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**NATION CELEBRATES SCHOOL CHOICE**  
MORE THAN 50,000 FESTIVITIES FOR NATIONAL SCHOOL CHOICE WEEK SHOW HAPPY STUDENTS AND SUCCESSFUL SCHOOLS ACROSS THE COUNTRY. — **P. 3, 15**



**CO SUPPORTS CHILD SAFETY ACCOUNTS**  
VOTERS FAVOR ALLOWING STUDENT TRANSFERS TO SAFER SCHOOLS USING SHARE OF SCHOOL SPENDING, SURVEY FINDS. — **P. 18**

# SCHOOL REFORM NEWS

Vol. 24 No. 1 March 2020  
Heartland.org/schoolreformnews

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The Virginia legislature is considering repealing the state's education tax credit program.

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Students' career goals don't match education plans, scholastic progress, or labor markets, a new survey finds.

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# U.S. Supreme Court Hears Arguments on Exclusion of Religious Schools from Scholarship Programs



By Ashley Bateman

The U.S. Supreme Court is considering a Montana education tax-credit case that could overturn provisions in many state constitutions barring the participation of religious schools in government programs.

In *Espinoza v. Montana Department of Revenue*, Kendra Espinoza and other parents are challenging a 2018 ruling by the Montana Supreme Court that the state's tax credit scholarship program is unconstitutional because of a so-called Blaine amendment written into the state's constitution. Blaine amendments barring "direct or indirect" state aid to religious schools were adopted by many states in the late nineteenth century. Currently, 37 states have Blaine provisions in their constitutions.

**RELIGIOUS SCHOOLS, p. 4**

## Illinois Offers 'Free' College for Some, Tuition Hikes for Others

By Bonner R. Cohen

The University of Illinois' (UI) board of trustees announced a tuition hike at the university's three campuses for fall 2020 and expanded the number of students qualifying for free tuition.

Tuition and other fees for in-state freshmen will rise by 1.8 percent at the Urbana-Champaign and Chicago cam-

puses and 1 percent at the Springfield campus.

Yearly tuition will rise to \$12,254 at Urbana-Champaign, \$10,776 at Chicago, and about \$9,502 at Springfield, effective in fall 2020. The tuition increases will "address critical oper-

**'FREE' COLLEGE, p. 6**

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# National School Choice Week Celebrations and Survey Show Voters Support Education Options

By Lennie Jarratt

The 10th annual National School Choice Week (NSCW) was celebrated across the United States on January 26 through February 1, following on the heels of a survey that found overwhelming public support for school choice.

NSCW has grown every year, says Andrew Campanella, president of National School Choice Week, the non-profit organization that established the yearly public awareness effort.

"We've grown from 150 events and activities back in 2011 to what we hope will be 50,000 events and activities this coming National School Choice Week," Campanella told *School Reform News*.

About 69 percent of likely voters support the concept of school choice, including 41 percent who strongly support choice, according to a nationwide poll released on January 21 by the nonprofit American Federation for Children. Support for establishment of a federal tax-credit scholarship program was 78 percent among all likely voters, and 83 percent among minority voters.

Support for school choice identified in the AFC survey has increased significantly in the past two years, having reached 67 percent last year and 63 percent in 2018. The survey of 1,275 Americans likely to vote in the November 3, 2020 general election was conducted January 7 through 13 by Beck Research.

### Insights from 'Miss Virginia'

NSCW activities this year included in-school events, rallies at state capitols, and movie screenings of *Miss Virginia*, a film based on Virginia Walden Ford's efforts to persuade Congress to establish a tax-funded voucher program in Washington, D.C.

In partnership with NSCW, The Heartland Institute, which publishes *School Reform News*, hosted a screening of *Miss Virginia* in Chicago, Illinois on January 31, which Ford attended. The film depicts Ford's successful struggle to bring school choice to the students of Washington, D.C.

Ford built a formidable team of neighborhood parents to combat the status quo in Congress and the D.C. City Council. The film highlights how difficult it is to move legislation, or even to get a hearing, because most parents are not politically connected. Ford's persistence paid off in the end,



School Choice supporters line up for a screening of *Miss Virginia* during National School Choice Week.

as President George W. Bush signed the DC School Choice Incentive Act of 2003 into law on January 23, 2004.

At the Heartland Institute screening, Ford answered questions and signed copies of her memoir, *School Choice: A Legacy to Keep* (Beaufort Books; 2019).

In the Q&A session, Ford discussed the persistence needed to implement school choice, how it takes an entire community working together to make real change happen, and aspects of her story that were changed in the movie to fit its running time. Screenings of *Miss Virginia* took place across the United States during the week.

### Need for Options

NSCW highlights the need for more educational options, says Campanella, author of *The School Choice Roadmap: 7 Steps to Finding the Right School for Your Child* (Beaufort Books: 2020).

"When it comes to education, we need to have the same level and variety of choices that we do in every other aspect of our lives," Campanella said. "School choice is simply a recognition of that: letting parents decide the right learning environment for their kids based on the instruction strategies that work for their children, based on what their kids are interested in, based on the environments that they learn the most in, based on places where parents think their kids will be safest, happiest, and most likely to succeed."

### Call for Federal Action

President Donald Trump highlighted

school choice in his State of the Union Address on February 4.

"For too long, countless American children have been trapped in failing government schools," Trump said.

Trump called on Congress to support a U.S. Department of Education proposal to allow individuals and businesses to receive federal tax credits for donations to K-12 scholarship funds.

"Pass the Education Freedom Scholarships and Opportunity Act, because no parent should be forced to send their child to a failing government school," Trump said.

Lennie Jarratt ([ljarratt@heartland.org](mailto:ljarratt@heartland.org)) is director of the Center for Education Opportunities at The Heartland Institute.

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# U.S. Supreme Court Hears Arguments on Exclusion of Religious Schools from Scholarship Programs

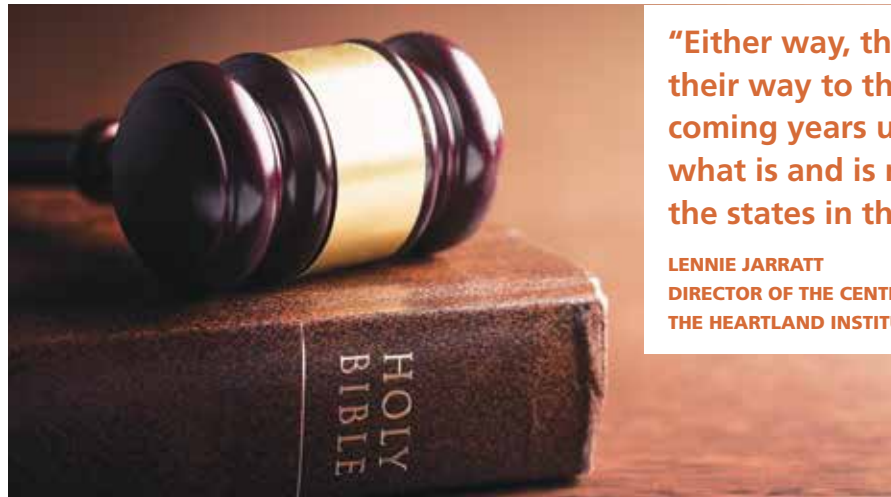
Continued from page 1

Montana's program offered state income-tax credits to individuals or businesses contributing to scholarship organizations that pay tuition for students to attend schools chosen by their parents. Some parents used the program for private school tuition once the program was enacted in 2015. Espinoza wanted to use the scholarships for her daughters' tuition at a Christian school.

## Religious Discrimination?

A win for Espinoza could ensure the right of religious institutions to participate in scholarship programs across the nation, says Lennie Jarratt, director of the Center for Education Opportunities at The Heartland Institute, which publishes *School Reform News*.

"The central point of the case is whether a state constitution provision that bans participation of religious schools in an education choice program is legal under the U.S. Constitution,"



Jarratt said.

The Blaine provision of the Montana State Constitution violates rights protected by the U.S. Constitution, Richard Komer, a senior attorney at the Institute for Justice representing Espinoza, stated in oral arguments before the U.S. Supreme Court on January 22.

The "case asks whether the Federal Constitution allows the wholesale exclusion of religious schools from scholarship programs," Komer said. "It does not. Yet, Montana's Blaine Amendment requires that exclusion."

## Religious Schools Excluded

The Montana Supreme Court invalidated the entire tax credit program, which included participation by secular private schools as well as religious ones, to avoid discriminating solely against the religious schools, Komer says.

"The only reason the court invalidated the program was because it included religious schools," Komer said. "Petitioners brought this lawsuit because they were denied scholarships based on religion, and they are still being denied scholarships based on religion. If the court had shut down the program because it included Muslim schools or African-American schools, there's no question that would be unconstitutional."

The First Amendment protection of the free exercise of religion outlaws government discrimination based on religion, David Hodges, an attorney with the Institute for Justice, told *School Reform News*.

"In this case, we asked the Court to affirm that the First Amendment requires government to be neutral toward religion," Hodges said. "The government does not have to create scholarship programs like this one, but once it does, the program may not discriminate solely on the basis of religion. We were pleased to see that the Court seemed to be troubled by the fact that the Montana Supreme Court invalidated this program solely because of religion."

**"Either way, there will be more cases making their way to the U.S. Supreme Court in the coming years until a definitive answer on what is and is not religious discrimination in the states in the support of education."**

**LENNIE JARRATT**  
DIRECTOR OF THE CENTER FOR EDUCATION OPPORTUNITIES  
THE HEARTLAND INSTITUTE

## Trinity Lutheran Precedent

In a 2017 case, *Trinity Lutheran v. Comer*, the U.S. Supreme Court ruled schools could not be excluded from government programs because of their religious affiliation. The Court could apply that ruling to this case, says Jarratt, or even expand its reach.

"The hope is that the Justices will follow up on the *Trinity Lutheran* ruling by overturning the Montana Supreme Court ruling that shut down the tax-credit scholarship program," Jarratt said.

"The effects of the ruling depend on how narrow or broad it is," Jarratt said. "At a minimum, this will reopen the scholarship program by ruling the Montana Blaine Amendment unconstitutional. A broader ruling could rule nearly all Blaine Amendments unconstitutional."

"The most likely scenario would be somewhere in the middle," Jarratt said. "Either way, there will be more cases making their way to the U.S. Supreme Court in the coming years until a definitive answer on what is and is not religious discrimination in the states in the support of education."

The Supreme Court is expected to announce its decision on *Espinoza* by the end of June.

Ashley Bateman ([bateman.ae@googlemail.com](mailto:bateman.ae@googlemail.com)) writes from Alexandria, Virginia.

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# NC Judge Orders State to Spend \$8 Billion More on Education

By Hayley Sledge

North Carolina Superior Court Judge David Lee ordered the state to formulate a plan to increase spending on K-12 education by an estimated \$8 billion, on January 21.

“North Carolina’s PreK-12 public education system leaves too many students behind—especially students of color and economically disadvantaged students,” Lee’s order stated. “As a result, thousands of students are not being prepared for full participation in the global, interconnected economy and the society in which they will live, work and engage as citizens.”

## Quarter-Century of Litigation

Lee’s order is the latest step in a long-running lawsuit, *Leandro v. State of North Carolina*, which began in 1994. In 1997, the North Carolina Supreme Court ruled the state constitution guarantees every child “an opportunity to receive a sound basic education.” In 2004, the state Supreme Court ruled the government’s efforts to provide such an education to poor children were inadequate.

In 2018, Lee called for an independent consultant to advise him on how North Carolina could best meet its constitutional mandate. Lee approved WestEd, a nonprofit consulting firm in California selected by agreement of the defendants (which include the State Board of Education) and the plaintiffs (which include several North Carolina school districts).

WestEd recommended expanding early childhood programs, modifying the current state funding model, and revising school accountability systems, in a 300-page report titled “Sound Basic Education for All: An Action Plan for North Carolina,” released by Lee on December 10.

Lee gave state officials until March 30 to propose a plan to implement the consultant’s recommendations, and he scheduled a hearing on the state’s response for April 12.

## Spending Pitfalls

The plan outlined in the report fails to take into account for how the proposed spending increases will affect taxpayers, says Terry Stoops, vice president for research and director of education studies at the John Locke Foundation.

“Consulting firms like WestEd do not consider the opportunity costs and broader economic effects of extracting billions from North Carolina taxpayers when they make their recommendations,” Stoops said. “Their analysis suggests spending on public schools yields

**“WestEd recommends throwing billions of dollars at a system lacking in transparency, accountability, and adaptability. No amount of money will be able to correct leadership failures, structural deficiencies, and governance concerns impairing North Carolina public schools. Why should North Carolinians be forced to pour money into a system having a governance structure that fails to establish a clear leader of the state’s public schools?”**

**TERRY STOOPS**

**VICE PRESIDENT FOR**

**RESEARCH**

**JOHN LOCKE FOUNDATION**



nothing but benefits.”

In Fiscal Year 2018, North Carolina spent nearly \$15.8 billion on its public education system, including federal, state, and local tax funds, according to the John Locke Foundation. WestEd’s proposed spending increase could undermine tax relief from reforms adopted in North Carolina in 2013, Stoops says.

“The WestEd report recommends North Carolina taxpayers fork over an additional \$8 billion over the next eight years,” Stoops said. “A budget increase of that magnitude would unravel much of the tax relief afforded to North Carolinians since Republican lawmakers implemented a comprehensive tax reform package in 2013.”

## ‘Unleash the Power of Choice’

The report also fails to consider school choice as a viable solution to the problems of public education and overestimates the correlation between spending and educational outcomes, says Bob Luebke, director of policy at the Civitas Institute in Raleigh, North Carolina.

“First, the recommendations are hyper-focused on funding,” Luebke said. “Yes, money is important, but WestEd seems to forget the link between money and improved student outcomes is inconclusive at best. To the dismay of many, the recommendations also totally overlook school choice as a possible solution to the current problems.”

WestEd’s neglect of charter schools eliminates a cost-effective solution to

remedy North Carolina’s educational decline, Stoops says.

“WestEd’s recommendations almost entirely ignore charter schools, which are a cost-effective means of providing a high-quality public education to disadvantaged students,” Stoops said. “Rather than throw more money at a district system that often fails our most vulnerable children, lawmakers and state education leaders should unleash the power of choice.”

## ‘Collision Course’ Set?

The WestEd report poses a legal dilemma regarding the separation of powers clause in the North Carolina State Constitution, which states the authority to allocate money belongs to the legislature, not the courts, Luebke says.

“Judge Lee’s consent order to implement the WestEd plan could potentially place the courts and the legislature on a collision course,” Luebke said. “According to the state constitution, only the legislature is authorized to appropriate money. A court order saying the legislature must spend an additional number of dollars is, in the eyes of many, a clear violation of the separation of powers clause.”

The issues are larger than the scope of WestEd’s report, and unless the state shifts its attention to fixing systemic failures, money will continue to be wasted, Stoops says.

“WestEd recommends throwing billions of dollars at a system lacking in transparency, accountability, and adaptability,” Stoops said. “No amount

of money will be able to correct leadership failures, structural deficiencies, and governance concerns impairing North Carolina public schools. Why should North Carolinians be forced to pour money into a system having a governance structure that fails to establish a clear leader of the state’s public schools?”

Hayley Sledge ([hayley@sledges.us](mailto:hayley@sledges.us)) writes from Dayton, Ohio.

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# Illinois Offers ‘Free’ College for Some, Tuition Hikes for Others

Continued from page 1

ating needs,” the trustees stated in a January 16 news release announcing the increases.

The day after the tuition increase decision, Illinois Gov. J. B. Pritzker announced at a press conference the trustees had agreed to raise the qualifying household income limit for free tuition at components of the UI system by 10 percent. Qualifying income will be raised from about \$61,000 to \$67,000 per year for Illinois Commitment, a state program implemented in 2019 that offers a tuition-free education to low-income families.

“Now, more than half of the households in the state will qualify for free tuition,” Pritzker said.

## Hike Bucks Trend

The UI tuition hike, the system’s first in six years, bucks a nationwide trend of universities trying to hold the line on costs, with some institutions even announcing tuition cuts. With the cost of higher education far outstripping the nation’s overall inflation rate, universities have come under growing pressure to reduce the cost of college.

Applying a tuition increase at UI-Chicago is particularly egregious, says Jenna Robinson, president of the James G. Martin Center for Academic Renewal.

“Revenues were in excess of \$80,000 per student in 2018,” Robinson said. “That is far more than most of its peer institutions.”

Instead of raising tuition, university officials should reduce costs, as Purdue University has done, Robinson says.

Purdue instituted a freeze on all tuition and fees at its flagship campus in West Lafayette, Indiana in 2013. To hold the line on tuition, Mitch Daniels, Purdue’s president, increased revenue from other sources while cutting wasteful spending.

“The University of Illinois should be looking for ways to trim expenses and boost private fundraising instead of increasing tuition,” Robinson said. “Purdue, right next door in Indiana, can be a model of how it’s done.”

## Pay Hike for President

At the meeting where it raised tuition, the UI trustees gave a 40 percent salary boost to President Timothy Killeen, from \$600,000 to \$835,000 per year. Killeen’s new base pay will include a \$100,000 annual performance bonus under his current contract. Killeen will receive the pay under a new four-year



**“Apprenticeships and internships, community colleges, online education, coding boot camps, entrepreneurship programs like Praxis, etc., provide alternatives that can save students money in the short and long term. Students would do well to consider these options. Illinois students, especially those majoring in low-paying fields, should carefully weigh the costs and benefits of continuing their education at University of Illinois schools.”**

**HARRY PAINTER**  
INDEPENDENT EDUCATION ANALYST

contract if he doesn’t quit and isn’t fired before the contract ends in July 2024. If Killen stays president until 2024, he will exceed the average tenure of a college president, which is 6.5 years, according to the American Council on Education.

One of the performance measures for Killeen is enrollment. Enrollment in the Illinois system has risen in recent years, *The Chicago Tribune* reported on January 14.

“Since 2016, following Killeen’s first full year at the helm, system enrollment has grown 9.5%, from 81,499 to 89,270 last fall,” the *Tribune* stated.

Since 2016, enrollment at UI-Chicago has grown by nearly 15 percent, and the Urbana-Champaign location’s enrollment has increased by 10 percent. At the Springfield location, enrollment has dropped from about 5,400 students in 2016 to less than 4,300 in fall 2019. State education officials have attributed the enrollment increases to

the tuition freeze the board of trustees has now lifted.

## Enrollment Declining

Nationally, enrollment at U.S. universities has declined in recent years. Between the spring semester of 2018 and spring 2019, enrollment at colleges nationwide declined by 1.7 percent, or about 300,000 students, *Inside Higher Ed* reported on May 30, 2019.

The booming U.S. economy and record job creation are providing young people with alternatives to going to college and piling up student debt. Student debt, however, continues to mount, reaching \$1.56 trillion in January 2020, according to an analysis published by Forbes.com.

## ‘People Will See the Scam’

Instead of responding to the demands of the market and their students, colleges in the United States tend to respond to the poor incentives caused by government intrusion into education, says Harry Painter, an independent education analyst and contributor to *School Reform News*.

“Students will keep paying the higher and higher tuitions as long as the federal government keeps footing the bill,” Painter said. “But this can’t go on forever, and, as painful as it might be, one benefit will be more people will see the scam for what it is.”

The education market of tomorrow will offer a ton of options besides an expensive four-year university, Painter says.

“Apprenticeships and internships,

community colleges, online education, coding boot camps, entrepreneurship programs like Praxis, etc., provide alternatives that can save students money in the short and long term,” Painter said.

“Students would do well to consider these options,” Painter said. “Illinois students, especially those majoring in low-paying fields, should carefully weigh the costs and benefits of continuing their education at University of Illinois schools.”

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# Arizona Sued for Allegedly Mishandling School Choice Program

By Bonner R. Cohen

A lawsuit has been filed on behalf of several families alleging the Arizona Department of Education (ADE) is breaking state law by making it difficult for families to use funds from the Empowerment Scholarship Account (ESA) program.

The ESA program allows eligible students to opt out of public schools and use taxpayer funds the government would otherwise have spent on their local government school, to enroll the child in a school that better meets their needs. Families can use ESA funds to purchase alternative educational services such as private schools or home schooling.

The alleged violations of state law range from “conditioning payments to parents on ADE’s approval of expense reports for past expenditures under the ESA, to limiting the amount of money parents are allowed to spend on certain categories of expenses, and even requiring parents to ‘repay’ funds under certain circumstances,” states the complaint in *Byrd v. Arizona Department of Education*, filed by the Goldwater Institute on behalf of the parents in the Maricopa County Superior Court on January 7.

## Unauthorized Rulemaking Alleged

ADE policies that entangle parents in red tape violate state law, says Timothy Sandefur, vice president for litigation at the Goldwater Institute, in a January 7 statement.

The ADE’s “policy of requiring parents to have their prior quarterly expense reports approved before they get the funding to which they’re entitled—an approval that takes weeks or even months to receive—violates state law,” Sandefur stated. “So does the Department’s creation of its *ESA Handbook*, which includes dozens of rules parents must follow to participate

in the program—but which was written without following the procedures required by the Arizona Administrative Procedures Act.”

The state’s Administrative Procedures Act requires state agencies creating new rules to go through a process that includes extensive input from the public and submitting the proposed rules to the Governor’s Regulatory Review Commission.

“But the Department did none of these things,” Sandefur stated. “It simply adopted the *Handbook* without consulting the public. Its *Handbook*, therefore, contains scores of rules that parents must follow that were adopted without any public comment or approval by other agencies that the law requires.

“Making this problem even worse, the Department regularly changes the *Handbook*, altering its rules arbitrarily from one year to the next,” Sandefur stated.

## Compliance ‘Nearly Impossible’

ADE is erecting barriers to keep families out of the program, Veronica Thorson, a Goldwater Institute attorney working on the case, told *School Reform News*.

“ESA families are desperate for clear guidance,” Thorson said. “Our plaintiffs do their very best to follow the department’s rules, but it’s nearly impossible for them to do so when the department keeps changing the rules and applying them arbitrarily and inconsistently.

“We hope that a win for our plaintiffs—mothers and their children with special needs—will force the department to create valid rules for administering the program and to administer those rules consistently and fairly while ensuring that the purpose of the program is realized—that is, to empower Arizona’s most vulnerable children to receive an education that actually works for them,” Thorson said.

ESAs help children who don’t fit well in the current government schools, Thorson says.

“The public-school system doesn’t work for all children, but ESAs help many children—regardless of their individual needs or limitations or their parents’ lack of resources—to achieve their potential,” Thorson said. “Our plaintiffs all say that their ESAs have been a lifesaver for their children. But the department is making it increasingly difficult for these families to use the program as intended. We hope that a court will put a stop to this.”

## ‘Unlawful Obstruction’

The ADE’s actions undermine the tax credit scholarship program, says Don Soifer, president of Nevada Action for School Options.

“The unlawful obstruction detailed by the school choice supporters in this case describes serious encroachments that can threaten a popular and effective choice program that specifically benefits families of children with special needs,” Soifer said.

“Arizona’s families are fortunate to have the Goldwater Institute’s vigilant leadership always on the lookout for overreach by government bureaucrats accustomed to harassing and obstructing honest taxpayers seeking to use the choices allowed them by the laws of the state,” Soifer said.

No trial date for a hearing on the complaint had been set as of press time.

Bonner R. Cohen, Ph.D. ([bcohen@nationalcenter.org](mailto:bcohen@nationalcenter.org)) is a senior fellow at the National Center for Public Policy Research.



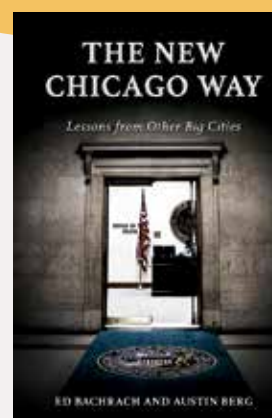
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**vigilant leadership always on the lookout for overreach by government bureaucrats accustomed to harassing and obstructing honest taxpayers seeking to use the choices allowed them by the laws of the state.”**

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# Virginia House Considers Repealing Education Tax Credit

By Ashley Bateman

The Virginia legislature is considering a bill to repeal the state's education tax credit, which allows taxpayers to receive full or partial state income tax credits when they donate to nonprofit organizations that provide private school scholarships.

House Bill 521, which would repeal the Education Improvement Scholarships Tax Credits (EISTC) program, was introduced on January 8, the first day of the 2020 legislative session.

The EISTC offers tax credits for individuals or businesses that donate to scholarship foundations funding private school tuition. Administered by the Virginia Department of Education, the EISTC program served about 4,500 students during the 2017-2018 school year.

Nearly 20 states now offer tax-credit scholarships, says Jason Bedrick, director of policy at EdChoice.

"Tax-credit scholarships expand educational opportunities, especially for low-income families," Bedrick said.

## Schools 'Will Likely Close'

Repeal of the EISTC program would have a devastating impact on numerous schools that currently serve scholarship-assisted students, says Chris Braunlich, president of the Thomas Jefferson Institute for Public Policy and a former Fairfax County School Board member.

"Many of these schools will likely close, resulting in no options for the children," Braunlich said. "These include a Cristo Rey school, a Nativity Miguel school, and numerous schools operating in high-poverty areas where a quality education is critical for the future of the children and the community."

## 'Options Benefit Everyone'

Although opponents of the program claim it drains money from government schools, students who use the scholarships to move from public schools are saving taxpayers money, Bedrick says.

"The scholarships are worth about \$3,200, on average, compared to district school spending of about \$12,500 per pupil," Bedrick said.

In addition to the benefits for scholarship students, school choice helps the students who remain in government schools, Bedrick says.

"Rather than see alternatives to the district system as 'threatening,' policy-makers should recognize that a wide variety of educational options benefit everyone by empowering families to



**"These are children who are exactly where they need to be to learn and**

**thrive, and they deserve to stay there. All Virginia families deserve to be able to choose the best educational opportunity for their child, not just those who can afford it."**

**JEFF CARUSO  
EXECUTIVE DIRECTOR  
VIRGINIA CATHOLIC CONFERENCE**

choose the learning environment that's the right fit for their kids," Bedrick said.

## 'Vital Resources' for Kids

The financial assistance offered through EISTC is "critical" for low-income students, says Jeff Caruso, executive director of the Virginia Catholic Conference.

"If we do not stop this bill, low-income students and students with disabilities will lose vital resources that give them options for their education," Caruso said.

"These are children who are exactly where they need to be to learn and thrive, and they deserve to stay there," Caruso said. "All Virginia families deserve to be able to choose the best educational opportunity for their child, not just those who can afford it."

Control of the Virginia General Assembly flipped from Republican to Democrat in the November 2019 election, when Democrats won majorities in both the state Senate and the House of Delegates. The change in partisan control brought a different direction in public policy, with the Virginia General Assembly currently considering a variety of bills to restrict gun rights and religious freedom protections previously passed by Republican legislative majorities, in addition to the scholarship program.

Ashley Bateman ([bateman.ae@googlemail.com](mailto:bateman.ae@googlemail.com)) writes from Alexandria, Virginia.



# High Schoolers' Dream Careers Don't Match Job Market Reality

By Juliana Knot

Teenagers' choices for an "ideal career" have narrowed over the past two decades and don't reflect the new economy, the Organization for Economic Cooperation and Development (OECD) reports in *Dream Jobs: Teenagers' Career Aspirations and the Future of Work*, published January 22.

The OECD study analyzes the results of a survey of teenagers in 41 countries, including the United States. The students participated in the OECD's Program for International Student Assessment (PISA), which tests 15-year-olds' ability to use their reading, mathematics, and science knowledge and skills to meet real-life challenges.

The PISA test has been administered every three years to a sample of students in each country, beginning in 2000. The Dream Jobs report is based on PISA participants in 2018 who answered a supplemental questionnaire, providing details of their participation in career development activities and other preparation for work.

## Goals Don't Match Jobs

The OECD report states that 47 percent of boys and 53 percent of girls surveyed expect to work in one of just 10 popular jobs by age of 30. The figures reveal a narrowing of expectations since the 2000 PISA survey, as the shares of students selecting the most popular occupations increased by eight percentage points for boys and four percentage points for girls.

The 10 most popular careers for girls were, from most to least popular: doctor, teacher, business manager, lawyer, nurse, psychologist, designer, veterinarian, police officer, and architect. The 10 most popular careers for boys were, from most to least popular: engineer, business manager, information and communications technology professional, sportsman, teacher, police officer, motor vehicle mechanic, lawyer, and architect.

Furthermore, most of the popular career choices require postsecondary or even advanced degrees, but researchers found a mismatch between many students' career goals, academic performance, and educational plans.

Many of the other jobs the students chose are likely to be automated in the 21st century. More than one-third of the jobs U.S. students favored could be automated in the next 15 years, the report states. In the United States, as in all of the countries studied, boys and low-income students were more likely to prefer jobs that could be automated.



**"Only about one-half of one percent of Americans are in apprenticeship programs at any give time. In Switzerland, by contrast, some 70 percent of young people go through 'learn-and-earn' apprenticeship programs while in school, which could be a model for reforms here."**

**EDWARD HUDGINS**  
RESEARCH DIRECTOR, THE HEARTLAND INSTITUTE

## New Career Choices

Advancements in information and communications technology have created new careers, but an even wider variety of choices will be available in the future, says Edward Hudgins, research director of The Heartland Institute, which publishes *School Reform News*.

"This revolution will be nothing compared to what [artificial intelligence] and robotics will do," Hudgins said.

Many students are unprepared for the changing labor market because administrators and teachers are insulated from economic forces, Hudgins says.

"Government schools are detached from the free market and real world, so why should it be surprising that they can't keep up?" Hudgins asked.

Public schools don't give students an opportunity to experience what work will be like when they enter the job market, says Teresa Mull, an education policy advisor to The Heartland Institute.

"Part of the reason today's American students have such a narrow sense of the job market is because most of

them are educated in government-run schools that stymie innovation," Mull said.

The pressure of teachers' unions also plays a role in students' lack of awareness, Mull says.

"With traditional public schools, it's the teachers' union's way or the highway, and because of the unions' control of the system, students suffer from limited access to alternative types of learning, including specialized curricula, and trade or vocational-technology schools," Mull said.

## Career Options, School Choice

The survey found students in Switzerland and Germany made the most diverse job choices compared to other countries' students. Both countries have strong vocational programs, Hudgins says.

"Only about one-half of one percent of Americans are in apprenticeship programs at any give time," Hudgins said. "In Switzerland, by contrast, some 70 percent of young people go through 'learn-and-earn' apprenticeship programs while in school, which could be

a model for reforms here."

School choice would give students the opportunity to explore more career options, Mull says.

"School choice...offers families the opportunity to explore the world of education and decide which type of learning environment is the best fit for their talents, needs, and interests," Mull said.

In order to prepare students for the future job market, schools should seek to encourage students' imaginations and questions, Hudgins says.

"Students should think in an entrepreneurial manner," Hudgins said. "What kind of service can I provide that's not being provided right now? Do we always have to do things this way?"

## Lower Expectations

The OECD study also showed that high-achieving students from low-income households were far less likely than their high-achieving but high-income peers to choose high-paying occupations. Because many of the jobs these students considered required many years of expensive schooling, it's not surprising that low-income students would feel discouraged.

"Lower-income students are the ones who have the most to gain," Hudgins said.

Many of these students and their parents have no control over their schools, Hudgins says.

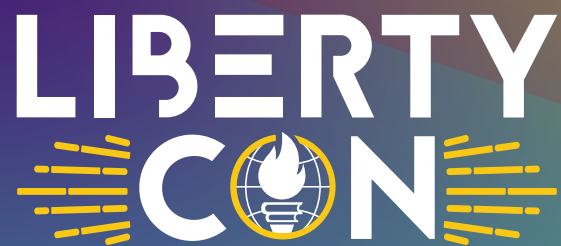
"Allowing more school choice will allow low-income students to broaden their horizons," Hudgins said.

"If education freedom were more widespread, more children would be aware of the myriad careers available to them," Mull said. "Instead, they're being forced to remain in a stagnant system that prioritizes pensions and teacher benefits over the success of students and society."

Juliana Knot (jjknot322@gmail.com) writes from Grand Rapids, Michigan.

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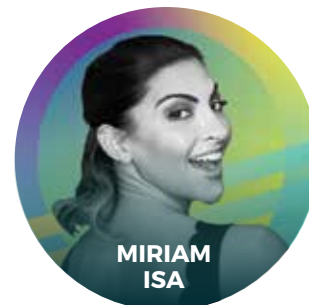
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# Case Alleging University Mishandled Sexual Misconduct Cases Dismissed

By Ashley Bateman

A federal appeals court dismissed claims by four women that Michigan State University (MSU) failed to respond “adequately” to emotional distress caused by the return of students accused of sexual harassment.

The three-judge panel of the U.S. Sixth Circuit Court of Appeals reversed a U.S. district court decision and dismissed a lawsuit against MSU’s Board of Trustees by Emily Kollaritsch, Shayna Gross, and two anonymous “Jane Roes.”

The plaintiffs claimed the university did not care about their problems, says Samantha Harris, an attorney and vice president for procedural advocacy at the Foundation for Individual Rights in Education, and was not involved in the case,

“There were four plaintiffs in this lawsuit, each [of whom] alleged they’d been sexually assaulted on campus and in their view the response from the university was deliberately indifferent,” Harris said. “They had to once again see those students once the accused’s suspension was up.”

The process for handling these complaints is far from transparent, Harris says.

“We don’t know anything about the process,” Harris said. “We don’t know that much about the underlying hearing or investigation that led to the decision.”

## Case ‘Not Atypical’

Title IX of the Higher Education Act requires colleges to investigate incidents of sexual misconduct as matters of discrimination. In the MSU cases, the alleged perpetrators were not expelled.

“This is a deliberate-indifference case alleging the university’s response to sexual misconduct on campus was deliberately indifferent, making them liable under Title IX,” Harris said. “The school did not reach a specific conclusion, [but] that does not necessarily make them indifferent.”

Title IX has often led to litigation by victims and alleged perpetrators, Harris says.

“This case is not atypical, because there have been a large number of students on both sides criticizing the way colleges handle sexual misconduct cases,” Harris said.

## ‘Did Not Provide Any Details’

The allegations of additional distress



were unsubstantiated, federal appeals court Judge Alice M. Batchelder stated in an opinion accompanying the dismissal order issued on December 12, with which the other two judges concurred.

“Kollaritsch has not pleaded further actionable sexual harassment,” Batchelder wrote. “She did not provide any details or assert any facts about these encounters to show—or even suggest—that they were sexual, or that they were severe, pervasive, or objectively unreasonable. In describing her encounters in the Complaint, she suggested that these were merely their mutual presence at the same location.”

## ‘Subjective Dissatisfaction’

The plaintiffs’ claims did not establish a pervasive failure on the part of the university, Batchelder says.

“[A] student-victim’s subjective dissatisfaction with the school’s response is immaterial to whether the school’s response caused the claimed Title IX violation,” Batchelder wrote. “[N]one of the plaintiffs in this case suffered any actionable sexual harassment after the school’s response, they did not suffer ‘pervasive’ sexual harassment as set out in *Davis*.”

The 1999 case *Davis v. Monroe County Board of Education* set a precedent for the evidence needed for a plaintiff to prove sexual harassment infringed on an individual’s rights and that officials’ lack of action led to further injury. Batchelder’s opinion highlights the powerful precedent of the *Davis* case, Harris says.

“It illustrates what the court pointed out regarding *Davis v. Monroe County*,” Harris said. “The defense expressed that it would open the floodgates from litigation on each side. We are seeing a ton of litigation on both sides.”

## Title IX Rules Changing

Secretary of Education Betsy DeVos has proposed changes to Title IX regulations to ensure a more equitable pro-

cess for both sides, Harris says. Under the proposed rules, universities would continue to investigate sexual harassment and misconduct cases.

“The fact that schools are required to adjudicate under Title IX is not going to change under the new administration,” Harris said. “Whether you feel as though universities are ill-equipped—regardless of your view on that—they currently have to and will continue to adjudicate these cases. We believe the new regulations, if they’re not terribly different than the draft—right to all of the evidence, right to a fair trial, right to examination—should improve the process.”

The MSU Board of Trustees will not talk about the decision at present, says Dan Olsen, a deputy spokesperson for Michigan State University.

“Because this is still active litigation, it would be inappropriate for us to comment at this time,” Olsen said.

Although a decision was reached, the

**“The fact that schools are required to adjudicate under Title IX is not going to change under the new administration. Whether you feel as though universities are ill-equipped—regardless of your view on that—they currently have to and will continue to adjudicate these cases.”**

SAMANTHA HARRIS

VICE PRESIDENT FOR PROCEDURAL  
ADVOCACY

FOUNDATION FOR INDIVIDUAL RIGHTS  
IN EDUCATION

plaintiffs could appeal to the full panel of appeals judges. Kollaritsch’s legal team could not be reached for comment.

Ashley Bateman ([bateman.ae@googlemail.com](mailto:bateman.ae@googlemail.com)) writes from Alexandria, Virginia.

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# Report Card: Universities' Sexual Misconduct Policies Receive Failing Grades

By Kelsey E. Hackem

Most top U.S. universities earn D or F grades for policies that fail to provide fair procedures to students accused of sexual misconduct, states the Foundation for Individual Rights in Education (FIRE).

FIRE examined policies at 53 top national universities for 10 fundamental procedural safeguards for students accused of sexual misconduct, and separate policies for other misconduct unrelated to academics. The checklist of due process rights FIRE used to rank institutions' policies included presumption of innocence, the right to impartial fact-finders, and the ability to question witnesses.

None of the institutions' policies received an A grade—meaning none of the surveyed institutions guarantee all basic due process protections. More than four-fifths of the schools received a grade of D or F on protecting the due process rights of students, including 22 institutions that received an F. The University of North Carolina-Chapel Hill's disciplinary policies received the best grades, earning a B for its procedures for non-sexual misconduct cases and a C for its procedures for sexual misconduct cases.

The top schools were taken from U.S. News & World Report's National University Rankings for 2017. Specific policies at 104 universities were examined in the FIRE report, *Spotlight on Due Process 2019-2020*, which was released on December 11.

University sexual misconduct proceedings arise from Title IX of the Higher Education Act, which governs sex discrimination at institutions receiving



federal aid. Title IX requires universities to adopt disciplinary processes to handle claims of sexual discrimination, harassment, and violence.

## 'Holding Kangaroo Court'

Many universities have adopted specific procedures to handle sexual misconduct charges in the past decade under pressure from the federal government, says Harry Painter, an independent education analyst and contributor to *School Reform News*.

"The Obama administration in 2011 sent a 'Dear Colleague' letter threatening colleges with punitive action unless they took 'prompt and effective steps' to respond to campus sexual violence," Painter said. "This letter specified that colleges were to investigate cases even if they were already being investigated as a crime by law enforcement."

To comply with this guidance, which came from the U.S. Department of Education's (DOE) Office of Civil Rights (OCR), universities began to develop student disciplinary proceedings that lacked basic safeguards for those accused of misconduct, Painter says.

"One result of this was that some colleges started holding kangaroo court hearings that required a bare-minimum 'preponderance of evidence' standard for ruling against an accused student," Painter said.

More than 500 lawsuits that have been filed since 2011 against universities by accused students complaining they were denied due process or other constitutional rights are being tracked in FIRE's database of Title IX cases.

## 'Lives Ruined'

The lack of protections for students accused of misconduct creates significant burdens for the accused, Painter says.

"Under the status quo at many uni-

versities, accused students can have their lives ruined thanks to a biased ruling with no presumption of innocence," Painter said.

Accusers in sexual misconduct cases are also affected by their decision to report incidents to the university and be subject to the university misconduct procedures, rather than filing charges with law enforcement, Painter says.

"The accuser is also at a disadvantage, because there are no criminal penalties for the rapist or sexual assaulter," Painter said. "A violent criminal could potentially roam free because his accuser chose to take her criminal complaint to a Title IX officer instead of a police officer."

Sexual misconduct rules have also led to the creation of campus bureaucracies, including full-time Title IX coordinators, to comply with myriad guidelines from the OCR.

## Let Police Handle

Universities have become local governments, says Jane Stroup, chair of the James G. Martin Center for Academic Renewal.

"The problem of due process illustrates how colleges and universities have grown into small municipalities, with problems arising from sexual conflicts, housing disputes, drinking, assault, and so forth—far beyond the narrow realm of academic issues," Stroup said.

"Schools don't seem to recognize that they need to handle these problems with the consistency and justice provided by the rule of law," Stroup said. "One approach would be to let more of those conflicts be handled by police and judicial authorities outside the university."

## Making It Worse?

DOE proposed new Title IX regulations

**"The problem of due process illustrates how colleges and universities have grown into small municipalities, with problems arising from sexual conflicts, housing disputes, drinking, assault, and so forth—far beyond the narrow realm of academic issues. Schools don't seem to recognize that they need to handle these problems with the consistency and justice provided by the rule of law. One approach would be to let more of those conflicts be handled by police and judicial authorities outside the university."**

JANE STROUP

JAMES G. MARTIN CENTER FOR  
ACADEMIC RENEWAL

in 2018, but had not issued the final rule at press time. The revision will require many colleges to change their policies. The key provisions require basic due process, a presumption of innocence, and a definition of sexual harassment consistent with U.S. Supreme Court rulings on Title IX cases.

Universities' current policies would not meet requirements under DOE's proposed Title IX regulations, but the new rules would raise the grades of schools that received a D or an F for their sexual misconduct policies to a C or better, the FIRE report states.

The new rules would improve procedural protections, but that requires universities to establish even more extensive judicial processes, Painter says. Instead, universities should remove themselves from the adjudication business altogether.

"The best thing for schools to do to ensure due process would be to refer criminal cases to law enforcement, where they belong," Painter said. "The proposed regulations worsen the existing problem of encouraging colleges to investigate criminal cases instead of leaving that job to the professionals."

Kelsey Hackem ([khackem@gmail.com](mailto:khackem@gmail.com)) writes from Columbus, Ohio.

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# Mandatory Union Bargaining Case Appealed to U.S. Supreme Court

By Ashley Bateman

A case challenging a Maine law that forces union representation on individual faculty members in contract negotiations with their government employer could lead to an expansion of workers' rights recognized by the U.S. Supreme Court's landmark *Janus v. American Federation of State, County, and Municipal Employees (Janus v. AFSCME)* decision.

Jonathan Reisman, an associate professor of economics and public policy at the University of Maine, filed a petition on January 2 asking the U.S. Supreme Court to review a decision by the U.S. First Circuit Court of Appeals upholding the state law.

Reisman is contesting representation by the Associated Faculties of the University of Maine (AFUM). Reisman had resigned his union membership and was not required to pay fees to the union for representing him. However, the union is the exclusive representative of the faculty, and individual faculty members are not allowed to represent themselves. Reisman argues mandatory union representation violates his First Amendment rights of free speech and free association.

The U.S. Supreme Court ruled mandatory union dues violate government employees' free speech rights, in its 2018 *Janus* decision, but it did not rule on the question of mandatory representation in collective bargaining by public employee unions, says Robert Alt, a lead attorney in the case and president and chief executive officer of The Buckeye Institute, which is representing Reisman.

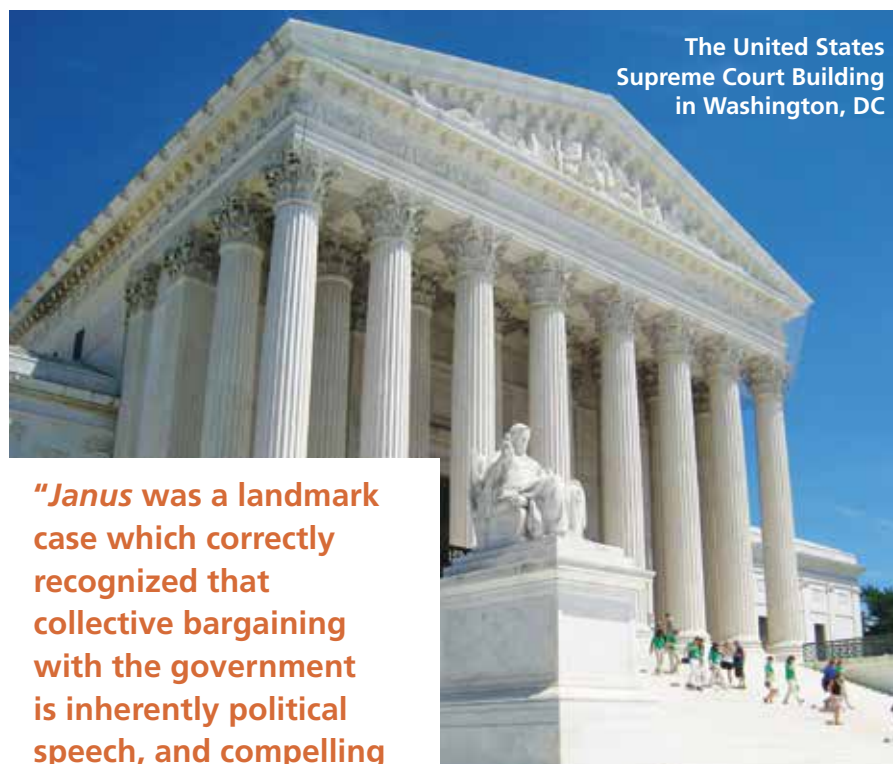
"In what could be another landmark case in labor law, *Reisman* would recognize the First Amendment right of free association for millions of public employees across the country," Alt said.

## *Janus* 'Landmark Case'

The Reisman case builds on a Supreme Court win for opponents of forced union representation by public sector unions, Alt says.

"*Janus* was a landmark case which correctly recognized that collective bargaining with the government is inherently political speech, and compelling public employees to pay for that speech was a clear violation of the First Amendment," Alt said. "With the *Janus* decision, the rights of millions of Americans have been restored, and public employees can no longer be forced to turn over part of their paycheck to a union as a condition of employment."

A public employee, Mark Janus brought the lawsuit against Illinois



The United States Supreme Court Building in Washington, DC

**"*Janus* was a landmark case which correctly recognized that collective bargaining with the government is inherently political speech, and compelling public employees to pay for that speech was a clear violation of the First Amendment. With the *Janus* decision, the rights of millions of Americans have been restored, and public employees can no longer be forced to turn over part of their paycheck to a union as a condition of employment."**

ROBERT ALT  
PRESIDENT AND CEO  
THE BUCKEYE INSTITUTE

and the local AFSCME chapter arguing mandatory union fees violated his First Amendment rights.

## Maine Case

Maine state law authorizes collective bargaining rights and representation of workers by a union chosen by a majority of the faculty. AFUM, Reisman's union, is a collective bargaining unit of broader labor organizations, Alt says.

"We became aware that although Professor Reisman would have liked to remain a member of his local union, he did not want to be forced to also support the respective state and national unions with which AFUM affiliates:

the Maine Education Association and the National Education Association," Alt said.

"These unions oppose his views on a wide range of political and public policy issues," Alt said. "In talking with him over the course of some weeks, we recognized that he had a compelling case."

## Other Cases Filed

Buckeye is contesting forced union representation in two other cases in federal court: Kathy Uradnik of St. Cloud State University in Minnesota and Jade Thompson, a high school Spanish teacher employed by the Marietta City Schools in Ohio, Alt says.

"In its cases *Reisman v. AFUM*, *Uradnik v. IFO*, and *Thompson v. MEA*, The Buckeye Institute is extending the opportunity for the Supreme Court to answer the question: If it violates the First Amendment to compel financial support for union advocacy, how on Earth can states require these same public employees to speak through unions that many of them choose not to join?" Alt said.

The Supreme Court has declined to hear appeals on motions to enjoin the defendants in those cases, which are pending in federal district courts.

## Concern for Rights

The Supreme Court's *Janus* ruling prohibits public employee unions from using nonmembers' fees to support political activities, but *Janus* and his legal team argued government negotiations on wages and contracts likewise

fall within the sphere of politics and policy, Alt says.

"In the *Janus* decision, Justice Alito raised serious questions about exclusive representation that many—including The Buckeye Institute—had been asking," Alt said.

"Justice Alito, writing for the Court's majority, said, 'Designating a union as the employees' exclusive representative substantially restricts the rights of individual employees,'" Alt said. "Among other things, this designation means that individual employees may not be represented by any agent other than the designated union; nor may individual employees negotiate directly with their employer."

## National Impact

The Reisman case could affect public employees nationwide, says Larry Sand, president of the California Teachers Empowerment Network.

"The *Janus* decision, freeing public employees from mandatory dues payments to a union, was an excellent first step, but more needs to be done," Sand said.

"Next, we need to get rid of forced representation," Sand said. "In a 'members-only union' scenario, only workers who want to participate in collective bargaining would be represented. If you choose to be a free agent, you negotiate for yourself and cede any union-related perks."

The high court had not decided whether to hear the Reisman case as of press time.

Ashley Bateman ([bateman.ae@googlemail.com](mailto:bateman.ae@googlemail.com)) writes from Alexandria, Virginia.

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# Scholars Call for Limits on Freedom of Speech

By Branson Inscore

Speakers at an academic conference at the University of North Carolina at Greensboro (UNCG) criticized freedom of speech and called for tighter limitations on public discourse.

The National Communication Association, an organization of communications professors, and UNCG's Department of Communication Studies sponsored the meeting titled "Finding Expression in Contested Public Spaces," held October 24 and 25. Seven panels of academics discussed free speech, racism, and groups of people marginalized by society.

Free speech is elevated by claims that it is a viewpoint-neutral concept, but it empowers hate speech, Marina Lambrinou, a teacher at UNC-Greensboro, told the audience at a panel titled "Pedagogy and the 1st Amendment."

"Our work is predicated upon understanding free speech as a form of oppression," Lambrinou said in her remarks. "Free speech is weaponized to spread hate, elevate white supremacy, and incite acts of violence. However, free speech is also legitimated by the protections it is afforded and by the position it occupies in popular discourse as a race- and disparity-neutral construct."

## 'Implicated in Racism'

The conference was "designed to affirm principles of free speech," states a notice on UNCG's website. During the opening keynote speech, however, Eric King Watts, an associate professor of communication studies at UNC-Chapel Hill, spoke in opposition to free speech in his address titled "Tribalism, Voicelessness, and the Problem of Free Speech."

The concept of free speech developed in a slaveholding culture that did not recognize the rights of non-Europeans, Watts told the conference audience.

"In particular, freedom of speech is conceptualized and found in documents as a universal human capacity and right requiring legislative and judicial protections," Watts told the audience. "But this late 18th-century idealism obscures the manner in which freedom of speech is always already implicated in racism."

It is particularly dangerous to allow today's Republican Party freedom to speak, Watts told the audience.

"Over the last two decades, the GOP has mutated from a traditional conservative party into an insurgent force that threatens the norms and institutions of American democracy," Watts



said.

"Put bluntly, the Left is not really intolerant of conservative values," Watts said. "Indeed, many of us here probably wish for the good old days when we just had to deal with the necons. Rather, the Left is intolerant of racism, homophobia, xenophobia, and misogyny."

## Calls for Censorship

The allegedly negative consequences of free speech could require additional regulation, Lisbeth Lipari, a professor at Denison University who participated in a session titled "Academic Freedom & Campus Free Speech," told the audience.

"[In regard] to whether or not we should restrict free speech in some new ways: possibly," Lipari said.

A "European model" of speech that would move society from a forum of "free speech" to one with "the duty to listen," was discussed by Lambrinou and Yacine Kout of the University of North Georgia.

"Not everyone's perspective needs a place to be listened to," Kout said.

## Single-Minded Diversity

A UNCG student noted the one-sidedness of the conference during a question and answer session.

"[You all] talked a lot about power dynamics and oppression, but I've only seen examples coming from one point of view," the student commented to the presenters.

Other viewpoints should be considered, but the expression of some ideas could be harmful, Mark Congdon Jr. of the College of Saint Rose said in

response to the student.

"Yes, [diversity of opinion] is important when we talk about how do we incorporate these other voices," Congdon said. "But then understanding ... how free speech can also be used to oppress—and it gets at power and authority—in terms of how you might be using your free speech to silence and harm others. And that's not okay, regardless of anyone's political views."

## Says Minorities Benefit Most

Free speech protects minority voices, says Robert Shibley, executive director of the Foundation for Individual Rights in Education.

"The idea that protecting free speech for everyone ends up benefiting the powerful over the powerless is both ahistorical—our nation's movements for abolition and civil rights attest to that—and nonsensical," Shibley told *School Reform News*. "After all, powerful majorities can rely on that power to ensure their right to be heard. It is those who are marginalized who need free speech the most."

Academics should acknowledge the importance of contesting viewpoints, says Jenna A. Robinson, president of the James G. Martin Center for Academic Renewal.

"It's disappointing that communications scholars are so skeptical of the value of free speech," Robinson said. "I'd like to see more support among professors for open debate, free inquiry, and the marketplace of ideas."

Branson Inscore ([branson.inscore@jwpf.org](mailto:branson.inscore@jwpf.org)) is a Blundell Fellow at the John William Pope Foundation. An earlier version of this article was published by the James G. Martin Center for Academic Renewal. Adapted and reprinted with permission.

## Child Safety Accounts: A State-by-State Analysis

In big cities and small towns across the United States, bullying, teen suicide, sexual harassment, and other forms of violence targeting students are far too common. In the wake of these tragedies, parents and education analysts are looking for ways to ensure no child is forced to remain in an unsafe school.

The answer is simple: Child Safety Accounts, an idea developed by The Heartland Institute.

Policy Analyst Tim Benson has created a CSA profile for nearly every state and the District of Columbia. Two states were omitted: Ohio, because specific data is not available at this time, and Florida, because the Sunshine State implemented the Hope Scholarship, a

safety-centric education choice program, in 2018.

A Research & Commentary document on each state can be downloaded from the Freedom Pub blog at The Heartland Institute.

—Staff reports

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## COMMENTARY

# Happiness, Thy Name Is National School Choice Week

By Robert G. Holland

The 10th annual National School Choice Week (NSCW) kicked off on January 26 with some 25,000 schools participating in a mindboggling 51,300 independently organized events encompassing all 50 states.

The growth of this event serves as an indicator of the rising American interest in families having as free a choice among schools as they have when they pick out a pair of shoes at the mall. Good fits are essential.

By contrast, in 2011, Year One, there were just 150 rallies and other activities. By 2013, 3,059 schools were participating in NSCW. Growth burgeoned during the rest of the decade, resulting in recent speculation that we may be at the dawn of the Roaring Twenties for school choice.

## Dancing, Waving Yellow Scarves

At the center of these diverse celebrations of educational choice in K-12 schools were students dancing to the year's official song ("Best Day" by Loo-min) while wearing and vigorously waving the week's signature yellow scarves.

When watching these youthful performances, I see joy, exuberance, and pride in the schools of choice many of these children attend. You can view some of the dance renditions and judge for yourself at [www.schoolchoiceweek.com](http://www.schoolchoiceweek.com).

Sadly, those bright yellow scarves serve as a triggering mechanism for some on the Left, who see them as a symbol of rebellion against the collectivist model of government-dominated education they prize. A few years ago, a People for the American Way grump wrote that the scarves "serve as a flashy distraction" from an alleged agenda of undermining public education.

## Reporting Good News

Never mind that NSCW celebrants go out of their way to keep the happenings inclusive and nonpartisan. They sing the praises of all kinds of schools that exhibit any degree of openness to parental choice: traditional public, charter, and magnet schools, along with private, religious, online, and home schools.

At the risk of further incurring the ire of statist, NSCW president Andrew Campanella has even launched a "Happiness Blog" to report and celebrate good news in education whenever it exists. Bemoaning what social observ-



ers have termed an "Unhappiness Epidemic," Campanella issues this invitation: "Together, let's push back against this trend with all the good news about education we can find."

Of course, the evidence of the failures of centralized education is so massive as to be impossible to ignore. The documented failures of the vaunted Common Core standards to raise reading and math scores on the Nation's Report Card or to improve student readiness for higher education are a matter of record.

## Celebrating Success

Why not celebrate individual successes in the hope they may become models for others striving for excellence? Let's consider three exemplary schools—all of them participants in NSCW—featured recently on the Happiness Blog.

DeBakey High School for Health Professions, a public magnet school in Houston, Texas, is ranked by *U.S. News & World Report* as among the best public schools in the nation. DeBakey gives students considering health-care careers a chance to shadow physicians and other professionals in the largest medical complex in the world. Recently, some students were able to view a livestream of an open-heart surgery.

Teachers at Northwest Arkansas Classical Academy, a charter school that immerses its students in the classic literary works of Western civilization, use the Socratic method to encourage students to ask questions and engage in lively discussions about nature and humanity. Students also study Latin, by no means a dead language, given its influence on modern reading, writing,

and vocabulary.

Flushing (NY) Christian School, founded by three pastors in 1950, aims to provide a "joy-filled Christian education." Its fifth-graders, dubbed The Navigators, scored a stunning achievement at the National Geographic Chal-

lenge by developing a filtering system to reduce pollution in the Hudson River. They earned first place in a 1,000-team competition and won a \$25,000 prize that will be used to put their innovative system into practice.

## Hoping for More

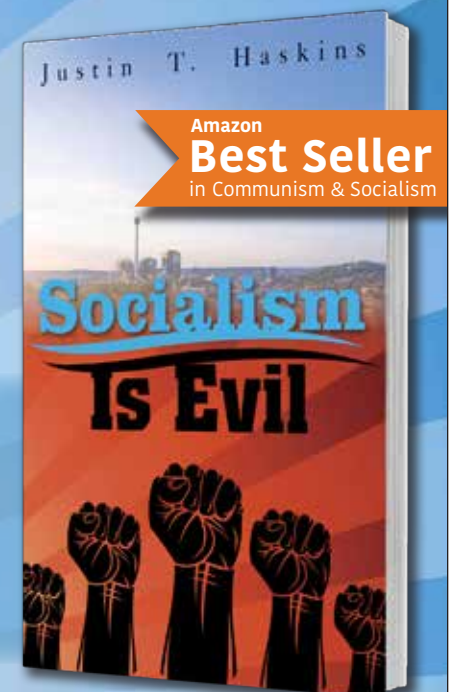
National School Choice Week showcases the interest in school choice and pent-up demand for more of it. Whether supply meets that demand will depend in part on decisions in the political and legal realms, especially a Supreme Court decision expected in June that may knock down nineteenth-century anti-Catholic Blaine Amendments that stifle private choice in some states, and, of course, the results of the elections this November.

*Robert G. Holland (rholland@heartland.org) is a senior fellow in education at The Heartland Institute. This article was originally published by American Thinker and is reprinted with permission.*

Photo Courtesy: Gage Skidmore/flickr

## Socialism Is Evil

### The Moral Case Against Marx's Radical Dream



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# Education Department Considers Income Share Agreements as Alternative to Student Loans

By Harry Painter

Income share agreements (ISAs), which require universities or private investors to assume financial risk by advancing funds to students for college costs, are gaining steam as an alternative to traditional education loans.

Under the ISA model, the student pays little or no tuition up front. Investors cover the student's costs directly or, under some arrangements, schools fund ISAs with their endowments. After graduation, the student pays the money back as a percentage of each paycheck. Unlike a traditional loan, an ISA lender is repaid only if the student is employed.

ISAs were first proposed by economist Milton Friedman in 1955, and in the age of ever-rising college costs, Friedman's idea is catching on. Degree-based institutions such as Purdue University and The University of Utah, nontraditional providers such as Lambda School, and various coding bootcamps have all begun offering ISAs.

## Creating Right Incentives

ISAs align the interests of lenders and students, says George Leef, director of editorial content for the James G. Martin Center for Academic Renewal.

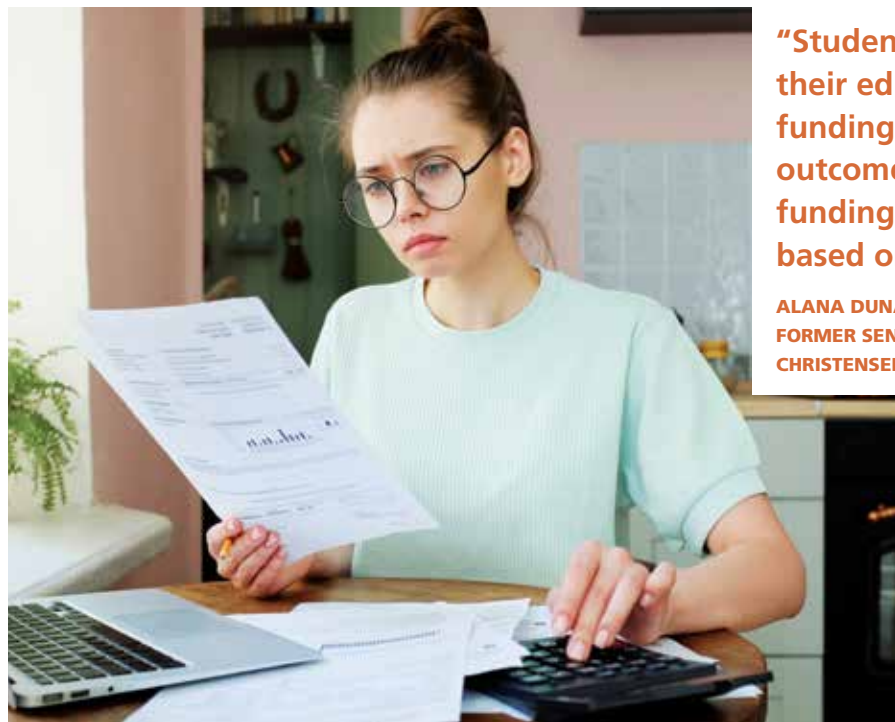
"ISAs make perfect sense," Leef said. "Rather than having government throw taxpayer dollars into loans to students no matter how weak or indifferent they might be, ISAs put the money of people who stand either to gain if the student succeeds or lose if he doesn't, into college education. Moreover, if the student doesn't work up to expectations, the funding can be withdrawn far more easily than can government student aid. The incentives are all to the good."

## 'Insurance Policy' for Jobs

The rules of ISA programs vary. Generally, the student must make regular payments at a set rate until the full loan is paid back. If the student does not make enough income to pay it all back over the fixed loan term—typically seven to 10 years for degree-based programs—the remaining balance can be forgiven.

The model works because the lender essentially guarantees the student's employment, says Richard Price, a higher education research fellow at the Christensen Institute, in a November 19 article on the organization's website.

"Even if an ISA does cost more in total, it may be worth it: ISAs essential-



**"Students benefit because it 'de-risks' their educational investment. ISA funding models link revenues to outcomes—as opposed to the current funding model that is almost entirely based on enrollment."**

**ALANA DUNAGAN**  
FORMER SENIOR HIGHER EDUCATION RESEARCH FELLOW  
CHRISTENSEN INSTITUTE

"A million students default on their loans annually, and millions more struggle to make payments or delay key milestones like marriage, children, and homeownership because of their debts," Dunagan said. "In an ISA, this simply doesn't happen—if students are making below the income threshold, they simply don't pay."

ly have an embedded insurance policy," Price wrote. "Many would willingly pay that extra cost."

Graduates who make higher-than-expected incomes pay more, which makes an ISA a worse deal for more successful students. ISAs could create incentives to earn less, says economist Devon Herrick, a policy advisor to The Heartland Institute, which publishes *School Reform News*.

"Though well-intentioned, ISAs could have unintended consequences because, in effect, they create a higher marginal tax on working or earning more," Herrick said. "It could give graduates an incentive to minimize their income, say, by taking an easier, lower-paying job or taking years off to raise a child."

## Solution to Information Problems

Lack of information in higher education markets is a problem, says Alana Dunagan, a former senior higher education research fellow at the Christensen Institute.

"Students should be able to make an informed choice about their educational investments," Dunagan said.

Sponsoring an ISA program shows a higher education institution is confident in the value of its degrees, Dunagan says.

"Offering ISAs allows [schools] to demonstrate to students their belief—in many cases, a very well-evidenced

belief—that the educational experience they are offering will pay off," Dunagan said.

## Lower Chance of Default

U.S. student loan debt has surpassed \$1.5 trillion. Under federal student loan rules, students typically take out the maximum amount allowed by the government. All students in a given graduation year pay the same interest rate, regardless of their credit score, major, or other factors that would normally affect an interest rate. Regardless of whether a graduate lands a job that earns enough to pay off the debt, the individual is responsible for the loan, and student loan debt is not dischargeable in bankruptcy.

Under ISAs, agreements can vary by academic major or other measures of a student's expected ability to pay. A math major who is likely to earn a higher income could pay a lower income share and have a shorter payment term than an art history major. Thus the value of a student's deal is directly tied to the earnings potential of the student's major.

"Students benefit because it 'de-risks' their educational investment," Dunagan said. "ISA funding models link revenues to outcomes—as opposed to the current funding model that is almost entirely based on enrollment."

Inflexible federal loan payments are a burden on debtors, Dunagan says.

## Federal Income Share Experiment

U.S. Department of Education officials discussed a federal program that would allow individual students to pay off their government student loans through income share agreements, at a meeting held December 3 through 6.

The experiment would be conducted at designated schools which would assume responsibility for their students' loans and allow student borrowers to repay their debt through a type of income share agreement with the institution. The program had not been formally announced by the DOE as of press time.

Harry Painter ([jharrypainter@gmail.com](mailto:jharrypainter@gmail.com)) writes from New York City, New York.

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## HIGHER EDUCATION

# U.S. Education Dept Denies Nonprofit Status to Grand Canyon University

By Jane Shaw Stroup

The U.S. Department of Education (DOE) has denied a request by Grand Canyon University (GCU) to recognize its nonprofit status.

DOE recognition of GCU as a nonprofit would allow the school to receive federal student aid with few strings attached. Commercial schools must meet stricter regulations imposed on for-profits during the Obama administration.

GCU has operated as an IRS-recognized charity since 2018. The DOE cited the school's close relationship with a for-profit company as the reason for the denial.

## Ownership Change

Before becoming a nonprofit, GCU was a for-profit commercial entity with a campus in Phoenix, Arizona and a growing number of online students. In 2018, the for-profit company, Grand Canyon University, Inc., sold GCU's assets to a nonprofit, Gazelle University, for \$853.1 million. Gazelle changed its name to GCU, and the for-profit company changed its name to Grand Canyon Education, Inc.

The Higher Learning Commission, GCU's regional accreditor, approved the change in ownership in 2018. The State of Arizona recognized GCU's status as a charitable organization, and the National College Athletic Association agreed to recognize GCU, which was already a Division I school, as a nonprofit.

The DOE also approved the change in ownership. However, DOE denied GCU's request to change its status under the federal student aid program—Title IV of the Higher Education Act—from for-profit to nonprofit.

## Request Denied

Under the asset-purchase agreement by which Gazelle University acquired GCU, 60 percent of GCU's revenues will be paid to the for-profit Grand Canyon Education company.

This arrangement “violates the most basic tenet of nonprofit status—that the nonprofit be primarily operated for a tax-exempt purpose,” stated Michael J. Frola, director of the Multi-Regional and Foreign Schools Participation Division at the DOE, in a letter to GCU on November 6.



The goal of the changeover was to “drive shareholder value,” Frola wrote. Thus, the university “does not meet the operational test’s requirement that both the primary activities of the organization and its stream of revenue benefit the nonprofit itself,” Frola stated.

Another factor behind the department's rejection, stated Frola, was that Brian Mueller is president of both the nonprofit university and the CEO of the for-profit company.

## Dramatic Growth

GCU has a complicated history. In 2003, it was a small, struggling Christian college with about 1,000 students. Today, it has 20,000 students on campus and 105,000 students taking courses online. The school says the turning point in its history was its purchase by a group of private investors, which enabled it to refocus the school to reach working adults.

When the Obama administration and Democrat U.S. senators began to criticize for-profits and regulate them more strictly than in the past, GCU came under fire, prompting the organization's decision to switch to a nonprofit financial plan.

## Tougher Rules

There are fewer requirements for nonprofit institutions to receive student aid funds—such as Pell grants for low-income students—directly from the federal government under Title IV of the Higher Education Act. Proprietary institutions have been more strictly

regulated in recent years.

For-profits must meet what is known as the 90/10 rule—which requires a school to receive no more than 90 percent of its revenues from the federal government. Most of that revenue comes from student loans. Only 73 percent of GCU's revenues come from the federal government, the university says.

“By the Department's own metrics, GCU has been a resounding success story,” GCU said in a statement published on November 12, 2019. GCU also cited its low student loan default rate of 5.6 percent, and said no programs had failed the DOE's former “gainful employment rule,” which applied primarily to for-profit schools.

The rule, which was adopted during the Obama administration, required all for-profit universities to verify graduates are earning enough to repay their loans or justify the investment of federal grants. The regulation was repealed by DOE Secretary Betsy DeVos, effective July 1, 2020, and meanwhile, the Trump administration is not strictly enforcing it.

## ‘Semi-Divine’ Status

Among the reasons why Grand Canyon University would want to become a nonprofit entity is many politicians' hostility toward for-profits, says Thomas Lindsay, director of the Texas Public Policy Foundation's Center for Higher Education.

“Eight years of attacks on for-profit education by the Obama administration and the attitudes of the Democrat-

“Because the Obama Administration mercilessly attacked for-profits and many of the same career staff remain at the Department of Education with key roles in assessment and decision making, self-preservation dictates that for-profits convert to nonprofit if they can.”

ADAM KISSEL  
FORMER DEPUTY ASSISTANT SECRETARY  
U.S. DEPARTMENT OF EDUCATION

ic presidential candidates make them want a safe space,” Lindsay said.

Charitable organizations, by contrast, are viewed very positively, Lindsay says.

“Nonprofits have a gilded status and are semi-divine,” Lindsay said. “Who wouldn't want to join them?”

The dual role of Brian Mueller as both president of the non-profit university and CEO of Grand Canyon Education is a problem, Lindsay says.

“It might be considered to be prima facie evidence” of a conflict of interest, Lindsay said.

## Obama ‘Career Staff Remain’

For-profit schools' desire to become nonprofits is understandable, says Adam Kissel, a former DOE deputy assistant secretary.

“Because the Obama Administration mercilessly attacked for-profits and many of the same career staff remain at the Department of Education with key roles in assessment and decision making, self-preservation dictates that for-profits convert to nonprofit if they can,” Kissel said.

“My impression is that some career staff will strongly oppose conversions on principle,” Kissel said.

A CGU spokesperson stated the university has requested further discussions with DOE officials regarding its status.

Jane Shaw Stroup ([janeshaw5966@gmail.com](mailto:janeshaw5966@gmail.com)) is the higher education editor of School Reform News and chair of the board of directors of the James G. Martin Center for Academic Renewal.

# Coloradans Support Child Safety Accounts, Poll Finds

By Joe Barnett

Most likely voters in Colorado want the government to provide Child Safety Accounts (CSAs), a new survey reports.

The poll found 54 percent of those surveyed favor CSAs, while 32 percent are opposed.

Likely voters were asked to express whether they support the following idea: “Allow parents of children that have been the victims of bullying or violence in public schools the ability to enroll their child in a private school to ensure their safety. Parents could use the tax money designated for their child’s education to pay for the tuition.”

The poll was conducted by Cygnal, a consulting firm, for the education reform group ReadyCO on December 11-13, 2019, surveying 636 Coloradans likely to vote in the November 3, 2020 general election.

## Widespread Support Found

Support for CSAs was greater than opposition among all income groups. The strongest support was expressed

by lower-income people, with favorable responses by 65 percent of individuals in families making less than \$50,000 per year, and 53 percent in the \$50,000 to \$100,000 income bracket. Only 47 percent of individuals in families with incomes over \$100,000 supported CSAs.

Fifty-two percent of Hispanic voters support CSAs, compared to 53 percent of white voters. Responses by African Americans, Asians, Native Americans, and additional groups are combined in an “Other” category, 59 percent of whom said they favor CSAs.

Majorities of Democrat and Republican voters alike supported CSAs: 53 percent and 59 percent, respectively.

## Popularity ‘No Wonder’

The broad support for CSAs is easy to understand, says Tim Benson, a policy analyst with The Heartland Institute, which first promoted the idea of CSAs and publishes *School Reform News*.

“Considering about one in five students in Colorado were subject to bullying in 2017, their parents are right to seek an option that can get their

children into a school where they can continue their education safely and peacefully,” Benson said. “Child Safety Accounts can help them do that.”

“It is no wonder that this program is so popular throughout the Centennial State,” Benson said. “Every Colorado family should have the opportunity to remove their child from an unsafe school environment. With CSAs, this would become reality.”

## ‘Strong, Crosscutting Support’

Policymakers should take note of the majority opinion on CSAs, says Vicki Alger, a senior fellow with the Independent Women’s Forum.

“Virtually any way you slice it, overwhelming majorities of Colorado voters support Child Safety Accounts, regardless of race, political affiliation, education level, or age group,” Alger said.

“When a public policy garners such strong, crosscutting support, elected officials should heed their constituents and enact a CSA program to help parents keep their children safe at school,” Alger said.

Legislation to implement CSAs has been introduced in Colorado and other states, as well as for the District of Columbia through Congress.

Joe Barnett ([joepaulbarnett@att.net](mailto:joepaulbarnett@att.net)) is the managing editor of *School Reform News*.

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## NEW FROM THE CATO INSTITUTE

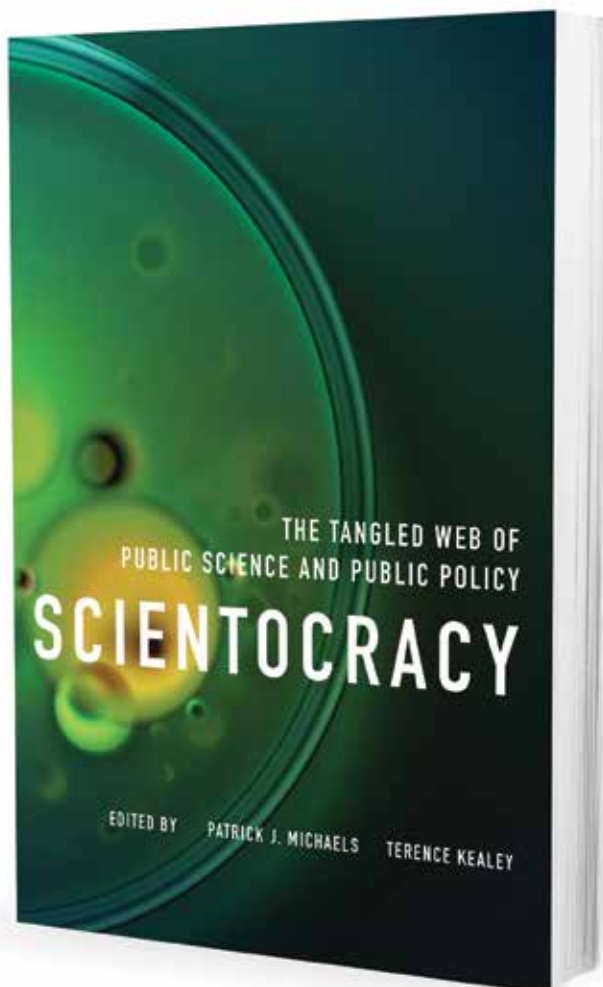
# Science today is in systematic trouble.

Science can be a force for good, and it has enhanced our lives in countless ways. But even a cursory look at science in the 20th century shows that what passes for science can be detrimental. In the past, scientific research was funded pluralistically, but today certain portions of the market for knowledge are dominated by a single buyer—the government. This is especially true in the research fields that impinge on the regulatory sphere.

*Scientocracy* examines a number of recent abuses of science in research areas, including nutrition, pollution, drugs and the opioid crisis, and global warming.

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## BOOK REVIEW

# Exploration of Higher Ed's 'Tangled Web' Makes for Profitable Reading

By Jay Schalin

There is no shortage of commentary on higher education these days—it is now a hot news topic. The Ivory Tower is an institution facing several crises: student loans, rising tuition, and politicization. So much money is involved, and so many people are affected, that interest is naturally widespread.

Unfortunately, most of the commentary comes from insiders who propose variations on the same policies that caused these crises in the first place. Not so in *Unprofitable Schooling: Examining Causes of, and Fixes for, America's Broken Ivory Tower*, published by the Cato Institute. Editors Todd Zywicki, a law professor at George Mason University, and Neal McCluskey, director of Cato's Center for Educational Freedom, have compiled contributions from many of the most original thinkers in the higher education reform movement.

## Slaying Shibboleths

The book's title may be a little misleading, though. The focus is solely on the financial or operational side of higher education. The intellectual or ideological side is entirely ignored, and there is plenty there that also needs fixing. Nor is the book a blueprint for how to reform higher education structurally.

At its best, however, the book jars readers out of widely accepted shibboleths about higher education, presenting alternate perspectives derived from free-market economics and public-choice theory. It has, at times, a similar feel to the 2005 best-seller *Freakonomics*, in which surprising counter-claims are revealed to be more evidential than the accepted "common knowledge."

For instance, it has long been accepted as historical fact that the Morrill Land-Grant Act of 1862, which created a system of public agricultural-technical universities, spurred an economic boom in the latter half of the nineteenth century. Richard Vedder, a distinguished professor of economics at Ohio University, dismantles that claim by revealing that economic growth was actually higher in the first half of that century.

In another example, despite all the media attention about for-profit education's high student-loan default rates, Michael DeBow, a law professor at

Review of *Unprofitable Schooling: Examining Causes of, and Fixes for, America's Broken Ivory Tower*, Todd Zywicki and Neal McCluskey, eds. (Cato Institute, 2019), 250 pages, ISBN-13: 9781948647045; \$14.99 Amazon



Samford University, shows default rates at public community colleges are in fact worse. Yet community colleges escaped similar federal sanctions.

## Incentives of Nonprofit Managers

The book excels with the contributors' exploration of higher education's tangled web of incentives. A popular establishment theory today, for example, is the "non-distribution constraint," which suggests nonprofit managers are better at providing goods and services such as education because they are forbidden from receiving remuneration beyond a "reasonable" amount. Therefore, they have "better motivation to spend the organization's funds on its stated mission rather than on personal benefits," writes the late Henry Manne, a former dean of the George Mason University School of Law.

Manne eviscerates that claim by showing "managers of nonprofit organizations are no less interested in maximizing personal utility than are managers of for-profits." Academics take their largesse in ways other than bonuses and stock options, such as palatial residences for top administrators and light teaching loads for faculty.

Roger Meiners, a professor of law and economics at the University of Texas-Arlington, explains how those incentives affect the relationship between administrators and board members: "Board members are fed a diet of selec-

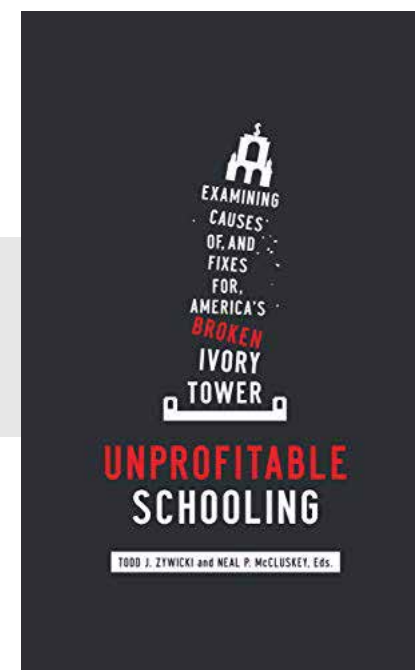
tive information by top administrators, who have strong incentives to manage information so as to minimize damage to their own positions."

Administrators' preference for managing opinions instead of producing results happens because they are not driven out of their jobs for "bad financial performance but because of some event that brought bad publicity to the school," Meiners writes. As a result, "presidents and other administrators learn to be trouble minimizers—offend no one, speak in platitudes, devote significant time to building coalitions, and go with the flow," Meiners writes.

## Institutional Governance Problems

The book's other great strength is its historical awareness of how higher education's problems developed, particularly in the area of governance. In a chapter on "administrative bloat," Zywicki and Christopher Koopman of the Mercatus Center at George Mason University succinctly describe the historical narrative.

"The increased complexity of the university's structure and its lack of a clear mission created a power vacuum and a fundamental inability of the trustees to manage the organization," Zywicki and Koopman write. "In fact, control had effectively shifted to the faculty, which now determined personnel decisions, curriculum, and, implicitly, the mission of the university."



"More important, the assumption of control by the faculty brought with it fundamental changes in university governance because the self-interest of individual faculty members was not necessarily aligned with the desires of other university stakeholders," Zywicki and Koopman write.

The governance problems have worsened in recent years, with the rapid growth of a huge administrative bureaucracy that seems to bear little relationship to the core educational mission of the university.

## Focus on For-Profits

One flaw in *Unprofitable Schooling* is the concentration on defending for-profit education—the book's most consistent theme. Although that sector of higher education has much to offer and was indeed sorely mistreated by the Obama administration, it is not a cure-all, and a return to domination by for-profit schools is unlikely. Other solutions with more immediate potential, such as "skin-in-the-game" loan guarantees in which schools essentially become partial cosigners for student borrowers, receive no attention.

This is not a book one should read as an introduction to higher education today and its many problems. However, it is an extremely valuable tool for examining those problems at the deeper level of basic incentives. It is better at teaching how to reason properly about higher education than how to proceed.

Jay Schalin (jschalin@jamesgmartin.center) is director of policy analysis at The James G. Martin Center for Academic Renewal.

**In big cities and small towns throughout America, bullying, teen suicides, sexual harassment, school shootings, and other violence targeting students have become far too common. In the wake of these tragedies, we need to ask: Why should any child be forced to remain in an unsafe school?**

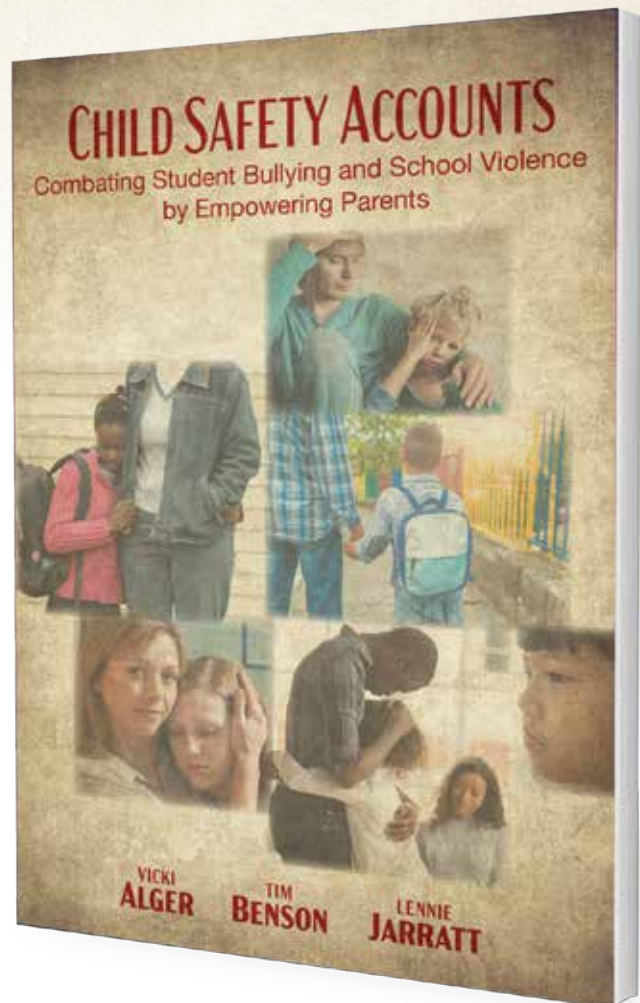
The Heartland Institute has published a new book that holds the key to answering that question and liberating children from failing and dangerous schools. *Child Safety Accounts: Combating Student Bullying and School Violence by Empowering Parents*, by Heartland's Vicki Alger, Tim Benson, and Lennie Jarratt, is a revolutionary school reform idea that is being picked up in states across the country – and even in Congress.

Many people don't realize the issues students face daily, including:

- Roughly four out of five public schools report violent criminal incidents.
- About 20 percent of all students aged 12 to 18 report being bullied.
- More than 30 percent of sixth grade students have been bullied.
- Bullying rates at public schools are 28 percent higher than private schools.
- The U.S. Department of Education estimates about 10 percent of students experience some form of sexual misconduct by a school employee.
- The suicide rate for adolescents aged 13 to 18 increased by nearly 31 percent from 2010 to 2015.

No child should be forced to stay in a school if he or she has been or is currently being victimized. Being trapped in unsafe conditions on a daily basis creates mental health trauma, decreases learning, and sometimes causes students to lose all hope and attempt suicide. Child Safety Accounts can help reduce student bullying and improve the education prospects of any child.

**LEARN MORE**  
**about this vital reform,**  
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**or request one of the**  
**authors as a speaker here**  
**[ChildSafetyAccounts.com](http://ChildSafetyAccounts.com).**



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The Heartland Institute is a nonpartisan, nonprofit research and educational organization devoted to changing the world with ideas. We discover, develop, and promote free-market solutions to social and economic problems.



## BOOK REVIEW

# Child Safety Accounts Would Allow Immediate Transfers to Safer Schools

By Ashley Herzog

School shootings, bullying, and gangs—for American parents, protecting their children from dangers at school is a top priority. But what about parents who struggle to afford the costs associated with transferring their child to a safer school? The Heartland Institute, which publishes *School Reform News*, is calling on all states to implement Child Safety Account (CSA) programs that would help parents send their children to safe schools.

*Child Safety Accounts: Combating Student Bullying and School Violence by Empowering Parents*, by Heartland scholars Vicki Alger, Tim Benson, and Lennie Jarratt, lays out the plan for CSAs in every state. Similar to Education Savings Accounts, which help parents send their children to the schools that best meet their needs, CSAs would allow parents to remove their children from unsafe schools.

“Under the federal Every Student Succeeds Act (ESSA), students may transfer to another public school under the Unsafe School Choice Option provision if their current public school meets the state definition of ‘persistently dangerous,’” the authors write. “Because states define unsafe schools so narrowly, less than 50 public schools out of nearly 100,000 nationwide are labeled ‘persistently dangerous’ each year.”

## Permission for Immediate Transfers

Under current laws, transferring children out of dangerous schools is a long and burdensome process, say the authors.

“Students should not have to wait years at a time or become victims of violent crime before their parents can transfer them to safer schools,” the authors write. “That is why The Heartland Institute is proposing states create a Child Safety Account program that would allow parents to immediately transfer their child to a safe school—be it private, parochial, or a different public school—as soon as they feel the public school they are currently attending is dangerous to their child’s physical or emotional health.”

Instead of narrowly defining violence as the threat to student safety, as the ESSA does, Heartland’s CSA program would include a wide variety of threats to student safety—including bullying,

Review of *Child Safety Accounts: Combating Student Bullying and School Violence by Empowering Parents*, by Vicki Alger, Tim Benson, and Lennie Jarratt (The Heartland Institute: 2020), 104 pages, ISBN 978-1-934791-71-4; \$6.99



hazing, and sexual and verbal harassment. Parents could use CSAs to send their children to a public school outside their residential district, or to virtual, private, and parochial schools. CSAs could even fund college-level courses taken while a student is in high school, the authors state. Unused funds would roll over from year to year.

## Strong Support for Choice

ESAs and school choice programs are popular with the public, the authors state.

“EdChoice’s sixth annual ‘Schooling in America’ survey, released in December 2018, found 74 percent of respondents favor ESAs, up 3 percentage points from 2017,” the authors write.

That figure includes 72 percent of respondents with incomes of less than \$40,000 a year, 79 percent of African Americans, and 72 percent of self-identified Democrats.

CSAs would build on the success and popularity of school choice programs, the authors state.

“Under a CSA program, students would be eligible for transfers if their parents have a ‘reasonable apprehension’ for their safety, based on the experiences of their children,” the authors write. “This includes bullying, hazing, and harassment. Parents would also

be able to make the decision based on incidents-based statistics schools would be required to report. No longer would students have to wait years until their school meets ESSA’s narrow definition of ‘persistently dangerous’ or until they become the victim of some form of violent crime.”

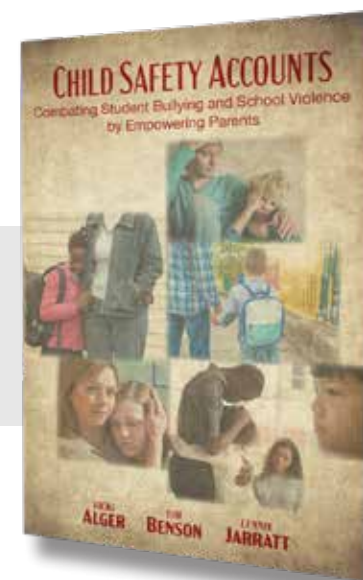
Only chronically unsafe schools would have to worry about the possibility of losing many students under CSAs, and that would give them a strong reason to improve, the authors write.

“The loss of these students, and the education dollars that go with them, would force schools to improve security in order to keep their existing student body as well as attract new students,” the authors stated. “If they cannot do this, they will shut down.”

## ‘Top Off’ Option

The Heartland Institute proposes states “top off” their CSA programs to provide further help for low-income parents who want to send their child to a safer school.

“For parents who need more help than what the Child Safety Accounts can offer on their own, there are other measures that could be undertaken to help them get their children into a safe school,” the authors write. “These programs would cover expenses that



exceed the funding available from CSAs.

“It allows parents and others to contribute toward tuition and other expenses that exceed the amount reimbursed by a government program,” the authors write. “One way lawmakers can allow parents and others to ‘top off’ is by implementing income tax credits and deductions for education expenses such as tuition, specialty courses, tutoring, books and supplies, and transportation costs. Five states—Alabama, Illinois, Iowa, Minnesota, and South Carolina—have already established tax-credit programs.”

## Numbers Showing Rising Need

The need for CSAs is urgent, the authors state. About 20 percent of all 12- to 18-year-old students report being bullied at school. The suicide rate for 13- to 18-year-olds increased by 31 percent from 2010 to 2015, and many of these tragic deaths were directly related to bullying.

Despite these numbers, President Barack Obama’s Justice Department put heavy pressure on schools to limit law enforcement referrals: “Starting in 2013,” the authors write, “schools embraced the Obama administration’s discipline policy based on restorative justice policies ... which emphasize counseling and social service referrals instead of having the police arrest students for serious offenses.”

One student who was not arrested under the new policy was the gunman who killed 17 people at Marjory Stoneman Douglas High School in Parkland, Florida in 2018.

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# Partners in Freedom



*Editor's note: Each month, School Reform News will profile a national and a state-based public policy organization working to advance freedom in the arena of energy and environmental policy. **The Heartland Institute**, which publishes School Reform News, is a national research and educational policy organization focused on free-market solutions in all 50 states. Because worthy causes are never achieved single-handedly, we devote this space to share the good work of our allies in this effort.*

## EdChoice Provides Research and Training to Expand School Choice

By Jennifer Wagner

**E**dChoice is a nonprofit, nonpartisan organization driven by a shared mission to advance a K-12 education system where all families, regardless of race, origin, or income, are free to choose a learning environment—public or private, near or far, religious or secular—that works best for their children.

Formerly known as the Friedman Foundation for Educational Choice, EdChoice is the oldest school choice advocacy group in the nation. Founded by Nobel Prize-winning economist Milton Friedman and his wife, Rose, in 1996, we champion universal educational school choice programs at the state level with original research, focused state investments, and training and outreach programs.

We believe all students, regardless of where they live or how much their families earn, should be able to access a school that meets their needs. Although that could be a charter school, a magnet school, homeschooling, or a traditional public school, EdChoice's advocacy focuses primarily on helping more families access private schooling options.

### Increasing Options

Private school choice programs tend to break down into four categories: tax credits and deductions, tax-credit scholarships, vouchers, and education savings accounts (ESAs). ESAs are our preferred mechanism because they provide the greatest flexibility to the student. ESAs can be used not just for private school tuition but also for tutoring, online learning, support services, and other approved costs.

We know from our annual Schooling in America survey there's a huge dis-

connect between what families want versus what they're getting.

For decades, families have practiced "old-fashioned" school choice: They would either buy or rent housing in a high-quality district or pay private school tuition out of pocket. Their only other option was for their children to attend a school assigned to them based on their ZIP code. Fundamentally changing the education system starts, unsurprisingly, with educating people about the system.

### Training Policymakers

Today, there are many more ways for families to access different schooling types. In fact, more than 50 percent of American students attend a school other than the one to which they were geographically assigned. But we must get the word out that choice isn't guaranteed for all—at least not yet.

That is why we host legislative training sessions each year where experts from all across the country come together to help state legislators understand how education choice policies work, how other states are implementing and regulating them, what the research says, and more. Along with inspiring speakers and networking opportunities, our experts offer customized breakdowns of key state-level education data.

We also host fact-finding trips and in-state training where we showcase schooling options for policymakers and stakeholders, and we connect local advocates with resources to navigate the media, understand the legislative landscape, and recruit new supporters.

*Jennifer Wagner ([jennifer@edchoice.org](mailto:jennifer@edchoice.org)) is vice president of communications at EdChoice.*

## James G. Martin Center Works for Free Speech, Viewpoint Diversity

By Shannon Watkins

**H**igher education is in a state of disarray, with students and parents worrying about bloated loan balances and the value of college and others concerned about schools abandoning the pursuit of truth in favor of conformity to fashionable ideologies.

A 2018 Gallup Poll found Americans' trust in higher education dropped nearly 10 percent between 2015 and 2018, the largest decline of confidence in any institution that year, and an all-time low for higher ed.

Fortunately, several organizations are working to restore and renew higher education. The James G. Martin Center for Academic Renewal (formerly the Pope Center), was founded in Raleigh, North Carolina in 2003 and focuses on areas in need of reform, two of which are free speech and viewpoint diversity.

### Greenlighting Free Speech

Since its founding, the Martin Center has defended freedom of expression on campus, with a special focus on colleges and universities in North Carolina. Too often, colleges censor speech because many disagree with it or even find it hateful.

In 2009, for example, at UNC-Chapel Hill, protesters chased former U.S. Rep. Tom Tancredo off campus for his views on immigration. A recent survey found 41 percent of college students believe "hate speech" should not be protected under the First Amendment.

Nevertheless, North Carolina has experienced numerous successes for free speech. The North Carolina Campus Free Speech Act, enacted in 2017, protects the speech rights of everyone on campus. Twelve universities in North Carolina have earned

the Foundation for Individual Rights in Education's "green light" rating, which means they have no barriers to free speech. Ten years ago, no North Carolina schools had a green-light rating.

### Promoting Intellectual Diversity

The Martin Center also advocates viewpoint diversity—that is, allowing a broad range of perspectives to be studied, discussed, and debated. Colleges and universities frequently engage in initiatives to increase racial and gender diversity but exclude diversity of thought.

"A recent survey of humanities and social science professors found registered Democrats outnumbered registered Republicans by 11.5 to 1," said Jane Shaw Stroup, chair of the Martin Center's board of directors. "That's just one indication of a mindset frequently hostile to conservative or libertarian thought."

The Martin Center encourages colleges and universities to adopt their own version of a statement by the University of Chicago, the "Chicago Principles," which affirm the university's commitment to free and open discourse.

"Students' rights don't end when they step on university campuses, especially if those campuses are public," said Jenna A. Robinson, the Martin Center's president. "That's why we promote policies that protect students' rights to free speech and due process."

"It's important students retain their constitutional protections, no matter where they are," said Robinson.

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