School Choice: An Analysis of State and Federal Level Data and Conversations

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by

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Introduction

The bicameral Educational Choice for Children Act (ECCA) (H.R. 531, 118\textsuperscript{th} Cong (2023)), which has been in committee since January of 2023, seeks to expand school choice and educational opportunity for children of all income levels, races, ethnicities, etc. School choice is when families use public money to access schools beyond their immediate local school. The bill, introduced by Senator Bill Cassidy, M.D. (R-LA) and Congressman Adrian Smith (R-NE-03) would provide a federal tax credit to individuals and businesses who helped fund scholarship awards that low-income families in each state could use to send their children to private schools or out-of-district public schools. The program would allow up to $10 billion in annual tax credits to be distributed to the states by The Treasury Department. Each state will then make the credits available to donors on a first-come first-served basis, keeping the role of the federal government limited (Smith 2023). To simplify, donors give money to agencies supporting scholarships for low-income families to send their children to out-of-district or private schools. Low-income families benefit from these scholarships and donors receive a tax credit for donating. If the Educational Choice for Children Act were to pass, only Title 1 ($18.4 billion) and special education ($15.5 billion) would surpass the federal education program in terms of funding, making it one of the most expensive federal educational programs (Stanford, 2023). This program is different from similar programs proposed at the state level because it will allow the current federal education budget to remain intact. While still taking money from the federal budget to issue tax credits to donors, the funding of public schools will not be negatively impacted by the immediate policy.

School choice legislation has been successfully passed at the state level. In fact, 29 states and the District of Columbia have at least one form of school choice and 12 of these states have
at least one such program that is universally accessible to all k-12 students in the state (Stanford, Lieberman & Ifatusin, 2024). Each of these programs is structured slightly differently and they are not exact comps for the program being considered at the federal level, but, contextually, it helps to be aware that school choice programs have been implemented before to varying degrees of success. The four types of school choice programs implemented at the state level are tax-credit scholarships - this is the same model proposed in Educational Choice for Children Act and is used by 21 of the 29 states), education savings accounts (15 states), vouchers (10 states and the District of Columbia) and tax-credit education savings accounts (2 states) (Stanford, Lieberman & Ifatusin, 2024). While all funded in different ways, the goal of each school-choice program is to increase parental involvement in their students' education and to produce positive outcomes for those in the program, especially disadvantaged students. As this paper is not discussing the ways in which these programs are funded as much as it is discussing the effectiveness of the program, the research will include state school choice programs that fund their programs in different ways than the federal program would.

In this paper, I will attempt to answer two questions: 1) why has school choice legislation been successfully passed at the state level, but not the federal level; and 2) have the school choice programs implemented at the state level been successful? To answer the first, I will conduct a political analysis of state governments and our current federal government. To answer the second, I will analyze two different school choice programs (Florida’s and Wisconsin’s) and consider success based on academic achievement, standardized test scores, level of competition in area public schools, enrollment in 2 and 4 year colleges and universities and the rate of graduation from these institutions. I will then compare these metrics to the metrics of public schools in the area to see if school choice is actually achieving the outcomes it sets out to achieve
and allowing students, especially disadvantaged students, to attain better educations. I predict that the answer to the first question is simply that there are higher levels of partisanship at the federal level, meaning opposing parties are less willing to work together to pass policy and more likely to find a reason, any reason really, to oppose policy proposed by the opposing party. I predict that school choice programs will provide successful outcomes at the state level once properly analyzed and that the programs will prove to positively impact students, including disadvantaged and low-income students.

**Case Studies**

Florida and Wisconsin boast two of the most utilized school choice programs, both as a percentage of all students and as total number of students utilizing the program. In Florida, as of 2012, 60,859 students utilized school choice or 2.3% of the student population. In Wisconsin, this number was 23,426 or 2.7% of the student population for the same year. Below are two graphs which compare Wisconsin, Florida, and the three other top school choice states.

**Figure 1: Enrollments in School Voucher/Scholarship Tax-Credit Programs, 2011-12**

![Graph showing enrollments in school voucher/scholarship tax-credit programs, 2011-12](image)

(Glenn & Gininger, 2012)

**Figure 2: Voucher/Scholarship Tax-Credit Enrollments as a Percent of all K-12, 2011-12**
This was the primary reason for choosing these two states to analyze. Additionally, Wisconsin and Florida both have school choice programs that have been in effect for at least 10 years and have been steadily expanding to allow access to more and more people since. Wisconsin’s program was actually the first parental choice program and was established back in 1989. Florida’s program was established in 2001. The long history of both programs allow for more data points to be observed. Lastly, in a legislative hearing regarding school choice, Democrats, more than once, pointed to Wisconsin as an unsuccessful school choice program and Republicans pointed to Florida as a successful school choice program (House Committee on Education and the Workforce, 2023). Looking at both examples allows a more diverse analysis of school choice and its effectiveness.

**Florida:**

Florida’s school choice program follows roughly the same format as the one being proposed at the federal level. It is a tax-credit system where individuals or organizations make donations to a scholarship fund in exchange for a tax credit. As of 2020, to be eligible for a first-time scholarship, a student must have either spent the previous full year in a Florida public
school or be entering kindergarten or first grade. Eligibility has expanded since the program's creation to allow more and more students to utilize the program. As of 2019, full-time scholarships were restricted to those with a family income no greater than 185 percent of the federal poverty line. In 2016, families between 185%-260% of the federal poverty line became eligible for partial scholarships (Figlio, Hart & Karbownik, 2020).

A study called *Effects of Scaling Up Private School Choice Programs on Public School Students*, written by David Figlio, Cassandra Hart and Krzysztof Karbownik, observes the effect the Florida school choice program had on public schools in order to test for the programs effectiveness. To do this, Figlio, Hart and Karbownik collected test score data from the Florida Department of Education for students in grades 3-8, as this test score data was most readily available. From here, the researchers created a competitive pressure index by mathematically combining five elements: density, distance, diversity, slots and churches. Density accounted for every public school within a five mile radius which served the same grade range of students as the private school alternatives, distance for the distance between each public school and its nearest private competitor serving the same grade range, diversity for the various types of private schools- specifically ones with religious denomination categories- within a 5 mile radius of the public school, slots for the exact number of students attending private schools of the same grade range within a five mile radius and churches for the number of houses of worship with the same 5 mile radius to account for how religious each community naturally is. All together, these metrics establish the amount of pressure each school will realistically face (Figlio, Hart & Karbownik, 2020). Using this information, Figlio, Hart and Karbownik found that an increased number of students participating in the Florida school choice program, led to higher math and reading scores in public schools with “above-median density of private competitors”.

To
precise, when the number of students participating in the Florida school choice program increases 10%, there is a .4 percent of a standard deviation improvement in these schools. In schools with less private competitors, there is a .7 percent increase in reading scores and a .2 percent increase in math scores. Additionally, suspension and absenteeism both decline, the first by .4 percent and the second by .5 percent (Figlio, Hart & Karbownik, 2020). This means that, even students who themselves do not utilize the school choice program, see improvements in their schools thanks to the level of competition the program introduces, one potential marker of the program's success. In fact, the study found that students with lower socioeconomic statuses felt even greater gains, as pictured by figures 3 and 4 below.

Figure 3: Effects of voucher expansion over school years for standardized outcomes (children ever on free or reduced lunch)

(Figlio, Hart & Karbownik, 2020)

Figure 4: Effects of voucher expansion over school years for standardized outcomes (children never on free or reduced lunch)
As the main goal of school choice is to aid low-income students, this is another marker of the program's success. All students are benefiting, as evidenced by figure 4, but the fact that low-income students are benefiting more is in line with the intent of the Florida school choice program. Figlio, Hart and Karbownik’s study of the competitive pressure index and the effect of school choice on public schools provides one indicator of school choice success from a unique perspective.

A second study by Matthew Chingos, Tomas Monarrez, and Daniel Kuehn called *The Effects of the Florida Tax Credit Scholarship Program on College Enrollment and Graduation: An Update* provides a more typical evaluation of school choice programs and their success or lack thereof by evaluating whether students enrolled in Florida school choice programs are more likely to enroll and graduate from college than those in Florida public schools. This study matched every school choice participant with up to 5 public school students, controlling for race, socioeconomic level, ethnicity, neighborhood, gender, etc., essentially trying to match students to others with as similar demographics as possible. From here, the researchers simply compared the level of degree attainment and college enrollment from those in the school choice program to those in normal public schools. The study found that students who entered the school choice
program in elementary or middle school “were 6 percentage points more likely to enroll in college, a 12 percent increase. Students who entered the program in high school were 10 percentage points more likely to enroll, a 19 percent increase. Participating in FTC also increases the likelihood that students earn a bachelor’s degree, with average increases of 1 to 2 percentage points (10 to 20 percent)” (Chingos, Monarrez & Kuehn 2019). Figure 5 shows more precise measurements, across many different types of degrees and visually demonstrates the 6 percentage point measurement mentioned above. The study notes that, for this graph, all effects at the 5% level are statistically significant.

**Figure 5: Effects of Florida School Choice Participation on College Enrollment within Two Years of Expected High School Graduation, Baseline Grades 3–7**

While the rate of increased enrollment amongst program participants is statistically significant, the rate of degree attainment (10 to 20%) is not. This means school choice in Florida is successful by the first metric and unsuccessful by the second.
Ultimately, school choice in Florida has proved successful across a number of factors. It provides for better testing and behavioral outcomes in area public schools and leads to increased college enrollment at a statistically significant rate and increased degree attainment, albeit at a much lower rate. If the goal of school choice programs is to aid low-income students, this program has certainly succeeded, As previously mentioned only students below a certain income threshold are eligible for scholarships in this particular program, meaning every student utilizing the program is at need, and even low-income students not enrolled in the program benefit as a result of the competition the program brings to public schools. While many of the positive outcomes regarding Florida school choice are modest and not always overwhelming, they are still present and still mark improvements when compared to public schools in the state. Florida provides at least one example of school choice being successful at the state level.

Wisconsin:

Wisconsin’s school choice program, specifically the Milwaukee Parental Choice Program (MPCP) does differ from Florida’s program and from the program being proposed at the federal level. The MPCP is a voucher based program, meaning public funds are used to provide students who reach certain requirements (usually those with disabilities, those at low-performing schools and those from low-income families) with scholarships to private schools (including religious schools) of the families choice (Stanford, Lieberman & Ifatusin, 2024). Though the MPCP program functions differently from Florida’s or the one proposed by Senator Cassidy, as the state goals of the school choice programs are the same, Wisconsin is still a valid case study in determining the success rate of school choice programs.
Also important to note, like Florida, Wisconsin’s school choice program has greatly expanded since its inception. In 2011, the state legislature increased the income eligibility and removed enrollment caps so now more students are able to utilize the program. This “allows over 23,000 low-income Milwaukee students to attend one of 106 different schools with the assistance of a government voucher worth up to $6,442” (Wolf, 2012). That same year, Racine, Wisconsin began its own school choice program, the second in the state. Since then, the program has continued to expand and grow.

In his study, *The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Final Reports*, Patrick Wolf presents the findings of the School Choice Demonstration Program (SCDP), a nonpartisan research center which analyzes school choice policy and its effects. This particular set of research was conducted in much the same way as Chingos and Kuehn conducted their Florida research. The researchers matched students participating in the MPCP to those in normal public schools, once again controlling for ethnicity, income-level, neighborhood, gender and etc. to get the comparisons as close to similar as possible. From here, they compared student outcomes against a variety of metrics, including high school graduation, college enrollment, college graduation and reading/ math scores. The study tracked students over four years. The SCDP found that MPCP students compared to Milwaukee public school (MPS) students were more likely to experience achievement growth, especially in reading. As seen in figure 6, MPCP students had a reading advantage of approximately 15 percent of a standard deviation. This is a small difference but still viewed as significant. In math, however, achievement growth was approximately the same whether a MPCP student or a MPS student was being observed.
Additionally, “when a snapshot of all MPCP students who took the state accountability test is compared to a snapshot of the performance of MPS students with similar income disadvantages, the MPCP students are performing at higher levels in the upper grades in reading and science but at lower levels in math at all grade levels examined and in reading and science in 4th grade” (Wolf, 2012). Essentially, students are performing better in some subjects/grade levels, but not all. This does not determine success or unsuccess. In this case, MPCP appears to have little impact on test scores. If some grades are scoring higher in some subjects and lower in others, this is likely just due to the unique composition of each class and their inclinations towards certain subjects over others. It is not enough to deem MPCP or MPS more successful than the other.

Steering away from test scores, the SCDP found that MPCP students are more likely to graduate high school by 4 percentage points and more likely to graduate “on time” (four years) by 7 percentage points. Enrollment in a four-year collegiate program was 4 percentage points
more likely amongst MPCP students. “Since less than 22 percent of MPS students enrolled in a four-year college, the MPCP advantage on this important metric represents almost a 20 percent gain in the likelihood of college enrollment. MPCP students persisted in college through their first year at a rate 6 percentage points higher than similar MPS students” (Wolf, 2012). These findings suggest modest success for the MPCP, despite claims from Democrats that Wisconsin is a prime example of school choice failure. Once again, the success rate is not overwhelming, but MPCP students are enrolling and graduating at a higher rate than MPS students, albeit the difference being quite small. Whether or not there is a big enough difference to champion a federal school choice program is up to lawmakers and policy writers to analyze.

While degree enrollment increases for those participating in MPCP, there is little evidence to suggest that degree attainment also increases. A study by Patrick Wolf, John Witte and Brian Kisida called Do Voucher Students Attain Higher Levels of Education further explores this fact, once again relying on the same matching methodology. As previously established MPCP students are more likely to graduate high school and enroll in college. Wolf, Witte and Kisida find this figure to be 4-5 percentage points, as of 2013, the same figure the SCDP found in their research (Wolf, Witte & Kisida, 2018). This is demonstrated in figure 7.

**Figure 7: Effect of MPCP Participation on College Enrollment, Third through Eighth Grades at Baseline**
However, these same researchers find that degree attainment and persistence in college does not increase for MPCP students at a significant rate. As displayed in figure 8, MPCP students and MPS students in grades 3-8 in 2006 had both only graduated at a rate of 2% from 2 year programs. MPS students graduate at a rate of 7% from four year programs and MPCP students at a rate of 9%. This difference is not significant.

**Figure 8: Effect of MPCP Participation on Degree Attainment, Third through Eighth Grades at Baseline**

(Wolf, Witte & Kisida, 2018)
Therefore, the MPCP can not claim higher success in encouraging its studies to attain degrees from the 2 or four year colleges than ordinary Milwaukee Public Schools can. Is this enough to call the whole program unsuccessful? Some may believe so. Others would state that the fact that students are enrolling in colleges at higher rates is still a success. Even a few years of college is beneficial and can allow students to learn and grow in a new environment. If MPCP students are enrolling at higher rates, even if they are not graduating at higher rates, that is an achievement for the program.

The relative success or unsuccess of the MPCP is inconclusive based on this data. Students are more likely to graduate high school, graduate on time and enroll in colleges, but they are not any more likely to graduate. When it comes to testing outcomes, MPCP students perform better in certain grades and subjects and worse in others, meaning the school choice program likely has little to do with testing results in this specific state. While improvement for MPCP students is not noted in certain areas, regression is also not noted. At minimum, the Milwaukee Parental Choice Program leads to neutral or inconclusive outcomes and increases parental control over students' education. It allows low-income families to send their students to institutions they would not otherwise be able to afford. The program, while perhaps not as obviously successful as Florida’s program, is not unsuccessful either.

**Analysis of Federal Data**

Since there is no coherent school choice procedure at the federal level, and the way in which school choice programs are conducted is largely up to state legislatures, there is very little federal research on school choice in all its forms (i.e. public charter schools, religious private
schools, nonreligious private schools, out of district public schools, etc.) and its effectiveness. However, there is data from the National Center for Education Statistics (NCES) concerning the outcomes of public charter schools versus those of ordinary public schools versus those of private schools. The Data is compiled in a report by Ke Wang, Amy Rathburn and Lauren Musu called *School Choice in the United States: 2019*. This particular data is comparing the outcomes of each type of school overall, rather than relying on a matching methodology like the state wide studies have so it will not be a completely accurate picture of the effectiveness of school choice, but it does provide a snapshot of data from which to draw broader conclusions. As this report provides no analysis, any and all expansion on this data, past the basic statistics and facts, is my own interpretation. The first trend the study discusses is school enrollment. Enrollment in private schools and assigned public schools has been decreasing while enrollment in public charter schools and home schools has been increasing. The percentage of students in charter schools has increased from 14% in 1999 to 19% in 2016 while the percentage of students in public schools has decreased from 74% to 69% and the percentage in private schools from 10% to 9% for those same dates (Wang, Rathburn & Musu, 2019). These shifting statistics could be because families want an alternative to traditional public schools that do not cost exorbitant amounts of money the way some private schools do. The decrease in students attending their assigned public schools and the increase in students attending charter schools demonstrates the perceived need for school choice policy by proving that families are not content with traditional public school structures. Perhaps, the percentage of students in private school would also increase if school choice policy were adopted at the federal level.

As school choice claims to specifically aim to help low-income students, it is important to consider the demographics and type of student enrolled in each school. As of 2016, 18% of
students attending their assigned public schools were poor and 21% were near poor. In charter schools, 19% were poor and 26% were near poor and, in private schools, 8% were poor and 13% were near poor (Wang, Rathburn & Musu, 2019). Children were considered poor if their families income was below the U.S Census Bureau’s poverty line and near-poor if their income level was anywhere between the poverty line and 199% of the poverty threshold. Not poor children, though not as pertinent to consider while discussing the goals of school choice, were children with family incomes above 200% of the poverty threshold. Charter schools are serving almost the same percentage of poor and near-poor families as traditional public schools. Once again, this demonstrates a perceived need for school choice. Charter schools are welcoming and accepting of poor and near-poor students. Families may choose to send their kids to charter schools for a variety of reasons (education, safety, better behavioral standards, etc.), but the programs are utilized. While more parents send their kids to traditional public schools, as can be observed from the section above discussing enrollment trends, it is clear that charter schools are still popular amongst struggling families. Once again, the fact that low-income families utilize charter schools shows that they may be more willing to utilize private schools if school choice were enacted. Combined, 21% of private school students are already considered poor or near poor. These families are likely on scholarship and/or scraping every last dollar to have to send their kids to a school they believe will provide their children with a better foundation for their future. If 21% of private school students are in a tough, monetary position, there is a demonstrated need for school choice policy.

One of the primary arguments supporting school choice is that charter and/or private schools lead to better educational outcomes for students across all demographics. The NCES study only compares the scores of public and charter schools scores, not taking into account
scores from private schools. In 2017, the reading and math scores of grades 4 and 8 for charter and traditional public schools were compared. No measurable difference was found, the biggest statistical changes being a 3% jump from charter schools to traditional public schools for fourth grade mathematics scores (Wang, Rathburn & Musu, 2019). After controlling for differences in the educational attainment of parents, the outcome remained the same and no measurable difference was found. According to the NCES study, if the stated goal of sending students to charter schools and endorsing school choice policy is so they receive a better education, as measured by test scores, the program proves to be unsuccessful. While some may state that there are better ways to measure educational outcomes, test scores have long been one of the main metrics of a school’s success and one of the go-to units of measure across a variety of educational studies. It is unfortunate that the NCES study does not include data related to private schools, however, as it makes conducting an analysis at that level impossible. The NCES also does not include any data specifically analyzing the test scores of low-income students in traditional public schools as compared to charter schools, another factor that comprises a full analysis.

Another reason many parents choose to send their kids to charter schools or participate in school choice is because they perceive charter schools or private schools as safer than traditional public schools. This study combines traditional and charter public schools into one category and compares the relative safety to the safety of private schools. The NCES found that, as of 2017, public school students, ages 12-18, are more likely to experience gangs, hate-related graffiti and be called hate related words than private school students. Both types of students have around the same likelihood of experiencing bullying. Public school students of a 9% chance of knowing of a gang presence at school as compares to a 2% chance for private school students, a 25% chance of experiencing hate related graffiti compared to a 6% chance and a 7% chance of being called a
hate related word compared to 4% chance (Wang, Rathburn & Musu, 2019). In short, private schools are demonstrably safer than public schools. If safety is the reason parents choose to send their kids to private schools or participate in school choice, the program has succeeded. The only metric measured that demonstrates little difference at the public or private level is bullying which fluctuates up and down regardless of school type.

The last measure the NCES study considers that is worthy of exploration in this paper is simply parental satisfaction at public, private and charter schools. Across a variety of factors, parents who send their kids to charter schools or to private schools are more satisfied with the schools performance than parents who send their kids to traditional public schools. Figure 9 outlines some of these factors.

**Figure 9: Percentage of students enrolled in grades 3 through 12 whose parents were very satisfied with various aspects of their children’s schools, by school type: 2016**

(Wang, Rathburn & Musu, 2019)
As can be observed parental satisfaction is highest in private schools across every factor and lowest in traditional public schools across every factor. This could be because charter schools and private schools are truly performing at higher levels across a variety of metrics or it could simply be that a parent exercising some level of ownership over their child's education is likely to make them more satisfied in the school regardless of outcome. In the case of private schools, parents are monetarily funding the school and have direct say over the way in which the school operates. In public schools, parents are allowed to speak at school board meetings, but, since public schools tend to serve more students than private schools it is not always easy to institute change. This frequent interaction between parent and school could also lead to increased parental satisfaction. Nonetheless, whether private schools and charter schools are more successful than traditional public schools or not, parents tend to be more satisfied with these schools. This could be a mark of success in itself. One reason for school choice policy is to allow parents more control over their children’s education, to produce an environment parents are satisfied with. If charter schools and private schools accomplish this, then that could be considered a point in favor of school choice programs which would allow parents to more readily choose these types of schools for their children.

As previously mentioned, the NCES data does not specifically analyze school choice programs as there is no universal program that makes for easy analysis at the federal level. Instead it analyzes the differences between traditional public, charter public and private schools and allows researchers to draw their own conclusions. While charter schools do not lead to higher testing scores and private school scores are not measured, private schools are generally safer and charter and private schools both lead to higher levels of parental satisfaction. Increased safety and increased parental satisfaction are two things that would deem school choice programs
a success. Additionally, it seems reasonable, based on the income measurements for students currently enrolled in traditional public, public charter and private schools, that low-income families would utilize a school choice program if it were offered to them. This could be another mark in favor of a federal school choice program. However, the fact that there is no markable difference in test scores between charter and traditional public schools may cause some to doubt school choice as a viable option.

**Political Analysis**

School choice legislation is not new and, thus, the arguments supporting and opposing the policy are well-established. Below I will conduct a political analysis of the arguments for and against school choice legislation and then explain why the legislation has not passed at the federal level.

The primary advocates in support of this legislation are, of course, its main sponsors Senator Bill Cassidy and Congressman Adrain Smith. Unsurprisingly, as the Republican party has long supported school choice efforts, both representatives are Republicans. In recent years, there have been school choice wins at the state level, inspiring further support at the federal level. The following is a discussion of some of the arguments in support of the legislation that Cassidy and Smith would likely use if the legislation ever made it to the floor for debate. One primary argument is that school choice legislation, such as H.R. 531 allows parents, especially low-income, more control over their children's schooling. Without school choice legislation that eases the cost of a parent sending their child to a different school, it is difficult for many parents to afford the extra fees associated with their child attending an out-of-district public school or
in-district private school. As a result, parents are left with no choice but to send their children to in-district public schools, regardless of that schools academic ranking, AP/Honors offerings, disciplinary actions, or any other aspect of public education that may be important to parents or students (like a schools relative safety, sports programs or music program). There is simply no counter-argument: school choice legislation allows parents a larger role in and more control over their child’s education, an undeniably good thing. This may be why the public widely supports school choice measures. 71% of registered voters support school choice compared to only 13% who oppose school choice measures. There is support across all races, ethnicities, and political affiliations. Over 70% percent of Asian’s, Blacks, Hispanics, and Whites support school choice, as well 66% of Democrats and 80% of Republicans. Across all demographics, support for school choice has risen since 2020 (Boucher, 2023). These statistics prove that school choice is universally desired across many groups and by all kinds of parents. H.R. 815 would allow all families to access school choice funds regardless of income levels, allowing disadvantaged students to receive a better education.

School choice measures also introduce competition into the public school system, providing schools with an incentive to improve that they previously lacked. If every school knows they have the potential to lose students to safer schools with better educational and disciplinary standards, they will have more of a reason to work on raising their own standards. As of March 2024, 28 states and the District of Columbia have at least one private school choice program and, in 12 of these states, that program is universally available for all k-12 students. These state programs are not exact comps for the program being considered at the federal level, but they all direct public money toward some sort of account parents can access to send their children to private schools. The most popular method, which 21 states have adopted, is a
tax-credit scholarship similar to what is being considered at the federal level where nonprofits issue scholarships from individuals or businesses who donated in exchange for a tax credit (Stanford, 2024). In Florida, one of the first states to introduce private school choice programs, 15,500 scholarships were given to students in the program's first year. In the 2023-24 school year, 360,000 students were given scholarships. School choice researcher David Figlio states that even students in public schools not opting into the program see improvements due to the competition introduced. While describing Figlio’s research, Abby Burola writes;

“From 2003 to 2018, students in public schools facing more competitive pressure from private schools saw larger gains in math and reading scores and lower absenteeism and suspension rates… In addition to competitive pressure, many other changes occurred within Florida’s school system over the 15-year study period. To test their findings, the researchers analyzed whether factors such as changes in student composition, school resources and/or teacher demographics had a significant impact. They concluded it was indeed private school competition that drove the positive results in both academic and behavioral outcomes.” (Burrola, 2024).

Critically, low-income students benefited the most, especially in their reading scores. This means that even families who choose not to utilize Florida’s school choice program benefited from its existence. Granted, this is only one state of the 21 who have school choice programs available. Other states may have different outcomes, but Florida proves that school choice programs can and do benefit students.
One primary opponent of school choice legislation is Rep. Jahana Hayes (D-CT) who says that the current situation has occurred because of “decades of chronic disinvestment” (Hayes, 2023). Instead of supporting the Educational Choice for Children Act, she believes the focus should be on improving our pre-existing public school system rather than sending children elsewhere (Stanford, 2023). This is one of the primary arguments against school choice legislation - the idea that the legislation is simply focusing on the wrong thing. Instead of finding a solution to the issue through introducing competition and parental choice, lawmakers should address the root of the issue and better fund schools. This argument, however, does nothing to help the students currently struggling in less academically rigorous, less safe and less disciplinary environments. Even with increased funding, there is no guarantee a school district will turn itself around. Additionally, there is no reason school choice legislation can not exist at the same time as legislation advocating for better funded public schools. To say school choice legislation should not be considered at all because something else should be considered instead is a reductive argument and not representative of how the American political system works.

A more well-founded critique of school choice policy is that these policies may not be helping the students they claim to prioritize as much as was originally expected/planned for. Despite many school choice programs targeting lower income families attending low-performing public schools, the students who actually utilize these programs tend to be more economically advantaged and higher performing students (Iglinski, 2023). There are two potential reasons for this. The first is a communication breakdown where students and parents of lower income families are simply not aware of these programs or unsure how to utilize them. The second reason is an issue of access where private schools may be unwilling to accept students due to a variety of reasons (academics and disciplinary records for example). Alternative schooling can
only benefit a small percentage of disadvantaged students. School choice policies promote alternative schools at the expense of disadvantaged already struggling low-income schools (NAACP, 2010). In addition, transportation to private schools is not always available for lower income students (Iglinski, 2023). The first point takes issues, not with school choice policy itself, but rather with the execution and awareness surrounding the policy. This could be easily fixed by adding an amendment to the bill or simply encouraging families to do more research about the schooling options available to them. Nonetheless, a parent or family not doing proper research to learn about such programs is not the fault of the legislation. When it comes to access, opponents of the legislation believe that the ability of private schools to reject students with negative disciplinary and academic records leads to discrimination across other demographics. It means private school students are not being exposed to as many demographics of people as public school students are. The assumption here seems to be that certain types of people are less able to reach the rigorous standards established by private schools, meaning school choice programs could only really aid one demographic of people, something school choice opponents are adamantly against. The argument also mentioned that school choice promotes private schools at the expense of public schools. The Educational Choice for Children Act, however, purposely does not take money from the pre-existing budget line for education, instead choosing to fund the program through a separate tax-credit line.

Some experts in educational law have compared school choice policies to segregation. While public schools are held to strict anti-discrimination laws, private schools have more leeway and research has suggested that some of these schools are discriminating at multiple points in the educational process from admission to the creation of curriculum (Stanford, 2023). Private schools choose students based on academic achievements and behavioral history, good or bad, only allowing students to experience one demographic of person (Stanford, 2023). This was touched on in the above point about access, but,
to reiterate, school choice opponents feel this leads to only one type of person being accepted into private schools. Whether that is the truth or not is a different research topic altogether. This argument equates school choice to segregation and implies malice or hate to those who are not accepted into private schools. At this point, it is important to keep in mind that the ECCA would also allow parents to send their kids to out of district public schools if they did not qualify for nearby private schools for one reason or another.

On a more philosophical note, school choice policy can lead to conversations about choice itself and what that entails. If private schools, and even out-of-district public schools, only have a certain number of slots open for students, then not everyone could truly utilize school choice. For example, if a private school has 100 open slots and 101 children apply, even if they are all uniquely qualified for the program and reach the standards the school sets forth, 1 of them will be rejected. One of them will be left without a choice and will be forced to attend their assigned public school. If the policy is first-come, first-serve, then the program does *not* actually protect the educational choice of *all* families. It protects the choice of families who hear about and apply for the program quickest. And, if everyone unanimously decided to use school choice, the system would collapse because of the sheer demand for placements outside of one's assigned public school. Therefore, school choice can never give a choice to *everyone* it claims to give a choice too.

While there are valid reasons both for and against school choice, unfortunately, the reason school choice has not passed at the federal level is sheerly political. This is evidenced by the Congressional school choice hearing where Democrats solely parroted talking points against school choice and Republicans solely parroted arguments in support of school choice. No actual discussion about the data or the statistics was held (House Committee on Education and the
Members mentioned states where school choice “succeeded” or “did not succeed” and witnesses cited statistics and included references in their written statements, but no academic conversation was held. Congress Members on both sides brought up the arguments discussed above, but they did little to understand the other side's perspective and to reach a bipartisan conclusion concerning the ethics and viability of school choice legislation. This is a trend reflected across many areas of legislation in the current federal system. As Democrats currently have control of the Senate, and Republicans of the House, this legislation is unlikely to pass unless Republicans also win the Senate. This is likely why the bill never left the Committee. It’s not currently a hot-button issue, so Republicans did not need to vote on it to signal support to their base. Since they did not need to make a political statement about school choice, Republican leadership decided not to advance the bill to the floor, despite Republicans historically being in overwhelming favor of school choice.

**Conclusion**

Ultimately, the data about school choice success is largely inconclusive with successful outcomes being reached slightly more often than negative ones. Across the board, testing scores seem to have either very modest increases and remain the same regardless of the students' involvement in a school choice program. However, college enrollment, high school graduation and parental satisfaction seem to be higher across the board. Private schools are significantly safer across a number of metrics than public schools. So is school choice successful at the state level? Yes, but modestly so and certainly not as successful as some school choice advocates make it out to be. School choice is definitely aiding low-income students and leading to more parental choice in education, though it is not necessarily leading to better academics or increased
degree attainment. The evidence does not overwhelmingly suggest that, were the Educational Choice for Children Act implemented, it would immediately garner positive results. However, it does not go against that conclusion either. Any conversations surrounding school choice at the federal level should conduct a cost benefit analysis to see if the modest but existing improvements are enough to roll at such a program federally. Even still, school choice is available in 29 states, yet is immediately shot down while considered federally in DC. Some of these states have large Democratic populations and state legislatures that have a Democratic majority or are split like DC is. The reason school choice has not been passed at the federal level is because Republican leadership controls the floor schedule. While Republicans are largely in favor of school choice, it is not currently a hot button issue that will win voters. Republicans know the legislation will not pass the Senate if it passes the House. Sometimes, Republicans will bring legislation like this to a vote regardless in order to communicate something to their base. However, school choice, while popular amongst the public, is not a large part of the Republican’s current platform. Since they do not need to signal anything particular regarding school choice to their voters, Republican leadership likely knows bringing school choice legislation to the floor at this time would be a needless waste of time given the current makeup of the House and Senate. Essentially, school choice has not been passed, or even really considered at the federal level, because of politics rather than policy. Despite there being a number of well-founded arguments for and against school choice, these are rarely discussed in any sort of academic manner. Instead, Democrats and Republicans both raise their standard talking points and incessantly agree with their own party while not exploring the opposition parties point of view at all. The Educational Choice for Children Act is just one example of potential school choice legislation that has not and will not be given proper consideration because of party politics.
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