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## A Time for Choice

*The Honorable Rod Paige*

Less than one week ago, on January 22, 2004, Congress made an historic decision to fund opportunity scholarships in the nation's capital. As with all decisions, it was about ideas, values, facts, and dreams. This decision came with determined advocacy, vigorous opposition, dramatic moments, and political consequences. And, as with all decisions, the future is unwritten, left to us.

It is now time to take the powerful idea of educational choice and put it to work in the real world of this marvelous city. That is why I wanted to share a few minutes with you. I know that you will continue to have a strong interest in this issue. The Heritage Foundation has been a vocal, scholarly advocate for school choice. Your efforts have been important in reaching this moment in history.

Educational choice is important for two reasons. First, it extends civil rights and social justice. Second, it enhances school effectiveness. The introduction of opportunity scholarships in the District comes 50 years after the *Brown v. Board of Education* decision. It comes 40 years after Dr. Martin Luther King, Jr. demanded a full measure of the American promise. Opportunity scholarships help remove the chains of bureaucracy. They free low-income students to obtain a better education in a school of their choosing.

We have turned a corner. So today I will discuss this legislation, examine some of the concerns voiced during the congressional debate, and look ahead to further reform efforts.

### Talking Points

- Included in the 2004 budget, passed by Congress on January 22, 2004, was a plan to introduce opportunity scholarships in the District of Columbia.
- The D.C. Choice Incentive Program launches a five-year, federally funded program to provide close to 2,000 low-income students in the District with grants of up to \$7,500 each to attend the school of their choice, be it private, parochial, or other.
- This program is the first that will be overseen by the United States Department of Education in partnership with the District of Columbia.
- Opportunity scholarships provide a workable, hopeful alternative to open private schools to low-income and minority students trapped in failing public schools. For each of these students, this is educational emancipation.

This paper, in its entirety, can be found at:  
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Let's start with an examination of the new landscape. Last week Congress passed the 2004 budget (*Consolidated Appropriations Act of 2004*). Included was a plan to introduce opportunity scholarships in the District of Columbia. The \$14 million effort is known as the "D.C. Choice Incentive Program."

As part of a larger appropriation to D.C. schools, D.C. Choice launches a five-year, federally funded program to provide close to 2,000 low-income students in the District with grants of up to \$7,500 each to attend the school of their choice, be it private, parochial, or other. While there are opportunity scholarship programs already in states such as Florida, Ohio, Wisconsin, and Colorado, D.C.'s program is the first that will be federally funded. This program is the first that will be overseen by the United States Department of Education in partnership with the District of Columbia. And because it is in the nation's capital, it will be given great scrutiny. It will be in the spotlight. It will be a model that will be examined, dissected, second-guessed, and debated each and every day.

### Partnership with the District

Specifically, the act requires my Department to join with the mayor of the District of Columbia to design a program for opportunity scholarships, to select eligible entities to administer the program, and to implement it as quickly as possible. The legislation also requires the mayor and me to jointly select an independent body to conduct an evaluation of the program.

The particulars of this program will be set out in a Memorandum of Understanding (MOU), which will be signed by the mayor and me in the next few days. Time is of the essence—we need to get this program up and running immediately so that children can benefit from it this fall when school starts again.

Here's what will happen. Upon signing, the MOU will establish the initial agreements on the design and implementation of D.C. Choice for the next five years. It will outline the mechanisms for cooperation and partnership. It will identify the officials and offices that will have the lead responsibility for the program.

The MOU will also outline the selection mechanism for the independent body that will actually

award the opportunity scholarships. We will invite applications for those entities desiring to become the selection body through a notice in the *Federal Register*. The notice will set out the funding criteria, priorities, and procedures for selection, consistent with the congressional legislation.

A lottery system will be set up to distribute the opportunity scholarships if more students apply than could be funded under D.C. Choice. The amount awarded to each participating school may not exceed the amount of tuition and fees customarily charged to students who do not participate in the choice program.

Parents will receive information on each participating school. This information will include the qualifications of teachers, the educational philosophy of the school, the available programs and courses in the school, the record of achievement of the students in that school, student expectations (such as uniforms and required classes), and the safety and environment of the school.

I am excited to *jointly administer* D.C. Choice with the mayor. This partnership will be positive, candid, open, and constructive. It will also be a groundbreaking effort, leading to greater understanding of the needs of the students in the District and allowing for more effective programs to meet those needs. I realize that we are entering uncharted territory. But if good will, honesty, and concern for the students guide us, we will construct a profoundly positive working arrangement.

### Part of Larger Reforms

We want D.C. Choice to be a model program for the nation. Of course, by themselves, opportunity scholarships will not solve every problem facing D.C. schools. The scholarships must be part of a larger set of reforms and adjustments.

There is considerable evidence that opportunity scholarships can make a positive difference. For example, there are reports showing that most of the students who received opportunity scholarships in Florida have progressed more than one grade level on a standardized test for each of the four years they have been in the program. The benefits extend well beyond the students with opportunity scholarships. In the state of Florida, as well as in cities like Milwaukee and Cleveland, competition has raised

the performance of the public schools themselves. In other words, competition changed the educational environment.

Let me share an example of change with you. In Florida, Eric Cunningham attends Sacred Heart Elementary School through the A+ Opportunity Scholarship Program. His parents felt that his public school did not provide a good educational environment (it received an F grade from the state). He is doing well at Sacred Heart. That is what this is all about—choice and quality education. Eric is now getting the education he deserves. Maybe I should add that Eric is African-American and of the Islamic faith.

There are many such stories. Each is about a child who finds a better educational situation because of opportunity scholarships. We hear about parents who want alternatives. That is how we improve our schools, by making the best choice for each child, one child at a time.

### **Fiercely Fought Battle for Choice**

D.C. Choice did not come easily. The effort to obtain passage was demanding. Powerful forces were at work to prevent choice. The strong opposition of the union establishment, some liberal Democrats, and others with special interests was evident from the beginning. The heated rhetoric was almost unprecedented in its anger and intensity. The program's fate remained in doubt long after initial passage by a single vote in the House of Representatives. The final votes were cast primarily along party lines, although there were courageous individuals, such as Senator Dianne Feinstein, who spoke of doing the right thing regardless of party or pressure. We owe a lot to the hard work of Senators Judd Gregg and Mike DeWine, and House leaders Tom Davis and John Boehner.

This program would not have been passed without the daring leadership of Mayor Tony Williams. It would be nowhere if leaders like Councilman Kevin Chavous, who chairs the Education Committee on the City Council, were not ready to help their constituents. And we would not be where we are today without the courage of my good friend Peggy Cooper Cafritz, who presides over the city's school board and who penned the first public statement in support of this plan.

There are others who should be mentioned, such as Cardinal Theodore McCarrick. We have needed business leaders like Joe Robert, Jim Kimsey, Raul Fernandez, Don Graham, Terry Golden, John Walton and Boyden Gray. Each of them was ready to help.

Without the leadership of parents—such as Virginia Walden Ford and Jackie Pinckney Hackett—we would not be where we are today. I thank both of them for being here today.

I believe we should remember how hard it was to arrive at this moment. This was a fiercely fought battle, and the fight is far from over. Some political figures have vowed to fight on, threatening to disrupt the program at every step, looking for every possible avenue to guarantee the failure and eventual repeal of choice. You know who they are. They have made their unyielding opposition public and categorical. It reminds me of the French at the United Nations, promising to veto any resolution on Iraq, regardless of what it says.

But they won't stop us with rhetoric alone. This is like the fight over charter schools. Opponents predicted charters would terminate public schools as we know them. They were wrong. Charters made the public schools stronger because they had to respond to the competition. Those opponents, I venture, will be proven wrong again: choice will save the public school system. These opponents—they are the real enemies of public schools.

In order to have authentic school reform, you need options. America has already seen the fruits of this faith. America already has created the greatest voucher program in history. It was stupendously successful. No one minds its support for private and religious schools. It is called the "GI Bill." America has another great voucher program, the Pell Grant. Choice for parents shouldn't start when the kids reach college. It should start at the beginning. Choice is all around us—even in federal aid for college students—and it is time to bring it to the children.

### **Monopoly in Education Has Failed**

This plan must be given every chance to work. I respectfully ask those who cannot form such a partnership to step aside and to give way. The future of our children is at stake and it would be unconscio-

nable to work against their best interests, to desire failure, to actively labor for obstruction and sabotage. I respectfully warn those in Congress and the District who ponder such continued political warfare that their actions will not stop us. Their threats are unworthy and harmful. They are on the wrong side of history, and history will judge them so. It is time to be gracious and place the needs of our children ahead of partisan sniping. Right now we need statesmanship, not gamesmanship.

We have heard much about education as a monopoly. I find it staggering that some continue to want education to remain monopolistic. The typical justification for a public monopoly is that it is the most fair, just means of providing a public service. But that clearly is not happening with the educational monopoly. It hasn't worked properly for decades. The very existence of thousands of private schools, almost 3,000 charter schools, and 2 million home-schooled students is evidence enough that parents themselves want to make choices. For some, they doubt the ability of the public school system to effectively and fairly educate all children. They might choose private education if they had the means to do so. This is a monopoly that has failed to be either effective or fair in the eyes of the consumers themselves.

For example, in the District of Columbia, student test scores are lower than in any of the states in the country. There is an achievement gap between African-Americans and their white peers that is more than double the national average—70 percentage points! And the national average indicates a staggering achievement gap anyway. The mayor himself called the school system “a slow-moving train wreck.” The problem is the system, not the people.

Monopoly is simply the wrong policy for education, just as it is with every other business or endeavor. History has proven time and again that monopolies don't work. In education, year after year of isolation from any alternative thinking creates an intellectual funk that frustrates needed change. Lack of accountability allows for poor decisions, such as placing unqualified persons in the classroom or continuing support for programs that don't educate. Political gain and job protection should not be more important than educational achievement. And when results do enter the discussion, many just shrug their shoulders and sigh because they think that

African-American kids are just slow learners ... and Hispanic students don't listen ... and special-needs students are disadvantaged from the start ... and foreign-born students don't understand the language ... and low-income students don't have the resources to make it ... and troubled students are just too much trouble.

Such attitudes become self-fulfilling. These are excuses, explanations, evasions and rationalizations, not results!

In a monopoly you can get away with poor performance—people have no place else to go. When students are required by law to attend a particular school, the school doesn't have to do anything to secure quality or produce scholarship. It just has to open the door and collect the local and state stipend for each student. The students are chained to that school by legal dictate and bureaucratic mandate. Those parents with means look for alternatives; those parents without means have none.

Sadly, many of the critics who support the present ineffective system in the District of Columbia do so in name only. Their actions say something else. Many of these same people wouldn't send their own children to these poorly performing schools—and don't! Let me put this more clearly—they don't send their own kids to the very same schools in need of improvement they defend.

I don't blame them for their choice; I blame them for their being disingenuous. No one wants a child to waste time—the formative years of childhood and the early teenage years—in the tedium and hopelessness of a poor educational environment. I don't blame those who seek out better schools. Those with means often make tremendous sacrifices to obtain a quality education for their children. They also pay double tuition, because they are still paying tax money for a public education that they don't use. These people aren't elitists; they are caring parents. They want the best for their children.

And let's be honest. Some of the criticisms are old saws that have been answered long ago. This isn't a covert plan to finance private, especially Catholic, schools. After all, many of the students in Catholic schools are not Catholic. In the Archdiocese of Washington, almost one-fourth of the students are not Catholic. In the Center City Consortium Schools, 65 percent of the students are not Catholic.

This isn't about dismantling the public school system. And this isn't a plan to federalize the schools.

### Time to Face Reality

It's time to move past such talk. It is literally yesterday's news. Today we have to face a powerful reality. The school system in the capital of the nation, the most prominent and influential city in the world, is in need of improvement and needs immediate reform. This fact has been the central, decisive impulse for change. We cannot linger. We cannot let another year go by.

And the critics don't offer up much in the way of alternatives. They ask for more money. They ask us to keep children in schools in need of improvement. They ask for more governmental intervention, more programs, more resources, more teachers, more and more and more. We have tried all of that *and more* for decades, with terrible results. The time has come for fundamental changes in attitude, structure, and environment. It is time for more alternatives, coupled with more resources.

I indicated earlier that all eyes would be on D.C. Choice for the next five years. I welcome the scrutiny, but remind you that this is just one school district. The urgent need for education reform exists in many school districts. This is just the beginning. We can't just sit and wait five years to see what happens here. Rather, each school district must assess its needs and find the best solutions for each individual situation.

If parents and school officials are interested in alternatives, they should remember that the President's 2005 budget includes an estimated \$50 million for a Choice Incentive Fund. The fund is designed to ensure parents have more choices for their children. The fund will provide competitive awards to states, school districts, and community-based non-profit organizations with a proven record of securing educational opportunities for children.

Of course, some states contemplating choice programs face a formidable legal obstacle: Blaine Amendment provisions which exist in about two-thirds of state constitutions. In 1875, James G. Blaine, an anti-Catholic bigot who was speaker of the House of Representatives, introduced a consti-

tutional amendment to prohibit any state from providing aid to religious schools. The constitutional amendment narrowly failed, but many states adopted similar provisions in their state constitutions. Some state courts have ruled that opportunity scholarship programs do not fall under such provisions. But not all state courts agree. Modification or repeal of Blaine funding prohibitions may be needed to implement opportunity scholarships within a state. The opponents of choice shouldn't hide behind these provisions. After 129 years, I think we should dispense with bigotry in the law.

Fifty years ago, the Supreme Court in *Brown v. Board of Education* argued that equal opportunity in education was necessary for a just society; that our Constitution demanded equal opportunity in education. Chief Justice Warren noted that education "is perhaps the most important function of state and local government." Yes it is, which is why it must be provided to all children. The court recognized that separate facilities were inherently unequal, and segregation ended. But that was just a first step. Opening the doors to education, bringing all students together, didn't provide equal treatment; it often allowed unequal treatment to continue inside our schools. Further action has been needed.

### The Road to a Quality Education

*No Child Left Behind* is the next logical step. It injects competition into the public school system by allowing parents to leave a school that has not served them well. It forces schools to be accountable and gives parents the tools to see which schools are succeeding and which ones aren't. It shines the light on a system that previously was dark and secretive. Accountability forces transparency. Public education is forced out of the shadows and into a brighter light. If parents don't like what they see, the law forces the school district to change. The demand for change forces consideration of alternatives. Parents are given choices.

Now, with a federally funded scholarship program, even more choices are available to parents. Opportunity scholarships provide a workable, hopeful alternative to open private schools to low-income and minority students. For each of these students, this is educational emancipation. Opportunity scholarships can be the road to quality edu-

cation and all that it means—personal growth, economic success, and a greater range of employment alternatives. Education is freedom. For the students in the District who get these scholarships, they have been handed the chance to overcome circumstance and situation. They can throw off the chains of a school system that has not served them well. And by giving them this chance, one ripple effect may be improvement of the entire school district.

Our task now is to make D.C. Choice work. It will require our best efforts, bipartisan cooperation and support within and outside the nation's capital. I believe the mayor and I are prepared to do everything possible to make this program a success. We know what is at stake: the lives and the futures of

children, who want to read, learn, study, grow, and live. We know that a poem by Langston Hughes or a novel by Jane Austen, the work of Pythagoras and the discoveries of Einstein fire the mind and fill the soul. We want every child to get the most out of their educational opportunity, because of the value of an individual education and the contributions made by our students when they grow and mature. A good, wise, just, and compassionate country makes certain that educational opportunities are available for all of its citizens—every single one of them. No child can be left behind, particularly not the ones in our own neighborhood.

—*The Honorable Rod Paige is the U.S. Secretary of Education.*