding of the factors involved with successful and unsuccessful proposals as they relate to the policy streams, there were other issues that should receive attention. Specifically, the lack of clarity of the Pennsylvania proposals and the abundance of proposals at the time of the Colorado Opportunity Contracts legislation played significant roles in the outcomes of the bills.

Each of the Pennsylvania proposals underwent numerous revisions before ending in defeat. The proposals were debated by all concerned parties, with the specifics of the plans constantly changing to reflect the interests of these parties. Such fluctuations created a volatile environment for the bills. As one study conducted by Laura McKenna

(2001, p. 182) found, Ridge changed the bills so often that legislators failed to know what was being considered.

Lost in the debate over the specifics of each Pennsylvania proposal was the purpose of the plans. Little, if any, mention was given to the best interests of students in all of the interviews and media coverage. Those involved in the debates discussed the interests of the Catholic Church, the political ambitions of the governor, and the power of the teachers' union as influences on their decision to support or oppose the program. No one discussed whether or not they believed it would help children to receive a better education as an explanation for their stand on the issue.

The situation in Colorado was much different than during the Pennsylvania proposals. The Colorado Opportunity Contracts was a carefully crafted plan that addressed the concerns of most interests before being presented to the education committees. Only a few specifics, including participating districts, were modified before the plan went to vote.

The particularly interesting variable in Colorado was the presence of three voucher bills simultaneously. Rather than a debate over vouchers or no vouchers, it became a discussion about which was the best plan. Much of the non-traditional support for HB 1160 came with praise of the plan as the most carefully prepared, best alternative. Even the Colorado Education Association admitted defeat and turned their attention to a lawsuit for after the law was adopted.

## Chapter V

### Summary, Findings, Implications and Conclusions of the Study

The purpose of this study was to develop an understanding of why a few education voucher proposals have been enacted into legislation where most others have failed. In pursuit of this explanation, factors associated with the political process of proposals in Pennsylvania and Colorado, along with successful voucher proposals elsewhere, were examined to identify contributing/contextual factors associated with the successful proposals. Part 1 of the literature review suggested problems, politics, and policy solutions typical of school choice and voucher proposals. Part 2 of the literature review provided an overview of the characteristics of four successful attempts at legislation in Milwaukee, Cleveland, Florida, and Washington, D.C. Based on the comparative case study design and method presented in Chapter III, the data were collected and presented in Chapter IV. The data analysis compared each case and identified similarities and differences in the policy streams as well as the contributing/contextual factors as suggested by the conceptual framework for the study. This chapter summarizes the design of the study, provides an overview of the findings, and discusses the implications and general conclusions.

#### *Purpose and Design of the Study*

This study focused on the politics and policy specifics surrounding voucher proposals and the factors affecting their legislative outcome. As outlined in Chapter I, the central questions guiding this research were: (1) What factors contributed to the

successful voucher bills? (2) How were these factors present or absent in unsuccessful proposals? (3) What was different in the political process, "policy windows," and circumstances surrounding the successful bills? (4) Why were the opponents not able to defeat the successful bills? In short, why did a few voucher proposals succeed where the others failed?

In order to address these questions, a comparative case study was conducted. The study used interviews and document analysis to collect data about the political environment and events surrounding education voucher proposals in Colorado and Pennsylvania. Interviews with twenty four individuals identified by various sources as key vouchers actors in the two states provided much insight to the events surrounding each proposal. Coverage from major newspapers and legislative archives offered additional data. A review of the literature on successful proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. provided points of contrast and comparison for the successful Colorado voucher proposal.

The framework for policy agenda setting proposed by John Kingdon (2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]), was used to identify, sort, and explain the data of this study. Specifically, the events surrounding the voucher proposals were aligned with the policy streams identified by Kingdon. These streams included the *problems* that vouchers were to address, the *politics* involved in the legislative process, and the specifics of each policy offered as *solutions* to the problems. Other contributing/contextual factors were also considered that did not necessarily fall under one of the political streams, but, nonetheless appeared to contribute to the legislative outcome of each proposal.

In response to the guiding questions, this study found a combination of factors associated with the success of a proposal. Some factors that Milton Friedman called for—voucher proposals that included all schools and provided enough money to allow students to attend the school of choice—were associated with success. However, the successful proposals were also all targeted at and limited to disadvantaged students. Other factors that seemed associated with success, included political party control, non-traditional voucher advocates, careful planning of the proposals, and a “best alternative” or “lesser evil.” Many of the individual factors were present in the unsuccessful proposals, but a combination of a majority of the factors made it difficult for voucher opponents to prevent legislation. The findings presented in the next section provide a more thorough explanation of these factors.

### *Findings*

As the analysis suggested, all of the successful proposals shared a few very specific attributes. The proposals were all targeted at providing alternatives for poor students attending public schools that were failing to offer an adequate education, whether by perception or based on some assessment criteria for school performance. Politically, all of the successful voucher proposals were introduced by Republicans with Republican leadership, whether in the form of a Governor or U.S. Congress and President. Only the failed 1992 voter ballot initiative in Colorado was introduced with a Democratic governor in office. The teachers’ union was the common major opposition in all but one successful case. The Washington D.C. teachers’ union was in notable disarray

at the time voucher legislation passed for the city. This was considered a contributing factor to the success of the proposal.

Also common across all the successful proposals was the significance of the voucher amount, with at minimum 50 percent of the public school per pupil costs being allocated. The most recent proposal in Washington, D.C. offered as much as \$7500 to eligible students. Only the very first plan, in Milwaukee, excluded parochial schools from participating in the program. The four remaining successful proposals all included religious schools, and the law in Milwaukee was revised to include such schools just a few years after adoption of the plan.

The contributing/contextual factors associated with each of the proposals offered additional insights as to why only a few plans succeeded where the others failed. The leadership of voucher entrepreneurs was consistent across most proposals, successful and unsuccessful. Governor Ridge pledged himself as an Education Governor and was determined to pass voucher legislation in Pennsylvania. Business entrepreneurs in Colorado made it their mission to expand choices for parents. However, unlike the unsuccessful proposals examined for this study, the plans that achieved legislation all found strong support from non-traditional voucher advocates. This support was both grass roots and political in nature, with highly influential individuals and groups being the common denominator. The support ranged from state attorney generals, to city mayors, to urban leaders, to a children's advocacy group.

In the introduction to this study, it was suggested that proposals varying greatly from the criteria set forth by Milton Friedman would have a greater chance of achieving legislation. Friedman suggested purchasing power, school restrictions, and student

eligibility as the criteria for evaluating the effectiveness of a voucher proposal. It was Friedman's conviction that only vouchers made available to all students to attend any school of their choice with most of the costs covered by the voucher were acceptable. In fact, the purchasing power and school restrictions suggested by Friedman held true to the successful legislation. However, student eligibility is one area that differed significantly from his proposal. It was the focus of the plans on poor/minority students that appeared to enable legislation. It was this element alone that appealed to many of the non-traditional advocates who helped pass the laws. Without a focus on the neediest children, it is doubtful that any of the plans would have passed.

In establishing the conceptual framework for this study, it was proposed that successful legislation of a voucher proposal depends not only on the circumstance of a policy window created by the problems, politics, and specifics surrounding a policy but also on the presence of contributing/contextual factors to push the bill forward. The findings of the study support this hypothesis with contributing/contextual factors occurring in all of the successful cases.

The data from the study show that that the careful planning and crafting of the Colorado Opportunity Contracts proposal were significant to its legislation. Two other bills proposed during the same legislative session included many of the same elements as HB1160, but failed to outline the specifics as completely as the successful proposal. District participation, student eligibility, maximum student participation, and selection criteria were areas not fully explained by at least one of these two bills.

Also specific to HB1160 was the presence of multiple proposals at the time of its introduction. Much of the data suggested that opponents believed it to be inevitable that

a voucher bill would pass. Therefore, the bill proposed by Nancy Spence was viewed as the “lesser evil” and found less resistance from the opposition with non-traditional voucher advocates voicing support for the proposal.

In fact, each successful case demonstrated support from at least one non-traditional voucher advocate. Cleveland and Milwaukee both saw grass roots support from urban parents, led by activists Fannie Lewis and Polly Williams, respectively. While the greatest advocate for vouchers in Florida was the Republican governor, he found support from a Democratic district attorney. In Washington, D.C., a Democratic mayor and the president of the local school board provided support to the Republican led U.S. Congress. Similarly, the Colorado Opportunity Contracts found support from a Democratic Attorney General, a Democratic state school board member, and a liberal children’s advocacy group. A similar pattern was not found in relation to the unsuccessful proposals, while the problems, politics, and specifics of many of the bills were comparable.

Other contributing/contextual factors were associated with the success of the proposals in Milwaukee, Cleveland, Florida, and Washington, D.C. In Milwaukee, there was the direct transfer of funds from the Chapter 220 program. Therefore, the money already existed for a increasingly controversial program and was simply transferred to a new program. Both the Cleveland and Florida programs were included as part of overall budgets which took some of the focus off of the specifics and costs of the voucher proposals. Finally, the D.C. program was passed by the U.S. Congress at a time of great problems in the local teachers’ union.



Common to the unsuccessful proposals was the lack of clarity, although to varying degrees. As discussed previously, the unsuccessful Colorado proposals left details to be determined after legislation that were clearly outlined by the successful HB 1160. The Pennsylvania proposals showed even greater ambiguity. Many participants of this study and various newspaper articles cited constantly changing specifics of the Pennsylvania proposals as significant to their outcome. Never-ending attempts to appease everyone left many legislators befuddled, frustrated, and unwilling to vote in favor of the bills.

#### *Implications for Policy, Practice, Theory and Research*

The implications of the study are pertinent to voucher advocates, opponents, policy makers in general, and future research. Voucher advocates can benefit from the analysis of the successful cases and consider these elements when introducing voucher legislation. The unsuccessful cases provide caution for specifics to avoid. For opponents, the study provided an understanding of the elements linked to success. While the study does not take a stand on voucher proposals, the findings show what appears to have become acceptable in voucher legislation. Opponents can accept these attributes or develop different arguments against proposals. Policy makers can consider the influence of contributing or contextual factors when seeking a window for legislation.

For the voucher advocate, careful consideration of the specifics of the law prior to introduction proved vital in the Colorado case. The Pennsylvania scenario showed that leaving the details to the manipulation of varied interests created an environment of confusion and caused legislators to lose focus and interest in the overall purpose of the

voucher proposals. The unsuccessful Colorado proposals also left details to be determined after legislation

In crafting a bill, voucher advocates should take note of the specifics shared by the successful bills. In most cases, the proposals were targeted at poor/minority children not receiving an adequate public education and allowed the students to attend any school of their choice. The amount of the voucher was substantial enough to make it possible for the neediest of children to actually afford tuition at a private school.

Also important for voucher advocates to consider is how vital to successful legislation it is to have a non-traditional voucher supporter or group of supporters speak out in favor of the proposal. This support can come from a grass roots movement of poor and/or minority parents' fed up with the public school system, from a high profile political leader, or from any number of liberal organizations and associations.

The presence of non-traditional support gives a voucher proposal some legitimacy and makes it more difficult for the opposition to make much progress. It could certainly be damaging to a political career for a legislator to vote against a proposal widely endorsed by a group of vocal, local citizens, as in Cleveland and Milwaukee, especially if the legislator is a representative of that district or city. While the presence of a Democratic leader in support of vouchers did not necessarily sway the votes of other Democrats, it certainly did not dissuade those in favor of the plans and it gave some cover for other Democrats to support the plans. As the Colorado case demonstrated, advocacy from the attorney general was one reason HB 1160 was decidedly the best choice for the legislators voting on the proposals.

Organized opposition, almost always coming from the teachers' union, made it very difficult for any voucher proposal to achieve legislation. However, teachers unions need to be aware of the perception of their opposition when advocacy becomes a non-partisan issue. A stand rooted in advocating for public education may end up looking like opposition to giving poor and/or minority children an education comparable to their wealthier, white peers. However, the Florida and Colorado cases were perfect examples that the war on vouchers did not end with the votes in their legislatures. Both of these programs were overturned by a battle in the courts.

Developing arguments against the specifics known to be acceptable in a voucher proposal is one way opponents may defeat such legislation. For example, the U.S. Supreme Court has found it not unconstitutional to include religious schools, but many state constitutions have stricter requirements that are difficult to surmount. Focusing a program on students neglected by the current public school system was considered as just in the successful cases. Opponents can consider the needs of the ineligible students as an argument against limited voucher programs. While support from a high-profile Democrat may help legislation of a voucher proposal, it is possible that opposition of a high-profile Republican may hurt its chances.

The conceptual framework for the study was based on the work of John Kingdon (2003 [1984 1<sup>st</sup> ed., 1995 2<sup>nd</sup> ed.]) who discussed the policy streams involved in the legislative process. Kingdon included the problem, politics, and policy specifics (solutions) among these streams, and suggested the formation of a policy window where these streams merge that enables legislative action. Considering the work of others, specifically Michael Mintrom (2000), this study included contributing/contextual factors

as additional factors in the legislation of a policy. In all of the successful cases, a combination of contributing/contextual factors was evident. While this single study in no way proves the necessity of such factors, it certainly provides grounds for the consideration of such variables in other attempts at legislation, for any type of policy.

Future research on legislation of voucher proposals can test the findings of this study. As a starting point, it would be beneficial to examine any failed attempts at legislation in Cleveland, Milwaukee, Washington, D.C. and Florida for the presence or absence of the factors associated with the successful proposals. An analysis of failed attempts at voucher legislation in other states could also help assess the validity of the findings of this study.

The role of the teachers' union in school choice legislation is one area that deserves greater attention from researchers. While one study was found that looked at the influence of the union on roll call voting for school choice legislation (Constant, 2002), little research exists that looks at how accurately the union's stand reflects the opinions of its members. A great deal of money is spent by the teachers unions in opposition to school choice legislation. Research is needed to determine if union members support the decisions of their leaders.

### *Conclusions*

Much evidence suggests that school choice issues are here to stay. The purpose of this study was not to support or oppose voucher legislation, but to develop an understanding of why a few proposals have succeeded where most others have failed.

These findings were summarized earlier in this chapter. However, through the process of collecting data on this topic, other general conclusions became apparent.

To begin with, it has been suggested that passing voucher legislation limited to struggling students is just a stepping stone toward a universal voucher system. While this may be true in the opinion of some voucher advocates, it does not hold true for all. In fact, the appeal of a targeted program is what influenced Colorado Senator Nancy Spence to consider vouchers in the first place. And, all of the non-traditional advocates identified as contributing/contextual factors gave their support based on limited eligibility. In light of the fact that the voucher programs in Cleveland and Milwaukee have remained targeted at low income students in urban public schools for more than ten years, it seems unlikely that these programs will expand to all students in the near future. The D.C. program is limited to that city and therefore has little opportunity to become a more universal program.

Interestingly, the focus on underprivileged students was evident in the specifics of each successful policy while the idea of “what is best for children” was absent from the actual conversations about the pros and cons of the voucher proposals. Discussion more often referred to the expanse of the program, accountability issues, and various political motivations. One might assume that a focus on students is the root motivation for all of the debates surrounding the issue, but the dialogue among participants of this study did not emphasize this point.

A final general conclusion about voucher legislation is that success often depends on all of the stars being aligned. It is not enough to say that the emergence of a policy window with the presence of a strong policy entrepreneur or champion will assure the

success of a proposal. The findings of this study show that a variety of contributing/contextual factors were also associated with successful proposals. Specific criteria for these factors have not yet been identified, but it is apparent that their presence is linked with legislative success.

The voucher debate will continue to produce fireworks, as those opposed fight to maintain and improve public education, and those in favor promote school choice as a solution to public schools failing to provide an adequate education for all students. Finding a solution that considers both of these perspectives is perhaps the best alternative.

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## Appendix A

### Participants

#### *Pennsylvania*

|                            |  |
|----------------------------|--|
| Joseph Bard                | Associate Director, Pennsylvania Association of Rural and Small Schools  |
| John Baughman              | President, Pennsylvania State Education Association  |
| Chris Bravacos             | Currently: President, Bravo Group and REACH Alliance<br>Previously: Deputy Secretary of Legislative Affairs to Governor Tom Ridge                              |
| Fredrick Cabell, Jr., Esq. | Chief Counsel, Senator Jeffrey Piccola   |
| Ron Cowell                 | Previously: Chair of the House Education Committee   |
| Al Ferguson                | Assistant Executive Director, House Democratic Appropriations Committee  |
| Thomas Gentzel             | Executive Director, Pennsylvania School Boards Association   |
| Eugene Hickok              | Previously: Pennsylvania Secretary of Education  |
| Dr. G. Terry Madonna       | Director, Center for Politics and Public Affairs and the Keystone Poll   |
| Dr. Robert O'Hara          | Professor of Public Affairs, Franklin and Marshall College   |
| Timothy Potts              | Executive Director, Pennsylvania Catholic Conference<br>Currently: Co-Founder, Democracy Rising PA<br>Previously: Director, Pennsylvania School Reform Network |
| James Rhoades              | Pennsylvania State Senator, Chair of Senate Education Committee  |
| Charles Zogby              | Previously: Pennsylvania Secretary of Education and Policy Director for Governor Tom Ridge   |

#### *Colorado*

|                   |   |
|-------------------|---|
| Jeanne Beyer      | Director of Communications, Colorado Education Association                            |
| Alex Cranberg     | Chairman, Aspect Energy, LLC.   |
| Scott Groginsky   | Policy Director, Office of Jared Polis, Vice Chairman of the State Board of Education |
| Marti Houser      | General Counsel, Colorado Education Association                                       |
| Rep. Keith King   | Colorado State Representative   |
| Richard Komer     | Senior Litigation Counsel, Institute for Justice                                      |
| William Moloney   | Colorado Commissioner of Education  |
| Vicki Newell      | Director of Public Policy, Colorado PTA   |
| Daniel Njegomir   | Minority Legislative Initiatives Director   |
| Steve Schuck      | Chairman of the Board, Schuck Corporation and Parents Challenge                       |
| Sen. Nancy Spence | Currently: Colorado State Senator<br>Previously: Colorado State Representative        |

## Appendix B

### Interview Protocol

#### *Statement of purpose and focus*

The information collected from this interview will contribute to a comparative political analysis of unsuccessful and successful education voucher proposals. The study is designed to specifically study proposals in Colorado and Pennsylvania where various voucher proposals have been introduced. The overall purpose is to understand why one Colorado proposal succeeded where the others all failed.

The study is being conducted as a dissertation for completion of a PhD program at Penn State University. I am interested in the findings only as they pertain to the purpose of the study and have no stake in the outcome.

Although most of the information obtained from this interview is a matter of public record, names can be withheld at request.

#### *Questions*

1. Tell me about your involvement with \_\_\_\_\_ (bill name).
  - a. If just an observer, to what capacity?
  - b. How did you get involved with the proposal?
  - c. Did you support/oppose the proposal?
  - d. How active were you with the proposal?
2. What did you believe the purpose of the bill to be?
3. Why was the bill introduced?
  - a. Was the bill designed to address any specific problem(s)?
  - b. Was the effectiveness of public schools an issue at the time?
  - c. If after time of enactment, was NCLB a significant factor?
  - d. Were equity issues included as part of the proposal/or raised as objections?
4. Please tell me about the specifics of the plan as you remember them?
  - a. What did you believe to be some of the strengths/weakness of the bill?
  - b. What did you believe to be the main debates surrounding the proposal?
    - i. Eligibility?
    - ii. Value?
    - iii. Religious institutions?

5. Who did you see as key players and groups in the proposal?
  - a. Who were the most important proponents? Opponents? Why?
  - b. Who sponsored the bill?
  - c. Who provided political support for the sponsor?
  
6. What was the political environment at the time of the proposal?
  - a. Did the Governor support vouchers?
  - b. Was the general assembly controlled by Republicans or Democrats?
  - c. Was there direct pressure to either pass or defeat a voucher program? If so, from whom?
  
7. Overall, what factors do you believe were most important to the outcome of the bill?
  
8. If the proposal was successful, why were opponents not able to defeat it?

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## **RELEVANT EXPERIENCE:**

**Associate Director, Pennsylvania School Study Council**, Pennsylvania State University, present

*Responsibilities:*

- Liaison between university and member school districts
- Coordinate professional development programs for Pennsylvania school districts
- Coordinate field research activities

**Instructor**, Education Leadership Program, Pennsylvania State University, Fall 2006

*Responsibilities:*

- Graduate course on the Politics of Local School Districts.

**Assistant Editor**, *American Journal of Education*, Pennsylvania State University, Spring 2005 – Spring 2006

*Responsibilities:*

- Selected significant texts to be reviewed in the journal
- Arranged for book reviews from notable professionals in Education or related fields
- Prepared book reviews and manuscripts for publication

**Graduate Assistant**, Education Leadership Program, Pennsylvania State University, Fall 2002 – Spring 2006

*Responsibilities:*

- Preparation of accreditation report for the National Council for Accreditation of Teacher Education
- Development of an e-portfolio system
- Organization of and participation in the annual conferences for the D.J. Willower Center for the Study of Leadership and Ethics
- Preparation of student handbook for the Education Leadership Program

**Elementary Teacher**, Aurora Public Schools, Aurora, CO, Summer 1995 – Summer 1999

*Responsibilities:*

- Kindergarten and first-grade teacher in bilingual classrooms
- Title I Math and Literacy support teacher

## **RECENT AWARDS, RECOGNITIONS, PRESENTATIONS AND PUBLICATIONS:**

- Participant of the UCEA David Clark Graduate Student Seminar
- Presentation on the Pathologies of NCLB, 8<sup>th</sup> Annual Values & Leadership Conference
- Presentation on Education Voucher Proposals, 2004 AERA Annual Convention
- Presentation on NCATE Accreditation process, 2004 UCEA Annual Conference
- Presentation on National Board for Professional Teaching Standards, 2005 UCEA Annual Conference
- Presentation on National Board Certified Teachers as Mentors, 11<sup>th</sup> Annual Values & Leadership Conference
- "Great Expectations: The impact of the National Board for Professional Teaching Standards," *Education Next*, 2006, No. 2
- Dissertation, "Education Voucher Proposals: A political analysis of attempts at legislation in Pennsylvania and Colorado"

## **EDUCATION:**

**Doctor of Philosophy (PhD)**, Spring 2007, Education Leadership, Pennsylvania State University

**Principal License Eligibility**, Spring 2000, Elementary Education, University of Denver

**Master of Arts (MA)**, Spring 1996, Elementary Education, University of Colorado

**Bachelor of Arts (BA)**, Spring 1990, Advertising, Pennsylvania State University