INEQUALITY IN EDUCATION

Number Fifteen
November 1973

Center for Law and Education
Harvard University

CITIZEN VOICE in the PUBLIC SCHOOLS
Vouchers for Public Schools

by John E. Coons and Stephen D. Sugarman

Education vouchers have been promoted as a means of increasing family autonomy for the non-wealthy by opening new choices in schooling. Until recently most proponents thought of these new options as exclusively in the private sector. Now the Alum Rock experiment and other developments suggest the possibility of increasing choice within the public systems. Perhaps the word "voucher" itself had previously obscured this possibility. Payment with a coupon was reminiscent of the private market. Further, some voucher schemes — notably Friedman's — were primarily designed with private schools in mind.

In any case, whatever additional psychological and informational benefits might be achieved by distribution of tickets, the sole administrative requirement is an accounting system which channels funds to the participating schools. The important question is not the medium of exchange, but the nature of the choices the public is willing to subsidize. And a certain variety is possible among public schools. Even today to a degree families may choose among public schools by the expedient (albeit an awkward one for the poor) of shifting residence to a new district or attendance area. A public school "voucher" system might be defined minimally as a mechanism to eliminate such a need for family migration, a way to sever the connection between the family residence and the school.

Today there are districts in which a degree of choice among schools is possible, although "vouchers" have never been mentioned. Instead, the districts speak of "open enrollment" plans. In many big cities, for example, students (and/or their parents) may choose among various public high schools. In parts of Minneapolis parents have an option among elementary schools. The "experimental schools" program in Berkeley, California offers a wide range of selections. Hence the observation that the Alum Rock "voucher" experiment is merely a form of "open enrollment" is fair, but hardly decisive. The question is the nature of the choices, both in substance and procedure.

Elsewhere we have considered the full range of policies competing for priority where private schools are included. Most are relevant also to a public school choice system. The brevity of the following review of potential public school voucher policies and problems should not disguise their complexity.

Area of choice. Most discussion has assumed that voucher plans (public and/or private) would be instituted by and within individual school districts. Restricting the plan in this manner would eliminate the interesting possibility in a public school plan of permitting families to choose schools in other districts. Some Los Angeles families, for example, might prefer Beverly Hills High School to any choice in their own district. The possibility has obvious relevance to racial and economic integration in areas where whites have formed a noose around the central city. It is now doubtful that the courts will order metropolitan integration. If they do not, a principal hope for integration is the opening of suburban options to the city family. Some would choose them, and some

John E. Coons is Professor of Law at the University of California at Berkeley. Stephen D. Sugarman is Acting Professor of Law at the University of California at Berkeley. The authors are currently preparing a book on vouchers at Berkeley's Childhood and Government Project.

60/INEQUALITY IN EDUCATION
whites might lose interest in moving to the suburbs. On the other hand, whites in the city would be able to use suburban schools without changing residence.

Enrollment rules. The significance of the family's choice among public schools would be partly a function of whatever conditions were attached. For example, some schools might be reserved for applicants with certain credentials such as grades, test scores or recommendations. At the extreme the applicant would have to have the approval of the receiving school.

Consider the possible problems, however, if a plan attempted to maximize choice by allowing pupils to attend any school. What happens when schools are in unexpectedly high demand? While asking private schools to take all comers regardless of their numbers might be unfair and unwise, imposing such demands on public schools is certainly an option worth careful consideration. (1) It might produce substantial economic inefficiencies; (2) a school might have difficulty in making enough room (although portable classrooms or multiple sites are possible answers); and (3) the expectations of families who have selected a particular school may be frustrated by its change in size. These concerns argue in favor of selecting by lot in cases of excess demand; that, in turn, means that families may not get their 'choice' and procedures for second choice matching are needed.

Starting new schools and ending unpopular ones. Suppose some families are unhappy with all of the available public school choices; how will a public school voucher plan adjust? In order for the system to have the potential for diversity and consumer satisfaction that private schools do, the public system must be willing to introduce offerings which are responsive to family tastes. They should include, we suppose, such attractions as 'mini-schools' or, in some climates, outdoor schools. Then there is the serious question of what to do with public schools which lose their appeal. Any choice system would seem to imply that schools survive on their ability to attract students, and if they could not, they would eventually close. Some observers are skeptical, perhaps with good reason, about the ability of government to admit the bankruptcy of one of its operations.

Personnel questions. In most states today public school teachers must be state-certified. Must all teachers in the public school voucher program be certified? If so (provided that certification requirements do not change), we suspect that many families will not be any more satisfied with the new offerings from the public sector than they were with the old ones. In addition, there is a serious problem about what to do with teachers who work at schools which lose popularity. Under a private school plan, they would run the same substantial job security risks as workers at firms whose employment rolls shrink or disappear. Would the now very strong teacher unions permit this in a public school plan? Would taxpayers be willing to underwrite, say, a full year's salary as severance pay for a teacher no longer needed? The Alum Rock school district is attempting to 'retrain' such teachers and move them into more popular schools. This attempt, of course, creates the risk that a family will find its child assigned to the very teacher whom they have chosen to avoid.

Governance and independent public schools. It may be argued that many families are more interested in 'voice' than in 'choice'. That is, they would be happier with substantial control over the school to which their children are presently assigned than with the choice of sending their children to other places. When private schools are involved in voucher plans, there is some merit to the view that families would use the economic bargaining power that the voucher represents to force schools to turn over power to them; at least some schools should cater to parents with such interests. The problem is more complicated when the plan is limited to public schools. One approach would be to designate each school's particular governing structure at the outset, and to use family responses as indicators of what alterations should be made. For example, some schools could be run by parent advisory councils, others by school principals, others by school faculties, and others by the students. How likely is this? In New York City a number of 'private' schools (in the sense that we have conventionally understood 'private' schools, that is, not publicly owned) have argued that they should be made part of (and hence funded by) the city public school system and be
designated "independent public schools". These schools already charge no tuition, accept all students for whom they have room on a first-come-first-served basis, and satisfy teacher certification and curriculum requirements. They have their own governing structure and would want to remain essentially free from the city’s control. If state law permits, such schools could be included in a public school voucher plan. Not surprisingly, New York has not yet subsidized the "independent public schools".

Curriculum, values and style. To what extent could schools be expected to be very diverse under a public voucher system? In Alum Rock and Berkeley, there are very unusual names and descriptions of the programs available to the families. It is unclear, however, how truly varied these programs are. It is also unclear how parents with quite atypical values and views are able to find a school which suits them. Restrictions on style, curriculum and values would severely undercut a public school voucher plan's claim that family choice is substantially satisfied.

Two final points should be raised. First, voucher advocates have been struggling with the question of how the issue of "child's choice" fits the family orientation of most plans. A rather broad student choice, at least in high school, is perfectly conceivable in theory. Whether (and how) to make such choices operative is a problem which public school voucher plans should face. Second, if voucher plans (public and private) have been discussed as a choice among schools, why hasn’t the choice of school program or the choice of teacher been considered as an option of equal potential? Significantly, for high school students at least, these choices are increasingly available, at least in theory. That is, a family may "choose" whether its children pursue college preparatory, vocational, or general education programs (and the list could be expanded substantially). Also, in some places at least, students are able to choose their teachers. If these options are not sufficient, what suggests that a public school voucher plan would be better? Experimentation might help us find out; but surely it would have to be experimentation with the widest possible spectrum of choices.

Footnote
1 See, e.g., Coons and Sugarman, Family Choice in Education (Institute of Government Studies, Berkeley, 1971).