

Vouchers: A 21st Century Titanic

Recently, my daughter and I went to watch the 25th anniversary of *Titanic*. It has been years since I saw it and it was everything I remembered it to be, but with one addition. In the middle of the movie, I could not help but to start thinking of the state of public education. Why public education? There were so many parallels between the naivete of the ship that could not be sunk and the state of public education in Texas. With grand proclamations of the expansion of school choice as a civil rights issue, I believe we are swiftly moving full speed towards an iceberg with no worries that our carelessness could sink public education as we know it. While dramatic, this is accurate. In *Titanic*, the shipbuilder Thomas Andrews tells J. Bruce Ismay, official with the White Star Cruise Line, “the pumps will buy you time, but minutes only. From this moment on, no matter what we do, *Titanic* will founder. Ismay responds, “But this ship can't sink!” Andrews concludes, “she is made of iron, sir. I assure you, she can. And she will. It is a mathematical certainty.” The sinking of public education, alas all educational options including private and homeschool, will occur with the approval of a voucher program in our state.

Texas has slowly moved from an educational philosophy based on providing all children a strong public education through locally led independent school districts with publicly elected school boards to what I term a “lifeboat mentality.” Expressions like, “escape failing public schools” and “don’t be trapped by your zip code” are commonplace among those that support leaving your local school and moving to some other alternative. It is admitted that the other school choices have limited space and programming, but the illusion of choice places the power and onus on the parent to search frantically for the lifeboat that will save their child. Lotteries, lack of transportation, private school tuition, and lack of spaces keeps the searching parent moving from lifeboat to lifeboat to find the best option. Also, those in steerage have additional challenges, as they are held back from getting to those same lifeboats. Students with discipline histories, learning disabilities, lack of transportation, food insecurities, language limitations, limited parental support, and academic deficits are not represented in the lifeboats in the same percentages as they are the main boat of public education.

One of the main concerns expressed by opponents to voucher systems is the destruction of the public school system by defunding and under resourcing.

However, as expressed earlier, those who are in private and homeschooling will be negatively affected, too. The lifeboat does not solve the problem; it only gets you off the sinking ship. It separates you from the chaos on the deck as people increasingly become desperate. Those who make it to a lifeboat may or may not get to safety. It may float adrift. The sinking ship could navigate the waters if it was properly funded and supported, rather than being starved and frantically pushed like a political pinball by state and federal leadership. There would be no need for dependence on lifeboats. Lifeboats would be truly for emergencies, not an expectation for all who navigate their educational journeys.

What surprises many is that the approval of vouchers would lead to the end of private schools as we know them. It would fundamentally change their autonomy and unique elements that differentiate them from public schools. There is one important, irrefutable fact that supports this conclusion. There has never been a time that an entity accepts public funding without being subject to public oversight at some point. Accountability and oversight will come in the future and there is no law that can be passed that would block this inevitability. This would affect the ability of private schools to operate in a truly independent fashion. People will state they will design them in a way that they are protected from these intrusions, but it is impossible. They cannot block future state legislators from creating new laws or future federal intrusions that would alter the initial agreement to the point that the differences between public and non-public are obscured. An example in higher education is the requirement of private universities to adhere to federal Title IX requirements because of universities' acceptance of Pell grant funding for student scholarships. Title IX is a good thing for our society, but it must be noted that it altered the relationship between private universities and the federal government. Much of this oversight would be perceivably good from safety and security oversight by the State to testing accountability.

But at some point, all private schools, especially faith-based schools, would ultimately lose the autonomy that has been in the very fabric of their existence. Is this something they desire and/or for which they are prepared? Will these schools be open to the protection of their students' First Amendment rights of religion and freedom of speech that they have been able to deny because of the stated agreement between the schools, the students, and the parents? Students attend religious schools expecting a religious education. How will those schools run the

same when they have no power to compel their students to attend chapel or participate religiously? Will all those pushing vouchers be ok with the funding of all religious education, even religions that are contrary to their own? Again, there is a reason that private schools are private.

In these private schools, children receiving special education services lose their federal protections, such as a Free and Appropriate Public Education (FAPE) and due process rights, outside of a public school. It is the choice of each non-public school to offer special education services or not. There are no legal consequences for not providing those services or for those services being insufficient. With the exception of those private schools specifically designed to serve students receiving special education services, the vast majority have no ability to serve these students needs because of the lack of certified special education teachers and the additional resources required to support these students. It is ironic that the prioritization of a special education voucher would place those most in need for protection into a position of greater vulnerability.

Much has been stated about public schools not losing funding, but this is simply not true. Simple logic will tell us otherwise for the loss of enrollment will result in less funding for those school districts. This enrollment loss doesn't affect one grade level at one school and certainly is not known before hiring decisions must be made before the school year starts. Therefore, there is no possibility of proportionally reducing staffing costs as enrollment drops. Double-funding of students has not been discussed at all and there must be an accounting in the budget. Students who withdraw from private schools on their own or who are forcibly removed at a private school's discretion will be eligible to attend a public school at that time. The private school tuition will not be reimbursed to the student; therefore, the child must be paid for up to twice. The student cannot be denied FAPE, a federal protection, even if their voucher has been expended. Note that there is no federal protection for the child in a private school.

Scams are inevitable that will allow a newly formed private school to refund dollars to parents, while they provide a cheap and deficient education. This could be in the form of a shell homeschool system in which a private school administers the program, but in reality, the funding is simply flowing through the entity for a fee with a portion of the funding going back to the parent to provide (or

potentially not provide) homeschooling to their child. The quality of a homeschooling program is completely dependent on the parent.

While there are examples of wonderful homeschool programs, there are certainly examples of those who homeschool their children in name only. In these cases, it is commonly said that the student is being “homefooled,” because it is clear that little to no education is occurring. The student falls more and more behind. In the scam, this is done at taxpayer expense. While parent empowerment is very important, vouchers will also empower those parents who have felonies from violent crimes and drug dealing, as well as those who have multiple CPS claims against them. This will empower them to hide their children in a school that provides minimal or no oversight, especially if that school is a virtual or a homeschool academy. Some parents withdraw their children to homeschool now when under scrutiny for child abuse. This will simply increase that practice.

There are protections in place in public schools to protect students from all sorts of controversial ideological and political philosophies. Transparency through the Open Meetings Act and Public Information Act, as well as an elected school board and grievance procedures, provides protections and systems for change. Some private schools may form to espouse anti-American sentiments or provide access to materials that most would not consider appropriate for young children. The worst criticism of a public school regarding inappropriate material would be 100% protected in a private school. All this would be done with public money. Is everyone really ok with this?

Finally, the argument that has been heard so many times is that “it’s my property taxes and I should have the right to spend that funding as I wish for my child.” There is an entire argument about our taxes going to the greater good of all children, similar to how our taxes go to all sorts of services and resources that we personally do not require or in which we may not even have access. Don’t I pay for roads on which I do not drive? However, there is another argument that is much simpler and irrefutable. The vast majority of parents do not pay enough in property taxes to even come remotely close to paying for their children’s education. It is provided by your neighbor who doesn’t have kids in school. It is the businesses throughout your community and those with gas and oil leases. It is the myriad of entities beyond parents with children in school that pay their

property taxes that results in our ability to fund our schools and have an educated society.

From the beginning, our state's public education system was built so that we may have public education to serve all children. Mirabeu Lamar, the father of Texas education, stated, "if we desire to establish a republican government on a broad and permanent basis, it will become our duty to adopt a comprehensive and well-regulated system of mental and moral culture. Education is a subject in which every citizen, and especially every parent, feels a deep and lively concern. It is one in which no jarring interests are involved, and no acrimonious political feels excited. For its benefits are so universal that all parties can cordially unite in advancing it. It is admitted by all that cultivated mind is a guardian genius of democracy and while guided and controlled by virtue, the noblest attribute by man." Nowhere in this wisdom is to take the course we are currently taking.

As some charge forward against wisdom, intellect, or even common sense, we must think of the passengers on this journey in steerage. The obsession with a lifeboat mentality to educating our children leads us toward the iceberg and leaves the vast majority of the children in our state unaccounted for. If they have the right combination of privileges, they most likely will arrive safely to the next step in their lives after graduation. For others, even those who make it to some of these lifeboats, they will float adrift while everyone tells them "it's fine" as the ship sinks behind them. Like many of those in the lifeboats who did not go back to help others when the Titanic sunk, they drift there, callous and remote to those who did not make it. Wouldn't it be better if the ship didn't sink in the first place and if wisdom had guided the direction? We still have an opportunity to stop a terrible thing from happening to our children, if we only make the choice to do so.