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A TALE OF TWO SCHOOL SYSTEMS: COVID ISN'T CLOSING SCHOOLS OF CHOICE IN IDAHO

By Anna K. Miller

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As COVID-19 has spread across Idaho, public schools have repeatedly failed to serve families and students. Some 10 months into the pandemic, many public schools are still closed and have not done a good job in delivering online instruction to students. Poor virtual learning environments, leading to a decline in student performance,¹ have led to many parents requesting a return to in-person instruction; some have removed their children from the public school system. Teachers unions have worked against families' needs by blocking school district decisions to reopen buildings or give students more educational options.

Amid teachers unions' cries to keep schools closed is the untold story of private and charter schools which have responded with speed and effectiveness, and in the process, helped students achieve academic success in an environment where parent, teacher and student feel safe and comfortable. The successes of these schools teach us about



the importance of flexibility and autonomy in the structure of institutions and how competitive incentives result in quick and efficient responses to difficult times.

Some parents prefer for their children to learn online, while others prefer in-person education with appropriate safety measures.² The debate over school reopenings during the COVID-19 pandemic has made it clear that when it comes to education, one size cannot fit all. Unfortunately, household financial restraints mean most students will not receive the quality instruction they need. Instead of forcing public schools to reopen or teachers to work, Idaho could improve the education system by implementing student-centered funding and obstructing



the immense power of teachers unions over students' educations. These changes would reduce bureaucracy in public schools, allowing them to respond more effectively to family and student needs, allowing more students to attend schools suited to their needs during the pandemic.

PUBLIC SCHOOLS

There are several reasons why the public school system has not responded effectively to the current challenge. One is that it has multiple layers of bureaucracy at the district, state, and federal level. At each level of the bureaucratic process, key political decision-makers must give their approval before a proposed action may be considered at the next level of bureaucracy. This requirement causes public schools to be rigid, even when they should be trying to adapt to family and student needs.

Another reason is that public schools have inherently different incentive structures than private or charter schools. In Idaho, school boards are forced by state law to negotiate with teachers unions over anything the union chooses to do. Thus, school boards cannot freely choose to bargain in favor of student and family

needs. Further, the method of financing schools gives teachers unions no incentives to please parents. They know that all tax dollars stay behind in the public school system when a child leaves. Idaho is one of a handful of states who fund schools based on "support units," also known as a "resource based" funding formula. This means dollars are allocated based on inputs, not students. Less than 3% of operating dollars are allocated based on students.³ This fact allows public schools to continue receiving students and pay teachers regardless of their performance. Higher-income families have the means to leave the system, but middle- and low-income families remain trapped, guaranteeing flow of revenue that benefits unions.

As economist Gordon Tullock explains, having tax dollars follow students to their school of choice would ensure that the administration is educating students effectively, and lacking that, the central problem becomes one of organizing politicians and enforcing detailed procedures and checks.⁴ This bureaucratic system, combined with forced negotiation with teachers unions, has slowed public schools' response to the pandemic.

State and local officials alike report having troubles coming up with a proper response. Gov. Brad Little's education advisor and the president of the State Board of Education, or SBOE, stated they had been confronted by a variety of lobbyists, some of whom wanted to reopen schools and others did not.⁵ In June, the West Side district's school board unanimously supported a reopening plan, but the local health district rejected it.⁶

Some districts, such as the Shoshone district, developed their own plan to reopen schools, but local health officials refused to sign off on the plan, which prevented schools from reopening.⁷ Local trustees had the power to bypass both the SBOE and health districts but they, too, were pulled in many different directions by interest groups. In West Ada, for example, a group of legislators urged trustees to create an incremental reopening plan, a parent group launched a recall campaign against all trustees, and hundreds of union members staged a sickout in response to plans for reopening.⁸

As the story from West Ada illustrates, district responses to the pandemic is further complicated by teachers unions

consistent advocacy of keeping schools closed. The president of the largest teachers union in the state, the Idaho Education Association (IEA), tried to keep schools closed by arguing that opening schools would lead to super-spreader events.⁹ Members of the Idaho Falls Education Association voted against the school board's decision to reopen for hybrid or in-person instruction, based on concerns over the virus spreading.¹⁰

But the argument that schools are super-spreaders of the virus has been repeatedly debunked¹¹ by researchers who show there is no relationship between school districts reopening and new COVID-19 cases.¹² Even so, school districts with stronger teachers unions are less likely to reopen.¹³

The Boise school district opened for hybrid instruction in August. When the city experienced an increase in COVID cases in November, the Boise Education Association called on the district to close schools until January 15, 2021.¹⁴ The district could have used its allotment of funds from the CARES Act to improve school safety conditions and ensure the schools could re-open quickly.¹⁵ After all, local public health officials and medical experts showed that community spread



of COVID-19 was not from schools.¹⁶ The district could have mitigated staff shortages by using CARES funds to pay substitute teachers or hire additional staff.

Instead, the Boise Education Association negotiated with the Boise school district to use remaining CARES funds to give teachers salary increases and a bonus.

West Ada, Idaho's largest school district, with roughly 35,000 students, also failed to adapt to the changing circumstances of COVID. West Ada began the school year with remote-only virtual instruction.

This decision was met with vitriol from hundreds of parents.¹⁷ In October, the West Ada school board attempted to reopen schools for hybrid instruction. But the West Ada Education Association, or WAEA, blocked the reopening by encouraging members to participate in a sickout, an action supported by the Idaho Education Association.¹⁸ More than 700 members of West Ada teachers union called in sick the first day, followed by 400 members on the second day. Schools closed both days and ceased online instruction.

The union's action to keep the public

schools closed prompted a group of parents to file a lawsuit against it.¹⁹ The lawsuit asked "a state trial judge to declare the sickout an illegal strike" and ensure schools cannot be kept closed again by a teachers union.²⁰ Two months after the sickout, the school board and the union finally reached a settlement on school reopening policies and the union agreed not to strike again.²¹

Teachers unions have even prevented special needs students from receiving the in-person care they desperately need.

In June, the Caldwell School District attempted to help special education students by contracting with local community providers that were open for in-person instruction. Special needs students have arguably suffered the most under COVID-19 virtual learning, and by partnering with private providers, the district could ensure that these students



receive more personalized attention. The Caldwell Education Association, however, opposed the change, seeking to protect its members' jobs, and it prevented special needs students from receiving care.²²

None of these events implies that teachers union organizers have bad intentions. They are simply responding to the incentive structure surrounding them. Unions and their officials know school boards are forced by state law to negotiate with their demands.²³ This forced negotiation complicates the already bureaucratic management of public schools and causes school boards to acquiesce to political demands rather than meet students' and families' needs.

SCHOOLS OF CHOICE

Education researchers speculated at the onset of the pandemic that many private schools would be forced to close²⁴ as family finances became more restricted, but private schools have not folded at the rate researchers initially feared.²⁵ Public school enrollment has dropped, however, sometimes due to parents leaving for private schools.

Many public schools closed their doors,

and their poor offerings in virtual education²⁶ have prompted families to take their children elsewhere. For example, the West Ada School District alone has already lost 2,200 students to private, charter, or alternative schools.²⁷

For the state as a whole, at least 11,600 students have left the public school system.²⁸ According to the Idaho Board of Education, 110 of the state's 182 districts lost students.²⁹

Where did they go? Some families have enrolled their children in private schools due to their ability to provide in-person education. Other families, who wanted virtual instruction, but were dissatisfied with the public school's provision of it, enrolled their child in virtual charter schools or private online schools. For example, Idaho Virtual Academy added 1,916 students this year, and Inspire Academics added 925 students.³⁰

Private schools and charter schools, like all businesses, must meet the needs of their customers or lose their income — in this case, from student enrollment. Public schools, however, do not face this imperative, because most middle- and lower-income students do not have



the financial means to leave the school system. This means that private and charter schools had more at risk when the pandemic hit. Their competitive environment, in which they must actively work to retain students during the pandemic, has caused Idaho private and charter schools to respond quickly to family and student needs.

Private schools' need to retain students has led them to effectively establish the safe conditions for in-person instruction that will satisfy families, even when surrounding public schools are closed due to COVID's community spread. West Ada schools were closed from August to October, for example, but in August or September, private schools in the district already established effective routines to keep students and faculty safe.

Cloverdale Montessori school reported teaching children how to wear a mask correctly, positioning seating areas to allow for ample space, checking temperatures, and requiring face masks for adults and children. Foothills School of the Arts & Sciences reported having staff and students fill out symptom screening surveys each morning.

Eagle Adventist reported allowing outside play time as much as possible, having children wash their hands upon arrival to school and frequently throughout the day, and using other measures.

Many private schools, like Bishop Kelly High School,³¹ have a readily available instructional and operation COVID-19 strategy handbook, on their websites, detailing extensive plans to handle the changing circumstances of the pandemic.

Like Bishop Kelly, other Catholic schools have remained open for in-person instruction throughout the fall semester. These schools serve 3,787 students and have 357 staff members in Idaho. Out of the total 4,144 participants in Idaho Catholic schools, the COVID infection rate was only 1.18%.³² Four of these schools, which are in the Boise school district — Sacred Heart, St. Joseph's, St. Mark's, and St. Mary's — have remained open even when Boise schools are closed.

The spread of COVID-19 in these schools is also remarkably low. St. Mark's reported only two cases of COVID among students and faculty, while St. Mary's and Sacred Heart reported none and St. Joseph's reported one case.

Charter schools, for their part, have creatively adapted to the pandemic. Rolling Hills Public Charter School (in the West Ada School District), for example, reported setting up outdoor learning stations, creating “pods” around students’ desks in classrooms, providing Chromebooks to students, and setting up plexiglass shields. This small school, with one class per grade, reported no cases of COVID among faculty and students since reopening fully in-person (and optional hybrid) instruction on September 23, 2020.

Why have private and charter schools successfully reopened for in-person learning? One reason is that they tend to be smaller and have more autonomy in their decision-making than traditional public schools. Although charter schools are public, they have an independent school board, allowing them more autonomy. Public schools’ sheer size makes them rigid, inflexible and slow to adapt to changing circumstances. The size and autonomy of private and charter schools to govern themselves, by contrast, allows them to adapt more quickly to customer and staff needs. Cole

Public schools’ sheer size makes them rigid, inflexible and slow to adapt to changing circumstances. “

Valley Christian High School, for example, reported in October that teachers were getting overly tired from the stress of complying with safety protocols. The administration decided in just one hour to change to a remote learning model for a week. This change gave teachers the time they needed to rest. When the school reopened the following week, teachers felt more comfortable and prepared for in-person instruction.

Anser Charter School reported that it used the summer to make extensive renovations to support a safe learning environment.

Unlike traditional public schools, it did not spend a lot of time debating with teachers unions, legislators, and health districts about safe reopening policies. Instead, the school updated its HVAC system, removed unnecessary furniture and lockers to create more space, created hand washing stations outside each classroom, purchased flexible seating desks to use instead of tables, and bought Chromebooks.

Private and charter schools have proven



themselves capable in the pandemic, as they are under “normal circumstances,” of coordinating the diverse ends and activities of participating employees to meet customer’s needs and adapt to changing circumstances. But public school districts do tend to have access to some resources that private schools do not.

Public schools, for example, tend to have more full-time employees dedicated to information technology and custodian services than private or charter schools. In the West Ada school district, having a big IT department did little good when the district started the fall 2020 semester online.

Students were unable to log in to class when the district’s devices tried to complete software updates, thus creating connectivity issues for the whole student body.³³ As one parent, Travis Hawkes stated, “This is a crisis. My kids have backup devices but a lot of kids don’t. This is especially unfair to lower income families that don’t have good Wi-Fi or any Wi-Fi in their homes, that don’t have personal computers, that don’t have two parents who spent all morning doing tech support,” Hawkes said. “It makes me really sad, it’s terrible.”³⁴

In contrast, private schools like Nampa Christian ended virtual-only instruction in May 2020 by reopening for fulling in-person instruction. Nampa Christian had already designed a new class model with shorter school days, passing periods, flexible lunch schedules where students ate in their classrooms, and socially distanced desk seating.³⁵ The local health district quickly approved Nampa Christians’ thorough reopening plan.³⁶ The school continued this model over the summer to run its summer club program.

Several other private schools also reopened including Treasure Valley Classical Academy, St. Paul’s, and Bruneau Grandview, while Nampa’s public schools remained closed for the remainder of the academic school year.³⁷ While the transition to reopen has been difficult for every school, being subject to the competitive forces, having flexibility and more autonomy in decision making turned out to be more important than having big IT or custodial staffs.

POLICY RECOMMENDATIONS

The response of Idaho's education system to the pandemic has shown the importance of flexibility and autonomy for the success of school systems.

Further, the competitive forces and positive incentives facing private and charter schools have allowed these institutions to respond quickly and give families a sense of normalcy during tumultuous times. Smaller, more autonomous schools can respond to community needs more efficiently than big bureaucratic organizations like the public school system.

Traditional public schools have a substantial advantage over private and charter schools, for example larger IT staffs and guaranteed funds not based on student attendance, and they still could not re-open or provide a satisfactory virtual learning environment for students. The pandemic has also illustrated how Idaho families have different preferences for learning. Some families have chosen to enroll their children in virtual charters or alternative schools, while others have chosen private and charter schools. Families have faced different circumstances, and they have varying tolerances for risk. Thus, choice has been the most important tool for families to find a school suited to each child's needs.

The public school system has failed many families and students in its response to the pandemic, which has revealed the need for changes that would benefit the people it is meant to serve. Two changes stand out for particular attention:

1. **THE MOST VALUABLE CHANGE IDAHO CAN MAKE IS TO ALLOW THE MONEY IT SPENDS ON EDUCATION TO FOLLOW CHILDREN TO THEIR SCHOOL OF CHOICE.** This can be done by creating the framework for Education Savings Accounts, or ESA. These savings accounts, which are funded by existing education tax dollars, are available for families to draw on to pay for educational services and supplies their children need. Permissible expenses can include private school tuition, tutoring services, home schooling expenses, or saving for college. These accounts enable families to tailor education services to their child's unique needs and circumstances. As a benefit, ESAs would also open up the public school system to competition, forcing it to improve and meet student needs or risk losing its customers, just like private schools have done during the pandemic.



2. IDAHO COULD ALSO ELIMINATE FORCED NEGOTIATION³⁸ BETWEEN SCHOOL BOARDS AND TEACHERS UNIONS. School boards need to be free to bargain in a way that serves the diverse needs of students and families. The current status quo of mandatory bargaining makes that infeasible and therefore unjust. In ordinary contract law, all parties to a contract must mutually consent to enter into negotiations based on agreed-upon terms; otherwise, a contract is null and void. This year, Idaho’s law forcing school boards to negotiate with teachers unions has allowed unions to demonstrate their power by keeping schools closed, funneling emergency funds into teacher salaries rather than school safety necessities, preventing special needs students from receiving the care they need, and orchestrating sickouts. Teachers unions should not be able to exercise this much power over students’ educations. The Legislature has a profound responsibility to put students first.

Enacting a framework for ESAs and removing the requirement that school boards negotiate with unions would improve public schools’ ability to adapt to student and family needs. It would do so by decreasing bureaucratic decision-making (by removing an actor that could put up roadblocks to reforms) and giving parents more control over their child’s education (by letting low- and middle-income families seek alternatives to the system). The public school system would then become more flexible, similar to private schools, and educators would be empowered to try innovative ideas.



CONCLUSION

Idaho public schools have struggled to respond to the COVID-19 pandemic, and the efforts of teachers and administrators have been hamstrung by bureaucratic, top-down control and forced negotiation between school boards and teachers unions. Private and charter schools, by contrast, have responded with speed and effectiveness to the changing circumstances. They have given families a sense of normalcy during troubled times and found new ways of delivering instruction while keeping students and faculty safe.

The pandemic has illustrated the intense need for Idaho's education system to be more flexible and responsive to the changing and unique needs of families and students. It has also pointed the way to a path forward: allow money to follow students and stymie the immense power of teachers unions over children's education.



ABOUT THE AUTHOR



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