

THE ISSUE OF PARENTAL CHOICE IN EDUCATION

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The most fundamental parental right is the right to guide your child's education. This basic parental right was clearly enunciated by Pope John Paul II in Familiaris Consortio. But this is not only a Catholic view, but a universal one. In its famous 1948 Declaration on Human Rights, the UN declared, "Parents have a prior right to choose the kind of education to be given to their children." Our country, unfortunately, has one of the worst records in the entire world in living up to this key principle, where education remains the last great unnatural monopoly. At a cost of over half a trillion dollars per year, U.S. education fares poorly compared to other industrialized nations. Competition, through parental choice, will improve the quality of education for all students, lower the cost for taxpayers and allow parents to better guide their child's moral development.

One of the most fundamental of all parental rights is the right of a parent to guide his or her child's education. A child spends much of his formative years in a school classroom, and it is here that the values and beliefs of parents are often either affirmed or devalued. The key question is whether the government or the parent should choose the child's school. It is alleged by some that we already have choice of schools today. No parent really is forced to pick the local public school, they say. But this is absurd, as it is evident to all that most poor and middle income parents cannot afford to send their children to any school but the "free" public school, and the few that do choose a non-public school, do so by giving up basic necessities and making enormous sacrifices they should not have to make. All states have decided to mandate the education of all children in math, English, history and science, and to tax everyone for this purpose. Let's examine whether parents should be free to choose which school to send their child to and have their fair share of the educational tax dollars directed to that school, or whether parents should be denied their fair share unless they pick the government-run school on three separate bases: (1) basic parental rights; (2) educational quality; and (3) educational costs.

In 1948 the United Nations (UN) adopted *The Universal Declaration of Human Rights*, which states: "Everyone has the right to a free education," and, "Parents have a prior right to choose the kind of

education that shall be given to their children.”¹ This basic parental right was also clearly enunciated by Pope John Paul II in his letter, *Familiaris Consortio*², by the Second Vatican Council in its *Declaration on Christian Education (Gravissimum Educationis)*³, and by the American bishops in 1995 in their document, *Principles of Education Reform in the United States*.⁴ As far back as 1948, then, when education dealt solely with subjects like math, English, science, and history, the nations of the world recognized this basic parental right of choice in education. Since then, our public schools have moved far beyond those traditional subjects into areas involving controversial moral issues, such as abortion, sexual behavior, and other areas where students and families have widely differing moral views. Some parents prefer to have a crucifix in the classroom, grace before meals, and prayers at the beginning and end of the day. Some parents want one form of prayer, others another form, and still others want no prayer at all. Today, in government schools, only the latter group of parents is accommodated. Some parents believe their children ought to be taught the difference between right and wrong behavior, but these same parents will not agree on what areas should be covered, or on what moral basis. Even the display of our national motto, “In God We Trust,” in a public school has become a matter of great controversy!⁵ These kinds of issues arise now more and more often. Whatever position is taken, the beliefs of many will be offended and disregarded. School choice eliminates most of this controversy, as parents simply opt for schools which reflect their values. While the UN was ahead of its time in saying that parents have a prior right to guide their child’s education, they were more than a century behind Adam Smith, Thomas Paine, Thomas Jefferson, and John Stuart Mill, all of whom advocated the concept of “tuition vouchers” or “education grants.”⁶ Today, we can choose which college to attend with our government-funded Pell grant,⁷ which church to support with our government-provided Social Security check, and which hospital to go to with our government-provided Medicare funds. Shouldn’t parents be free to choose their child’s school so long as it meets the academic requirements set by the state? Isn’t the choice of how we educate our children more important than almost any other decision we make?

The second argument for choice is educational. Simply put, competition, as it does in every other field of endeavor, will provide the incentive for schools to improve. A monopoly, especially a government monopoly, lacks the basic motivation that drives an entity to improve. In the nation’s largest voucher trial to date in Milwaukee, this is exactly what is happening. Now in its 18th year, not only are the parents of over 17,000 children using vouchers far more satisfied, with their children’s

test results surpassing those of their public school counterparts, but now we are beginning to see improvements in public schools as they compete to hold on to their students. This is exactly as it ought to be. Milwaukee Public School Board member John Gardner and Wisconsin state representative Christine Sinicki, both opponents of school choice, have admitted that school choice has forced the public schools to make good changes and to improve, thereby benefiting the large majority of students who remained in public schools. Parents often differ on educational issues such as curriculum, homework, and discipline. Choice permits these parents to opt for what they deem best for their child. Today, wealthy parents have choice. They have the money to take their children out of failing public schools and place them in expensive private schools; or they simply purchase homes in affluent neighborhoods where they pay taxes high enough to entice the better teachers to leave their inner city jobs, while the high home prices keep out low income families whose children disproportionately face educational problems, leaving these children in their local public schools to flounder, fail, and drop out. Inner city parents know this will affect their children for the rest of their lives—and the evidence of this was made crystal clear when 1 1/4 million poor parents 5 years ago opted to apply for 40,000 tuition scholarships made available through the generosity of financier Ted Forstmann and John Walton of Wal-Mart. How do we explain the fact that the same inner city children failing in public schools, are succeeding in Catholic schools they attend at great financial sacrifice. With far higher graduation rates, these mostly poor, minority and non-Catholic students are clear examples of the benefits of choice in education. For several decades, it has been known that students in Catholic schools outperformed students in public schools, even after taking into account family background characteristics which can affect school performance.⁸

A study was done in 2001 at New York University comparing New York City public elementary schools to Catholic elementary schools. The Catholic schools had larger class sizes, lower-paid teachers and spent less than half what the public schools spend per pupil, and “yet the Catholic school students scored consistently higher on tests, especially in poor neighborhoods.” When only the lowest income students were compared, Catholic school students were twice as likely to pass both math and reading exams. Voucher opponents try to explain the results by saying those who opt out of public schools are more committed to education. But others would argue that when parents freely choose a school for their child, that in and of itself tends to increase parental involvement, because now it is *their* decision.

Research by Dr. Paul Peterson, Director of the Program on Education Policy at Harvard University, and Dr. Jay Greene of the University of Arkansas, has concluded that while white students have shown relatively small gains from using vouchers, gains by black students have been significant. Their research also shows that school choice strengthens democratic values, as choice enhances racial integration and tolerance for ethnic, racial, and religious differences.

Not much data about the effects of school choice was available prior to 1996. Since then, however, the following consensus, resulting from 8 studies of 5 existing choice programs, unanimously found (1) choice does not “cream” the best students; instead, choice students have low family incomes, come from predominantly single-mother households, and have a prior record of low academic performance; (2) private schools are more likely to be integrated and less likely to be segregated than public schools; and (3) private schools are more likely to promote tolerance and social involvement than public schools.⁹

The educational benefits that result from a system of school choice have been shown in numerous studies. Over the past 45 years, we have more than tripled per-pupil spending for education, measured in constant dollars adjusted for inflation. Yet, our educational results have been dismal, and year after year our students perform poorly in math and science, when measured against other industrial nations.¹⁰ The educational benefits from school choice are especially clear for poor and minority students who have been stuck for years in failing inner city public schools.

The third argument for choice is economic. Of the 56 million K-12 students in our nation, about 87% are in public schools, 11% are in private schools,¹¹ almost half of which are Catholic schools, and 2% are home-schooled. About 90% of all non-public schools are religious schools with costs well below average public school costs per pupil—typically about half the cost of public schools.¹² To the extent that public funds can be used to provide choice in education, and as a result, some students shift from high cost public schools to less costly private schools, taxpayers will benefit. This is true if the voucher or tax credit is set sufficiently below the cost of a public school education, which is precisely what is done. A 1991 study done for the New York State Senate concluded that a fully implemented voucher system would save New York taxpayers \$4 billion/year.¹³ Today that cost savings in New York State alone would be \$7 billion/year.

What about the constitutionality of a school choice program which includes religious schools? In a series of rulings since 1983, with

*Zelman v. Simmons-Harris*¹⁴ the most significant, the U.S. Supreme Court has upheld the use of public funds in religious schools or activities if (a) the aid is “neutral,” that is, religious programs are given no special preferences over secular programs, and (b) the funds are used in religious schools only as a result of “true private choice,” meaning that it is not the government that decides how much funding a particular private school receives, but rather the individual parent who decides by virtue of his or her school choice.

The underlying principles of the First Amendment dealing with religious freedom are that we do not want government forcing religion upon us, nor do we want government interference with the free exercise of religion. No one wants to see the government deciding which religious schools get funding and which do not. On the other hand is it proper for the government to collect billions of tax dollars for the purpose of educating children, and then force parents to choose government-run schools that often promote secular-humanist values¹⁵ at odds with those of many parents, and often fail to meet academic standards, rather than permit a parent to select a private or religious school and receive a smaller portion of the educational tax dollar, so long as that school meets the educational requirements of the state?

The constitutionality issue is really asking whether government should be neutral towards religion or should it *discriminate against religion* in favor of secular institutions. In other words, when government sets taxes for the purpose of providing certain basic services that do not have the characteristics of a natural monopoly, such as hospital services, college and grade school and high school educational services, should religious-run entities be free to compete in providing these services, or should parents be coerced into picking the government or secular provider? Clearly, the full wording of the First Amendment calls for “neutrality.”

Another legal complication is introduced in certain provisions of about three dozen state constitutions, known collectively as “Blaine Amendments.” These amendments typically prohibit both direct and indirect funding of religious education.¹⁶ “The Blaine Amendment is a remnant of 19th-century religious bigotry promulgated by nativist political leaders who were alarmed by the growth of immigrant populations and who had a particular disdain for Catholics,” said Law Professor Joseph Viteritti.¹⁷

The focus of this issue should be on the child not the school. And, based on principles of fairness and freedom, it is the parent, not the government, who should decide which school is best for his or her child.

And most agree this opportunity must especially be given to poor and minority children, if they are to be expected to compete in our market-based economy. Let's review some of the key questions. So long as a school performs the basic educational functions required by the state, who should pick the school for each child? Should parents be forced to pick the government-run school, and if they refuse, give up their fair share of the educational tax dollar? Or should the parent make this decision, not the government? Should this opportunity to choose include poor and middle-income parents, not merely the wealthy who effectively have that choice today? If a parent wants to pick a private school accredited by the state, and this school begins the day with a prayer, should that be the parent's choice, or the government's?

Some of the most *vocal* opponents of school choice are ideologues hostile to religious schools who want to use public schools to impose on all students their particular set of values. But the most *powerful* opponents of school choice are the public school teacher unions that want to keep their government educational monopoly and a system that pays well regardless of performance. Finally, there are also those who fear ending the current system, which effectively segregates most students by income and race. While income and race may always play some role, parental choice would reduce its impact.

What are some of the political obstacles to achieving parental choice in education? While most of the organized opposition to school choice comes from our powerful teacher unions who see a threat to their monopoly, this is somewhat understandable as they are simply looking after their own self-interest, not that of the children. The two major teacher unions—the National Education Association and the American Federation of Teachers—overwhelmingly support the Democratic Party, and account for 10 percent of the voting delegates at the Democratic National Conventions.¹⁸ For too long, politicians have focused on pleasing teacher unions because of their political power. The focus needs to be shifted from protecting the existing government monopoly and the powerful unions to serving the children, especially those in failing public schools.

John Norquist, the Democratic Mayor of Milwaukee for 16 years, was initially opposed to school vouchers.¹⁹ Now, having seen vouchers and parental choice in education in effect in his city for 17 years, John Norquist has done a complete turnabout and has become a firm supporter of school choice. According to Mayor Norquist, Milwaukee parents, their children, and the entire city of Milwaukee have clearly benefited from parental choice in education implemented against

his wishes back in 1990. Numerous studies done on the educational results of the Milwaukee Parental Choice Program have pointed to significant gains in math, reading, science, and social science test scores, as well as substantial improvements in high school graduation rates.²⁰ So successful is the program, that the state recently raised the number of participating students from 15,000 to 22,500, all from low income families, and eligible for vouchers up to \$6,500, depending upon family income.²¹

Said Norquist, “For Democrats, school-choice legislation presents a politically painful dilemma—choosing between two traditional party constituencies—urban ethnic minorities and the teacher unions. Most Democrats have stuck with the unions, but not without looking crass and uncaring towards the plight of failing inner city students.” All Democratic candidates for the presidency in 2008 oppose parental choice in education with scholarships or tax credits. Most Republican candidates support educational choice. The demographic groups that polls show are most supportive of choice in education, and most apt to benefit, African-Americans and Hispanics,²² however, generally vote for the anti-school choice Democrats.

Numerous polls show parents participating in school choice programs across the nation to be far more satisfied with their child’s school than are public school parents.²³ The powerful public school teacher unions which benefit from the current system intimidate and dominate both political parties, especially the Democratic Party. But mounting evidence from increasing numbers of school choice programs across the nation now make it clear that it’s time to end the discrimination against poor inner-city parents and religious schools and give all parents full choice and control over their child’s education. Educational quality will improve for most students with competition, while taxpayers will save billions of dollars, and parents can opt for the educational values they support.

Notes

1. United Nations, *The Universal Declaration of Human Rights* (1948), Article 26.
2. Pope John Paul II, *Familiaris Consortio*, 11/22/81, par. 40: “The right of parents to choose an education in conformity with their religious faith must be absolutely guaranteed.”
3. *Encyclopedia of Catholic Social Thought, Social Science and Social Policy*, Scarecrow Press, 2007, edited by Michael L. Coulter, Stephen M. Krason, Richard S. Myers and Joseph A. Varacalli, p. 941.
4. *Ibid.*
5. *Port Washington News*, October 4, 2001, p.1, “Board Adopts In God We Trust Plaques for Display in Schools.”
6. David W. Kirkpatrick, *Choice in Schooling: A Case for Tuition Vouchers*, (Loyola University Press, Chicago, 1990), p.1.
7. Clifford W. Cobb, *Responsive Schools, Renewed Communities*, (ICS Press, San Francisco, 1992), pp. 141-143.
8. James S. Coleman, Thomas Hoffer, and Sally Kilgore, *High School Achievement*, (New York: Basic Books, 1982).
9. Dr. Jay Greene, Manhattan Institute, Civic Report No. 11, July 2000. This of course, means *de facto*, not *de jure*, segregation. *De jure* segregation is, of course, unconstitutional and illegal.
10. Herbert J. Walberg, *School Choice: the Findings*, 2007, pp. 1-2
11. *World Almanac and Book of Facts*, 2005, p. 700.
12. *A Primer on America's Schools*, edited by Terry M. Moe, (Hoover Institution press, Stanford University, 2001).
13. *Privatization For New York: Competing For a Better Future*, A Report of the New York State Senate Advisory Commission on Privatization, Ronald S. Lauder, Chairman, January 1992, p. 107; also, *New York Times*, 11/24/91, Open Letter from Ronald S. Lauder, Chmn.,

NYS Senate Advisory Commission on Privatization, to Gov. Mario Cuomo and New York State Legislature.

14. *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).

15. *Torcaso v. Watkins* (1964)-Secular Humanism is a religion for purposes of military draft exemption; *U.S. v. Seeger* (1965) religion merely requires some belief equivalent to belief in a Supreme Being.

16. The NYS Constitution, Art. XI, par. 3 states “no direct or indirect aid if religious beliefs are taught.”

17. Dr. Joseph Viteritti, *Harvard Journal of Law & Public Policy*, Vol. 21, #3, Summer 1998. Viteritti is Research Prof. of Public Admin. & Law Prof. @ NYU.

18. *A Primer on America's Schools*, edited by Terry A. Moe, (Hoover Institute Press, Stanford, Ca., 2001), p. 172.

19. Daniel McGroarty, *Break These Chains*, (Prima Publishing, Rocklin, Ca., 1996), p.126.

20. *The ABC's of School Choice*, 2006-07 Edition, Milton and Rose Friedman Foundation, pp. 53-54.

21. *Ibid.* p. 52.

22. *School Choice: the Findings*, *ibid.*, pp. 37-38.

23. *School Reform News*, The Heartland Institute, Chicago, Il., October 2007, p.16.