

MYTH- EDUCATED



DEBUNKING COMMON EDUCATION CHOICE MISCONCEPTIONS IN IDAHO

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INTRODUCTION



Every student is unique, and each one possesses a distinctive combination of skills, interests, aspirations, and goals. All students deserve the flexibility to choose the method of education that best suits their needs and prepares them to succeed in their future endeavors.

The flexibility to empower students in this way can be achieved through education choice. Education choiceⁱ refers to the idea that families should be able "to choose the best educational fit for their children,"ⁱⁱ whether that be a public, private, charter, or home school, online learning, or a combination of various options.

However, any effort to implement education choice policies is usually met with opposition because of prevailing myths that are perpetuated by its opponents. These myths impede productive discussion about education policy and prevent the implementation of meaningful reforms. They must be addressed, examined, and debunked before change can move forward. This brief addresses five common myths concerning education choice in Idaho and presents the arguments and evidence to debunk them.

MYTH 1: EDUCATION CHOICE DOES NOT BENEFIT RURAL STUDENTS

Fact: Education choice helps rural students who are not adequately served by their local public school by expanding the number of educational opportunities available to them and enabling them to supplement the limited opportunities available at public schools.

Opponents commonly argue that education choice fails to benefit rural students. For example, U.S. Senator Patty Murray has argued, “For [rural] students and families, their public school is the only real option and claims to the contrary only amount to ‘false choices.’”ⁱⁱⁱ

According to opponents, education choice amounts to a “false choice” because there are few alternative educational options nearby.^{iv} If private or charter schools exist within a reasonable traveling distance, transportation costs could be prohibitive for many rural families who rely on bus services provided by the public school.^v Additionally, because of the poor broadband network available in some rural areas, students might be unable to access online courses and materials and would not benefit from alternative programs that permit such options.^{vi}

On the contrary, many rural families do have access to alternative schools within a reasonable distance. A 2017 study by the Brookings Institute estimated that a significant percentage of families in rural areas resided within 10 miles of an alternative school.^{vii} 69% of families resided within 10 miles of a private school.^{viii} Within the same radius, 60% of rural families would likely benefit from an intradistrict choice policy, which allows children to attend a different public school within their assigned district, while 74% of families would likely benefit from an interdistrict choice policy, which enables children to attend a traditional public school in another district.^{ix}

Regardless of a rural student’s access to other brick and mortar schools, education choice expands the number of available educational opportunities. Because of their limited size and capabilities, rural schools often struggle to offer a wide variety of curricular options, such as AP classes, foreign language opportunities, or dual enrollment credit.^x Education choice programs, however, offer interested students the opportunity to take online courses, attend a trade or alternative school, or save for future college expenses.

Fortunately, access to online education programs and materials is improving. Innovation is greatly expanding internet access for rural communities even though broadband access and internet speeds are still problems in some areas.^{xi} New internet providers like Starlink are expanding connectivity in remote communities.^{xii}

Education choice scholarships can even be used to supplement the costs of computer hardware and technological devices to improve a rural student’s access to online options. In addition, choice programs can be used to finance educational options that do not require internet connectivity at all. For example, families can hire private tutors, act as the primary educator themselves, or purchase textbooks and curricula that do not require the use of the internet.

Therefore, although opponents claim that education choice programs do not benefit rural students, such programs actually expand the number and variety of educational opportunities available to rural students at traditional brick and mortar schools and empower them to utilize both online and offline materials.



MYTH 2: EDUCATION CHOICE PROGRAMS DEFUND PUBLIC SCHOOLS

Fact: Giving families money to spend on their children’s education through a choice program does not defund public schools or irreparably harm the remaining students. In fact, forcing families to subsidize public schools their children do not attend takes money from families.

Opponents of education choice programs argue that funding students instead of schools drains money from traditional public schools.^{xiii} They argue that “[i]t costs almost the same amount of money to run a school building of a given size regardless of the number of kids in it.”^{xiv} When students leave the school through a choice program, the school “has less revenue but the same overhead.”^{xv} Additionally, opponents claim that the remaining students are harmed because schools have less money with which to educate them.^{xvi}

This line of reasoning assumes that all or nearly all costs incurred by public schools are fixed.^{xvii} However, research has shown that many of the costs associated with public schools are actually variable.^{xviii} When a student leaves a school, that school no longer incurs certain costs associated with educating that student. This may include the costs of textbooks or supplies, food service, software licensing, and salaries for some school personnel.^{xix} Additionally, all costs become variable eventually.^{xx} For example, when the majority of students leave a school, that school could sell its building and consolidate with another school.^{xxi}

Moreover, all private businesses have fixed costs. Private actors must adapt to market demand and serve their customers to meet those costs or risk losing their market share. Public schools are currently sheltered from market demand because

they receive funding regardless of performance or parental satisfaction.

In every other industry, when a business loses customers, it loses revenue and must adapt. Imagine if WinCo could keep most of a family’s grocery budget after they started shopping at Albertsons. That would be a fantastic deal for WinCo. Yet, when students leave a public school, all taxpayer funds are left behind in the school district for children they are no longer educating.

Public schools receive funding from federal, state, and local governments.^{xxii} Under education choice programs, public schools continue to receive all local and federal funding despite any loss of students. Choice policies, such as Education Savings Accounts (ESAs),^{xxiii} do not generally affect federal and local funding, which are not based on student enrollment.^{xxiv} Instead, federal Title I funding is generally allocated based on the demographics of the school, while local funding is usually based on property or other local taxes.^{xxv} This means that when a student leaves a public school through a choice program, the school continues to receive the federal and local funding associated with that student, even though the school is no longer educating the student.

Not only would Idaho public schools retain federal and local funding, but they would also likely retain a large portion of the average per-student state spending. Most ESA programs, for example, allocate only a portion of a state’s per-student spending into the student’s account.^{xxvi} Idaho’s education funding formula is complex, and the state does not allocate a set amount of money per student.^{xxvii} However, the average per-student spending in Idaho is approximately \$9,480 per student.^{xxviii} Even if an ESA program allocated only 10% of this funding, public schools would retain 90%

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of state education funding. This means that schools would retain thousands of dollars per departing student, even though they no longer have an obligation to educate these students.

In reality, forcing families to support public schools that their children do not attend takes money from families. All families are required to pay state and local taxes, and some of this tax revenue goes to support local district schools.^{xxxix} Families must continue to pay these taxes even if their children do not attend their assigned district school. In the absence of an education choice program, families may incur double education costs, once to support

district schools through taxes, and once to cover the costs of their child's alternative school.

In summary, opponents may argue that education choice programs defund public schools and harm the remaining students, but in reality, public schools continue to receive federal and local funding, plus much of the state funding associated with departing students while losing many variable costs and freeing up that money to educate the remaining students. Forcing families to subsidize schools their children do not attend takes money from families.

MYTH 3: PUBLIC SCHOOLS ARE HELD ACCOUNTABLE WHILE PRIVATE SCHOOLS ARE NOT

Fact: Private schools are accountable to parents and the public, while public schools lack democratic, financial, and academic accountability.

Another common objection to education choice programs is that such programs funnel public money to "unaccountable" private schools.^{xxx} Opponents assert that private schools are less accountable than public schools, which have many testing requirements in place to ensure that students meet various educational benchmarks.^{xxxi}

As a matter of fact, private schools that receive vouchers or ESA funds are held accountable in two ways; they must answer to the public and to parents.

First, private schools are directly accountable to parents. As stakeholders in their children's education, parents can withdraw their children and enroll them elsewhere if they are not satisfied with the quality of the education at a private school. Private schools must hold themselves to a high bar or risk losing money when students leave.^{xxxii}

On the other hand, public schools lack sufficient accountability to parents. Compulsory education laws, which require children to be educated until a certain age,^{xxxiii} force children to attend schools regardless of their quality. While some families can homeschool their children or send them to a private school, many children have little choice but to attend public schools. In fact, approximately 90% of American students attend public schools.^{xxxiv} Faced with little risk of losing students, public schools are disincentivized to be responsive to parents' concerns.

Transparency problems also contribute to public schools' lack of accountability to parents. As the

primary educators of their children, parents have the right to know what their children are being taught in public schools. However, many school districts' websites fail to give parents easy access to the curricular materials used to educate their children.^{xxxv}

Private schools are not only accountable to parents, but they are also accountable to the public to ensure that students meet learning outcomes. Many private schools must provide information regarding teacher qualifications, administer state-approved tests to assess student learning in reading and math, conduct annual financial reports, and submit to various safety inspections.^{xxxvi}

In Idaho, private schools must comply with several requirements. For example, teachers, administrators, and staff in accredited private schools must be certified, children must receive instruction in "subjects commonly taught in the public schools," and schools must comply with certain health and safety requirements.^{xxxvii} These requirements seek to ensure that private schools educate students in a safe and healthy environment.

It is actually public schools that lack accountability. Public schools are unaccountable financially, democratically, and academically.^{xxxviii}

First, public schools are not financially accountable to the public. In Idaho, teacher pay is not tied to merit.^{xxxix} Rather, compensation is tied to career longevity and professional endorsements. As a result, public-school teachers receive pay raises regardless of the quality of their performance or their students' academic success. Teachers who are not performing at satisfactory levels may receive pay raises over teachers who are exceeding expectations because they have been

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in the district longer. This policy fails to reward teachers for excellence, discourages innovation and improvement, and constitutes poor stewardship of taxpayer money.

Second, public schools are not democratically accountable. Local school boards are intended to represent the makeup of the community and be responsive to the concerns of local constituents. However, this goal has not been achieved because school board elections are not held during general elections, which results in low voter turnout.^{xi} This means that the composition of school boards can reflect the efforts of activist special interest groups rather than the community at large.^{xii}

Finally, public schools lack academic accountability. Antiquated testing systems mean that few public schools are held to task for failing to educate students. While schools must satisfy several

reporting requirements, they are not required to act on their results and improve.^{xiii} Unfortunately, few schools receive any negative consequences for low student achievement.^{xiii} Additionally, although highly regulated, public schools have not become more accountable. "According to the QuantGov database, the number of K-12 education restrictions has increased by almost 1200 percent since 1970 while student achievement hasn't budged."^{xiv} Regulations simply have not produced the desired outcomes in existing public-school systems.

Therefore, although opponents contend that private schools are unaccountable, the truth is that private schools are accountable to the public and more importantly, to parents. Public schools, on the other hand, lack financial, democratic, and academic accountability.

MYTH 4: THERE IS INADEQUATE OVERSIGHT OF EDUCATION CHOICE PROGRAMS, CAUSING THEM TO BE HIGHLY SUSCEPTIBLE TO ABUSE OR FRAUD

Fact: Education choice programs can be designed with transparency and accountability measures in place so that parents are accountable for their expenditures.

Opponents of education choice programs argue that there is inadequate oversight over the programs. As a result, they believe parents are not held accountable and could use public funding for unapproved goods, services, and providers. Opponents have further argued that even where oversight exists, the agencies tasked with carrying out this function may be insufficiently funded to properly monitor parent spending.^{xlv}

In reality, there are several ways that education choice programs can be structured to prevent abuse. A program can require annual audits of accounts and enable the state attorney general to investigate allegations of fraud regarding scholarship funds.^{xlvi} Proper use of funding could also be ensured by contracting with a neutral third-party vendor to administer and monitor the accounts. Online platforms like ClassWallet, the financial management platform used to administer Arizona's ESA program, can be used to ensure that parents select only from a list of pre-approved services, products, and providers.^{xlvii}

A study of Arizona's ESA program, the Empowerment Scholarship Accounts Program, found that while some misspending was identified, it amounted to only 1% of the \$60 million spent.^{xlviii} This amount was comparable to the amount misspent on similarly structured programs, such as the Supplemental Nutrition Assistance Program (SNAP), or food stamps.^{xlix} The amount misspent on Empowerment Scholarships was considerably less than the amount

from programs such as the National School Lunch Program (16%) and the National School Breakfast Program (23%).ⁱ In addition, the study revealed that most of these unapproved uses were the result of innocent parental error. In these cases, parents mistakenly thought the expenditures were approved, and the money was recoverable.ⁱⁱ

Misspending of taxpayer dollars should never be tolerated. But the experience of education choice programs across the country shows that intentional abuse can be prevented through legislative safeguards and that innocent misspending can be recouped and resolved.

Therefore, opponents might claim that education choice programs will lead to abuse of public funds due to inadequate oversight mechanisms, but in reality, choice programs can be, and often are, structured to prevent abuse.



MYTH 5: EDUCATION CHOICE PROGRAMS ARE UNCONSTITUTIONAL

Fact: Courts have repeatedly upheld private education choice programs in the face of both federal and state constitutional challenges.

Although private school choice programs have been upheld by many courts since their inception in the 1990s, opponents continue to mount challenges based on a variety of federal and state constitutional provisions.

One common objection is that private education choice programs impermissibly siphon money to religious schools and therefore violate the U.S. Constitution. However, the Supreme Court of the United States has repeatedly upheld the constitutionality of private school choice programs.

In *Zelman v. Simmons-Harris*, the Supreme Court upheld an Ohio voucher program that gave parents money to cover tuition at any public or private school of their choice.^{lvi} The Court found that the voucher program did not violate the Constitution because it was “neutral with respect to religion,” meaning that both religious and non-religious schools could participate, and because it was modeled on “true private choice,” meaning that public funding reached religious schools solely because of parents’ genuine, independent choice and not because of any state action or preference.^{lvii} Under *Zelman*, “[s]o long as the touchstones of neutrality and private choice are satisfied, any private school choice program should survive an Establishment Clause challenge.”^{lviii}

Not only has the Supreme Court upheld the right of religious schools to participate in neutral school choice programs under the Establishment Clause (*Zelman*), but it has also stated that excluding religious schools from participating in these

programs violates the Free Exercise Clause (*Trinity Lutheran, Espinoza*).^{lxv}

In *Trinity Lutheran v. Comer*, Missouri created a program that provided grants to purchase rubber mulch for use in resurfacing playgrounds. A church that operated a playground was denied the grant.^{lxvi} Upholding the neutral aid program, the Court explained that states cannot “discriminate[] against otherwise eligible recipients by disqualifying them from a public benefit solely because of their religious character.”^{lxviii}

Most recently, in *Espinoza v. Montana Department of Revenue*, the Supreme Court reaffirmed that when a state chooses to subsidize private education, it cannot exclude religious schools simply because of their religious character.^{lxix}

The Supreme Court will have the opportunity to reaffirm the rights of religious schools to participate in neutral assistance programs in *Carson v. Makin*, a case that could determine whether funding from a student-aid program can be used for religious instruction.^{lxx}

Opponents also challenge education choice programs based on state constitutional provisions. One of the most enduring arguments is that choice programs violate Blaine Amendments, provisions commonly found in state constitutions that prevent public funds from going to the aid of religious schools.^{lxxi}

Idaho’s Blaine Amendment prohibits the legislature and all political subdivisions from providing public funds to maintain any educational institution “controlled by any church, sectarian or religious denomination whatsoever.”^{lxxii}

ESA programs have withstood Blaine Amendment challenges in both Arizona^{lxxiii} and Nevada.^{lxxiv} In addition, the Supreme Court’s decision in *Espinoza* upheld Montana’s education choice program in the face of a Blaine Amendment challenge and ensures that “Blaine [A]mendments are no longer a barrier to educational choice programs that empower parents to choose religious educational options alongside nonreligious options.”^{lxxv}

In summary, opponents may claim that education choice programs are unconstitutional, but such programs have been repeatedly upheld by the Supreme Court of the United States, as well as various state courts.



CONCLUSION

Education choice myths continue to stand in the way of greater educational freedom, but five of the most common arguments fail to withstand careful scrutiny.

Although opponents claim that education choice programs fail to benefit rural students, these programs actually expand the number of educational opportunities available to rural students, who can use program funding to attend an alternative school in the area, sign up for online classes, or purchase learning materials that do not require use of the internet.

Critics might claim that education choice programs will defund public schools, but in reality, public schools that lose students through such programs retain money for students they are no longer educating while saving on the costs of educating those students. Forcing families to support public schools that their children no longer attend takes money from families.

Another prevalent myth is that public schools are accountable while private schools are not. However, private schools must provide a quality education or risk dissatisfaction from parents who can remove their children and therefore their funding. Private schools are also accountable to the public through certain regulations. On the other hand, public schools lack financial, democratic, and academic accountability.

Opponents also assert that inadequate oversight measures leave education choice programs susceptible to abuse. However, providing for account audits, empowering the attorney general to investigate abuse, and outlining pre-approved

education service providers can help prevent the misspending of account funds. The experiences of other states show that innocent misspending can be recouped.

Opponents might claim that education choice programs are unconstitutional, but the U.S. Supreme Court has held that such programs pass constitutional muster if they are neutral and public funds reach religious schools through parents' genuine, private choice. Additionally, the Court has held that religious schools cannot be excluded from participating in private choice programs because of their religious character. Likewise, choice programs have survived challenges based on state constitutional provisions.

These myths must be disproven to pave the way for meaningful educational reform that empowers families and enables students to customize their education to fit their unique talents, needs, and goals.



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