

BETWEEN SCYLLA AND CHARYBDIS:

The Challenges Ahead for Parental School Choice in Wisconsin

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When the Wisconsin Supreme Court upheld the expanded Milwaukee Parental School Choice (MPCP) legislation "in its entirety" on June 10, 1998, a bitterly fought three-year legal battle gave way to a workable and hopeful future for thousands of low-income families in Milwaukee. This was an historic day, although the magnitude of the legal victory did not become



clear until November 9, 1998 when the U.S. Supreme Court denied the opponent's petition to appeal the case. The Wisconsin Supreme Court had favorably decided every issue in its elegant and powerful majority opinion, (a perfunctory dissent was limited to a simple paragraph), and the U.S. Supreme Court allowed it to stand.

For the past six years, most low-income families who sought educational alternatives for their children in Milwaukee had to rely on charitable assistance from PAVE (Partners Advancing Values in Education), a private foundation that offered half-tuition scholarships for students who were not eligible for the original MPCP (which had a maximum of 1,500 vouchers, and limited participation to non-sectarian schools). Prior to the June 10,

1998 decision by the Wisconsin Supreme Court, PAVE had assisted 4,371 students enrolled in 110 private schools in Milwaukee. PAVE's criteria for eligibility were the same as those of the MPCP, but PAVE included religious schools in Milwaukee as options for low-income families. The expanded MPCP that was upheld by the Court allowed up to 15,000 vouchers, and families could

include religious schools among their options. Consequently, PAVE scholarships will be needed by fewer than 1000 students as the expanded MPCP is phased in over the next five years.

This is an extraordinary time in Milwaukee. The expanded MPCP gives a significant number of parents the opportunity to direct how education dollars will be allocated, and the decisions they make for their children will make evident to policy-makers, politicians, and the public which schools are best meeting the needs of urban families. Milwaukee is the only city in America where parental power to choose has been given a green light by the Supreme Court; in every

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other city the power to allocate education dollars is jealously guarded by a bureaucratic government monopoly.

The problem is that even though the legal challenges have been cleared away, opponents of parental school choice will never relent. There will be new and virulent attacks on parental school choice because vested interests in the current system will fight against the potential loss of power and money and jobs with all of their resources.

The future of the parental school choice movement will be shaped by the outcomes of many difficult challenges, and looming on the horizon are perils that might be compared to the mythical Scylla and Charybdis. Scylla was the horrible six-headed monster that threatened anyone who sailed too close to one side of a dangerous strait, an apt description of the ACLU, the Teachers Union, People for the American Way and their ilk. Charybdis was the dangerous whirlpool on the other side of the strait, a good metaphor for the difficulties surrounding the surviving private schools that serve inner city neighborhoods as they struggle to become models of excellence in urban education. Parents seeking better educational options for their children through the expanded MPCP will encounter this contemporary Scylla and Charybdis, and there is no easy way through these difficult straits.

The many-headed attacks by the opponents of parental school choice began within days of the Wisconsin Supreme Court's decision:

- Teacher's Union attorneys fought for a restrictive definition of eligibility for students trying to participate in the expanded MPCP, which affected some 200 students who will have to continue to rely on scholarships from PAVE. It is important to note that the median income for a PAVE family is \$14,990, and many families have to drop out of the scholarship program each year because they cannot continue to pay their share of tuition.
- The Department of Public Instruction tried to impose extra-statutory administrative rules that would have imposed on indi-

vidual private school all the bureaucratic rules that apply to public school districts, thereby eliminating any distinctive difference between public and private schools. Among other problems, this would have prevented single-gender schools from being options for students in the MPCP because of sexual discrimination laws.

- The ACLU's executive director used shameless scare tactics to intimidate private schools. One infamous example was when, in a letter to The Catholic Herald, he invoked "Little Alvin the Drug Dealer, with his gold chains and Glock semi-automatic...and \$5,000 voucher" as a potential problem for faith-based schools. Later the ACLU tried to pull a publicity stunt by demanding that every school in the choice program pledge "not to discriminate," and then called a press conference to hype this chimerical issue.
- There are, fortunately, those threats that provide comic relief, as when the ubiquitous executive director of the ACLU used as an example of discrimination a case where Buddhist MPCP students might not be able to exercise their religious liberty in a Catholic school. This being a new concern, I consulted the Principal of St. Joan Antida High School, a school that offers an excellent education to young women from the most diverse backgrounds one might find in a city. "Our Student Council President last year was a Buddhist," the Principal informed me, "and she seemed to do quite well here."

School communities had to confront these and many other external challenges in the summer of 1998 before a single child had entered with a voucher, and the image of Scylla might have seemed to be more than mythical.

At the same time private schools had to address internal difficulties that arose as they worked to comply with the spirit and the statutory requirements of the expanded MPCP:

- Students transferring from public schools are typically more difficult to educate. A 1994 analysis by Family Service America of 7th graders in the PAVE scholarship program revealed that transfer students from Milwaukee Public Schools were, on the average, two grade levels behind their private school counterparts. Many transfer students needed remedial instruction, and private schools had scarce resources and time to address these needs.
- Students transferring from public schools are also typically unprepared for the more disciplined learning environment of private schools, and their parents had to learn about the responsibilities they are expected to carry out in partnership with the schools.
- School communities that have survived thanks to the sacrifices of medium-income families would be challenged to embrace new families whose income may be only slightly lower but who qualify for a voucher. Would schools be able to sustain their characteristic sense of community? This is a critical question: as the eminent researcher James Coleman demonstrated, the community of the school is the “social capital” that is essential to its overall success and contributes directly to the achievement of students.

Opponents of parental school choice are well funded and organized, and their threats must be taken seriously, but Scylla will not prevail. Attacks on parental school choice have been without real substance or merit. Misinformation and scare tactics can be countered with facts and reliable research. Advocates for parental rights in education have a good case to make in the “court of pub-

lic opinion,” and the performance of students in the MPCP will help the public understand the real issues.

The greatest threats to the parental school choice movement are the challenges within school communities such as those I’ve described above. Accordingly, the board of PAVE (Partners Advancing Values in Education) has embarked on a new strategic plan.

One strategic question for PAVE’s board is how to expand the capacity within private schools (only 6,000 vouchers are being utilized in the current year), and how to promote the development of new schools in under-served neighborhoods. The successful

conclusion of the legal battle means that private schools can begin planning to expand, and many churches that offer pre-school options for families are interested in forming kindergarten and early elementary school classes.

Another high priority is to explore ways that PAVE can promote excellence in urban elementary and secondary schools so that families truly will have world class educational options. This is the elusive goal of education

reform, and hundreds of billions of dollars have been spent by corporations and foundations in the search for excellence since the “Nation At Risk” report was published twenty-five years ago. What gives PAVE confidence is that substantial progress is possible now in Milwaukee because parents have more power, and their energy and desire to have the best opportunities for their children will force schools to improve their educational offerings.

Schools are challenged to accommodate urban families, particularly single-parent families, in a variety of ways. One example is the contemporary family whose needs are not addressed by the daily school schedule and annual calendar that have not changed since the 19th century when America had mainly an

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agricultural economy. In Milwaukee, the variety of public, private, charter and contract schools is the perfect laboratory for educational innovation, and schools that offer excellent options for families will flourish.

The ultimate goal of the parental choice movement, and of education that can properly be termed “public,” is to ensure that all families in a community have the best options available for educating their children. Failing government schools will be compelled to reform because they will no longer hold low-income families captive; they will have to reform or get out of the way of schools who will serve families well. The question is not “public or private,” it is “successful schools or failing schools.”

Perhaps Milwaukee will be the first urban community to support the true mission of public education, which is to offer a world class education to all children who are, after all, the future generation of citizens. This is a mission worth striving for through all the challenges ahead.