

THE POLITICS OF CHOICE

WHERE ARE SCHOOL CHOICE'S FRIENDS?

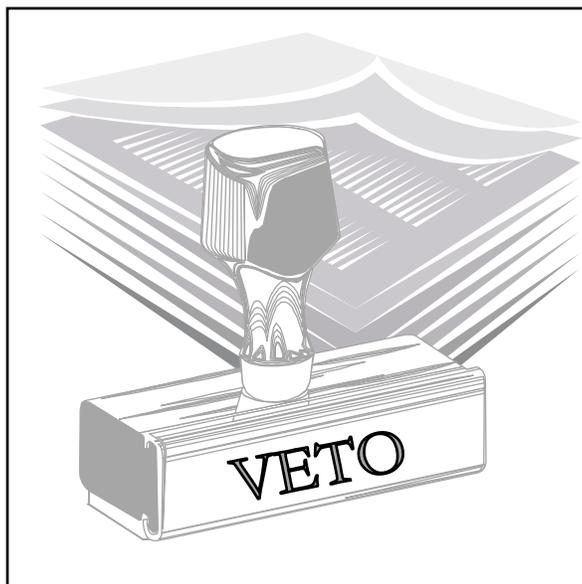
CHARLES J. SYKES

Despite continuing evidence of its success in improving educational opportunities, school choice in Wisconsin faces the bleakest political landscape since the program's inception in the early 1990s.

At both the state and local level, key positions that had once been held by supporters of choice and charter schools are now controlled by opponents of education reform.

For most of the last decade, Milwaukee's mayor's office under John Norquist had been a center of support for choice; but in April former congressman Tom Barrett, who has long opposed choice legislation, was elected with the support of the teachers' union.

Within weeks, teacher union supporters and choice opponents consolidated their control of the Milwaukee School Board by ousting the board's reform-minded president, Jeff Spence, and replacing him with choice/charter critic Peter Blewett. (The ouster of Spence was a somewhat delayed reaction, given that union-supported candidates had been in the majority on the board since last year's defeat of choice advocate John Gardner in a citywide



board race.) The Milwaukee Common Council, which plays a role in charter schools, also appeared to be less favorably inclined to innovation.

The losses compounded the impact of the replacement of Tommy Thompson and Scott McCallum with Jim Doyle in the governor's office.

Since taking office Governor Doyle has vetoed

virtually every piece of legislation dealing with charters and choice, and supporters have been unable to muster any overrides. An especially worrisome development has been the abandonment of support for choice by Milwaukee Democrats and the increasing pressure by the state teachers' union on out-state Republicans to abandon their support for the programs.

For the choice and charter school movement, the political reversals come at a critical period for the future of education reform. In a sense, choice is imperiled by its own successes. More than 13,000 low income Milwaukee students have opted for choice schools, raising the

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prospect that the program may soon hit its statutory cap of 15,000 participants. Choice advocates warn that hitting the cap will trigger a rationing system that would effectively destroy the rationale for choice by putting the power to assign seats in the hands of state bureaucrats, while forcing closing some of the program's most successful schools. Legislative attempts to avoid that train wreck have twice met with Doyle vetoes.

Educational Success

Even as political opponents circled, the evidence of choice's successes in improving educational opportunity has multiplied. In a study published in the *Swedish Economic Policy Review*, Caroline Hoxby found that the private school choice program had continued to push the public schools to improve. Analyzing data from the 2000-01 and 2001-02 school years, Hoxby found that the gains in MPS — which she attributed to the pressure from choice — were sustained.

"Adding the new years of data allows us to see that the good results have lasted," Hoxby said. "A lot of people thought that this was a blip that was going to go away."

At the same time, choice supporters were able to point to nearly \$100 million in completed and planned investments in schools in Milwaukee neighborhoods that were directly attributable to the city's choice program. The report from the American Education Reform Council (AERC) found that 65 schools, enrolling 16,748 students, had invested \$99.3 million in new projects — \$76 million already completed with plans for an additional \$23 million in spending.

"Many of the projects involve new and renovated schools in areas of high poverty," said AERC President Susan Mitchell. "The projects help stabilize these neighborhoods and take tremendous fiscal pressure off the Milwaukee Public Schools and its taxpayers."

Exploiting bad news

But these successes were often overshadowed, as choice opponents seized on highly

publicized cases of failure in order to attack the program.

The worst horror stories involved Alex's Academics of Excellence and the Mandella School of Science and Math. Since 1999, Alex's Academics had received \$2.8 million in choice aids from the state; but in the fall of 2003, the school found itself \$250,000 in debt and had been evicted from two locations. Worse, two former administrators charged that they had witnessed illegal drug use at the school and there were reports of fights involving school staffers.

The scandal deepened when it turned out that the school's founder was a convicted rapist, thief, and con-artist. In 1971, James A. Mitchell had been convicted of raping a north side woman while holding a knife to her throat. His parole was revoked in 1984 after a burglary, and in 1993 he was fined for telecommunications fraud. As late as 2000, he served six months for felony tax fraud.

There was more bad news in February, when the *Journal Sentinel* reported that David A. Seppel, the principal of Mandella School of Science and Math, had used state voucher payments to buy himself two Mercedes-Benz cars for about \$65,000.

Seppel justified the \$65,000 he spent on the cars on the grounds that he had invested thousands of dollars of his own money over the last two and a half years. "He added that most of the state money was spent on expenses more directly related to the school, such as to buy five buses," the paper reported.

Even so, the school owed the state nearly \$330,000, much of it in the form of checks the school had cashed for children who had never attended the school. Like Alex's Academics, Mandella had also failed to pay either its rent or its teachers and was facing eviction.

Choice advocates were quick to point out that the misconduct at Alex's and Mandella were aberrations in a program that included 13,368 students at 107 schools throughout the city. Moreover, they argued that there were already enough accountability controls in the

law to allow the state Department of Public Instruction (DPI) to shut the schools down.

But choice critics pounced on the opportunity to exploit the dysfunctional schools. Throughout the last legislative session, the Wisconsin Education Association Council and other choice critics turned Alex's and Mandella into poster children for the failures of choice. A search of WEAC's website, for instance, found more than 300 references to Alex's, most them using the school's problems to rally opposition to choice as whole.

Typical of the attacks were comments by WEAC president Stan Johnson:

The money that this virtually nonexistent school is pilfering from the state could be used productively in cash-strapped Milwaukee Public Schools to better educate the city's children. That is money that could be used in a system that is thoroughly monitored and fully accountable for the money it spends. It could be used in our public school system to help create a great school for every child.

Instead, it is being squandered because of this irresponsible and illogical school voucher law that encourages waste, lacks accountability and has the potential to greatly harm the very children it is purportedly designed to help.

Instead of taking action against Alex's, the DPI threw up its hands, claiming it was powerless to act. As long as the schools had a city occupancy permit and submitted regular financial audits, DPI claimed, it had no authority to close them.

DPI even refused to warn parents about the problems, choosing instead to allow the problems to grow into a symbol of choice failures.

As the horrors at Alex's unfolded, choice advocate Howard Fuller, a former superintendent of Milwaukee's schools, asked State Superintendent Elizabeth Burmaster to warn parents about the problems at Alex's.

"When a pattern of non-compliance is apparent," wrote Fuller, "we believe it's appropriate to alert parents to consider other actions that would prevent the disruption of a child's education."

DPI flatly refused. The school bureaucracy could not "play nanny" for the program, said DPI spokesman John Kraus.

At what point do we communicate with the parents? If a school is run by a convicted rapist, then it's OK to contact the parents? But do the parents have a right to know whether any of the teachers are licensed? What's the standard?

DPI even refused to warn parents about the problems. . .

But the DPI spokesman did not hesitate to set a standard of his own: Alex's had become a symbol of the failure of choice. DPI escalated the push for tighter regulations.

"After 13 years, and with the state poised to put \$67 million into the voucher program this year in Milwaukee, it's time for supporters of the voucher program to look failure in the face," Kraus said. "If the Legislature was serious about wanting to make the voucher program better, they would be looking more seriously at issues of accountability."

In March 2004, Governor Doyle singled out both Alex's Academics of Excellence and Mandella School of Science and Math when he signed legislation giving the DPI what it said it wanted — more regulatory control over choice.

"It comes none too soon as news reports on voucher schools . . . tell of overdue rent, unpaid teachers, idle students and possible criminal activity," Doyle said as he signed the bill.

It was one of only two bills relating to choice or charters that survived Doyle's veto pen.

The vetoes

For months choice supporters had thought they could work out a compromise with Governor Doyle, working on crafting bipartisan charter/choice legislation even after Doyle had stripped many of the provisions from the state budget with his veto. Hoping that Doyle might approve choice legislation if it was included in separate bills, advocates passed charter/choice bills in late 2003 and early 2004, only to have the governor veto every one of them.

The governor's vetoes killed bills that would have:

- * Lifted the arbitrary cap on choice participation, avoiding the rationing of choice seats.
- * Adjusted the income cap for parents of students in the choice program, so that children whose parents' income rose above the limit would not have been kicked out of their choice schools.
- * Ordered a 12-year-longitudinal study that would have measured the educational progress of choice students.
- * Allowed other private schools in Milwaukee County to accept choice students.
- * Allowed students from throughout Milwaukee County to attend charter schools in the city.
- * Authorized criminal background checks for Milwaukee choice schools.
- * Strengthened charter school legislation and raised the enrollment cap of Racine's charter school.

Doyle did, however, sign one bill that allowed a single school, Woodlands Academy,

to convert from a voucher to a charter school without forcing 51 students to leave the school. Unlike most of the choice schools affected by his vetoes, Woodlands included a number of children of politically influential white parents. Almost flaunting his double standard, Doyle vetoed a nearly identical bill that would have fixed the same problem for other schools in Woodland's situation.

Although the votes for the various choice and charter bills varied, choice advocates found that they could no longer count on significant support from Milwaukee Democratic legislators. In the Senate, only suburban Senator Jeff Plale was a reliable pro-choice vote, while most other city Democrats chose to align themselves with WEAC and Doyle rather than the choice schools in their own districts.

The collapse of the Democratic support was potentially historic, since it had been the alliance between urban legislators and Republican Tommy Thompson that had led to the passage of school legislation in the 1990s. But choice advocates now found their political base in Milwaukee badly shrunken.

WEAC strikes

Sensing choice's political vulnerability, Wisconsin Education Association Council began targeting rural and suburban Republican legislators with direct attacks on their support for Milwaukee's choice plan. Shortly after the legislature passed bills to strengthen charter schools in Milwaukee and Racine, WEAC mailed out more than 100,000 fliers to out-state voters charging that: "[Assembly Speaker]John Gard wants you to pay MORE in property taxes to fund charter schools in Milwaukee and Racine!"

While plausible on the surface, WEAC's claim was highly misleading. The state pays \$7,050 for each of the approximately 3,300 student who attend the schools, which are chartered by the City of Milwaukee, the University of Wisconsin-Milwaukee and by UW-Parkside, using money from the pool of state school aids. WEAC claimed that because of the payments to the charter schools, other districts around the state were losing aid.

But the Legislative Fiscal Bureau has noted that if the charter students were to return to the Milwaukee Public Schools or the Racine Unified School District, the amount the state would pay to the other 424 districts in the state would actually be reduced by \$5.6 million, because the state would end up sending even more in state aid to Milwaukee and Racine to cover the cost of the public schools.

But if the math on state aid doesn't add up, WEAC's political calculus was clear. If there aren't votes for charters and choice in Milwaukee, where will they come from? If Milwaukee Democrat — whose constituents directly benefit from choice and charters — won't support the programs, why should out-state Republicans continue to spend political capital on a program that doesn't benefit their own constituents?

Train Wreck

The challenges to choice are especially troubling given the urgency and the immediacy of the threat the program faces in the next few years if the enrollment cap is not raised.

Under current state law, a draconian rationing system kicks in if the number of students opting for vouchers in Milwaukee tops 15,000. According to leading choice advocates, current law would allow DPI to ration voucher spaces equally among participating choice schools.

If such rationing had been in place in 2002-2003, choice advocates say, more than 4,000 students would have been forced to leave the schools they had chosen. At the same time, some schools would have been assigned seats they couldn't use.

Given DPI's past track record, in particular its willingness to exploit dysfunctional choice

schools to indict the entire program, the fears seem quite plausible.

The impact of such bureaucratic rationing on some of the most prominent choice schools would be dramatic.

At Urban Day School, officials project that rationing would cut as many as 416 of the school's 530 choice seats. The school's principal says bluntly: "Well, it would close us."

Messmer High School would have to turn away more than 600 choice students — the vast majority of them African Americans. Under the current program, the school has 724 choice students and a 95% graduation rate, with 90% of the school's graduates going on to post-secondary institutions. Another 2 to 4% join the military. Since 1988, the school has made capital investments of \$12.5 million in its central city neighborhood.

"Donors were willing to make this commitment to serve low-income children in poor neighborhoods because they knew vouchers would be available to fund the kids' education," said Messmer

principal Jeff Monday. "If donors had to count only on the families' financial ability to attend our school, the donations would never have come."

St. Marcus Lutheran School, which now has 174 choice students out of total enrollment of 200, recently opened a new \$5 million elementary school. But under rationing, St. Marcus could lose as many as 60 choice seats. The prospect of DPI rationing is already stalling plans to open a new high school in the area. "The main hole in our business plan is the fact that the cap is approaching," says the school's principal. "The cap is frightening donors, which makes it impossible to get this project going."

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At Salam school, the largest Muslim school in southeastern Wisconsin, a cap could cost the school 135 choice seats. "Under the cap," said Principal Humaira Bokhari, "many of our parents would have no option but to take their children to another school. Rationing would totally destroy our budget and defeat the purpose of the school's expansion."

Political Support

To be sure, the picture is not completely bleak. Both houses of the legislature continue to be held by Republicans, whose support for choice seems relatively solid, despite the assaults from WEAC.

Choice opponents control the Milwaukee School Board by only a single vote and the board has a history of flipping back and forth — Board elections are scheduled for next Spring, providing opponents another opportunity to do so. In the recent Mayor's race, choice never became a major issue, largely because it was eclipsed by questions of Marvin Pratt's competence and integrity. Late in the campaign Barrett suggested that he might support modest increases in the enrollment cap. While he can hardly be expected to be a strong advocate, he is not likely to be a vocal opponent, especially as he struggles to heal the racial gap widened by the campaign.

This fall, legislative elections will also offer opportunities for choice supporters, as pri-

maries for state senate and state representative could pit opponents of choice against supporters for key legislative slots.

Finally, there is a very real prospect that school choice could be an issue in the next governor's race. County Executive Scott Walker is not directly involved in choice or charter issues, but he won more than 40 percent of the black vote in his re-election bid and could be expected to use the issue against Doyle in the 2006 gubernatorial election. If he does, Doyle could pay a steep political price in Milwaukee for taking a crucial constituency's votes for granted.

But the challenge for school choice in Milwaukee is stark. If the program faces a bureaucratic "train wreck," who will speak up for the students displaced or come to the defense of the successful and popular schools that might be forced to close their doors?

Who would take the lead in dealing with what would be the city's worst educational crisis in decades?

The governor?

The mayor?

The school board?

Milwaukee's legislative delegation?

If not them, then who?