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**TESTIMONY BEFORE THE
PENNSYLVANIA SENATE EDUCATION COMMITTEE
ON SENATE BILL 1**

**BY
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Mr. Chairman, Members of the Committee:

SB 1 will ensure Pennsylvania a strong, successful and healthy school choice movement. Pennsylvania is on the precipice of a major advance in providing all children with the access they need and deserve to high quality schools, regardless of zip code. Put simply, school reform is coming to Pennsylvania.

With the passage of this bill combined with the long-time success of the EITC and charter schools, Pennsylvania will be a state that others can look toward for true parental choice and education reform.

For more than 17 years, the Center for Education Reform has thoroughly studied what works and what does not. As one of the nation's premier education reform and research organizations, we now have an enormous storehouse of information to draw from to help determine what works best for children. In fact, the information produced by the Center for Education Reform is used objectively by institutions such as the U.S. Department of Education, the National Council of State Legislatures, the Education Commission of the States, the American Legislative Exchange Council and dozens of research universities, laboratories and schools. The information and observations we have collected and analyzed, working in tandem with many of the above-named institutions, are the basis for the following information.

Education reform has been at the forefront of national discussion for the last several years. President Obama began talking about the problems with public education since he took office 2 years ago.

Today, school voucher and scholarship tax credit programs are operating in 12 states and the District of Columbia, serving nearly 200,000 children. In addition, many other states are putting forth bills to increase access to choice for parents and their children through the creation of voucher programs, tax credits and charter schools.

SB 1 will initially reach 144 schools that are considered failing across the Commonwealth, the majority in Philadelphia and urban areas. These students will be able to attend a public or private school of their choice with an opportunity scholarship. SB 1 contains elements of the successful scholarship programs in Florida, Ohio and Milwaukee, which have all seen record achievement improvements since those programs began.

There are currently 2 other scholarship programs in the country that, like SB 1, target students in failing schools – Ohio and Louisiana. Combined they serve almost 15,000 children, giving these families an opportunity to get out of circumstances dictated to them by their home zip code.

The Educational Improvement Tax Credit (EITC), passed in 2001 was the first education tax credit aimed at corporations created in the US and helps low-income and middle-class students attend the private school of their choice. In the 2010-11 Alliance for School Choice Yearbook, it is estimated that 42,339 students received a scholarship and 275 private schools in PA are participating in the program. The EITC gives students an opportunity to attend schools that fit their needs. Middle class families who may struggle to make private school tuition are afforded a chance with this corporate tax credit program.

SB 1, in addition to creating an opportunity scholarship, would also allocate \$25 million more to the program, increasing the appropriation to \$100 million, providing even more opportunities for families in the Commonwealth.

I would like to address just three points made by the school board in their claims against this bill:

- **Parental satisfaction is not an adequate measure of student or school success or accountability.**

There has been research showing positive academic effects on students in voucher programs, in addition to parental satisfaction.

The Manhattan Institute for Policy Research studied voucher programs – including the one in Milwaukee – to address whether school choice improves outcomes for students using vouchers. They found significant positive results, particularly for African-American students.

- **Parents have choices now if they are not satisfied with their children's public school education.**

It's true that parents do have some choices now with cyber charters and public charter schools. However, offering scholarships to students in failing schools gives even more parents an opportunity to choose from a large variety of options to find the right fit for their student – it's not always a virtual school or a charter, but might be a parochial or another public school.

- **Pennsylvanians do not support tuition vouchers.**

A November 2010 poll commissioned by the Commonwealth Foundation found that half of Pennsylvania voters support vouchers. Support is even higher--64%--among the lowest-income Pennsylvanians, those whose kids are stuck in failing schools with no way out. (Forbes magazine article from Jan. 2011)

It is important that the Committee understand fully the genesis of these criticisms and the facts behind the school boards association's claims.

First, these allegations and assertions about school choice programs are not new. Indeed, as early as the 1990s the school boards associations state by state and nationally have been on record on providing choices to parents that are outside the purview of their control. Their official policy extends to even the public choices provided through charter schools. The representatives who lead the associations have cautioned rank and file school board members that they are the stewards of public funds as a result of their being elected to represent their constituencies. Thus they have opposed charter laws that provide other entities the opportunity to authorize charter schools, and appeals boards, such as the one in place now in Pennsylvania.

Further, the school boards associations have campaigned against even traditional public school choice measures where parents, not the boards, are permitted to choose other public schools. Again, their rationale is that anything not created and controlled by school boards -- including zoning -- should not be public law. Indeed, they rest upon the principle of their election as their defense of their right -- and only their right to govern school reform issues.

Indeed, if democracy were in fact the reason for their opposition, it would stand to reason that legislators, being duly elected by citizens for the purpose of making laws, would also be at least equivalent if not considered more important in the execution of education programs. Indeed, in the state constitutions throughout the nation, legislative powers are always paramount, and in fact, are considered primary above the powers delegated to county or district boards of education.

Your power to enact laws that change how public education functions more than 200 years after your state was founded and constitution should not be in dispute. But not only is your power and your accountability to the taxpayer in question when it comes to creating new educational choices for parents, but the school boards assert that the funds used to pay for scholarships are indeed their funds, for their district.

Your constitution further stipulates that the levying of taxes for the public good is unequivocally intended to serve the citizens of the Commonwealth.

Public goods, from transportation, to health and safety, to schools are all part of your purview. Indeed state and indeed the High Court have ruled that the creation of opportunity scholarship or vouchers is not at odds with any constitutional authority they have yet to review. Constitutional scholars have affirmed the power of the legislator to make laws that exceed the education powers first granted to school boards.

The reason I raise the constitutionality issues is because the school boards claim to be the authority and clearly they are an authority for education and to be held accountable for the decisions they make. Similarly, they are not responsible for the decisions parents make and those decisions can be sanctioned by the legislature, whose powers transcend school boards.

The opposition to SB. 1 is grounded in an assertion of power that simply does not exist in the way it has been argued. There are assertions raised by both PSBA as well as PSEA that suggest their opposition has to do with real accountability, with ensuring excellence in education (which they argue cannot occur without their oversight). They also frequently argue that there is no proof that full school choice programs and tax credits as are proposed in SB. 1 work.

The reality is they have no reason to recognize what works when such evidence flies in the face of their ideological conviction that public schools are only public if they are in charge.

There is no bill providing for an extension of public education to private providers that they would support. There is nothing in the association's policies nor those of the leaders of any of the conventional education groups that would permit them to embrace school choice.

Only rank and file, individual teachers, principals, administrators and school board members can and do appreciate extensive school choices. They are the ones who often go to work in the private or charter schools, and they often support policies that the associations to which they belong do not.

I have had the benefit of working in this arena -- every day, all day -- for more than 25 years. The arguments before you today against school choice were being raised then and they will be raised long after we all are gone.

These are not arguments to try to resolve. They must be ignored, because they simply are wrong. They are wrong to say that parent involvement and choices do not matter in productive education of a child. No matter where you look, the evidence abounds that being poor or troubled doesn't mean one is stupid and the worst off parents can and know how best to make choices for their children that they never dreamed would be possible. I challenge you to find out if anyone from the PSBA has ever stepped foot in the home of a parent who has made a choice in one of the nation's scholarship programs, or taken time to

talk to many of them about why those choices made them better parents, and consequently helped their children learn.

I challenge you to ask the PSBA proof for their own assertion that parents have enough choices already. The waiting lists at almost all of the more than 140 charters in the state would say otherwise, as would the scores of parents who call the state's private schools daily to ask for scholarship support so they can send their children there.

As for evidence, while there's no question it exists and has been delivered to every member of the legislature in print and electronic communications, I challenge the PSBA and its allied organizations to demonstrate that the standards they are suggesting does not exist among non-public schools truly exists in public schools. I have seen the Praxis scores of public school teachers in the Commonwealth. I have studied the math and reading scores of the state's students and reviewed sample data, district by district. The best performing Pennsylvania districts — while strong — remain lacking on many levels, the least is that proficiency is not a reality for every one of the students they serve. Neither is any meaningful growth from year to year among the state's least supported students.

Choice is not a way out, it is a way up. We as a nation have made education of our youth a right, not a privilege. Education is not a school, nor a school district. Education is a successful outcome that results when students are instructed well and held accountable for their own effort. There are many ways to do this, and many institutions that succeed. The fact that there are ready, willing and able institutions who want to serve the goal of education and provide those outcomes — by the willing participation of parents who know their children best — should be evidence enough that this is an issue whose time is overdue to be integrated into what Pennsylvanians call the education of the public.

Thank you for your commitment to pursuing this, despite the furious attacks on the idea, the issue, and your own sense of justice. While you may not be embraced by the education lobbying groups for your positive work on these measures, you may rest assured with other states as your guide you will be embraced by the larger public, who will owe you gratitude for withstanding the political pressure and providing much needed, sound, safe, and highly accountable options for their children.

I am grateful for the opportunity to present this testimony to you, and I'm happy to offer the expertise of The Center for Education Reform in helping Pennsylvania to maximize its educational opportunities.